

**City of Ellsworth
Planning Board
Minutes of September 3, 2014**

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

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

Chairman Fink recognized outgoing Vice Chairman Dwayne Patton for his 12 years of service on the Planning Board.

Darrell Wilson moved to recommend that the City Council appoint alternate member Mike Howie as a regular member to fill the remainder of Mr. Patton's term. John Fink seconded and the Board was unanimous in its recommendation.

1. Adoption of Minutes from the August 6, 2014 meeting.

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

2. Preliminary 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 Bangor Road (Route 1A) in the Rural Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Dick Day, Professional Land Surveyor, represented Mr. and Mrs. Johnson. Mr. Day summarized the subdivision proposal. The Johnsons own 139 acres, from which one lot was already divided and sold for the Eastern Mold Remediation proposal before the Board in a separate application. The Johnsons propose creating two more lots totaling 7.2 acres. Each of the two significantly exceeds lot size, road frontage, and width requirements.

Darrell Wilson asked whether monuments will be set and Mr. Day explained that frontage is already set and the rear corners will be set before the subdivision is recorded.

Roger Lessard asked about the need for a wetland delineation as noted in the Technical Review Team's report. Planner Michele Gagnon explained that the applicant has agreed to provide a note on the final plan addressing the absence of wetlands on the new lots.

Chairman Fink asked whether lots depicted along Nicolin Road had been divided from the larger parcel. Mr. Day explained that a previous

Call to Order [7:00 PM]

**Appointment of Mike Howie as regular member:
RECOMMENDED TO COUNCIL**

**Adoption of minutes:
APPROVED.**

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subdivision was made in 1998 with a minor revision in 2000.

Chairman Fink opened the floor to public comment and, hearing none, closed it.

Chairman Fink asked Mr. Day to confirm that there is no soil disturbance planned and Mr. Day said none is planned yet.

Darrell Wilson moved with regard to agenda item two, that the Board finds the application complete with the condition that a note is added to the final plan regarding wetland delineation and that monumentation is set for the final plan application.

Mr. Day raised a question as to whether the Subdivision Ordinance requires the application to be reviewed at two meetings. Ms. Gagnon explained that when the question was raised with other applications, the City's legal counsel provided an opinion that two meetings are required.

Mike Howie seconded Mr. Wilson's motion and it carried unanimously.

3. **Final 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.

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

Andrew McCullough, PE represented the applicant.

Darrell Wilson made a motion to find that the plan does not meet the requirements of 812.5.D Maintained Illumination Levels, specifically the minimum foot-candle standard at any point in a parking lot. Roger Lessard seconded.

A discussion ensued in which the following points were raised:

- Mr. McCullough's "goal is not to over light the site" but to provide a level of safety and security that is required for the site and the use without affecting neighbors.
- Both Mr. Wilson and Ms. Gagnon described the residential use of the building as secondary to the commercial use of the building.
- Mr. Howie pointed out that the proposed use is a "9 to 5 business."

The Board was unanimous in passing Mr. Wilson's motion.

Chairman Fink, Mr. Wilson, and Ms. Gagnon discussed the relationship

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

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

**APPLICATION
COMPLETE**

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between Section 602.9 Waivers, particularly as they pertain to criteria and performance standards, and 812.5.D Maintained Illumination Levels.

Mr. Wilson moved with regard to the Final Plan for a Major Use Site Development plan entitled Eastern Mold Remediation, LLC for Robert Tracy, agenda item number three, the proposal to construct this building, that the application as presented meets Section 607 Standards and Criteria Governing Site Development Plan Review including Articles 8, 9, 10, and 11, and that the Board makes a written finding of fact that due to the special circumstances of this project, compliance with Section 812.5.D. Maintained Illumination Levels is not requisite because of the location in the rural area, the fact that the commercial business will be closed after 5:00 PM, that the use is a dual use, and in consideration of the existing surrounding lighting, that even though the application doesn't meet that standard, they waive the requirement for the applicant to meet that standard because it's not going to add any significant value to meet that standard over what's already proposed, and the modifications and waivers do not have the effect of nullifying the intent and purpose of this ordinance or other sections of the ordinance and that with those waivers the Planning Board approves the project. Don Martin seconded.

Chairman Fink opened the floor for public comment and, hearing none, closed it.

The motion passed with Chairman Fink voting in opposition.

- 4. Preliminary Plan for a Major Use Site Development and Major Subdivision entitled Global Beverage Plaza for Brock Knox Properties, LLC/Lawrence Ryan Bates. The proposal is 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 Beechland Road and Route 3 in the Commercial Zone.**

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough, PE represented the applicant. He described the project:

- Two retail buildings are proposed on 2.2 acres at the corner of Beechland Road and Route 3.
- The southerly building (#1) would house Global Beverage Warehouse and the northerly one (#2) would be divided into two or three retail spaces.
- He is presenting the entire concept but intends to start with just

Robert Tracy;

Final Plan for a Major Use Site Development entitled Eastern Mold Remediation, LLC:

APPROVED

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building #1.

- At 3.6 parking spaces required per 1000 square feet, the project requires 40.3 spaces, but Mr. McCullough would like to take advantage of the 5% reduction provided by Section 1103.1 Interconnection, which will allow for slightly more buffering and less impervious surface.
- Stormwater is treated for quality and meets and exceeds the standard for limiting peak flow.
- The lighting plan is provided and meets the standard, except where 10 foot-candles are required at the building entrances. Mr. McCullough will add fixtures at the entrances for the final plan application.
- Two entrances have been permitted but the traffic impact analysis regarding the Route 3 entrance is not yet complete.

Chairman Fink asked whether Jim Wilson (of Woodard and Curran, overseeing Beechland Road reconstruction) has provided a letter as requested regarding the capacity of the road's new drainage to accept water from the project. Mr. McCullough explained that while Mr. Wilson has informally confirmed that there is sufficient capacity, he has not yet provided a letter.

Chairman Fink asked Mr. McCullough about his effort to meet the requirements of 1101.5 Parking Lot Location, "developers shall strive to locate parking away from the front yard of the use it serves" in this area of Ellsworth. Mr. McCullough explained that he decreased the amount of parking from 47 to 39 spaces to create green space and limit visual impact, and that it was his "intent to strive to meet that" standard. Ms. Gagnon added that additional landscaping helped meet the intent of that section and Mr. McCullough noted the parking layout works with the topography of the site.

Mike Howie asked about the distance required between a business holding a liquor license and a place of worship. Mr. McCullough said the requirement is 300 feet door-to-door.

Joe Donahue, pastor of the Ellsworth Church of the Nazarene at 445 High Street, came forward to speak. He noted that his parish house is immediately next to the property and questioned whether it is included in the definition of a "place of worship." Ms. Gagnon said staff would look into the matter and contact him.

Roger Lessard questioned creating an entrance on Route 3 in addition to

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an entrance on Beechland Road. Mr. McCullough and Ms. Gagnon explained that it will provide a second opportunity to enter the site, and that exiting to Route 3 via Beechland Road requires more maneuvers. Ms. Gagnon also explained that the decision to include a right-in/right-out entrance on Route 3 will be verified by the traffic study.

Mr. Wilson asked about easements and Mr. McCullough said there are two proposed sign easements. There are no proposed sidewalk easements because there are no existing sidewalks within 200 feet.

Mr. Lessard asked about the applicant's plan to phase construction. Mr. McCullough explained that the applicant will not construct the second building if a permit from the Department of Environmental Protection is required. Mr. McCullough does not yet know whether impervious area will be greater than one acre and thus require a permit. He explained that the proposed stormwater treatment includes four, one-foot-deep underdrained filter basins that clean and cool stormwater before it is discharged. Chairman Fink asked how long the filters last and Mr. McCullough said that if maintained they should last 20+ years.

Mr. Wilson asked about the easement to Mr. Gray's land and Mr. McCullough said he would add a note to the plan regarding the easement. Mr. Wilson also noted the need for a complete signing plan per 606.8.C. Ms. Gagnon also asked Mr. McCullough to add a note regarding the 5% reduction in parking. Mr. Wilson and Fire Inspector Michael Hangge noted the need to identify the size of the water line between the main and hydrant. Ms. Gagnon reminded Mr. McCullough to state on the plan that the units in building #2 will be retail uses.

Darrell Wilson moved with regard to the preliminary plan for a major use site development and major subdivision entitled Global Beverage Plaza, agenda item number four, that the Board finds that the use is an allowed use in the Rural Zone and finds the application complete with the following exceptions:

- **A traffic study from Sebago Technics will be provided for the final plan;**
- **The capacity of the Beechland Road drainage letter will be provided;**
- **The lighting standard will be met, as discussed, with a table added to the plan;**
- **The easement to the Gray property will be depicted on the final plan;**

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- There will be a note and table regarding the 5% parking reduction and the total number of parking spaces;
- The size of the fire hydrant water line will be identified on the plan;
- There will be a note on the plan stating that both buildings will contain retail uses;

And the Board warns the applicant that it may be useful to look into the required distance between a business with a liquor license and a place of worship.

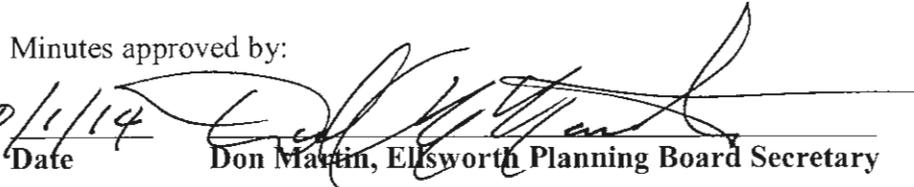
Mike Howie seconded and the motion passed unanimously.

5. Signing of Mylars.

- 6. Adjournment.** Mike Howie moved to adjourn. Darrell Wilson seconded and the motion passed unanimously.

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

Minutes approved by:

10/1/14
Date  Don Martin, Ellsworth Planning Board Secretary

**Brock Knox Properties,
LLC/Lawrence Ryan
Bates;**

**Preliminary Plan for a
Major Use Site
Development and
Major Subdivision
entitled Global
Beverage Plaza;**

**COMPLETE WITH
EXCEPTIONS**

No Mylars signed.

**Meeting adjourned [at
8:50 PM]**

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