

**City of Ellsworth
Planning Board
Minutes of January 4, 2017**

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

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

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

Call to Order [7:00PM]

1. Adoption of Minutes from the December 7, 2016 meeting.

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

**Adoption of minutes:
APPROVED.**

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

It was clarified to the Board that the Preliminary Plan for this project was before the Board in November and, therefore, the November Planning Board minutes, which also documented the Site Walk conducted on November 9, 2016, were provided for the Board's review.

Steve Salsbury and Jim Keiser represented the applicant. Mr. Salsbury explained to the Board the supplemental and updated materials that were submitted to the Board since the Preliminary Plan meeting in November.

Mr. Wilson asked for a disposal plan in regard to construction debris from the road, to which Mr. Salsbury explained the debris would be removed and taken off site.

Mr. Wilson opened the Public Hearing at 7:06PM. With no one coming forward, he immediately closed the Public Hearing.

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

Roger Lessard moved in regard to the Major Subdivision titled Maine Estates Phase 2, the proposal 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, that the Board approve the application. Jim Barkhouse seconded the motion. With no discussion, the motion passed unanimously.

**Final Plan for a Major
Subdivision titled
Maine Estates Phase 2:
APPROVED.**

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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 John Fitzpatrick and Norm Burdzel of The Jackson Laboratory represented the applicant. Ms. Nicholson explained that the applicant submitted the materials that were requested by the Board and City Staff at the December meeting.

Darrell Wilson opened the Public Hearing at 7:10PM. With no one coming forward, he immediately closed the Public Hearing.

Mr. Wilson moved to determine that the Preliminary Plan is complete. Mike Howie seconded the motion. With no further discussion, the motion passed unanimously.

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

Sarah Nicholson of Woodard & Curran and John Fitzpatrick and Norm Burdzel of The Jackson Laboratory represented the applicant. City Planner Michele Gagnon advised the Board about a memo (not part of the Planning Board package) that she prepared concerning the applicant's traffic study. Ms. Gagnon explained that based on the results of the traffic impact studies and the review conducted by Sebago Tech, the applicant and the City came to an agreement that the applicant would provide the City with funds to purchase a Smart Grid Traffic Camera in order to monitor traffic at the Myrick Street and Kingsland Crossing traffic signal. The camera, which could be viewed and adjusted by the City and the City's traffic engineer, would allow the City to further analyze traffic at this intersection, make adjustments as necessary, and coordinate the timing of the signal with other signals in the City's traffic system. Jason Inglass, the City's Information Technology Administrator, came forward to explain the system that the City's integrated traffic system and how the proposed camera would integrate into this system.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

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

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Ms. Gagnon explained that the level of service that was calculated in the traffic study includes trips that are assigned to the WS development, which has not yet reached its full build out. Therefore, a portion of the trips assigned to WS are not currently being utilized. Darrell Wilson exerted his concern of those intersections deemed as having a low level of service in the traffic study. He then summarized that Jackson Laboratory's investment includes the review of the traffic study by Sebago Tech and the camera.

Speaking on behalf of the Fire Chief, Fire Inspector Hangge asked the applicant to clarify their response letter to the Water Department's letter issued on December 22, 2016. Mr. Hangge clarified that where the letter cited "city engineers", the applicant is referring to Woodard & Curran. He also wished to distinguish between if the proposed solution of replacing three pumps "will" satisfy the project's water supply, as was written in the applicant's letter, or if it "appears it will", as was written in the Water Department's letter. Ms. Nicholson noted that the proposed solution is based upon a review by Woodard & Curran engineers.

A conversation between the Board, the applicant, and City Staff ensued during which it was determined that all parties are satisfied with the City and the applicant working together in order to provide sufficient water capacity for the Jackson Laboratory project, as well as to conserve the existing available water capacity for future development in its vicinity.

Darrell Wilson clarified that the "entryway" in the lighting plan is not defined in the ordinance and that the applicant's architect determined the area.

Darrell Wilson opened the Public Hearing at 7:36PM. With no one coming forward, he immediately closed the Public Hearing.

Mike Howie moved to approve the 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 plant 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. Roger Lessard added, in regard to water, that the Board understands the agreement that has been made between the City and Jackson Laboratory to resolve the issue, and that the motion be amended to include this addition. Roger Lessard seconded the motion and, 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.**

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**Preliminary Plan for a
Major Subdivision titled
Anne M. Rosborough:
PROJECT NOT
REVIEWED.**

5. Preliminary Plan for a Major Subdivision titled Anne M. Rosborough Subdivision for Anne Rosborough. The proposal is to create 3 lots located on a 13.3-acre property on the Mariaville Road (Tax Map/Lot: 117/20-2) in the Rural and Shoreland zones.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

While this agenda item was publicly advertised, it was not reviewed by the Board per the applicant's request.

6. Preliminary Plan for a Major Use Site Development Plan and Major Subdivision titled Hong Fong Fat LLC for Hong Fong Fat LLC. The proposal is to construct a 9-unit apartment building on a 1.8-acre property located on Kingsland Crossing (Tax Map/Lot: 16/7-3) in the Commercial Zone.

a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough represented the applicant. He provided a summary of the project and of the preliminary plan application submitted to the Board. In particular, he noted that he submitted a letter regarding the subdivision's existing stormwater plan, which was designed for full build out of the subdivision, with the subject lot assumed to have a 90 percent impervious cover. Mr. McCullough asserted that the proposed impervious percentage of the subject lot is well below the 90 percent. He also stated that for the Final Plan, he will make a note on the plan that documents the maximum 90 percent impervious lot coverage and the amount of impervious lot coverage created for this project.

Mr. McCullough noted that he is requesting a lighting waiver, similar to the waiver he requested and was granted for the A&J Rentals apartment project, which utilized the Night Sky Society standards. He also explained that he submitted the lighting plan calculations that were used for the A&J Rentals application and referenced the A&J Rentals lighting plan because he will be using the same lighting fixture layout for this project.

Mr. McCullough stated that he would make a correction on the Final Plan regarding the road frontage calculation.

Michele Gagnon referred to the TRT Report and outlined several components of the application that should be revised for the Final Plan application. These components include an updated lighting plan specific to this project, lighting standards in comparison to the proposed measurements in a tabular format, a letter showing the applicant's financial capacity to carry out the project, a

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note on the plan that the road and parking area will be paved, and parking standards in comparison to what is being proposed in tabular format.

Darrell Wilson confirmed that the stormwater drainage would flow toward the existing stormwater management system, which is how it is depicted in the subdivision's stormwater management plan. He also confirmed that, given easements located on the subject property, that the lot is large enough to construct the 9-unit apartment building. It was also explained that there is a difference between the A&J Rentals lighting plan and this project's lighting plan in that this project is within the Urban Core, while the A&J Rentals project is within the Growth Area. Mr. McCullough stated that for the Final Plan, he will include the Urban Core requirements in the lighting table.

Ms. Gagnon, again referring to the TRT Report, reminded the applicant that on the Final Plan, a five-foot hydrant shutoff easement should be shown per the request of the Water Department. She also requested a note be put on the Final Plan that states there will be no vehicular cross-connection between the subject lot and Tax Map 16, Lot 22 (formerly Betty's Hilltop Restaurant, the proposed new location of China Hill restaurant) unless the applicant comes back before the Planning Board and the Traffic Movement Permit (issued to Dunkin Donuts) is amended by the Maine Department of Transportation. Mr. McCullough asserted that he would have to discuss this note with the applicant.

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

Roger Lessard moved to approve the Preliminary Plan for a Major Use Site Development Plan and Major Subdivision titled Hong Fong Fat LLC for Hong Fong Fat LLC, the proposal to construct a 9-unit apartment building on a 1.8-acre property located on Kingsland Crossing (Tax Map/Lot: 16/7-3) in the Commercial Zone. Mike Howie seconded the motion. Jim Barkhouse added that there be a condition that the applicant provide a financial capacity letter at the Final Plan meeting. Roger Lessard amended the motion, and, with no further discussion, the motion passed unanimously.

7. Signing of Mylars & Adjournment

Darrell Wilson moved to sign the mylars and plans and adjourn the meeting, Mike Howie seconded the motion, and it passed unanimously. The meeting was adjourned at 8:16PM. Mylars and plans for Union River Center for Innovation and The Jackson Laboratory were signed.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Preliminary Plan for a
Major Use Site
Development Plan &
Major Subdivision
titled Hong Fong Fat
LLC:
COMPLETE WITH A
CONDITION.**

**Meeting Adjourned
[8:16 PM].**

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

Minutes approved by:

2/14/17
Date

Mike Howie
Mike Howie, Ellsworth Planning Board Secretary

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