

**City of Ellsworth
Planning Board
Minutes of November 2, 2016**

Chairman John Fink, Vice Chairman Darrell Wilson, Secretary Mike Howie, members Roger Lessard and Jim Barkhouse, and alternate member 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, and Code Enforcement Officer Dwight Tilton also attended.

Chairman John Fink called the meeting to order at 7:01 PM.

Call to Order [7:01 PM]

1. Adoption of Minutes from the October 5, 2016 meeting.

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

**Adoption of minutes:
APPROVED.**

2. Sketch Plan for a Major Use Site Development Plan titled Building 250 Ellsworth Expansion Project for The Jackson Laboratory. The proposal is for a change of use from Commercial to Laboratory, Research, and Development Facility, and to create a 174,300 SF Laboratory (Vivarium) and Central Utility Plant on a 17.71-acre property located at 21 Kingsland Crossing (Tax Map/Lot: 16/2) in the Commercial Zone.

a. PUBLIC HEARING AND GENERAL DISCUSSION.

John Fitzpatrick from The Jackson Laboratory and Sarah Nicholson from Woodard & Curran represented the applicant. Mr. Fitzpatrick explained to the Board that with Phase 1 of the project being approved by the Board this past summer, the applicant is now before the Board for consideration of Phase 2, which includes a change of use from Commercial to Laboratory, Research, and Development, as well as covering other major site development plan review requirements that were not addressed during Phase 1. He noted that they expect the Phase 2 design to be completed in the next two weeks, by November 18th.

Darrell Wilson inquired if there would be proposed signage included in the application for Phase 2. Mr. Fitzpatrick responded that there would be, and later in the conversation, it was clarified that the applicant will not be proposing any new signage where the sign easement is now depicted on the site plan, and that signage will only be located on the building. It was also noted that building elevations, snow storage locations, and outdoor trash storage and screening will be depicted on the Phase 2 site plan. In regard to a note on the proposed site plan that reads "detention pond encroachment", it was clarified by Sarah Nicholson and Dwight Tilton that the note refers to an existing detention pond located on the Child and Family Opportunities abutting property. Mr. Fitzpatrick added that

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no above-ground fuel storage tanks or outdoor, above-ground hazardous waste storage sites are being proposed on the subject property.

Chairman Fink opened the Public Hearing at 7:08 PM. With no one coming forward, he immediately closed the Public Hearing.

**Public Hearing:
OPENED.
Public Hearing:
CLOSED.**

Sarah Nicholson provided the Board with an updated Sketch Plan cover letter and submitted a copy for the record that details the major site plan development review requirements that would be addressed in the Phase 2 application. There was a brief discussion between the Board and City Staff regarding the Board's consideration of the change of use.

3. Preliminary Plan for a Major Subdivision titled Maine Estates Phase 2 for Maine Estates LLC. The proposal is to create 13 lots on a 16-acre property off of Sugar Way (Tax Map/Lot: 33/4 & 33/4-21) in the Neighborhood Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Stephen Salsbury represented the applicant. He explained that this is the second phase of an existing subdivision, which consists of single-family homes. Mr. Salsbury indicated that the applicant intends for both Sugar Way (existing) and Candy Way (proposed) to become City-owned streets within the next year.

Jim Barkhouse inquired as to whether or not the applicant intends to build on Map 33, Lot 4, and Mr. Salsbury explained that there is no intent to build on the lot and that it is shown on the site plan as the remainder of land. Mike Howie asked the applicant if a copy of the wetlands map was submitted with the application. Particularly, Mr. Howie was looking to see a delineation of wetland "A", which is listed in the wetlands report as being a wetland of special significance. Mr. Salsbury stated that he believes wetland "A" is located on the remainder of land. He also noted that while an existing road association exists for Sugar Way, that a new, separate association would be established for Candy Way. It was also clarified that the original name of the proposed road was Spice Way (as shown on the stormwater management plans); however, the road name was changed, and accepted by the City's Assessing Department, to Candy Way.

Darrell Wilson referred to a comment the Board received from a property owner within 500-feet of the proposed development who has concerns about groundwater in the area. He stated that he would like to see this concern addressed by the applicant. Mr. Salsbury remarked that he has spoken with the well driller who installed wells in the existing subdivision at Sugar Way and that he reported no outstanding issues with those wells drilled. City Planner Michele Gagnon referred to a map showing soils and parcels in the area surrounding the proposed development (prepared by the Planning Office) and noted that she had spoken to other previous and current property owners in the same subdivision as

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the person who raised the concern regarding groundwater to determine if they had experienced any water quantity issues. She determined that other property owners have not experience groundwater quantity issues. Darrell Wilson asked that the documentation that Ms. Gagnon had assembled be included in the applicant's Final Plan submittal.

Jim Keiser, stormwater engineer for the applicant, explained that the existing stormwater detention ponds used for the Sugar Way subdivision would be completely retrofitted to capture the runoff from the new subdivision, as well as to adhere to the updated stormwater standards that the City has imposed since the approval of the Sugar Way subdivision. Ms. Gagnon requested that the applicant submit a demonstration that the stormwater management plan adheres to the new City standards and to provide a plan that includes directional flow arrows. Darrell Wilson requested that any adjustments made to the existing stormwater easements be submitted to the Board for review.

Chairman Fink opened the Public Hearing at 7:24 PM.

Mr. Cory Plaisted of 12 Tanglewood Way came forward to voice his concerns on drainage and privacy between his property and the proposed subdivision, particularly in the area of one of the stormwater ponds that abuts his property. He also asked that existing drainage issues affecting Tanglewood Way be resolved using the proposed subdivision's proposed drainage system.

Mr. Jack Tedeschi of Tanglewood Way came forward to voice his concerns on drainage and the effect that the new drainage system could have on the existing drainage problem found on Tanglewood Way. He also voiced concern on privacy screening between his property and the proposed subdivision and proposed a berm be created to create privacy.

Chairman Fink closed the Public Hearing at 7:27 PM.

A conversation between Ms. Gagnon and Mr. Keiser concluded that the proposed stormwater management plan should work to not impact the abutting subdivision (Tanglewood Way) in terms of increased stormwater runoff. Ms. Gagnon stated that the notes pertaining to stormwater management on the TRT Report are still valid for the Final Plan submittal. She also reminded the Board that a Site Walk could be scheduled to provide the Board with an opportunity to view the proposed subdivision.

Dwight Tilton explained his request (noted in the TRT Report) that letters be provided for the Final Plan review that ensure the soils report and wetlands report are still current. He also noted that two test pits need to be shown on lots 31 and 32.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

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It was determined that if the applicant does not intend to sell the remainder lot (Tax Map/Lot: 33/4) within the next five years, then it would not need to be numbered and part of the current subdivision review. Darrell Wilson confirmed that there are no outstanding code enforcement violations against the existing subdivision on Sugar Way.

The Board determined that they would like to schedule a Site Walk.

Darrell Wilson moved in regard to Agenda Item #3, the Preliminary Plan for a Major Subdivision titled Maine Estates Phase 2, 13 lots on a 16 acre property off of Sugar Way, Tax Map/Lots: 33/4 and 33/4-21 in the Neighborhood Zone, that the Board finds that the application is complete, with the expectation that the letters noted in the TRT Report [issued October 26, 2016] be provided with the Final Plan application, that it meets Section 606 as far as submission materials, that it meets the criteria in the Subdivision Ordinance, and that there are no waivers being requested.

Preliminary Plan for a Major Subdivision titled Maine Estates Phase 2: COMPLETE.

Roger Lessard seconded the motion, and with no discussion, the motion passed unanimously.

Chairman Fink called a 5-minute recess at 7:45 PM. The meeting reconvened at 7:50 PM.

4. Final Plan for a Major Subdivision titled Upper Lakewood for Craig T. Fellis. The proposal is to create 7 lots located on a 35.5-acre property on the Mariaville Road (Tax Map/Lot: 117/20) in the Rural and Shoreland zones.

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

Andrew McCullough represented the applicant. He noted that (1) the Final Plan application has been modified to reflect the subdivision of 35.5-acres, (2) a note has been added to the site plan to designate that the buffers required by shoreland zoning are also a feature of the stormwater management plan, and (3) a note has been added to the site plan to state that there are no vernal pools observed on the subject lots. Mr. McCullough stated that the note on the plan in regard to residential sprinkler systems will need to be modified per the suggestion of the Fire Inspector prior to the printing and signing of mylars.

Chairman Fink remarked that he would not be commenting on or voting for this application because he was not present at the previous month's meeting when the Preliminary Plan application was reviewed. Chairman Fink opened the Public Hearing at 7:55 PM. With no one coming forward, he immediately closed the Public Hearing.

**Public Hearing:
OPENED.
Public Hearing:
CLOSED.**

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Darrell Wilson moved in regard to a Major Subdivision titled Upper Lakewood for Craig T. Fellis, the proposal to create 7 lots located on a 35.5-acre property on the Mariaville Road, Tax Map/Lot: 117/20 in the Rural and Shoreland zones, the Planning Board finds that the application meets the standards and criteria of the Subdivision Ordinance, that there will be a revised note with language provided by the Fire Inspector regarding residential sprinklers added to the mylar prior to them being signed, and that the Board approves this project.

Final Plan for a Major Subdivision titled Upper Lakewood: APPROVED.

Barbara Hegenbart seconded the motion and, with no discussion, the motion passed 5-0, with Chairman Fink abstaining.

5. **Preliminary Plan for a Major Use Site Development Plan & Major Subdivision titled Union River Center for Innovation** for the City of Ellsworth. The proposal is to subdivide the existing building located on a 0.47-acre lot on Water Street (Tax Map/Lot: 130/9) into seven professional office units in the Shoreland Zone (General Development).

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough represented the applicant. Mr. McCullough provided a brief history of the building, including the acquisition of the property by the City of Ellsworth to be used as a business incubator. He explained that in order for there to be the potential for multiple tenants to utilize the space, the building needs to be subdivided into multiple leasable office spaces. The plan submitted before the Board allows for seven separate office spaces and, therefore, seven tenants to occupy the building. Mr. McCullough also noted that some of the space is being proposed as "common space."

Mr. McCullough explained that the applicant did not request letters from the City's sewer and water departments because they intend to utilize the existing service and also because they do not foresee an increase of use. He asserted that the incubator would be a less intensive use than the previous use. In terms of parking, Mr. McCullough referred to the proposed layout submitted to the Board and noted the intent of the design is to minimize traffic conflicts. He noted that, although not denoted on the parking plan, the parking space dimensions conform with the City's ordinance (9' X 18 ½'), and that he will denote the dimensions on the Final Plan. Mr. McCullough stated that the same number of parking spaces currently found at the site is the same amount being proposed. No new impervious surface is being proposed, thus no stormwater management plan has been submitted, and no new site work is being proposed, thus no sediment and erosion control plan has been submitted.

Chairman Fink asked for clarification on the interior layout. Jim Barkhouse confirmed that the applicant is not requesting waivers. Roger Lessard asked how many employees are expected to occupy the building and City Manager David

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Cole, who joined Mr. McCullough, stated they anticipate anywhere between 15 and 20 employees. Mike Howie confirmed that the spaces would be leased by the tenants.

Chairman Fink opened the Public Hearing at 8:08 PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson moved in regard to the Preliminary Plan for a Major Use Site Development Plan and Major Subdivision titled Union River Center for Innovation for the City of Ellsworth, the proposal is to subdivide the existing building located on a 0.47-acre lot on Water Street (Tax Map/Lot: 130/9) into seven professional office units in the Shoreland Zone, the Board finds that the application is complete in terms of submission materials, and agree with the applicant that many of the items that would normally be required are not applicable in this case, no waivers need to be granted, and that for the final plan the applicant will depict more of the parking layout, and that the Board finds the application complete.

Barbara Hegenbart seconded the motion. Darrell Wilson added that the Board reviewed the application under both Site Development and Subdivision. It was determined that Ms. Hegenbart, an alternate member, could not vote for this Agenda Item. Mike Howie seconded the motion and, with no further discussion, the motion passed unanimously.

6. Request of the City Planner, on behalf of Yovanna Donnell, for Recommendation to the City Council of a proposed amendment to the City of Ellsworth Official Land Use Map. The proposal is to consider the rezoning of Tax Map/Lot: 16/34-1 (9.72 acres) from the Commercial Zoning District to the Rural Zoning District. The subject lot is located on the geographic border of the City of Ellsworth and the Town of Lamoine and can only be accessed from the Town of Lamoine.

- a. DISCUSSION OF PROPOSED AMENDMENT.
- b. PUBLIC HEARING.
- c. RECOMMENDATION TO CITY COUNCIL.

City Planner Michele Gagnon led the Board through a discussion of the proposed amendment using maps and a prepared memorandum for reference. She noted that the subject lot is accessed from an existing right of way, located off of a residential subdivision road, now owned by Emera Maine, in Lamoine. Ms. Gagnon referenced the Town of Lamoine's current zoning and the City of Ellsworth's Comprehensive Plan to support the zone change from Commercial to Rural. There was discussion as to whether or not other lots in close proximity to the subject lot should be rezoned as well; however, it was determined that those lots do not have the identical characteristics as the subject lot. Ms. Gagnon

**Public Hearing:
OPENED.
Public Hearing:
CLOSED.**

**Preliminary Plan for a
Major Use Site
Development Plan and
Major Subdivision
titled Union River
Center for Innovation:
COMPLETE.**

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remarked that when the City re-examines zoning and updates the Comprehensive Plan, this area could be further reviewed. Mike Howie inquired if the zone change would cause a “conflict” between commercial and residential zones and it was determined that current zoning places commercial businesses next to residential homes and that there is not always a buffer between the two zones.

Chairman Fink opened the Public Hearing at 8:34 PM.

**Public Hearing:
OPENED.**

Stuart Workman, the previous owner of the subject lot, came forward to assert that when he purchased the lot in 2013, he assumed that the entire lot was zoned rural, as it is in Lamoine. He reiterated that the land is only accessed through Lamoine and that because of this limited access, the property does not hold significant value as a commercial lot. He remarked that if a single-family home is allowed to be built, the City of Ellsworth would gain more property tax.

**Public Hearing:
CLOSED.**

Chairman Fink closed the Public Hearing at 8:36 PM.

Roger Lessard moved that the Board make a recommendation to the City Council in regard to the proposal to consider the rezoning of Tax Map/Lot: 16/34-1 (9.72 acres) from the Commercial Zoning District to the Rural Zoning District, the subject lot is located on the geographic border of the City of Ellsworth and the Town of Lamoine and can only be accessed from the Town of Lamoine, that the Board make a recommendation to the City Council that the lot be rezoned to Rural.

Jim Barkhouse seconded the motion and, with no discussion, the motion passed unanimously.

7. Signing of Mylars & Adjournment

There were no mylars to be signed. The meeting was not adjourned as a continuation of the meeting will take place at the Site Walk, scheduled for November 9, 2016, at 1:00 PM, at the proximity of Sugar Way.

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8. Site Walk

Chairman John Fink, Vice Chairman Darrell Wilson, member Roger Lessard, and alternate member Barbara Hegenbart attended the Site Walk on November 9, 2016, a continuation of the November 2, 2016, regular Planning Board meeting. Mike Howie and Jim Barkhouse were absent.

City Planner Michele Gagnon and Assistant to the City Planner Janna Newman also attended.

Stephen Salsbury and Jim Keiser represented the applicant.

Chairman Fink opened the Site Walk at 1:03 PM. Darrell Wilson stated that he would like to see both stormwater ponds that currently exist for the Sugar Way subdivision. In particular, Mr. Wilson noted that he would like to see one of the ponds in relation to Tanglewood Way. The other Board members agreed that they wanted to see the same features during the Site Walk. Michele Gagnon explained the history of Tanglewood Way. Jack Tedeschi, the only member of the public present at the meeting, said that a cross-culvert brings stormwater under Tanglewood Way where it ponds.

Mr. Salsbury led the group to the first pond, near the Plaisted property on Tanglewood Way, using the centerline of the proposed road, Candy Way. Mr. Keiser noted that the pond would be expanded south, toward the proposed Candy Way. Darrell Wilson, Mr. Keiser, and Michele Gagnon walked to inspect the plunge pool and the channel where water from the pond flows. The channel is down a steep slope from the pond. The Tanglewood Way subdivision is on the northern side of the channel, up a steep slope. The channel runs east. After inspecting the channel, Mr. Wilson reported that the channel would flow freely toward Christian Ridge Road, but it appears that man-made drainage channels were cut into the natural channel to reroute water toward Tanglewood Way. He also noted that a cross-culvert was installed under Tanglewood Way. Mr. Wilson reported that based on his inspection, he believes it is outside the responsibility of the Maine Estates Phase 2 project to correct the drainage issues affecting the Tanglewood Way subdivision.

The group continued to walk along the centerline of the proposed road Candy Way to the second stormwater pond, at the end of Sugar Way. Mr. Keiser noted that this pond would also be enlarged. Mr. Wilson inspected the area where the water from this pond drains to and reported that there is a plunge pool, but no channel. The water, he noted, is dispersed and flows into a wetland. Mr. Wilson reported that he did not witness erosion in this area.

The group returned to the vicinity of 18 Sugar Way, where the Site Walk began, using the existing road, Sugar Way. Mr. Salsbury asked the group if there were any other features of the proposed subdivision they would like to see.

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With no one wanting to see any additional features, Darrell Wilson made a motion to adjourn the meeting. Roger Lessard seconded the motion and, with no discussion, the motion passed unanimously.

Adjourn [2:06 PM]

The meeting adjourned at 2:06 PM.

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

Minutes approved by:

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

12-13-16
Date


Mike Howie, Ellsworth Planning Board Secretary