

**City of Ellsworth
Planning Board
Minutes of December 2, 2015**

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

City Planner Michele Gagnon, Assistant to the City Planner Janna Newman, Fire Inspector Mike Hangge, Code Enforcement Officer Dwight Tilton, Public Works Superintendent Larry Wilson, Wastewater Superintendent Mike Harris, City Attorney Edmond Bearor, and Consulting Engineer Andrew McCullough also attended.

Chairman Fink called the meeting to order at 7:00 PM and made four notes prior to attending to the agenda items:

Call to Order [7:00 PM]

- 1) Mr. Fink requested all cell phones be turned off during the meeting.
- 2) Mr. Fink requested all comments be addressed to the Board.
- 3) Mr. Fink noted that there was a signup sheet for those who wished to make public comments during the Public Hearing.
- 4) Mr. Fink noted that a Site Walk was conducted at the site for the proposed project Harvey Way Condominium.

1. Adoption of Minutes from the November 4 and November 12, 2015 meeting.

Darrell Wilson asked that the minutes be corrected to include the visual aids that Mr. Newett prepared and utilized during his testimony. He also requested that the motion of completeness clarify that the Preliminary Plan for a Major Subdivision & Major Use Site Development entitled Harvey Way Condominiums is complete in terms of submission materials for the Unified Development Ordinance Articles 6, 8, 9, 10, 11, and Subdivision Chapter 28.

Darrell Wilson moved to adopt the minutes with the additions as noted. Roger Lessard seconded. As part of the discussion, Darrell Wilson noted that the Public Hearing may include comment in regard to amending the minutes and that it should be recognized later. The motion then passed unanimously.

**Adoption of minutes:
APPROVED AS
AMENDED.**

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2. Final Plan for a Major Subdivision & Major Use Site Development entitled Harvey Way Condominium for Harvey Hensleigh, LLC. The proposal is to create a 10-unit attached and a one-unit detached (existing house) condominium subdivision on a 1.25 acre property (Tax Map/Lot: 139/004 and 138/085) in the Neighborhood Zone.

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

Stephen Salsbury from Herrick & Salsbury, Inc. represented the applicant. Mr. Salsbury thanked the Board for taking a Site Walk to the property at 10 Parcher Street. He indicated that three weeks prior to the date he submitted several items supplementing the application:

- A revised Plan C-1, showing notes regarding:
 - Parking (15 parking spaces),
 - a sidewalk easement,
 - a dumpster being tended to between the hours of 8:00AM and 5:00PM only, and
 - a snow storage area.
- A new Plan C-1A, showing an alternative to the parking arrangement, providing 22 parking spaces.
- A revised landscaping plan and notes, showing how the applicant meets Section 813.14.
- An elevation perspective drawing that was presented at the Planning Board meeting on November 4, 2015 showing the proposed building.
- Additional narratives on blasting, snow removal, and fire protection.
- A revised parking calculation.
- Letters from the wastewater and water departments.

Mr. Salsbury proceeded with a discussion of the performance standards:

- 607(F), traffic and access:

Mr. Salsbury indicated that the information pertaining to traffic and access is primarily located on pages 25-27 of the application. He noted that Darrell Wilson took a measurement of Parcher Street at the Site Walk and found the width to be 21 – 22 feet. Mr. Salsbury noted that Eero Hedefine's Traffic Report calculations could be found on page 25 of the application. In regard to the sidewalk easement requirement, Mr. Salsbury stated that a five foot sidewalk easement would be provided on the property and granted to the City

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for sidewalk construction at a future date. Mr. Salsbury clarified that the applicant does not propose to construct a sidewalk but that an accommodation was being made for the City to do so. Mr. Salsbury referred to the design of the circular road [Harvey Way] and stated that the applicant feels that the one-way flow will provide decent safety and that the sidewalk to be constructed in front of the building would provide protection for pedestrians walking from their car to their unit.

- 607(K), drinking water:

Mr. Salsbury indicated that the City had previously provided letters to the applicant (found on pages 19 and 21 of the application) and that a more recent letter from the Water Department (found on page 140 of the application) was provided stating that the water pressure at the 10 Parcher Street property was 40 psi at the house spigot.

- 607(L), sewage disposal:

Mr. Salsbury noted that Mike Harris provided the applicant with a letter regarding his findings on the sewer line on Parcher Street and Park Avenue.

- 607(I), stormwater:

Mr. Salsbury indicated that Eero Hedefine, who was present at the meeting, would go over the stormwater design for the project. Mr. Hedefine stated that he is a civil engineer who submitted a stormwater management plan and erosion sediment control plan with calculations that show the project is in compliance with the City's stormwater ordinance. Mr. Hedefine remarked that Andrew McCullough conducted an independent review of the stormwater management plan on behalf of the City, that he had received comments on December 1, 2015, and that he generated a response that he brought with him to the meeting. The response was copied and later distributed to the Board. Mr. Hedefine went through the City's review:

- Point 1 - off-site watershed drainage to the site and the inclusion of a portion of Parcher Street at the northeast corner of the property into the stormwater calculations. Mr. Hedefine stated "We have verified that all components in the storm water management system have sufficient capacity to accommodate the upstream drainage. These areas were not shown in the original calculations as they are from offsite areas which will not change with the approval of the development." He further stated that he is going to submit the formal response and that it will be a sealed copy submitted as a Professional Engineer.
- Point 2 - Mr. Hedefine stated that the City's reviewer was correct that he inadvertently labeled the wrong length and that he corrected the length for the Tc in the subcatchment area. Mr. Hedefine stated "The results to the model are minor but do change slightly. Mr. Hedefine concluded that the

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peak discharge rates between pre- and post- are still either 0 or negative, showing that the model still meets the requirements of the ordinance and that the discrepancy does not affect the overall conclusions.

- Point 3 - Mr. Hedefine summarized that the Ordinance requires them to treat the quality of 100% of the new impervious area created and that there is some existing impervious on the site that is exempt under the Ordinance. He stated that he calculated how much impervious was already at the site and how much impervious was going to be added so that he could treat all or more of the newly added impervious area, which he believes meets the requirement of the ordinance.
- Point 4 - Mr. Hedefine summarized that the outlet from the water treatment system was inadvertently labeled as a “level spreader” but that it is actually designed and graded on the plans as a “plunge pool.” Mr. Fink asked Mr. Hedefine to provide an explanation of the difference between a level spreader and a plunge pool. Mr. Hedefine explained that both are outlet protection devices designed to reduce the energy of water flow. He stated that the major difference is that a level spreader is long and wide, while a plunge pool is shorter and deeper.
- Point 5 - Mr. Hedefine explained that the grading in the southwest corner of the proposed building can be slightly modified to continue the ditch line that moves behind the proposed building to the lower portion of the property.
- Point 6 - Mr. Hedefine explained that he modeled the 6” storm and that the flows of the larger storm event can still be accommodated within the designed structure. He stated that the model shows that the outlet flow is still below the top of berm and that the emergency spillway has capacity to handle the 6” storm event and that the Ordinance can be met with his existing design.
- Point 7 - Mr. Hedefine explained that the structures of the stormwater system are sized for peak flow, that the proposed project is not increasing peak flow, and that therefore the downstream structures will not be overloaded.

Darrell Wilson asked Mr. Hedefine to show on the Plan (C-1) the emergency spillway and how it works with the plunge pool. Mr. Hedefine explained that the runoff from the impervious surface (roofs and parking area) are to be collected in the drainage structures with their outlet in the stormwater drainage system. The system is made out of a material (soils and grasses) that is intended to allow infiltration to treat water quality. The water infiltrates the soil into a pipe system that channels the water out the spillway. Mr. Hedefine remarked that this is a

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very slow process and that during both a 2-year and a 5.7 inch storm, it would infiltrate in approximately 24-48 hours. Mr. Hedefine explained to treat water quality above a 2-year storm, as the water rises, it flows through a culvert that enters into the plunge pool. He stated that during a larger storm event, water can rise out of the plunge pool to the emergency spillway, which then feeds back into the plunge pool. Mr. Hedefine remarked that both the plunge pool and the emergency spillway are lined with stone.

Darrell Wilson asked Mr. Hedefine what the surface of the area that sits above the drainage system is made out of and if you could walk on it. Mr. Hedefine explained that the area is made out of grass and described it as a "grass depression" that you could walk on. He explained that there is some maintenance that would need to be conducted on the area if it begins to fill up with gravel or sand. He also explained that if the area were to hold water for more than 48 hours, that a valve system could allow the rate of water flow to be controlled. He stated that if the valve system to not remediate the issue, that the soils would have to be reworked.

Darrell Wilson asked how many feet the back property line is and Mr. Hedefine responded that it is 201 feet. Mr. Wilson stated that if that line was broken into 10-25 foot intervals, that in the pre-development diagram it seemed as if 75% of the back property line area is subject to flow that comes off the property. Mr. Hedefine explained that the model does not show distinct points of discharge, but it does show the overall flow from the site pre- and post-development. Mr. Wilson stated that he understood that Mr. Hedefine's calculations are based on volume, but that his question was more about distribution of water off of the site both pre- and post-development. Mr. Wilson remarked that pre-development, the water seems to be more evenly distributed across the back property line in comparison to Mr. Hedefine's post-development design, which seems to concentrate the flow of water to one corner of the property. Mr. Wilson referred to the stormwater Ordinance that states that post-development flows on the property should be similar to pre-development flows. He asked Mr. Hedefine to comment on that section of the Ordinance as it pertains to his plan. Mr. Hedefine explained that pre-development, there are shallow concentrated flows of water that may be distributed throughout the back property line and that this water flows onto the abutting property's driveway. He remarked that eventually, due to natural grading, the water flows toward the point he has proposed for drainage, so essentially his post-development design diverts the water from flowing off the property to the abutting property's driveway. Mr. Wilson asked Mr. Hedefine to clarify if there is a structure in that general area on the abutting property and Mr. Hedefine explained that there is a driveway and a house behind it. Mr. Hedefine also explained that in his response to the City's review, he has proposed elongating the plunge pool to provide more diffusion toward the drainage culvert that runs adjacent to the property.

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Darrell Wilson asked Mr. Hedefine if the design of the underground drainage system takes into account the soil types in the area. Mr. Hedefine responded that these designs can take soils into account if they meet a certain criteria; however, according to the soil test, the soils in this area do not meet the criteria for infiltration and that is the reason why a pipe system is necessary to collect the water. He remarked that his design is conservative in that it does not take into consideration soil infiltration.

Chairman Fink asked Mr. Hedefine who is responsible for checking the flow of water and managing the valve system. Mr. Hedefine responded that it would be part of the homeowner's responsibility under the Maintenance Agreement. He further explained that part of the stormwater management plan is a maintenance plan that the applicant is bound to and legally responsible for adhering to. Roger Lessard confirmed that Mr. Hedefine's design would not alter the ditch adjacent to the eastern boundary of the property. He also asked Mr. Hedefine what percentage of trees would be removed and Mr. Hedefine responded that he did not have a number of trees that would be removed. Mr. Lessard confirmed that the trees that would be removed would be replaced with impervious surface. Darrell Wilson confirmed that the stormwater management plan in the application is based on the number of parking spaces that are shown in the original plan (C-1) and inquired if the stormwater management plan has been re-calculated based on the alternative plan (C-1A) that has additional parking spaces. Mr. Hedefine responded that the stormwater management plan has not been modified based on the alternative plan, and that if the Board or the applicant chooses the alternative plan, that the model would need to be re-evaluated. Mr. Wilson asked Mr. Hedefine that if the additional impervious surface generated from the additional parking spaces were required to be treated, that the design of the stormwater system he presented would be able to be modified to accommodate the additional impervious. Mr. Hedefine responded affirmatively and explained that there is additional room on the property to re-shape the pond in order accommodate the additional impervious.

Roger Lessard remarked that given his analysis from the Site Walk and given the results of the City's independent review of the stormwater management plan, that he would suggest the Board consider a peer review of the stormwater management plan. **Chairman Fink stated that the Board could discuss a peer review after the applicant's presentation and the public hearing.**

- 607(G), pedestrian access:
Mr. Salsbury indicated that a note was added to the narrative and to Plan C-1 that shows the required five foot sidewalk easement that would be granted to the City.
- 607(H), parking:
Mr. Salsbury explained that the original plan C-1 shows 15 parking spaces

**Per Chairman Fink,
Future Item for
Discussion.**

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(waiver) and that C-1A was provided to show 20 parking spaces (non-waiver). Mr. Salsbury inquired with the Board on which scenario they favored. **Chairman Fink responded that the applicant should continue with his presentation and that the Board would consider the options later.**

**Per Chairman Fink,
Future Item for
Discussion.**

- 607(J), open space, historical features:
Mr. Salsbury addressed the written public comments pertaining to the Ouellette's property on Park Street. He remarked that the applicant does not feel that their project is going to adversely impact the abutting property. Mr. Salsbury explained that the abutting property is not currently mapped in a historic district in Ellsworth and that the Maine Historic Preservation Commission was made aware of the abutting property and the letter from the agency is included in the application.
- 607(A), conformance with comprehensive plan:
The project is in conformance with the comprehensive plan and it is an allowed use in the Neighborhood Zone.
- 607(B), land not suitable for development:
Mr. Salsbury explained that the land is suitable for development.
- 607(C), lots:
Does not apply to the project.
- 607(D), shoreland zoning:
The property is not within the shoreland zone.
- 607(E), landscaping:
Mr. Salsbury stated that a revised landscaping plan was submitted, meeting the requirements of the Ordinance Section 813.14C. He indicated that the plan shows screening from the street.
- 607(M), utilities:
Propose overhead electric and communication lines on Plan C-2.
- 607(N), construction debris:
Construction debris will be disposed of offsite and nothing will be buried onsite.
- 607(O), street names and traffic signs:
The street name "Harvey Way" was approved by the City's assessing officer and traffic sign locations can be found on Plans C-1 and C-1A.

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- 607(P), advertising features:
There is no proposed signage associated with this project.
- 607(Q), special features:
No special features have been proposed that are associated with this project.
- 607(R), exterior lighting:
The parking lot lighting plan was submitted on Plan E-1 and in the narrative on pages 72-78.
- 607(S), emergency vehicle access:
Page 134 of the narrative includes a discussion on how the project meets this standard, including turning radii specifications.
- 607(T), fire suppression:
Pages 130-132 of the application includes a letter on fire suppression from the fire department and page 134 discusses the sprinkler system that is being proposed.
- 607(U), waste disposal:
Residential waste will be disposed of using a garbage container to be located next to the existing garage. There is a note on the Plan that emphasizes that the container will only be emptied during the hours of 8:00AM to 5:00PM.

Darrell Wilson addressed the internal circulation of the proposed development, stating that he believes it is inadequate for 20 cars. He further remarked that there may be a scenario when the owner of the house does not back-up into their parking spots (in front of the existing garage), as is suggested, and would travel the “wrong way” on the one-way street to do so. Mike Howie seconded Mr. Wilson’s opinion of the internal circulation, adding that there is nothing to inhibit vehicles from using the entrance as an exit, and that if someone did use the entrance as an exit, that the site line distance at the entrance is hazardous and not adequate. He further mentioned that he considers the narrow road a safety concern with 15-20 vehicles traveling on it, especially for children. Mr. Wilson stated that he is not inclined to entertain a waiver for the parking requirement and is interested in the impact that additional parking spaces will have on stormwater.

Darrell Wilson addressed domestic water, remarking that a large amount of anecdotal evidence was brought forward from the community concerning the water supply. He referred to a testimony from the previous Planning Board meeting where a resident brought in two water bottles – one that came from their tap, and the other that came from their tap when another tap was open in their house – and indicated that the second water bottle seemed to have 20-30% less water than the first. Based on this testimony, Mr. Wilson asked if two households

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on the same street open their tap at the same time, if one or both of the households would then receive less water. Larry Wilson, Public Works Superintendent, explained that each household is serviced with the same volume of water. He stated that as each additional water line is turned on in a house, the water level drops because there is only a certain amount of volume servicing the house. Darrell Wilson asked if an apartment building or a condominium complex was built on the street, would all the other households on the street experience a drop in water volume. Larry Wilson confirmed that this would not happen.

Darrell Wilson asked Larry Wilson how often water pressure is measured and if water pressure changes from 40 pounds per square inch (psi). Larry Wilson explained it is not always 40 psi, but that it stays within a range of plus or minus five psi at all times. Darrell Wilson asked Larry Wilson if in the contract between the City and homeowners, is the City responsible for delivering a certain volume of water and/or a certain amount of water pressure. Larry Wilson responded that the City has to furnish 20 psi, which is set by the Public Utilities Commission of Maine. Darrell Wilson stated that the fire suppression system would require a certain amount of water pressure and volume and asked for confirmation that other uses in the neighborhood are not going to affect how the fire suppression system would work. Larry Wilson stated that he did not know what type of sprinkler system was being proposed and deferred to Mike Hangge, the Fire Inspector. Mr. Hangge stated that the proposed sprinkler system is a system working off of the domestic water source and, before it is designed, fire protection engineers analyze the available water pressure and volume to determine the size of the pipes required for the building to accommodate the water flow that is needed for fire protection.

Mike Howie stated that the estimated cost of \$600,000 seemed low for the site work and construction of the units. He asked the Board if they should consider asking the applicant to provide further performance guarantees aside from a bank letter, such as a surety bond. **Chairman Fink suggested they hold the discussion until the Board began going through the merits of the application.** Mike Howie then inquired with Mr. Salsbury as to whether he believed the project could be completed for \$600,000. **Mr. Salsbury suggested that if the project is approved, upon going to the Code Enforcement Office to obtain building permits, the applicant would re-evaluate cost and submit a revised letter of credit consistent with the construction cost.** James Barkhouse clarified with Mr. Salsbury, asking if \$600,000 would be for just the site work, or if that cost also included construction. Mr. Salsbury replied it includes construction cost (\$50,000 per unit) and the site work cost (\$100,000).

Darrell Wilson remarked that the landscaping did not seem to screen the parking lot area from the street or adjacent properties.¹ Mr. Salsbury responded that he believed they met the Ordinance. Mr. Wilson also voiced concern about

¹ Darrell Wilson later added that he was referring to section 813.14 of the Ordinance.

**Per Chairman Fink,
Future Item for
Discussion.**

**Potential Condition of
Approval.**

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insufficient lighting in the parking lot in the area near the existing house and garage. Mr. Salsbury explained that he used an existing street light in the lighting calculation and that the parking area near the existing house and garage do meet the minimum lighting requirements.

James Barkhouse clarified with the applicant that there are no assigned parking spaces. Mr. Barkhouse also clarified that the plan (C-1A) now shows three parking spaces in the area near the existing house and garage and questioned if that would leave less than two parking spaces per unit. Mr. Salsbury responded that the third parking space would be shared with the other units.

City Planner Michele Gagnon pointed out three items:

- 1) The Maine Historic Preservation Commission issued a stamped letter response provided to the Board. Additional information on the Ouellette property was discovered and she sent it to the Commission for review and a response needs to be re-issued.
- 2) Andrew McCullough was hired for the City as an engineering consultant and is available to provide further clarification for the Board, namely on stormwater.
- 3) Larry Wilson and Mike Harris are available to discuss water and sewer topics.

Chairman Fink noted that the Board had received a detailed memo from Mike Harris regarding the condition of sewer mains on Parcher Street and Park Street. The memo provides information on sewer backups on Parcher Street. Mike Harris offered to discuss the memo with the Board. The City's wastewater department camera-ed the sewer lines on Parcher Street at the applicant's cost. Mr. Harris described the sewer lines as being older, 6-inch, and Asbestos Cement pipes. He explained the City camera-ed the sewer line from the Bassett property, then moving 200 feet down Parcher Street. The City also camera-ed from the Linscott property, then moving 215 feet down Parcher Street. Mike Harris reported that after camera-ing the pipe, he found the pipes to be clean of obstructions with no breaches. He also explained that there is a 25-foot span from the Newett property to 10 Parcher Street that he was unable to camera because of "wire" length limitation. However, he does not believe there are any issues with that section of pipe. Mr. Harris explained that the backup at the Newett property was the result of roots in the City's sewer line that runs from Parcher Street, through the Bassett property, to Park Street and that this section of pipe was replaced immediately after the incident. The City also paid to restore the Newett property. Mr. Harris stated that the sewer line running from Park Street above the railroad tracks to the end of Park Street was replaced 8 years ago. He remarked that the other incidents that have occurred on Parcher Street were not due to a deficiency in the City's sewer system, but the result of an obstruction in the homeowner's service pipe (private) that connects to the City's sewer pipe. Mr. Harris concluded that the City's sewer system is adequate to

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accommodate the flow from the proposed development and that a 6-inch pipe has a capacity of 4,000 gallons per minute. Darrell Wilson confirmed that the proposed project's sewer design calls for the construction of a manhole on Parcher Street in front of the project site and Mike Harris added that the new manhole would give the City better access to the system.

Chairman Fink called a 5-minute recess at 8:20PM and reminded the public that if they wished to speak, to add their name to the signup sheet.

Chairman Fink called the meeting back to order at 8:30PM and opened the public hearing.

- Mr. Paul Ouellette of 70 Park Street came forward to state that he is opposed to the project. He voiced his concern on the proposed stormwater management plan, stating that he is a downstream abutter and water from the proposed project site flows to his property. He remarked that his house is 130 years old, that it is potentially historic, and that it has a granite basement that takes on water. Mr. Ouellette stated that if there is blasting in the area, that would adversely affect the amount of water that runs onto his property. He stated that he does not believe the stormwater management proposal has been adequately explained because it does not include calculations based on a 6-inch rainfall or take into consideration an event where the area gets 2-inches of snowfall and then 2-inches of rain. He explained during these types of events his driveway already floods and that adding 20,000 square feet of additional impervious surface would make matters worse. Referring to Plan C-2, Mr. Ouellette explained that stormwater flowing off the roofs of the units would flow onto his property since his property extends the entire length of the back property line of the proposed development. He remarked that there still has been no mention of how the water will flow beyond the proposed development's boundary. Mr. Ouellette noted that since the expansion of the Maine Coast Memorial Hospital, the right front corner of his property is saturated. He requested that a geological survey be conducted. Mr. Ouellette stated that he has submitted a formal application to the City's Historical Preservation Commission to make his house a historic site and that it be made a historic district because the house across the street from his was designed by the same architect, John Calvin Stevens. In the absence of Mark Honey, a member of the City's Historic Preservation Commission, Mr. Ouellette read a letter (filed earlier with the record) providing a narrative of the potential historic nature of Mr. Ouellette's property. Mr. Ouellette read the letter on behalf of Mr. Honey. Mr. Ouellette reiterated that groundwater is an issue in the neighborhood and noted that further disruption has the potential to destroy properties, such as his, that are downgrade. Mr. Ouellette remarked that he has spoken with a school bus driver who noted that the Ellsworth school department

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will not drive a full-sized school bus above the railroad tracks on Park Street because they are unable to navigate the road and that a small school bus must be used instead. He also spoke to a member of the Ellsworth Fire Department who stated that fire trucks are able to travel in the neighborhood, but would have trouble navigating if cars are parked on the road. Mr. Ouellette questioned the marketability of condominiums in Ellsworth and questioned how the Board would be assured that the proposed project would not turn into a commercial real estate venture, which he remarked could potentially be a detriment to the neighborhood. Mr. Ouellette mentioned the valve system that Mr. Hedefine had explained earlier and questioned who would be responsible to maintain the system. He also noted that there has not been a new stormwater management plan generated that takes into account the additional parking spaces. Mr. Ouellette stated that he wants an answer as to where stormwater flows after it leaves the subject property, and how it flows on his property. Mr. Ouellette remarked that he felt the stormwater engineer was not confident in his analysis. Mr. Ouellette addressed the proposed cost of the project and remarked that a quality job cannot be done for \$600,000. Mr. Ouellette stated that while the proposed project may be legal according to the ordinances, he does not believe it is an appropriate project. He added that the Board and the City have the purview to determine that the project is not right for the community. He also requested that all Planning Board members read the public comments that were submitted.

- Mr. Ken Shea came forward to explain that he has experience with projects at institutions such as at Jackson Laboratory, that include using soil filters for stormwater management and that they do require maintenance. He remarked that a maintenance plan and a person responsible for enacting the plan are necessary, noting that if the Board were to approve the project that they should require a definite maintenance plan. Mr. Shea also questioned the calculation that Mike Harris used to determine that the 6-inch sewer pipe on Parcher Street has a capacity of 4,000 gallons per minute.
- Mrs. Jan Newett of 6 Parcher Street came forward to read a portion of the letter that she and Mr. Jim Newett submitted to the City Planner and the Planning Board. The letter (attached) is in regard to the City's comprehensive plan vision and how the proposed development contradicts this vision. She voiced her concern on an increase in traffic, sewer backups, and the detriment to the quality of the built environment.
- Mr. Jim Newett of 6 Parcher Street stated that he had contacted Bill Olver of Olver Associates in Winterport, Maine to discuss the wastewater issues on Parcher Street. Mr. Newett relayed that Mr. Oliver told him that the

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amount of problems were atypical in that there were more than would be expected on a residential street and that a peer review should be requested. Mr. Newett made a request to the Board for a peer review of the sewer system. Mr. Newett also stated that he did not want cars parking on Parcher Street, which is what he believes would occur if a parking waiver were granted by the Board.

- Mr. Brian Langley, who once lived and continues to own a home on Birch Avenue, came forward to oppose the proposed project. He stated his appreciation for the zoning ordinances and gratitude that Parcher Street was not placed in the Urban Zone during the development of the Unified Development Ordinance based on the opinion of the Zoning Committee who found the uses of the Urban Zone to be too intensive to include an area such as Parcher Street. However, Mr. Langley contended that if the Zoning Committee were to envision the proposed project to be placed on Parcher Street, that they would conclude the project was too intensive for the neighborhood. Mr. Langley read the purpose of the R-1 Zone and the purpose of the Neighborhood Zone. He also noted that he read that the standards of the R-1 Zone would continue to apply to the Neighborhood Zone except for certain changes, which leads him to conclude that there was intent to protect the traditional pattern of development in neighborhoods. Mr. Langley stated his opinion that he does not believe the proposed project is in harmony with the traditional pattern of development and believes it is too intense for the neighborhood. He mentioned the provisions of the previous R-1 Zone, noting proper traffic movement and safety, proper drainage and landscaping, proper infrastructure, and parking, and stated how the proposed project is not in accordance with these provisions. Mr. Langley also questioned the proposed plan's capacity for snow storage.
- Mr. Andrew Tiemann came forward to state that he does not believe the proposed project is in the best interest of the neighborhood or the City. He noted that the neighborhood is currently well developed and populated and that the proposed project would be populated with the same amount of people who currently reside on Parcher Street, but in a smaller area, changing the character of the neighborhood. He remarked that the proposed project looks like a commercial venture in a residential neighborhood and that a larger amount of vehicles in a small parking lot area is a characteristic of a shopping mall, not a residential neighborhood.
- Mr. Lewis Sirois of McDonald Avenue came forward to read an email (filed earlier with the record) that he sent to the City Planner and the Planning Board regarding the zone change from R-1 to Neighborhood. Mr. Sirois asked the Planning Board to provide information on when and why the Unified Development Ordinance was passed.

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- Ms. Marsha Causton of 15 Parcher Street came forward to voice concern on lighting for the proposed development and their potential brightness. She also inquired if there was going to be new street lights added to Parcher Street and if a new street light was to be added, if it would be intermittent. Ms. Causton remarked that the proposed project was referred to as “apartments” a few times over the course of the meeting and clarified that the public does not want apartments to be built. Ms. Causton noted that she witnesses a significant amount of pedestrian traffic on Parcher Street during different times of the day and expressed her concern that there are no sidewalks on Parcher Street and that proposed development would double the amount of vehicular traffic on Parcher Street. Ms. Causton also mentioned that the applicant has indicated that the proposed project is located within walking distance to Knowlton Park and questioned how walking to the park would be feasible, particularly in the winter with large snowbanks on the sides of the street, with no sidewalks or crosswalks in place.

- Mr. Jason Barrett came forward to state that his formal request (filed earlier with the record) to the Planning Board for a continuance of the meeting in order to grant more time for stakeholders to review and receive guidance on newly submitted materials was not addressed by the Board at the beginning of the meeting. He contended that the application for the proposed project may not be complete because components of it are defective. Mr. Barrett noted that, in particular, the stormwater management plan submitted with the application was defective, and that the application did not include all of the components required by the state statute that governs the formation of condominiums and that would indicate who would be responsible for implementing the proposed stormwater maintenance plan. He cited the Site Development Review Standards, Article 6 of the City’s Ordinance, and stated that a stormwater maintenance plan must be included in the submission of materials. Chairman Fink confirmed that the Board does have a copy of the condominium declaration and noted that the City’s ordinance does not require the applicant to submit to the Planning Board all of the components required by state statute. Mr. Barrett noted that the proposed project has to be reviewed under the City’s subdivision ordinance. Darrell Wilson reminded Mr. Barrett that the Code Enforcement Officer will not issue building permits if the proposed project does not meet the State requirements. Mr. Barrett noted several requirements from the State’s subdivision statute were not consistent with the proposed project. Mr. Barrett requested that the Planning Board ask the applicant how the proposed cost for the project was arrived at and Darrell Wilson responded that his request had been noted.

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- Ms. Julie Vittum, previously of 26 Parcher Street, came forward to express her concern on the proposed cost of the project and stated that while the plan has changed from its original submission of August 2015, that the cost for the project has not changed. Ms. Vittum stated that the letter does not relate that there is adequate financing for the project. She asked the Board to consider “reasonableness” in addition to completeness of the Plan and inquired if the Board reviews the Plan based on its accuracy and adequateness. Chairman Fink explained that they will review the proposed cost in terms of accuracy and adequateness when it comes to making a final decision and that the Board has not reached this stage of the process.

- Mr. Todd Little-Siebold of Bayside Road came forward to bring the Board’s attention to the purpose of the zoning districts, as found in section 306.1, and remarked that the proposed project is not in accordance with this section of the Ordinance and that the subsections of the zoning ordinance that support the “purpose section” are contradictory. Mr. Little-Siebold also mentioned that through the results of the City’s visioning survey, the community has indicated that they appreciate the quality of their neighborhoods. He questioned the type and under what circumstances the Planning Board would disapprove a project. Chairman Fink remarked that proposing a supermarket would be an incompatible use on Parcher Street, but that a residential use in a residential zone does not strike him as an incompatible use. Chairman Fink also noted that many of Mr. Little-Siebold’s points regarding the ordinance are factors that the Board can consider. He also stated that under the former R-1 zone, the use being proposed was allowed. Mr. Little-Siebold asked the Planning Board to consider the community’s view of incompatibility when reviewing the proposed project.

Chairman Fink called a recess at 10:08PM.

Chairman Fink called the meeting back to order at 10:13PM.

- Mrs. Diane Blanchette of 74 Birch Avenue came forward to state that she reviewed the objectives of the Ellsworth’s Planning Department on the website to formulate three points. One of these points includes stakeholder input and she noted that the public that has been attending the Planning Board meetings are stakeholders, including her, and that she opposes the proposed project. Mrs. Blanchette stated the comprehensive plan was created by 13 planners and support staff and that it addresses many interrelated concerns of which she believes safety is the most important. She quoted the comprehensive plan, stating that “Oak Street is particularly hazardous to pedestrian and wheelchair dependent individuals,” and made the point that Oak Street is the most common

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access point in and out of Parcher Street. Referring to her letter that was submitted to the Planning Board (filed earlier with the record), Mrs. Blanchette quoted several components of the comprehensive plan that deal with compatible, aesthetically pleasing, and complementary development in neighborhoods and argued that the proposed development contradicts these sections of the plan. She further stated that the Planning Board's purpose is to ascertain the intent of an ordinance in order to avoid unintended consequences.

- Mr. Paul Ouellette came forward again to read, in his absence, an email written by Louie Luchini (attached) that summarizes the opposition to the proposed development that has been communicated to him by residents in the Parcher Street neighborhood and to convey his belief that these are legitimate concerns that deserve consideration from the Planning Board. Mr. Ouellette also brought forward his own request for the Planning Board to listen to the community now and to consider fixing the ordinances.

Chairman Fink closed the public hearing at 10:23PM.

Chairman Fink remarked that it was late, hindering sound decision-making, and inquired with the Board if they should adjourn the meeting and continue the discussion and decision-making regarding the proposed development at the next scheduled Planning Board meeting. Darrell Wilson replied that in the past, meetings that ran past 10:00PM were continued at a further date.

Darrell Wilson made a motion to make an effort to continue the meeting at a further date since there is a significant amount of discussion and materials to still talk about before a decision can be made. He made another motion to make an effort to reschedule or extend the current meeting. With Darrell Wilson's previous motions not clear, he restated his motion that the Board extend the current meeting or reschedule it.

Chairman Fink did not find this motion to be clear and offered that the meeting be adjourned until the next Planning Board meeting, when the Board would take up the matter for decision-making. Darrell Wilson moved on Chairman Fink's suggestion and Don Martin seconded.

Chairman Fink stated that the next meeting would also provide for more opportunity for further public hearing, but that he would ask that comments from previous meetings not be repeated. Mike Howie asked if the next meeting would be opened for public comment considering the majority of this meeting was public comment and Chairman Fink confirmed that they would. Darrell Wilson reiterated that the comments would have to be on new subject matter.

**Public Hearing:
CLOSED.**

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A vote was taken on the motion with all in favor except for Mike Howie, who opposed.

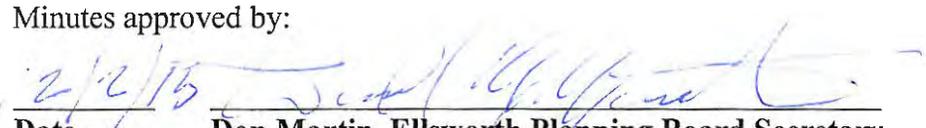
**Meeting Adjourned
[10:27 PM]**

Minutes prepared by: Janna Newman, Assistant to the City Planner.

Minutes approved by:

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

2/2/15
Date


Don Martin, Ellsworth Planning Board Secretary

