

**City of Ellsworth  
Planning Board  
Minutes of February 4, 2015**

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

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

**1. Adoption of Minutes from the January 7, 2015 meeting.**

Darrell Wilson moved to adopt the minutes as written. Roger Lessard seconded and the motion passed unanimously.

**2. Final Plan for a Major Use Site Development entitled R.F. Jordan and Sons Gravel Borrow Pit for R.F. Jordan & Sons. The proposal is to extract gravel from 30 acres of a 77 acre property (Tax Map 52, Lot 7) in the Rural Zone. The property is accessed via the 79-70 Road from Route 179.**

**a. PUBLIC HEARING, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.**

Andrew McCullough, PE represented the applicant. Mr. McCullough addressed the items added to the application or revised since January, including:

- A letter from Patrick Jordan to clarify that as President of PRB, LLC he has authorized RF Jordan and Sons to operate the proposed pit;
- Information regarding dust control methods and equipment refueling practices;
- A statement regarding the performance of routine surveys to ensure the operation maintains the required groundwater table separation;
- Data from the monitoring well located in the Town of Hancock;
- A proposal to install a monitoring well in the proposed pit when the bottom of the excavation reaches an elevation of 175' and provide test results annually;
- A note on the plan regarding signage at all intersections;
- And a note on the plan that a written agreement, recorded at the Registry of Deeds, will be created in the event that the berm/buffer at the westerly end of the proposed pit is removed.

Chairman Fink reminded Mr. McCullough that with only four members of the Board present, a tie vote would result in a denial. Mr. McCullough elected to proceed.

Darrell Wilson asked about the Maine Department of Environmental

**Call to Order [7:00 PM]**

**Adoption of minutes:  
APPROVED.**

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Protection (DEP) information included in the application. Mr. McCullough explained that he included strictly informational content on current permits for the adjacent existing pit, partly to satisfy questions raised about the existing pit at the preliminary plan review, and that a new notice of intent will be filed with the DEP for the new pit.

Mr. Wilson noted that the hydrogeologic assessment provided by Fessenden Geo-Environmental Services states that items e, f, and g of Chapter 56 Unified Development Ordinance, Article 6 Site Development Review, 606.8 Proposed Site Conditions, Section M Hydrogeology are not applicable to the proposal. He expressed his opinion that that statement does not satisfy the requirements of the ordinance. Discussion ensued concerning the ordinance and the applicability of items e, f, and g. Mr. McCullough explained that Fessenden's statement assumes that those items relate to the effect of wastewater on water quality. Mr. McCullough also noted that the abutter who expressed concern about water quantity and quality is located to the south, as is the secondary water supply (Simmons Pond) owned by the City of Ellsworth, while the assessment determined that the land drains to the north-northwest. He reiterated that no waste or foreign material will be introduced to the site wastewater, and that in the case of drought conditions (item e), the water table will be lower.

Mr. Wilson asked whether removal of material affects the ability of the aquifer to recharge or puts the groundwater at risk in any way. Ms. Gagnon noted that the company hired to conduct the assessment provided a professional opinion, and that the applicant has done more study and preparation than they would be required to do by the DEP. She noted that the required five-foot vertical buffer from the water table is kept in place to protect water quality, and that the applicant is taking extra measures to ensure that the buffer is maintained. Mr. McCullough also noted that years of tests from the well in the adjacent pit have shown no degradation in water quality.

Chairman Fink provided an opportunity for public hearing.

**Chairman Fink moved with regard to the Final Plan for a Major Use Site Development entitled R.F. Jordan and Sons Gravel Borrow Pit for R.F. Jordan & Sons, the proposal is to extract gravel from 30 acres of a 77 acre property (Tax Map 52, Lot 7) in the Rural Zone, the property is accessed via the 79-70 Road from Route 179, the Planning Board finds that the applicant has provided the needed information, that the project is an allowed use in the zone, and that the Board approves the application with the condition that the applicant files a notice of intent with the DEP. Roger Lessard seconded and the motion passed with Darrell Wilson opposed.**

**R.F. Jordan & Sons;  
Final Plan for a Major  
Use Site Development  
entitled R.F. Jordan &  
Sons Gravel Borrow  
Pit:**

**APPROVED**

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3. **Final Plan for a Minor Subdivision entitled Johnson Property Subdivision** for Philip D. Johnson and Joanne P. Johnson. The proposal is to create three lots containing approximately 13 acres in total from a 139-acre property (Tax Map 92, Lot 25) on the corner of Bangor Road and Nicolin Road in the Rural Zone.

a. PUBLIC HEARING, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.

Dick Day, PLS of Plisga & Day Land Surveyors represented the applicant. Mr. Day reminded the Board that their preliminary review of the project occurred in September 2014 and that the applicant has complied with the requests of the Board and Technical Review Team, in particular a requirement that lot corners be set.

Roger Lessard asked whether the Nice Twice building will be torn down. Mr. Day responded that it will not.

Chairman Fink provided an opportunity for public hearing.

**Darrell Wilson moved with regard to the Final Plan for a Minor Subdivision entitled Johnson Property Subdivision for Philip D. and Joanne P. Johnson, a proposal to create three lots containing approximately 13 acres in total from a 139-acre property (Tax Map 92, Lot 25) on the corner of the Bangor Road and Nicolin Road in the Rural Zone, that the Board finds the application meets the standards and criteria of Section 607 and applicable articles and approves the project. Roger Lessard seconded and the motion passed unanimously.**

4. **Amendment to a Major Use Site Development Plan and Major Subdivision entitled Global Beverage Plaza** for Brock Knox Properties, LLC. The original plan, approved October 1, 2014, was to construct two, 5,600-square-foot buildings for specialty retail use on 2.2 acres (Tax Map 16, Lot 3-2) on the corner of the Beechland Road and Route 3 in the Commercial Zone. The proposed amendment is a minor modification to the stormwater management plan. The approved plan includes four under-drained soil filters. The proposed plan eliminates one.

a. PUBLIC HEARING, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.

Andrew McCullough, PE represented the applicant. He explained that he found that a slight adjustment of grades would enable him to drain stormwater inward, into the site, as opposed to outward through the use of the fourth pond and a level spreader discharging on to the abutting property. The amendment to remove that fourth pond and level spreader will provide greater separation from the abutter and slightly reduce

**Philip D. and Joanne P. Johnson;**

**Final Plan for a Minor Subdivision entitled Johnson Property Subdivision:**

**APPROVED**

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disturbed area. He noted that the DEP intends to issue approval of the amended stormwater permit in the next two weeks. He also noted that 100 percent of the stormwater from parking lots and buildings is being treated, as well as 91 percent of the roadway stormwater. The standard for the roadway stormwater treatment is a minimum of 75 percent, so the project still meets and far exceeds standards.

Darrell Wilson asked about the predevelopment conditions and whether stormwater currently flows to the abutting property. Mr. McCullough explained that the site is relatively flat. He noted that even when a level spreader is used properly, it requires maintenance and if not maintained can be a "significant nuisance." The amended plan instead utilizes the storm drain system. Roger Lessard asked whether that is a consequence of the Beechland Road reconstruction. Mr. McCullough explained that it is, because there is now a stormwater system where there was none before.

Chairman Fink opened the public hearing and, hearing no comment, closed it.

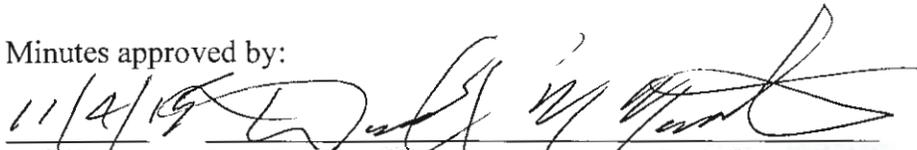
**Darrell Wilson moved with regard to the Amendment to a Major Use Site Development Plan and Major Subdivision entitled Global Beverage Plaza for Brock Knox Properties, LLC, agenda item number four, that the Board approves the project conditional on the approval of the DEP stormwater permit. Don Martin seconded and the motion passed unanimously.**

**5. Signing of Mylars.**

**7. Adjournment.** Darrell Wilson moved to adjourn following the signing of Mylars. Don Martin seconded and the motion passed unanimously.

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

Minutes approved by:

11/4/15   
Date Don Martin, Ellsworth Planning Board Secretary

**Brock Knox Properties,  
LLC;**

**Amendment to a Major  
Use Site Development  
Plan and Major  
Subdivision entitled  
Global Beverage Plaza:**

**APPROVED WITH  
CONDITION**

**Johnson Property  
Subdivision and J's Pit  
Stop Mylars signed.**

**Meeting adjourned [at  
7:45 PM]**

For agendas and minutes, see:  
[ellsworthmaine.gov](http://ellsworthmaine.gov)