

**City of Ellsworth  
Planning Board  
Minutes of December 7, 2016**

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

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 7:00 PM.

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

**1. Adoption of Minutes** from the November 2, 2016 meeting.

**John Fink moved to adopt the minutes as written. Barbara Hegenbart seconded the motion and, with no discussion, the motion passed unanimously.**

**Adoption of minutes:  
APPROVED.**

**2. Final 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, DELIBERATIONS, FINDINGS OF FACT, AND CONCLUSIONS.**

Andrew McCullough represented the City of Ellsworth. He stated that since the November meeting, parking space dimensions were added to the proposed site plan to show that the dimensions meet the requirements of the ordinance. In addition, in accordance with the TRT Report, the planters located in the right of way were removed from the mylars. Ms. Gagnon added that the Planning Department had reviewed the mylars and could attest that the planters had been removed. Darrell Wilson asked if removing the planters meant that there were no longer any traffic control measures in place to separate the handicap parking from the road. Mr. McCullough asserted that even without the planters, the proposed parking layout is designed to provide traffic control.

It was discussed and determined that the subject building is located in the shoreland zone; that it is a conforming use within the shoreland zone; that while the boundary of the 100-year floodplain is close to the building, that Mr. McCullough asserts it is not within the flood zone; and that all setbacks meet the shoreland zone requirements except for one sideline setback that is non-conforming. It was also determined that the building's non-conformity was not being increased.

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Referring to Section 410.4, Mr. Wilson noted that certain commercial and industrial uses are not allowed in the General Development zone. Ms. Gagnon suggested that Section 410.4 could be referred to in the motion for this project as well as in the Action Letter granted to the applicant to bring awareness to the fact that these uses are not explicitly permitted.

Chairman Fink opened the Public Hearing at 7:12PM. With no one coming forward, he immediately closed the Public Hearing.

**Darrell Wilson moved in regard to Agenda Item #2, the Final Plan for a Major Use Site Development Plan and Major Subdivision titled Union River Center for Innovation for the City of Ellsworth, the proposal to subdivide the existing building on a 0.47-acre lot on Water Street into seven professional office units in the Shoreland Zone, that the Planning Board finds this project meets the Section 607 Standards for Site Development, that there is no increase in non-conformity, that the only non-conformity is a side setback, that through an Action Letter it be conveyed that there are restrictive uses in the Shoreland Zone per Section 410, and that the Planning Board approves the project.**

With no discussion, the motion passed unanimously.

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

**Final Plan for a Major  
Site Use Development  
Plan & Major  
Subdivision titled  
Union River Center for  
Innovation:  
APPROVED.**

3. **Preliminary Plan for a Major Use Site Development Plan titled Building 250 Ellsworth Expansion Project for The Jackson Laboratory. The proposal is to create a 174,300 SF Laboratory (Vivarium) and Central Utility Plan on a 17.71-acre property located at 21 Kingsland Crossing, formerly the Lowe's building, Tax Map/Lot: 16/2, in the Commercial Zone.**

a. **PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.**

Sarah Nicholson of Woodard & Curran and Norm Burdzel of The Jackson Laboratory represented the applicant. Ms. Nicholson noted that the applicant submitted a Preliminary Plan to the Board for a completeness review. She stated that the applicant is waiting for response letters from the City's Water and Sewer departments and that they are currently performing a more robust study of traffic, all of which would be submitted to the Board with the Final Plan application. Ms. Gagnon noted that a brief traffic report was provided with the Preliminary Plan application; however, it did not take into consideration the differing traffic flows that The Jackson Laboratory will experience in comparison to the previous Lowe's building.

Roger Lessard inquired as to how The Jackson Laboratory will monitor odor and noise. Ms. Nicholson responded that both odor and noise are being

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analyzed and incorporated into the design of the building. She asserted that there are specific standards required by the State Department of Environmental Protection (DEP) that the Lab will meet. It was determined that the report being generated for the DEP should be included with the Final Plan application.

Chairman Fink opened the Public Hearing at 7:23PM.

**Public Hearing:  
OPENED.**

Mr. Todd Little-Siebold of Bayside Road came forward to express his concern on the visual characteristics and impact of the proposed campus. In particular, he noted that the proposed site plan appeared to depict fencing pushed out to the perimeter of the campus with limited natural landscaping and green space. He stated that these characteristics diminished the feel of an open campus. He requested that the applicant consider providing similar natural landscaped buffers and aesthetics to The Jackson Laboratory's Bar Harbor campus.

Mr. Little-Siebold also raised concern on the light pollution emitted from the subject lot and surrounding commercial uses. He requested that the applicant consider dimming their lights at night and lowering the light poles from their maximum allowed height.

Mr. Little-Siebold inquired as to when a complete landscape plan would be submitted.

**Public Hearing:  
CLOSED.**

Chairman Fink closed the Public Hearing at 7:32PM.

There was a discussion on the traffic information that was provided in the Preliminary Plan submittal that was removed after the TRT meeting.

Ms. Gagnon clarified that much of the light pollution being emitted from the area of the subject lot comes from the Darling's car dealership, which was subject to requirements from a previous, less stringent lighting ordinance.

Darrell Wilson asked what the workforce schedule will be like at the proposed facility. It was determined that there are very limited employees at night and that there will be security personnel at the campus 24 hours per day.

In terms of the proposed fencing, Mr. Burdzel stated that it is for security purposes. The fencing along the front of the property will be a six-foot ornamental, iron fence, while the existing 6-foot chain link fencing that follows the back and the side of the property will remain. Ms. Nicholson noted that an eight-foot "greenscreen" fence is being proposed to shield the City's pump station located near the front entrance of the subject lot.

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With more members of the public joining the meeting, Chairman Fink reopened the Public Hearing at 7:44PM. With no one coming forward, he immediately closed the public hearing.

Given the absence of the updated traffic study, Chairman Fink suggested that the completeness review be tabled to the next month's meeting, at which the Board could make both a determination of completeness and consider the Final Plan application. It was determined at this meeting, a motion of completeness could be taken for all other components aside from the traffic study.

**Darrell Wilson moved in regard to Agenda Item #3, the Major Use Site Development Plan, that the Board finds it is an allowed use in this zone, and that the application is complete in terms of submission materials per Article 6, Article 8, Article 9, Article 10, and Article 11, with the exception of the traffic study, and that the Board will table a completeness determination on that particular item until the next meeting when more information and detailed analysis to meet the City's standards is provided at that time, and that other than that, the other items are considered complete for the purpose of this meeting, to be continued to the next meeting for a determination of completeness only for the traffic portion of the application.**

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

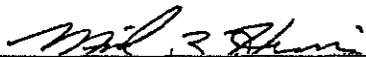
**4. Signing of Mylars & Adjournment**

Chairman Fink moved to sign the mylars and plans and adjourn the meeting, Darrell Wilson seconded the motion, and it passed unanimously. The meeting was adjourned at 7:51PM. Mylars and plans for Jesses Beach Subdivision, Franklin Court, Upper Lakewood, and Union River Center for Innovation were signed.

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

Minutes approved by:

1/12/17  
Date

  
Mike Howie, Ellsworth Planning Board Secretary

**PUBLIC HEARING:  
OPENED.  
PUBLIC HEARING:  
CLOSED.**

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

**COMPLETE EXCEPT  
FOR THE TRAFFIC  
STUDY. TABLED TO  
NEXT MEETING.**

**Meeting Adjourned  
[7:51 PM].**

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