

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

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

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

Don Martin nominated Darrell Wilson to serve as the presiding officer. Roger Lessard seconded.

**1. Adoption of Minutes from the June 4, 2014 meeting.**

Mike Howie moved to adopt the minutes of the June 4, 2014 meeting as written. Roger Lessard seconded and the motion passed unanimously.

**2. Final Plan for a Major Use Site Development entitled Buzzell**

**Properties Apartments at Whitney Field** for Buzzell Properties, LLC. The proposal is to construct one six-unit building (6,336 square feet) and one four-unit building (4,224 square feet) in phases on 0.98 acre (Tax Map 142, Lot 39) on State Street in the Urban Zone.

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

Stephen Salsbury, Jim Kiser, and owner Jeff Buzzell represented the project. Stephen Salsbury gave an overview of changes made since the preliminary application:

- The stormwater management plan was changed slightly—they moved a discharge point to meet the ordinance.
- Following receipt of the lighting memo from Woodard and Curran regarding waiver of lighting standards, the applicant changed the lighting plan to fully comply with the ordinance.

Darrell Wilson entertained questions from the Board.

Don Martin questioned whether the Board can approve a two-phase project when the included evidence of financial capacity from the bank refers only to financing for the first phase building. Planner Michele Gagnon explained that the intent of that requirement is to protect the City from an unsafe situation or undue burden, for example when an excavation is left unfinished due to lack of funds or if work is started within the public right-of-way and not completed. Mr. Salsbury noted that the six-unit building is the first phase and that all infrastructure and the bulk of the site work will be completed along with the building.

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

**Adoption of minutes:  
APPROVED.**

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Discussion ensued concerning the possibility of making a conditional approval. With Code Enforcement Officer Dwight Tilton's approval, the consensus was to make providing evidence of financial capacity a condition of second phase permitting.

Mr. Wilson opened the floor to public comment and, hearing none, closed it.

The Board discussed stormwater concerns, particularly the condition of the culverts and drainage. Ms. Gagnon explained that post-development conditions will produce more stormwater runoff over time but that it will not leave the site any faster than it does pre-development. She also noted that the State's road improvements will improve drainage, although the project's stormwater management plan "stands on its own" regardless of the improvements planned by the State.

Roger Lessard asked about the applicant's plans to keep as many trees as possible. Mr. Salsbury referred to the landscaping plan that indicates retained wooded areas and proposed landscaping.

Don Martin asked about the fence between the railroad and walking trail that abut the property. Ms. Gagnon explained that the existing fence is required by the Department of Transportation because of the distance between the trail and the active rail line. There is no requirement for a fence anywhere else.

Mr. Lessard noted that traffic counts for the project were taken in May, before peak volume. Mr. Salsbury noted that the traffic estimates do take into account all ten proposed units, and Ms. Gagnon explained that the size of the project does not require a Traffic Movement Permit or off-site improvements.

Mr. Wilson led the Board through a reading of the final plan review standards and criteria.

**Mr. Lessard moved that the Final Plan for a Major Use Site Development entitled Buzzell Properties Apartments at Whitney Field for Buzzell Properties, LLC, a proposal to construct one six-unit building (6,336 square feet) and one four-unit building (4,224 square feet) in phases on 0.98 acre (Tax Map 142, Lot 39) on State Street in the Urban Zone, include a condition that the Code Enforcement Office be provided with a letter of financial capacity from the bank prior to permitting the second phase of construction. Mike Howie seconded. Mr. Wilson asked to amend the motion to find that the proposal meets all criteria and standards and that the Board approves the project. Mr. Lessard accepted his amendment. The motion passed unanimously.**

**Buzzell Properties,  
LLC;**

**Major Use Site  
Development entitled  
Buzzell Properties  
Apartments at Whitney  
Field:**

**APPROVED WITH  
CONDITION**

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3. **Preliminary Plan for a Major Use Site Development entitled Tradewinds** for Southstreet Development. The proposal is for a 9,500-square-foot structure on 6.3 acres (Tax Map 42, Lot 10) at 357 State in the Urban Zone, containing two restaurant spaces (3,000 square feet and 2,000 square feet) and a 4,500-square-foot convenience store with five gasoline pumps providing 10 fueling stations with 24-hour service.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Tradewinds was represented by Jeanna DeTour and Randy Bragg of Carpenter Associates as well as Southstreet Development owner Chuck Lawrence. Ms. DeTour gave an overview of the company, proposed uses of the subject development, and details of the proposal, including:

- That the project will develop about half of the 6.3-acre lot;
- The 50-foot by 90-foot building will house a convenience store, small restaurant, and yogurt café, and the site will feature a 24-hour gas station;
- The location of the Dumpsters, fuel tanks, and free-standing sign;
- The configuration of the temporary and permanent entrances;
- Stormwater runoff will be treated by three underdrain soil filters;
- Randy Bragg, PE has provided a statement that stormwater runoff will have no impact on surrounding areas and a stormwater permit application has been submitted to the Maine Department of Environment Protection (DEP);
- The building will be served by a 4-inch water line and 6-inch sewer line;
- Electrical service will be provided overhead to a pole on the site and underground from the pole to the building;
- The freestanding store sign is 16 feet high by 5 feet wide and all signage will stay under the maximum sizes as permitted by Code Enforcement;
- The lighting plan includes dimmable LEDs for the gas station canopy which will be dimmed to half power when the building is closed;
- A Traffic Movement Permit application was submitted to the Maine Department of Transportation (DOT) on April 25;

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- There are 54 proposed parking spaces, including 6 handicapped spaces;
- The loading zone is located along the rear of the building; and
- The wetlands disturbed, which total less than 15,000 square feet, are shown on the plan and a Natural Resources Protection Act (NRPA) permit application was submitted to the DEP on June 20.

Mike Howie noted a mention of tree growth tax status in the purchase and sale agreement and questioned whether the subject land had ever been removed from tree growth. Jeanna DeTour responded that she would look into it.

Darrell Wilson asked about the existing house on the property. Ms. DeTour responded that it will remain for now, and owner Chuck Lawrence added that he intends to continue to rent the home and not displace the current tenant.

Darrell Wilson asked about proposed signage. Dwight Tilton explained that the submitted dimensions for the freestanding sign fall within the 64-square-foot maximum area and 16-foot maximum height standards.

Michele Gagnon explained that a more complete sign program needs to be provided with the final submission per 606.8.C. Mr. Wilson suggested they find that application complete with exception of the sign program. Ms. DeTour noted that they are not yet sure of the tenants and that has affected the sign program.

Don Martin asked about wetlands on the property. Ms. DeTour responded that the permitting process is underway.

Mr. Lessard asked about the fish and wildlife impacts. Ms. DeTour pointed out that the letter from U.S. Fish and Wildlife Service is included in the application. Mr. Lessard also questioned whether the project requires a permit from the Army Corps of Engineers, and Ms. DeTour responded that it does not.

Mr. Wilson asked for more detail on the temporary entrance. Ms. DeTour explained that during the Maine Department of Transportation's upcoming work on Route 1A, the temporary entrance will use a 6-inch raised concrete island to prevent a left turn into the site. Ms. Gagnon noted that the DOT plans to complete the project in fall 2015, which Chuck Lawrence said would result in about four to six months of use of the temporary entrance. Ms. Gagnon explained that prohibiting left turns maintains mobility through the corridor. If the DOT's improvements to the road were not to take place, either the temporary entrance design would need to be permanent or the

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applicant would need to improve the road to allow a left turn in.

Ms. Gagnon also noted that the applicant needs to submit more landscaping information for the final plan review. She also noted that in the lighting plan, the applicant requests a waiver to exceed the average maximum footcandle standards by a fraction of a footcandle.

Mr. Wilson opened the floor to public comment and, hearing none, closed the hearing.

Mr. Wilson recognized the applicant's request for a lighting waiver and led the Board through a reading of the preliminary plan submission requirements. He questioned whether any neighbors are served by private well and both the applicant and staff confirmed that none are.

The Board addressed several other concerns regarding stormwater, fire department access, and the potential impact on historical properties. Ms. DeTour explained that they have proposed a hedge at the suggestion of the Maine Historic Preservation Commission in order to buffer the site from 356 State Street, which is eligible for listing on the National Register of Historic Places for its architectural significance.

Roger Lessard expressed his desire to make a site visit before the next meeting. Mr. Wilson said he would like more information on stormwater management before visiting the site.

Randy Bragg, PE, of Carpenter Associates gave an overview of the stormwater management plan, explaining that:

- The site generally drains to Davis Brook both pre- and post-development,
- The Department of Transportation plans to improve the Davis Brook stream crossing just south of the site, and
- Stormwater runoff will be treated through three underdrain soil filters.

Ms. Gagnon suggested Tuesday, July 8 at 5:15 PM for a potential site visit and noted that the Planning Office would notify abutters as a courtesy.

**Roger Lessard moved to find the application for a Preliminary Plan for a Major Use Site Development entitled Tradewinds for Southstreet Development, a proposal for a 9,500-square-foot structure on 6.3 acres (Tax Map 42, Lot 10) at 357 State in the Urban Zone, containing two restaurant spaces (3,000 square feet and 2,000 square feet) and a 4,500-square-foot convenience store with five gasoline pumps providing 10 fueling stations with 24-hour service, complete. Mike Howie seconded.**

**Southstreet  
Development;**

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Darrell Wilson added that the proposal is an allowed use in the Urban Zone and that a condition of completeness is that the applicant provide more information about signage. The motion passed unanimously.

**Major Use Site  
Development entitled  
Tradewinds:**

**COMPLETE WITH  
EXCEPTION**

**No Mylars signed.**

**Meeting continued [at  
8:00 PM] to July 8,  
2014 at 5:15 PM at the  
Whitney Field site.**

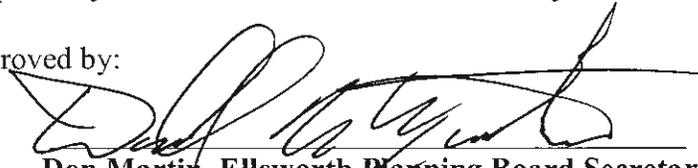
**NOTE: For agendas and  
minutes, see:  
[ellsworthmaine.gov](http://ellsworthmaine.gov)**

**4. Signing of Mylars.**

- 5. Adjournment.** Darrell Wilson moved to continue the meeting to Tuesday, July 8 at 5:15 PM. Roger Lessard seconded and the motion passed unanimously.

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

Minutes approved by:

8/6/14   
Date Don Martin, Ellsworth Planning Board Secretary