

**City of Ellsworth
Planning Board
Minutes of December 3, 2014**

Chairman John Fink, Vice Chairman Darrell Wilson, Secretary Don Martin, and members Roger Lessard and Mike Howie attended the regular meeting of the Ellsworth Planning Board.

City Planner Michele Gagnon, Assistant to the City Planner Elena Piekut, Code Enforcement Officer Dwight Tilton, and Fire Inspector Michael Hangge also attended.

Call to Order [7:00 PM]

1. Adoption of Minutes from the October 1, 2014 meeting.

Mike Howie moved to adopt the minutes as written. Roger Lessard seconded and the motion passed unanimously.

**Adoption of minutes:
APPROVED.**

2. Preliminary Plan for a Major Use Site Development entitled J's Pit Stop and The Back 40 Sporting Center for J.M. and Cathy Gibbs. The proposal is to construct a 3,200-square-foot building for use as both a restaurant and a residence, as well as a pad for a seasonal ice skating rink and skateboard park, on 4.9 acres of 59.2 acres (Tax Map 84, Lot 5) on the Bangor Road (Route 1A) in the Rural Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough, PE represented the applicant. He provided an overview of the project, including:

- Although the application form indicates "motocross track" as a proposed use, it is an error left over from the original 2011 application and is not one of the proposed uses. The form will be corrected.
- Two buildings are proposed. One, at approximately 3,200 square feet, will contain about 2,000 square feet of restaurant and a residence. The other is a garage outbuilding.
- A 100-foot by 200-foot area is proposed for the skating rink. For the purpose of "worst-case scenario" stormwater management calculations, it is assumed to be an impervious concrete pad. When built, it may be vegetated.
- An 80-foot by 120-foot concrete pad is proposed for the skateboard park.
- The development will be served by a private septic system and a well that will be classified as a transient public water supply.
- The Maine Department of Transportation (DOT) has issued entrance permits for both of the two entrances.
- Wetlands were delineated by S.W. Cole Engineering. Less than one-tenth of an acre of wetland is impacted and therefore, no Natural Resources Protection Act (NRPA) permit is required.

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- As recommended by the S.W. Cole report, the United States Fish and Wildlife Service (USFWS) still needs to be contacted regarding potential Atlantic salmon habitat impacts.
- Stormwater runoff is treated by four underdrained soil filters. The four filters treat four discrete areas of the site in accordance with low-impact principles. They cool runoff and remove heavy sediments and, therefore, phosphorous. Phosphorous export to Green Lake is very low with this treatment, and would be within allowable limits even without the proposed treatment.
- A Dumpster and LP gas tanks are located on the plan.
- Mr. McCullough calculated that 48 parking spaces are required. He has provided 72. The number and configuration may change to accommodate proper turning radius for emergency vehicles. Fire Inspector Mike Hangge has requested that turning templates be shown on the plan. They will work together to address access and circulation.
- Use of the restaurant for live entertainment triggers a requirement that the building be protected by a sprinkler system with a tank water source.
- Building design has not been finalized, so access and egress points have not been determined. This affects the accuracy of the exterior lighting plan. Mr. McCullough submitted three updated lighting plan sheets at the meeting.

Roger Lessard asked whether entertainment will take place only indoors. Mr. McCullough assured him that it will, pointing out the note on the plan to that effect.

Chairman Fink asked about subsurface wastewater treatment. Mr. McCullough explained that design flow is estimated at 1,950 gallons per day, under the threshold that requires an engineered system. Mr. McCullough also explained that that the public well will require a state approval process. Mike Howie asked whether bathrooms will be provided for the skating rink. Mr. McCullough said that skating rink use was taken into consideration in determining design flow for the bathrooms inside the restaurant.

Darrell Wilson asked about the 100-foot stream buffer mentioned in the S.W. Cole wetlands delineation report. Mr. McCullough explained that they delineated wetlands to about 1,200 feet of depth into the lot, and that the stream is 2,000-2,500 feet away from the development. He suspects that their mention of both the buffer and potential Atlantic salmon habitat are “standard language” for their reports, especially when the nature of the development is not known at the time of delineation. Ms. Gagnon agreed, noting that S.W. Cole makes the effort to “flag the resource” for further

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consideration by the applicant.

Ms. Gagnon also explained that the applicant requests a waiver from meeting the stormwater quantity standard. She believes the waiver is worth the Board's consideration. However, to support the waiver request, more information should be provided regarding catchments, subcatchments, and their flow patterns both pre-and post-development. Mr. McCullough described the pre- and post-development runoff calculations for two subcatchments. One achieves a reduction in peak flow; the other creates a small increase.

Mr. Fink asked about the accessibility of the proposed bridge to the skating rink. Mr. McCullough explained that because the bridge ends in steps, they have also proposed a ramp that meets the Americans with Disabilities Act (ADA) standards.

Discussion ensued concerning the completeness of the application.

Chairman Fink opened the public hearing.

Abutter Dan Owens asked several questions about the proposal regarding building height, seating capacity, nighttime entertainment, outdoor entertainment, and distance from the property line. Mr. McCullough explained that the building is one story with a full basement, about 300 feet from the property line. It is designed to seat 40 with expectation that at night, standing room capacity will be "potentially 50." He said there is no plan to use the skating rink area as a venue.

Chairman Fink closed the hearing.

Darrell Wilson moved with regard to the Preliminary Plan for a Major Use Site Development entitled J's Pit Stop and The Back 40 Sporting Center for J.M. and Cathy Gibbs, a proposal to construct a 3,200-square-foot building for use as both a restaurant and a residence, as well as a pad for a seasonal ice skating rink and skateboard park, on 4.9 acres of 59.2 acres (Tax Map 84, Lot 5) on the Bangor Road (Route 1A) in the Rural Zone, that the Board finds it an allowed use in the Rural zone, and that the application is complete with the exception of items noted in discussion. Roger Lessard seconded and the motion passed unanimously.

3. Signing of Mylars.

**J.M. and Cathy Gibbs;
Preliminary Plan for a
Major Use Site
Development entitled
J's Pit Stop and The
Back 40 Sporting
Center:**

**COMPLETE WITH
EXCEPTIONS**

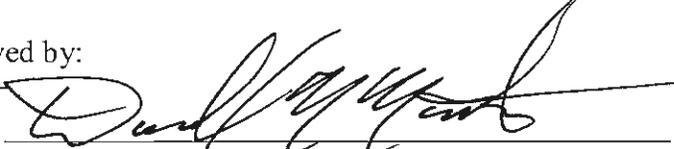
**Surry Road
Apartments
Amendments Mylars
signed.**

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4. **Adjournment.** Darrell Wilson moved to adjourn following the signing of Mylars. Mike Howie seconded and the motion passed unanimously.

Minutes prepared by: Elena Piekut, Assistant to the City Planner.

Minutes approved by:

1/7/15 
Date **Don Martin, Ellsworth Planning Board Secretary**

**Meeting adjourned [at
7:50 PM]**

NOTE: For agendas and
minutes, see:
ellsworthmaine.gov