

**City of Ellsworth
Planning Board
Minutes of August 3, 2016**

Chairman John Fink, Vice Chairman Darrell Wilson, member Roger Lessard, member Mike Howie, and alternate member Jim Barkhouse attended the regular meeting of the Ellsworth Planning Board. Alternate member Jim Barkhouse voted. Alternate member Barbara Hegenbart was absent from the meeting.

Assistant to the City Planner Janna Newman, Fire Inspector Mike Hangge, and Code Enforcement Officer Dwight Tilton also attended.

Chairman Fink called the meeting to order at 7:00 PM.

1. **Adoption of Minutes** from the July 6, 2016 meeting.

Mike Howie moved to adopt the minutes as written. Darrell Wilson seconded the motion and, with no discussion, the motion passed unanimously.

2. **Consideration and Action to Promote Jim Barkhouse from 1st Alternate Member to Regular Member of the Planning Board.**

Darrell Wilson moved to make Jim Barkhouse a regular member of the Planning Board instead of 1st Alternate.

Chairman Fink confirmed with Mr. Barkhouse that he wished to become a regular member.

Roger Lessard seconded the motion and, with no further discussion, the motion passed 4-0, with Mr. Barkhouse abstaining.

3. **Sketch Plan for a Minor Subdivision titled Jesses Beach Subdivision** for Norm Cote. The proposal is to create 3 lots located on a 110 acre property off of Route 180, on Garland Road (Tax Map/Lot: 107/17) in the Rural and Shoreland zones.

- a. **PUBLIC HEARING AND GENERAL DISCUSSION.**

Steve Salsbury represented the applicant.

Chairman Fink confirmed with Mr. Salsbury that he was aware of the letter sent from the Planning Department to the abutting landowner in regard to a potential subdivision violation. Mr. Salsbury indicated that he was aware of the letter and that the reason he was before the Board was to include the abutting lot, labeled as Lot 1, in his proposed subdivision plan in an effort to clear the violation. Mr. Salsbury further noted that Lot 2 is proposed to be retained by the landowners Brenda

Call to Order [7:00 PM]

**Adoption of minutes:
APPROVED.**

Promotion of Jim Barkhouse from 1st Alternate Member to Planning Board Member:

APPROVED.

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Collins and Jesse Garland, and that Lot 3 is proposed to be purchased by his client, Norm Cote. Chairman Fink asserted that there is still an illegal subdivision in question as part of this application and questioned if the Board could proceed until it has been cleared.

Chairman Fink and Mr. Salsbury agreed to discuss the agenda item at tonight's meeting. Dwight Tilton added that the City's attorney had been contacted. It was determined to proceed with discussing the agenda item as it was submitted as a Sketch Plan and no formal actions would be taken at this meeting.

Mr. Salsbury noted that the applicant was requesting two waivers, one for the submittal of a soils test for lots 2 and 3, and the other for street design standards for the access road to lots 2 and 3. Darrell Wilson asked that the lot size for Lot 1 be depicted on the subdivision plan. He inquired if monuments had been set for Lot 1 and Mr. Salsbury replied that they had been set a couple of years ago. Mr. Wilson remarked that since a single-family home already exists on Lot 1, that many of the subdivision requirements, such as septic, wetland delineation, and drinking water, have already been accounted for and could therefore permit a waiver. He asked that a copy of the deed for Lot 1 be provided.

Chairman Fink opened the Public Hearing at 7:09 PM.

**Public Hearing:
OPENED.**

Donald Baril of Franklin-Hancock Surety LLC, the abutting property owner, came forward to request a copy of the proposed subdivision plan. Dwight Tilton provided Mr. Baril with his copy.

Hearing no other comment, Chairman Fink closed the Public Hearing at 7:10 PM.

**Public Hearing:
CLOSED.**

- 4. Sketch Plan for a Major Use Site Development Plan & Major Subdivision titled Franklin Court for Downeast Maine Property Management.** The proposal is to construct 3 duplex buildings (6 total units) on a 9,884 SF property at 90 Franklin Street (Tax Map/Lot: 134/80) in the Downtown Zone.

a. PUBLIC HEARING AND GENERAL DISCUSSION.

Steve Salsbury represented the applicant. He provided a description of where the subject lot is located and of the proposed project. He noted that the proposed project would include extending the sidewalk along Franklin Street from the north to the south lot line, as well as screening along the street using fencing and landscaping. Mr. Salsbury stated that alternative layout designs were developed (these will be provided with

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the Preliminary Plan application) in order to locate the parking toward the back of the lot, but that these designs resulted in less parking spaces and did not permit for two-way traffic road access to the site.

Darrell Wilson confirmed that the applicant would buffer the parking lot from the front and the side views of the property. Mr. Salsbury remarked that the project site is already buffered from the abutter to the north (currently a parking lot) by several mature trees and that more buffering has not been proposed for that boundary line. Mr. Wilson asked for more detail about the proposed sidewalk in front of the project site and Mr. Salsbury replied that it would be a five foot wide sidewalk and would extend 100 feet along the front of the subject property on Franklin Street. It was noted that there are no required setbacks from the property line in the Downtown Zone and Mr. Wilson asked for the setback requirements be depicted in a table on the proposed site plan.

Jim Barkhouse inquired how many parking spaces are required per unit and it was noted that 1.5 parking spaces per unit, or 9 parking spaces for this proposed project, are required. Mr. Salsbury indicated that he is proposing 11 spaces and that the "H" depicted on the plan is for handicap parking, even though the units are not proposed to be accessible as there are two steps leading to the entrances of the units.

Mike Howie confirmed that a copy of the deed will be provided with the Preliminary Plan and Final Plan application. Mr. Barkhouse confirmed that these are proposed to be apartments.

Chairman Fink opened the Public Hearing at 7:18 PM.

Mr. Peter Lione of Franklin Street came forward to inquire as to the size of the apartments, to which Mr. Salsbury replied they would be 2-bedroom apartments. Mr. Lione also inquired if there is a sketch of what the proposed buildings would look like and if there is any criteria for their appearance. Chairman Fink responded that there are dimensional requirements as well as requirements that the buildings should conform to the general appearance of the neighborhood. He added that when a more formal application is submitted, a rendering showing the appearance of the buildings would be available to view at City Hall. Mr. Lione inquired who approves the aesthetics of the buildings and Chairman Fink noted that the Planning Board is responsible for approval. Mr. Salsbury approached the podium and provided Mr. Lione with a sketch of the proposed buildings.

With no further comment, Chairman Fink closed the Public Hearing at 7:22 PM.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

5. Final Plan for a Major Use Site Development Plan titled Building 250

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Ellsworth Expansion Project for The Jackson Laboratory. The proposal is to construct a 32,000 SF shell addition, install underground fuel storage tanks, and upgrade/expand underground electrical and telecom services on a 17.71 acre property at 21 Kingsland Crossing (Tax Map/Lot: 16/2) in the Commercial Zone.

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

John Fitzpatrick and Sarah Nicholson represented the applicant. Mr. Fitzpatrick summarized the proposed project, reiterating that this meeting was for Phase 1 final approval and that Jackson Laboratory would be back before the Planning Board to seek approval for Phase 2 of the project.

The Board noted that they would wait to schedule a Site Visit until they received a Phase 2 Preliminary Plan application.

Chairman Fink opened the Public Hearing at 7:27 PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson moved in regard to Agenda Item #4, the Final Plan for a Major Use Site Development Plan titled Building 250 Ellsworth Expansion Project for the Jackson Laboratory, the proposal being Phase 1 of a two phase project, the Board finds that the project meets the applicable standards and criteria governing site development plan review and performance standards for the aspect of what Jackson Laboratory is about to do, which excludes some things, as the Board has agreed, and that the Board approves this project.

Roger Lessard seconded the motion. With no further discussion, the motion passed unanimously.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Final Plan for a Major
Use Site Development
Plan titled Building 250
Ellsworth Expansion
Project:**

APPROVED.

6. Preliminary Plan for a Major Use Site Development Plan & Major Subdivision titled **Ellsworth Workforce Housing Project** for Manx Development LLC. The proposal is to construct 11 multi-family apartment buildings (50 total units) on a 4.67 acre property at 63, 67, and 69 Washington Street (Tax Map/Lot: 131/21, 22, 23, 25, and part of 17) in the Urban Zone.

- a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.
b. CONSIDERATION & ACTION FOR A SITE VISIT ON AUGUST 11th 2016 @ 3:30PM.

Kevin Bunker represented the applicant, Manx Development LLC, and introduced the project engineer, Nancy St. Clair, and landscape architect, Keith Smith. Mr. Bunker provided an overview of the proposed workforce housing project and the

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rationale behind choosing Ellsworth as a City to locate the project. He indicated that there is potential for a second phase of the project, but that at this time they are before the Board to seek approval for the construction of 50 units. Mr. Bunker noted that the financing for this project is through a tax credit program administered by HUD and the Maine State Housing Authority. He explained that in return for tax credits to construct the buildings with no mortgages, that there is a requirement to offer affordable rents for a 45 year timeframe. Mr. Bunker further explained that going before the Planning Board and City Council are components of the larger financing application, which is due this coming Fall.

Darrell Wilson inquired if the deed submitted with the Preliminary Plan application includes the entire site plus the access road that connects Washington Street to Foster Street. Mr. Bunker explained that the applicant is not purchasing the land to the south of the proposed project site at this time, but that they do hold an easement in order to construct the road. He further mentioned that the applicant is in discussion with the owner of the land to the south to potentially purchase this land in the future, but that it was not definite at this time.

Roger Lessard inquired on the type of housing that was being proposed. Mr. Bunker responded that the tax credit program provides equity to the developer so that there is no mortgage and in return, the rents must target individuals whose income is 50-60% less than the area median gross income. He asserted that these individuals need to have a source of income to pay rent and that a management company is responsible for accepting applications from prospective tenants, as well as conducting credit and background checks. Mr. Bunker stated that a property management company will be hired to manage and upkeep the property. He also noted that the units would be advertised locally.

Nancy St. Clair provided an overview of the project's proposed site plan, indicating there are 10 buildings (a total of 50 units with buildings hosting a minimum of 4 units and a maximum of 8 units) proposed to be constructed on the property with a central access drive that connects Washington Street and Foster Street. She noted that one of the centrally located buildings was designed as a community building to house laundry, a meeting space, a children's play area, mailboxes, and a bus stop. Ms. St. Clair mentioned that a traffic study was conducted in July 2016 for this project, which concluded that the project is a low-trip generator and not at a level that would require a Traffic Movement Permit. Ms. St. Clair also indicated that raised crosswalks are being proposed to be installed along the access drive to minimize speeding and the use of the drive as a cut-through between Washington and Foster streets. Chairman Fink inquired if "No Through Traffic" signs could be installed at either end of the access drive, to which Ms. St. Clair replied that they would take that suggestion into consideration.

Ms. St. Clair explained that three street names have been proposed for the project and that only one of those street names, Oriole Way, was kept. The other two street names had changed – one from Blue Jay Way to Ruth Way, and the other from Fen Way to Williams Way. She noted that some of the narration in the application still utilizes the previous street names, but that the names had been changed to comply with e911 requirements.

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Ms. St. Clair stated that there are 98 parking spaces proposed for the project, some of which are “barrier-free” parking spaces, as required for accessibility purposes. She added that the Maine State Housing Authority review provided recommendations on parking and that the location of the barrier-free parking spaces may change on the final plan.

Ms. St. Clair provided an overview of the proposed stormwater drainage infrastructure, which is proposed to include a bio-retention island, a grassed under-drain storage filter, and a stormwater retention pond. She asserted that the proposed stormwater management plan reduces peak discharge rates.

Keith Smith provided an overview of landscaping, building layout, buffering from adjacent lots (including the shopping center), circulation through the site, snow storage, and lighting. He stated that the landscaping design takes into consideration that plantings should be 10 feet away from fire hydrants and that the landscaping will be under warranty for at least 2 years.

Chairman Fink inquired if the sidewalks will continue onto Foster Street and it was noted that they will. Mike Howie asked if there was an existing building on the site and Ms. St. Clair responded that there was a building but it was burned by the Fire Department. She also provided an explanation of how the site would be graded to accommodate the development.

Darrell Wilson asked for an explanation of stormwater drainage, particularly of the ravine that is discussed in the narrative. Ms. St. Clair noted that there are ravines, which are off the project site. She added that while these will be used for drainage, the amount of discharge entering the ravines has been reduced. Mr. Wilson further inquired about drainage from the shopping center to an abutting landowner’s property, as was mentioned in the stormwater narrative. Ms. St. Clair explained that the Union River Estates has an existing drainage issue and that she believes this issue can be attributed to a drain line that collects water from the front of the Ellsworth Shopping Center parking lot and discharges on land east of the Union River Estates property, on the land to the south of the proposed project site. Ms. St. Clair asserted that the proposed stormwater management system collects drainage from the road right-of-way that is located in this area, which will reduce the flow. She added that if a second phase of the project occurs on the land to the south of the current proposed project site, then the drainage in this area would be taken into further consideration. Mr. Wilson confirmed that the proposed stormwater management area for the project is not in close proximity to this ravine.

Mr. Wilson requested a map depicting the boundaries and acreage of the lots that, joined together, make up the proposed project area. It was determined that this project did not trigger a land subdivision.

Mike Howie inquired as to how the proposed project would be secured from the rear of the abutting shopping center. Mr. Smith indicated that there is fencing, lighting, and landscaping buffering proposed to help ensure security toward the northeast boundary of the project site, and that the access road will also add

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protection toward the southeast boundary of the project site. He also noted that there is a 2-3 foot berm between the rear of the shopping center and the southeast boundary of the proposed project site.

Mr. Smith referred to and explained the proposed lighting plan, indicating there are areas that are not in compliance with the standards and that the applicant is requesting a waiver for lighting. He did note that while the proposed lighting plan does not meet the lighting standards for the Urban Core area, it does meet the Growth Area standards.

Darrell Wilson inquired as to the initial height of the trees in the vegetated buffer, to which Mr. Smith replied that the evergreens are proposed to be 6-8 feet and the deciduous trees 15 feet. Mike Howie confirmed with the Fire Inspector that he is satisfied with emergency access to the site. Mr. Wilson suggested that another speed control measure be placed on the access road in the southern portion of the site.

Chairman Fink opened the Public Hearing at 8:15 PM.

Elizabeth and Joseph Grollino of 66 Washington Street came forward to voice two concerns – one regarding increased traffic and the second regarding increased drainage. Ms. Grollino stated that tractor trailer trucks park in front of Richard Parks warehouse, also located on Washington Street, which in turn causes traffic problems on the street. She noted that in order to turn left [onto High Street], she has to go through the shopping plaza [to the light] instead of turning off of Washington Street. Ms. Grollino also stated that on Washington Street, there are numerous driveway entrances in a row.

In terms of drainage, Ms. Grollino noted that there is a ditch abutting her property that holds water and she asked Ms. St. Clair to clarify where the water from the proposed project would be draining toward. Ms. St. Clair asserted that the stormwater management system will reduce the amount of flow onto Washington Street.

Chairman Fink closed the Public Hearing at 8:25 PM.

Darrell Wilson requested that if any signage is proposed for the project that it be submitted to the Board for review.

Darrell Wilson remarked for the lighting plan, the areas that exceeded the standard seemed to be justifiable because they took into account lighting from adjacent projects and that the Board could look more closely at the areas that are deficient and determine if they could be oriented differently to be more effective. Mr. Wilson noted that he would like a copy of the colored lighting plan for the Final Plan submittal. Chairman Fink remarked that his concern would be that the lighting overages may affect abutters and/or residential tenants and that dim lighting may pose a safety concern. Mr. Wilson added that the applicant should document and provide reasoning as to why they are deviating from the standards and include that with the Final Plan application. He also suggested that the speed

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OPENED.**

**Public Hearing:
CLOSED.**

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control measurement discussed previously should also be taken into consideration for the Final Plan.

Darrell Wilson moved in regard to Agenda Item #5, the Preliminary Plan for a Major Use Site Development Plan and Major Subdivision titled Ellsworth Workforce Housing Project for Manx Development LLC, the proposal to construct 11 multi-family apartment buildings (50 total units), Agenda Item #5, the Board finds that it is an allowed use in this zone, and that the application is complete in terms of the submission materials per Article 6, Article 8, Article 9, Article 10, Article 11, and that the Board finds the application complete.

Mike Howie seconded the motion. With no further discussion, the motion passed unanimously.

In addition, the Board determined not to hold a Site Visit for this project.

Preliminary Plan for a Major Use Site Development Plan & Major Subdivision titled Ellsworth Workforce Housing Project:

COMPLETE.

7. Final Plan for a Major Use Site Development Plan & Major Subdivision titled Tracy Building for William Sanborn. The proposal is to subdivide the existing building located on a 10,250 SF lot at 142 Main Street (Tax Map/Lot: 136/198) into five commercial units in the Downtown Zone.

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

William Sanborn represented himself.

Mike Howie addressed the letter from the Wastewater Department regarding the monitoring of wastewater for two years and inquired with the applicant if he thought that threshold would pose a barrier. Mr. Sanborn indicated that he believes he will not exceed the 780 GPD. Dwight Tilton added that the rationale behind the letter is because it is unknown what businesses will be occupying the site in the future. Darrell Wilson confirmed that the City staff has no issues with the egress and ingress to the building. He also confirmed that the basement would be retained as storage, not occupied space.

Chairman Fink opened the Public Hearing at 8:42 PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson moved in regard to the Major Use Site Development Plan and Major Subdivision titled Tracy Building, item #6 on the Agenda, for William Sanborn, the Board finds the plan meets the criteria and standards of Article 6, the Subdivision standards, and that the Board approves the project.

Roger Lessard seconded the motion. With no further discussion, the motion passed unanimously.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Final Plan for a Major Use Site Development Plan & Major Subdivision titled Tracy Building:
APPROVED.**

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8. Signing of Mylars & Adjournment

Darrell Wilson made a motion to sign the mylars and plans and adjourn the meeting, Chairman Fink seconded the motion, and it passed unanimously.

Mylars for the Building 250 Ellsworth Expansion Project (for the Jackson Laboratory) and the Tracy Building (for William Sanborn) were signed.

The meeting was adjourned at 8:45PM.

**Meeting Adjourned
[8:45 PM].**

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

Minutes approved by:

Date **Mike Howie, Ellsworth Planning Board Secretary**

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