

**City of Ellsworth  
Planning Board  
Minutes of August 6, 2014**

Chairman John Fink, Secretary Don Martin, and members Darrell Wilson and Roger Lessard attended the regular meeting of the Ellsworth Planning Board. Alternate member Mike Howie was absent. Vice Chairman Dwayne Patton submitted his resignation by email on August 6.

Assistant to the City Planner Elena Piekut, Code Enforcement Officer Dwight Tilton, and Fire Inspector Michael Hangge also attended. City Planner Michele Gagnon was not present.

**1. Adoption of Minutes from the July 2, 2014 meeting, July 2, 2014 site visit, and July 8, 2014 site visit.**

Darrell Wilson moved to adopt all minutes with the condition that the duplicate motion to adjourn be removed from page two of the July 2, 2014 site visit minutes. Roger Lessard seconded and the motion passed unanimously.

**2. Amendments to a Major Use Site Development Plan entitled Surry Road Apartments for C.J.D., LLC.** The original plan, approved March 5, 2014, was to construct four buildings, each containing six apartments, on 3.56 acres (Tax Map 20, Lot 17) on the Surry Road in the Neighborhood Zone. The proposed amendments include demolishing the existing house, a small change in layout of buildings, eliminating subsurface stormwater management in favor of surface stormwater management, removal of the retaining wall, and modifications to the storm drains, water main, and sewer system. This project qualifies as a subdivision and is reviewed as a Major Use Site Development per the City of Ellsworth Code of Ordinances and as allowed under state law. The amendment does not include new units or lots.

Jim Kiser, PE represented the applicant. He explained that the project underwent value engineering and provided an overview of the proposed amendments to achieve a reduction in cost, including:

- The existing farmhouse will be removed and the proposed buildings reoriented, opening up capacity for surface stormwater treatment through detention and filtration beds between the buildings;
- The grading plan has changed, allowing for the removal of previously proposed retaining walls between buildings;
- Utility structures have been reduced to save money;
- The lowest building is now stepped between units, while the others remain at one floor elevation.

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

**Adoption of minutes:  
APPROVED.**

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Roger Lessard asked about the layout of buildings and stormwater management. Mr. Kiser explained that changing the layout enabled them to eliminate the plastic structures that were proposed under the parking lots in favor of treatment beds on the surface.

Don Martin asked whether construction will be phased. Mr. Kiser said that the applicant intends to complete the project in two phases, beginning with the lower two buildings.

Darrell Wilson asked whether the Technical Review Team's concerns regarding the change to a two-inch diameter water line have been resolved. Both Fire Inspector Michael Hangge and Code Enforcement Officer Dwight Tilton confirmed that they have. Chairman Fink asked whether the applicant had addressed the sewer concerns raised by Wastewater Superintendent Micheal Harris. Mr. Kiser explained that while Mr. Harris' comments were only advisory, they have followed his recommendation and directed all but one of the sewer services to meet the main line at a manhole.

Mr. Wilson asked about the need for modifications of the permits issued by the Maine Department of Environmental Protection (DEP). Mr. Kiser explained that permits were granted for filling wetlands and for stormwater treatment and both permits require modification. There is less than 1,000 square feet of additional proposed impact to the wetlands, and a different method of stormwater treatment is proposed. Mr. Wilson suggested conditioning the Board's approval on approved permits from the DEP. Mr. Wilson also asked for more detail about the earth berm proposed to protect the property to the south. Mr. Kiser described it as simple and small.

Mr. Martin asked about parking. Mr. Kiser explained that there are now two spaces proposed in front of each unit in addition to the first story garages approved in the original plan.

Mr. Wilson confirmed with Chairman Fink that the Board's review is limited to the proposed changes from the approved plan.

Mr. Wilson questioned the percentages demonstrating compliance with DEP's Chapter 500 stormwater treatment rules. Mr. Kiser explained the rules and discovered that the 9.9% to which Mr. Wilson referred is a typographical error, to be corrected to 90.9%.

Mr. Wilson also noted that general note four on sheet 1-3 shows front and rear setbacks not meeting the requirement, which needs to be corrected.

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

**Mr. Wilson moved with regard to the amendments to a Major Use Site Development Plan entitled Surry Road Apartments for C.J.D.,**

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LLC, which include demolishing the existing house, a small change in layout of buildings, eliminating subsurface stormwater management in favor of surface stormwater management, removal of the retaining wall, and modifications to the storm drains, water main, and sewer system, that the Board approves the amendments with conditions that:

- The two needed gate valves be depicted on the plan,
- The permit modifications from the DEP are granted,
- The earth berm be detailed on construction drawings, and
- The setback notes be corrected.

Don Martin seconded and the motion passed unanimously.

3. **Resignation.** Chairman Fink read an email from Vice Chairman Dwayne Patton to announce his resignation effective immediately.

Mr. Fink nominated Darrell Wilson to be Vice Chairman. Donald Martin seconded and the motion passed unanimously.

4. **Preliminary Plan for a Major Use Site Development entitled Eastern Mold Remediation, LLC** for Robert Tracy. The proposal is to construct a 7,200 square foot building containing an office, shop, and residence on 6.14 acres (Tax Map 92, Lot 25) on the Bangor Road and Nicolin Road in the Rural Zone.

Andrew McCullough, PE represented the applicant. He provided a number of details about the project, including:

- The proposed building is 7,200 square feet located on a 6.14 acre lot on the northeast corner of the Bangor Road and Nicolin Road intersection, in the Rural Zone;
- A portion of the building will be two stories to accommodate an upstairs residence;
- Dan McGraw, PE is designing the building and plans will be submitted to the State Fire Marshal for approval;
- The septic system has been designed to serve the business' employees and a two-bedroom dwelling;
- A drilled well is proposed and the area is known to provide good yields;
- A long, serpentine driveway from Nicolin Road is proposed;

C.J.D., LLC;

Amendments to a Major Use Site Development Plan entitled Surry Road Apartments:

APPROVED WITH CONDITIONS

Dwayne Patton resigned as Vice Chairman.

Darrell Wilson elected as Vice Chairman.

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- The parking lot is proposed between the building and Route 1A with a vegetated buffer in between;
- Stormwater will sheet flow over land to a ditch leading to an underdrain filter pond providing quality treatment and peak flow control;
- The project creates more than 20,000 square feet of impervious surface and the total disturbed area is about 40,000 square feet, less than the threshold for meeting Maine Department of Environmental Protection stormwater regulations;
- The site has been configured to accommodate emergency vehicle access;
- No dumpster is proposed and the use generates little traffic.

Mr. McCullough explained that per comments made by the Technical Review Team, he has provided lighting catalog cut sheets and light distribution for the three proposed fixtures. He believes the plan he provided meets the intent of the ordinance. He also explained that he did not provide sign information but can do so for the final plan review. The proposed sign will be wall-mounted and under the maximum square footage allowed by ordinance.

Roger Lessard asked whether there is any storage of chemicals associated with the business. Mr. McCullough said there is not and that they use dry ice for mold removal.

Darrell Wilson noted that the subject lot is in the Rural Zone and questioned whether the proposed use is industrial or commercial. Discussion ensued and produced a consensus that the proposed use is commercial. Mr. Wilson also questioned soil suitability and asked whether the proposed septic system is above ground. Mr. McCullough explained that it is and that he determined the seasonal high water table to be 14 inches below the ground surface, while the bottom of a system is required to be at least 12 inches above the water table. Mr. Wilson asked about how the proposed culvert functions and Mr. McCullough explained that it drains to an underdrain filter basin, and that the plan calls for a liner to separate this from the water table.

Mr. Wilson asked about the landscaping and Mr. McCullough explained that the intent is to buffer the parking lot from the road. Don Martin asked whether the proposed apartment will be rented and Mr. McCullough explained that it is intended as a residence for the owners.

Chairman Fink opened the floor for public hearing and, hearing no

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comment, closed it.

**Darrell Wilson moved with regard to the Preliminary Plan for a Major Use Site Development entitled Eastern Mold Remediation, LLC for Robert Tracy, a proposal to construct a 7,200 square foot building containing an office, shop, and residence on 6.14 acres (Tax Map 92, Lot 25) on the Bangor Road and Nicolin Road in the Rural Zone, that the Board finds it an allowed use in the zone and finds the application complete. Don Martin seconded and the motion passed unanimously.**

**Robert Tracy;  
Major Use Site  
Development entitled  
Eastern Mold  
Remediation, LLC:  
APPLICATION  
COMPLETE**

5. **Final 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 Street 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.

Chairman Fink asked Darrell Wilson to preside over the rest of the meeting, given that he was presiding officer during preliminary review of the Tradewinds proposal.

Jeanna DeTour and Randy Bragg, PE of Carpenter Associates represented the applicant. Ms. DeTour thanked the Board for their July 8, 2014 site visit and addressed a number of changes since the previous review, including:

- Roger Lessard had asked whether the lot was classified in tree growth, and Ms. DeTour confirmed with the City Assessing Office that it is not;
- They have received a signed permit for stormwater management and wetlands impacts;
- Information on proposed signage is included; and
- The Maine Department of Transportation (DOT) issued a traffic movement permit allowing a full entrance.

The Board raised several questions about the traffic movement permit, and Ms. DeTour and Mr. Bragg explained further that the entrance will no longer be restricted to right-in turns during road construction. A full service entrance will be permitted, and the DOT will provide a center turning lane. Due to state and federal budget uncertainties, if the DOT project is not completed within two years of the issuance of certificate of occupancy, the developer will be required to make the center turn lane improvements in order to preserve a full service entrance. Mr. Bragg also explained that to comply with the DOT entrance lighting requirements, they propose utilizing

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the pole-mounted cobra light directly across the street.

Darrell Wilson asked whether there was still a request that the Board waives the lighting standard and Ms. DeTour explained that they request a waiver because there are areas where proposed lighting exceeds the maximum average by a fraction of a foot candle. Mr. Bragg noted that for walkways, with a 0.5 foot candle minimum and 10 foot candle maximum, it is not possible to meet a maximum average of 2. Mr. Wilson reiterated his concern, expressed at previous meetings, that the Board is repeatedly asked to grant waivers of the lighting standards.

Mr. Wilson also brought up his desire to see the applicant provide access to the adjacent bicycle-pedestrian trail per Section 912 Sidewalks and Bikeways. Mr. Bragg and Ms. DeTour said they would add a formal connection.

Mr. Wilson opened the public hearing and Ron Picard of Friends and Family Market came forward to speak. He expressed concern that the DOT is allowing a left-hand turn into the development during construction, as traffic already backs up and prevents cars from turning in to his business. He noted that the DOT did not consult with him.

Mr. Wilson closed the public hearing.

Roger Lessard asked to speak "more as a citizen than the Planning Board." He described concern not with the project, but with the City allowing development of the wetlands in Whitney Field and in the Davis Brook watershed, one of five urban watersheds of concern. In response Mr. Wilson expressed his understanding that the applicant is following the ordinances as written, that stormwater is treated for quantity and quality similar to the way the wetland provides treatment and because the DEP has permitted the plan, there are no other standards to hold the applicant to. Discussion ensued.

Don Martin asked whether there is any way to forward Mr. Picard's concerns to the DOT. Code Enforcement Officer Dwight Tilton said he would forward a copy of the minutes to Steve Landry at the DOT.

Mr. Wilson read through the standards and criteria of Section 607.

Mr. Lessard asked about the proposed grease traps. Mr. Bragg explained that there are three traps proposed, one for each use.

**Mr. Wilson moved with regard to the Final 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**

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convenience store with five gasoline pumps providing 10 fueling stations with 24-hour service, that the Board:

- finds the application meets the standards and criteria governing site development plan review, Articles 8 Performance Standards, 9 Street Design and Construction Standards, 10 Stormwater Management Design and Construction Standards, and Article 11 Parking Standards;
- grants a waiver for the average maximum lighting criteria because the applicant substantially meets the requirements of that section and there is no detriment to public safety in granting that waiver;
- applies a condition that the minutes of this meeting be sent to Steve Landry of the Maine DOT for consideration of possible backing up of traffic by adjacent businesses;
- notes that the waiver doesn't adversely affect anyone and shall be shown on the final plan;and
- approves the project.

John Fink seconded. The motion carried with Roger Lessard opposing.

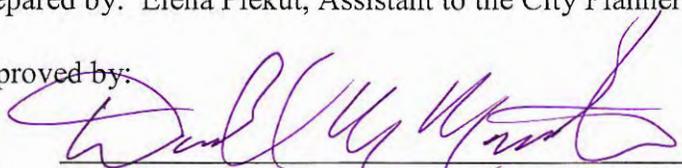
6. **Signing of Mylars.**

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

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

Minutes approved by:

9/3/14  
Date

  
Don Martin, Ellsworth Planning Board Secretary

Southstreet  
Development;  
Major Use Site  
Development entitled  
Tradewinds:  
APPROVED WITH  
CONDITION AND  
WAIVER

Buzzell Apartments at  
Whitney Field and  
Tradewinds Mylars  
signed.

Meeting adjourned [at  
8:40 PM]

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