

**City of Ellsworth
Planning Board
Minutes of April 2, 2014**

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

Call to Order [7:05 PM]

1. Adoption of Minutes from the March 5, 2014 meeting.

Dwayne Patton moved to adopt the minutes of the March 5, 2014 meeting as written. The motion passed unanimously.

**Adoption of minutes:
APPROVED.**

2. Final Plan for a Major Use Site Development entitled Nicolin Road Mobile Substation for Emera Maine. The proposal is to construct a 2,400-square-foot temporary substation on 2 acres (Tax Map 93, Lot 4) in the Limited Residential and Rural Zones. As a transmission project in the Limited Residential Zone, this use is required to undergo Planning Board review per State Shoreland Zoning law.

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

Roger St. Amand of CES represented the applicant.

Chairman Fink opened and closed the public hearing.

Darrell Wilson moved with regard to agenda item number two, the **Final Plan for a Major Use Site Development entitled Nicolin Road Mobile Substation** for Emera Maine, a proposal to construct a 2,400-square-foot temporary substation on 2 acres (Tax Map 93, Lot 4) in the Limited Residential and Rural Zones, that the Board approve the project. Dwayne Patton seconded and the motion passed unanimously.

**Emera Maine;
Final Plan for a Major
Use Site Development
entitled Nicolin Road
Mobile Substation:
APPROVED.**

3. Final Plan for a Major Use Site Development entitled Dunkin Donuts, Kingsland Crossing for Lima Realty Holdings, LLC. The proposal is to construct a 2,400-square-foot building on 48,196 square feet (Tax Map 16, Lot 20) on the corner of Kingsland Crossing and High Street (Route 3) in the Commercial Zone.

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

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Jim Kiser, PE represented the applicant. Mr. Kiser gave an overview of the project, noting:

- The project had been approved in early 2010, but the economy was not satisfactory to proceed, and after the approval lapsed the applicant returned to the Planning Board in 2013 for preliminary review.
- Following that preliminary review, and based on marketing study, the applicant decided to remove the proposed bank use from the plan and move forward with standalone a Dunkin Donuts.
- The general circulation pattern is the same as the previous plan, and more parking spaces have been added.
- Management of stormwater quantity is done as part of the Kingsland Crossing Subdivision via a detention pond. The Ellsworth stormwater ordinance was amended recently, and now the City requires treatment for stormwater quality. Stormwater quality is treated with filtration.
- Traffic counts were conducted recently to validated what was modeled during the original traffic movement permitting process.
- The Maine Department of Transportation (DOT) provided an email after the submission deadline indicating that the proposal complies with the original October 28, 2009 Traffic Movement Permit.

Roger Lessard asked about vehicle queuing. Mr. Kiser explained that he has provided for 15 vehicles queuing inside the site, and that there is room for a few more before the queue reaches Kingsland Crossing. He said the DOT's standard for a Dunkin Donuts is to allow 15 vehicles to queue from the pick-up window and about 12 to queue from the order board. The applicant prefers to allow five vehicles in line between the pick-up window and orderboard.

Darrell Wilson asked about the proposed connection to the adjacent property and whether it is one way. Mr. Kiser responded that it is a one-way connection and that the easement will be recorded upon approval.

Darrell Wilson also noted that the lighting cut sheet doesn't indicate that the fixtures are full cutoff. Michele Gagnon pointed out that the cut sheet does indicate 90 degrees, which has the same meaning. Mr. Wilson also questioned whether the wall-mounted fixtures are also full cutoff. Mr. Kiser agree to submit proof that they are to the Code Enforcement Officer on the building plans.

Dwight Tilton relayed that the abutter, Jojos LLC, would like to coordinate construction of the one-way connection with construction of

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the Dunkin Donuts.

Chairman Fink opened and closed the public hearing.

Darrell Wilson asked about the proposed sidewalk easement. Mr. Kiser responded that it is noted in two locations on the plan and will be implemented following approval.

Mr. Wilson asked whether there will be a standalone sign. Mr. Kiser responded that it is proposed for the corner and that the details show a typical Dunkin Donuts sign. Ms. Gagnon noted that demonstration that the sign meets the standards of the sign ordinance will be required by the Code Enforcement Office for a sign permit.

Darrell Wilson moved with regard to agenda item 3, **Final Plan for a Major Use Site Development entitled Dunkin Donuts, Kingsland Crossing** for Lima Realty Holdings, LLC, a proposal is to construct a 2,400-square-foot building on 48,196 square feet (Tax Map 16, Lot 20) on the corner of Kingsland Crossing and High Street (Route 3) in the Commercial Zone, that the Board approve the project with two notes:

- 1) That demonstration that the light fixtures meet full cutoff requirements will be provided as part of the building permit process and
- 2) That demonstration that the sign will meet standards will be provided as part of the sign permit process.

Dwayne Patton seconded and the motion passed unanimously.

4. **Preliminary Plan for a Major Use Site Development entitled Garage Estates** for Stone Park Properties. The proposal is to construct a 9,152-square-foot structure for rental storage units on 8.9 acres (Tax Map 58, Lot 19-3) on the Bangor Road (Route 1A) in the Urban Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough, PE represented the applicant.

Chairman Fink asked about the relationship between Jonathan Bates (owner) and Stone Park Properties (applicant). Mr. McCullough directed Mr. Fink to a document in the application identifying Mr. Bates as the sole proprietor of Stone Park Properties.

Mr. McCullough provided an overview of the project, including the following:

- The units will be 16 feet wide and can accommodate storage of vehicles.

**Lima Realty Holdings,
LLC;**

**Final Plan for a Major
Use Site Development
entitled Dunkin Donuts
Kingsland Crossing:**

APPROVED.

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- The units will be climate controlled.
- The building height is 26 feet at the roof peak.
- There will be no office space, and therefore no water or septic is provided.
- Patrick Jordan/Bridgetwin originally owned the property and had an entrance permit for the existing driveway. The applicant has applied for a permit revision from the Maine Department of Transportation (DOT) and Mr. McCullough received an email today indicating it was approved.
- The Fire Department dedicated truck turnaround space to be labeled on the plan and signed as such. Mr. McCullough will add a note that the area is to remain open at all times.
- A stormwater management plan was prepared and submitted. The quality and quantity treatment exceed the standard.
- For screening, Mr. McCullough has proposed a six foot tall fence along the Route 1A right of way and vegetative buffer along the property line to the south.
- Mr. McCullough believes the Institute of Transportation Engineers trip generation estimate is higher than what the use will actually generate.

Dwight Tilton asked whether the applicant plans to have any floor drains and Mr. McCullough responded that he does not.

Darrell Wilson asked about fire suppression requirements based on the use for vehicle storage. Michael Hange, Fire Inspector, said that there is no need under the Life Safety Code because the units are not occupied. Dwayne Patton asked whether there will be sheetrock between the units and Mr. McCullough responded that although he is not sure, if there is, using 5/8" sheetrock would provide a one-hour fire rating.

Darrell Wilson asked whether the use is an allowed use in the zone. Michele Gagnon explained that because storage is not specifically allowed, the Board should consider the use in comparison to other allowed uses such as equipment sales and service and gas stations.

Mike Howie asked for more information about the cross-drain culvert and stabilized construction exit. Mr. McCullough responded that there will be a catch basin immediately above the culvert and that the stabilized exit will be crushed stone. Ms. Gagnon noted that the City asks for the throat of the driveway to be paved, and Mr. McCullough said that the DOT requires 50 feet.

Ms. Gagnon also noted that the plan should show how dimensional

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requirements were met in a tabular format.

Mr. Wilson asked whether the driveway easement is already recorded as part of the deed. Mr. McCullough explained that the easement already exists and was created when Route 1A was widened to provide the neighbor with access to his property.

Darrell Wilson asked about the requested lighting waiver. Mr. McCullough explained that what he proposes is not as extensive as what is required for parking lots, but the paved area is intended for maneuvering, not parking. Discussion ensued about the applicability of lighting standards and the Board's criteria for granting waivers.

Mike Howie asked what areas will be paved. Mr. McCullough answered that he made stormwater management calculations under the assumption that all of the driveway and maneuvering areas will be paved, and that he recommends that the applicant pave them. Ms. Gagnon noted that for stormwater calculations, there is little difference between paved or unpaved surface.

Chairman Fink did not open a public hearing, as there was no public present.

Darrell Wilson moved with regard to agenda item four, **Preliminary Plan for a Major Use Site Development entitled Garage Estates** for Stone Park Properties, a proposal to construct a 9,152-square-foot structure for rental storage units on 8.9 acres (Tax Map 58, Lot 19-3) on the Bangor Road (Route 1A) in the Urban Zone, that the Board finds it an allowed use, that they interpret the minimum lighting standard to be met, so no waiver of that minimum is required, that they have decided the submission materials in the application are adequate to meet the lighting plan submittal contents of 812.3, specifically item E, and that they find the application complete with the understanding that the final plan will require marking the turnaround for the fire department. Mike Howie seconded and the motion passed unanimously.

5. Review of proposed "housekeeping" amendments to the Ellsworth Code of Ordinances, Chapter 56 Unified Development Ordinance.

Michele Gagnon explained the nature of the proposed amendments, including:

- In Article 3 Zoning Districts, Table 308 Dimensional Requirements, Units per Acre in the Urban Zone should read "NA" instead of "0."
- Upon their approval of Article 12 Sign Standards, the City Council requested a change to section 1209 Maine DOT Official Business Direction Signs, which decreases the size of the area where these signs are prohibited by the City.

**Stone Park Properties;
Preliminary Plan for a
Major Use Site
Development entitled
Garage Estates;
COMPLETE.**

**City of Ellsworth;
Amendments to City of
Ellsworth Code of
Ordinances Chapter 56
Unified Development**

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Darrell Wilson moved to recommend the proposed amendments to the Council. Dwayne Patton seconded and the motion passed unanimously.

Ordinance:
RECOMMENDED.

6. **Request of member Darrell Wilson to consider a site visit to the proposed R.F. Jordan and Sons Gravel Borrow Pit for PRB, LLC on 30 of 77 acres (Tax Map 52, Lot 7) in the Rural Zone. A preliminary plan for this major use site development was reviewed by the Board at the March 5, 2014 meeting.**

The Board discussed potential site visit dates and settled on Tuesday, April 8 at 5:30 PM with a rain date of Monday, April 14 at 5:30 PM.

Darrell Wilson moved with regard to agenda item six, that the site visit be set for Tuesday, April 8 at 5:30 PM. Dwayne Patton seconded and the motion passed unanimously.

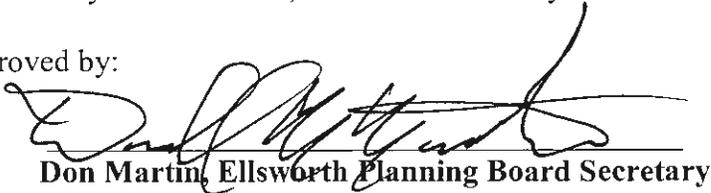
7. **Adjournment.** Darrell Wilson moved to continue the meeting to the site visit.

Meeting continued.

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

Minutes approved by:

5/7/14
Date


Don Martin, Ellsworth Planning Board Secretary

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

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Chairman John Fink, Vice Chairman Dwayne Patton, Secretary Don Martin, members Darrell Wilson and Roger Lessard, and alternate member Mike Howie attended the site visit held April 14, 2014.

City Planner Michele Gagnon, Assistant to the City Planner Elena Piekut, and two members of the public were also in attendance.

1. Continuation of April 2, 2014 Meeting.

Chairman Fink announced that this is a continuation of the Planning Board's April 2nd meeting, the purpose of the continuation being this site visit to the R.F. Jordan and Sons Gravel pit. The proposal is made by PRB, LLC to extract gravel from 30 acres of a 77 acre parcel (Tax Map 52, Lot 7) in the Rural Zone. The original date of this continuation was April 8th which was continued to today.

**Continuation [5:46
PM]**

2. Site Visit.

Applicant representative Andrew McCullough, PE gave an overview and orientation to the Board.

The Board, Mr. McCullough, Ms. Gagnon, and Hancock County Commissioner and Town of Hancock Planning Board member Antonio Blasi discussed:

- Locations of boundaries, blazing, and the monument.
- Setbacks between separate lots of record and the possibility of blazing the proposed setback of 50 feet in order to prevent encroachment.
- General hydrogeology. Mr. McCullough reported that the hydrogeologic assessment required by the ordinance is underway.
- Elevations and elevation in relation to Simmons Pond in Hancock.
- Wetlands on site. Mr. McCullough explained that no wetland mitigation will be required and any wetland areas are outside the area intended for extraction.

Chairman Fink opened and closed the public hearing.

Mike Howie asked whether the applicant plans to bond the road. Mr. McCullough was uncertain and explained that the proposed pit could potentially be accessed from the existing pit.

3. Adjournment. Darrell Wilson moved to adjourn. Don Martin seconded and the motion passed unanimously.

**Adjournment [6:25
PM]**