

**City of Ellsworth
Planning Board
Minutes of February 7, 2014**

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

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

Before Chairman Fink arrived, Darrell Wilson was asked to chair the meeting on a motion by Mike Howie and second by Don Martin. Mr. Wilson called the meeting to order, noting that it was rescheduled from February 5.

Call to Order [5:30 PM]

1. Adoption of Minutes from the January 8, 2014 meeting.

Roger Lessard moved to adopt the minutes of the January 8, 2014 meeting as written. Mike Howie seconded and the motion passed unanimously.

**Adoption of minutes:
APPROVED.**

2. Preliminary Plan for a Major Use Site Development entitled Surry Road Apartments for C.J.D., LLC. The proposal is to construct four buildings, each containing six apartment units, on 4 acres (Tax Map 20, Lot 17) on the Surry Road in the Neighborhood Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Stephen Salsbury represented the applicant along with Don Becker of Civil Engineering Services. Roger Lessard asked for clarification as to whether the lot is 3.5, 4, or 5 acres. Mr. Salsbury confirmed that it is 3.56 acres. Mr. Salsbury gave an overview of the project, explaining that while a full build out is shown, the applicant may not choose to complete the entire project at once. Instead, Mr. Salsbury described constructing one building at a time as driven by market demand. He also said the applicant is likely to keep the existing house on the lot, fix it up, and rent it, but a final decision has not been made. Darrell Wilson asked about the well and septic serving the existing building, and asked that they be shown on the plan as existing conditions.

Mr. Wilson asked Mr. Salsbury to explain the requested waiver from the requirements of Section 812, Exterior Lighting. Mr. Salsbury noted that the standard seems out of character for the neighborhood and Ms. Gagnon explained that the applicant seeks a waiver from the *minimum* standard, not the maximum. She also noted that the project is outside of the Urban Core but within the designated growth area. Mr. Salsbury explained that the lighting plan in the application meets the standard, but that they are of the

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opinion that meeting the standard is excessive. Ms. Gagnon explained that the minimum standard is targeted more toward commercial areas. Darrell Wilson and John Fink stated that they would like to see what proposed conditions would be if the waiver were granted, and would like to see both versions of a lighting plan at the next meeting.

At the request of the Planner, Don Martin read aloud an email from abutter Jim Cochrane. Not all Board members had received the email, and it had not been submitted to the Planning Office. Ms. Gagnon asked to keep Mr. Martin's copy to add to the public record file. The email was addressed to Mr. Salsbury and expressed Mr. Cochrane's disappointment that the project was represented to the neighbors as two buildings during sketch plan review and now the plan shows four buildings.

Following some discussion, Darrell Wilson asked whether there are any special accommodations on the site for pedestrians and bicycles; Mr. Salsbury said there are not. Mr. Wilson also noted the Phase I/Phase II boundary shown on the plan, and Mr. Salsbury said they would likely begin by constructing the first building (closest to the road) this spring.

Darrell Wilson made a motion to allow the applicant to make a presentation to the Board concerning stormwater management for the Board's "pre-consideration" following the determination of completeness. Mike Howie seconded and the motion passed unanimously.

Darrell Wilson opened the public hearing portion of the meeting and three abutters came forward to speak.

- Jim Cochrane of 18 Hillside Drive addressed his email, read aloud earlier by Don Martin, reiterating that he was disappointed to see two proposed buildings turn into four proposed buildings. He said that since writing the email, he has "gotten over it" realizing that "things change." He noted that he has lived at 18 Hillside Drive for 35 years.
- Valerie Peer of 1 Hillside Drive expressed her feeling that the project is happening quickly, and that the proposal creates high density where currently there is about one house per acre. She brought up the concern that four more buildings may be proposed for land behind the current proposed project.
- Audrey Mitchell of 24 Hillside Drive questioned whether we need this many apartments in Ellsworth now, given vacancies at Straw Way and Tinker Hill. She described the neighborhood as a quiet, serene place to live and said that the proposal will change the Surry Road.

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John Fink explained that the Planning Board has limited authority, and can only turn down applications based on the standards of the ordinance. He noted that this is the Board's responsibility regardless of their individual feelings toward a project. Their responsibility is to judge whether an application meets established requirements.

Darrell Wilson closed the public hearing.

Mr. Wilson asked whether all easements and right of ways are depicted on the plan and whether there is a right of way at the rear of the property. Mr. Salsbury answered that there is no right of way to the lot behind the subject lot—it is accessed via Hillside Drive. Mr. Wilson asked whether all adjoining properties are shown and whether the entire subject parcel is represented on the plan. Mr. Salsbury answered yes to both questions.

Roger Lessard asked about how the project will be coordinated with work on Route 172 (Surry Road). Michele Gagnon answered that the applicant is well aware of the planned road work and intends to complete his own work before 172 is repaved.

Darrell Wilson led the Board through a reading of Section 606 Submission Materials – Preliminary Plan Meeting. Regarding 606.5.Q, Mr. Salsbury explained that a small grading easement is depicted on the plan. Regarding 606.7.B, Darrell Wilson asked to see existing well and septic. Regarding 606.8.E, Roger Lessard asked whether the Board would vote on the lighting waiver at this meeting. Mr. Wilson said that they would not, as a lighting plan was submitted to satisfy requirements, and when a lighting plan reflecting a waived minimum standard is submitted at the next meeting, the waiver will be considered.

John Fink moved with regard to the Preliminary Plan for a Major Use Site Development entitled Surry Road Apartments for C.J.D., LLC, a proposal to construct four buildings, each containing six apartment units, on 4 acres (Tax Map 20, Lot 17) on the Surry Road in the Neighborhood Zone, that the Board finds the application complete. Roger Lessard seconded and the motion passed unanimously.

Per Mr. Wilson's earlier motion, the Board entertained a stormwater presentation from the applicant's engineer, Don Becker of CES.

Mr. Becker provided details on the existing site conditions and the stormwater management strategy, including:

- It is designed vertically;
- The site drains itself to Route 172;
- The site accepts water from Hillside Drive backyards and some

**C.J.D., LLC;
Preliminary Plan for a
Major Use Site
Development entitled
Surry Road
Apartments:
APPLICATION
COMPLETE**

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from the Linscott property;

- Water flowing to the property of Eleanor Anderson is reduced;
- The primary point of discharge is a culvert north of the entrance on Route 172;
- There are three points collecting water from three abutters, and this water enters the “bypass system” directly without treatment;
- Once the water generated on site is treated it goes to the bypass system;
- Water is contained beneath all four parking lots, and without these containment units it would take up half the site to treat the stormwater;
- These units are underlaid with six inches of clean aggregate;
- The State and City want stormwater infiltrated into the ground at the quality it would be pre-development and the first six inches will be infiltrated;
- These systems will reduce peak flow, while the volume of water leaving the site will remain comparable;
- The last two catch basins closest to the entrance are the “last chance” to capture stormwater, so the stormwater flowing from the bottom of the entrance will be captured by the six-inch deep depression of the front lawn;
- Water runs from the current driveway into the Surry Road, but the new entrance will be more flat, lower, and have a 2% crown;
- A small triangular area at the edge of the entrance drains directly to the road ditch;
- Runoff from the rear of the Cochrane property will be treated in the first parking lot unit;
- An unintentional benefit of the access road design is that a six-foot cut into the slope at the curve in the road stops headlights from shining onto Hillside Drive;
- The entrance is at a low point in the Surry Road, such that water flows from both directions into the culvert and across the road.

Mike Howie asked whether there are any defined channels existing now.

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Mr. Becker responded that there are some suggestions of how water flows, but nothing very defined. Darrell Wilson stated that he wants to know more about wetland disturbance and mitigation in the final plan application.

Michele Gagnon noted that page 45 of the application still states that culverts have been designed to convey a 24-hour storm, which is inaccurate, and asked Mr. Becker to fix it for the final plan application. Ms. Gagnon also asked whether Mr. Becker had prepared an application to the Maine Department of Environmental Protection (DEP). Mr. Becker said he would be filing the following week and would provide a copy of the application. Ms. Gagnon noted that the lot seems to be wet and asked how the design meets the DEP requirement that the bottom of an infiltration system must be at least three feet above the seasonal water table. Mr. Becker responded that the Stormtech unit is not officially an infiltration system and that it does not need to meet that standard. He explained that the design is more like that of a septic system and that most of the water will end up in the outfall system. Ms. Gagnon questioned whether the use of the word "infiltration" was correct in this case and Mr. Becker conceded that it would be more accurately called a filtration system.

Mike Howie asked whether a permit will be needed for the culvert across Rout 172 and Dwight Tilton responded that it will be the responsibility of the City to permit it.

Darrell Wilson reopened the public hearing and John Mitchell of 24 Hillside Drive came forward to speak. Mr. Mitchell noted that in hunting in the area, he has come across a swamp and a stream, described the area as "pretty swampy," and said that the houses abutting the subject lot have struggled with flooded basements.

Mr. Wilson closed the public hearing and said that he would like to hear more about the project's relationship to the Union River at the next meeting.

3. **Adjournment.** John Fink moved to adjourn, Darrell Wilson seconded, and the motion passed unanimously.

Adjournment [6:40 PM]

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

Minutes approved by:

3/5/14

Date


Don Martin, Ellsworth Planning Board Secretary

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