

**City of Ellsworth
Planning Board
Minutes of March 1, 2017**

Chairman John Fink, Vice Chairman Darrell Wilson, member Roger Lessard, member 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 Fink called the meeting to order at 7:00 PM.

Call to Order [7:00PM]

1. Adoption of Minutes from the February 1, 2017 meeting.

Darrell Wilson 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. Sketch Plan for a Major Subdivision titled Bridgetwin Estates Phase 2 for Bridgetwin, LLC. The proposal is to extend Bridgetwin Road which is located off the Mariaville Road/Route 180, to create a 14-lot residential land subdivision located on a 27-acre parcel (Tax Map/Lot: 68/3 and 67/3) in the Rural Zone.

a. PUBLIC HEARING AND GENERAL DISCUSSION.

Roger Lessard, who lives on Bridgetwin Road, recused himself for this agenda item.

Stephen Salsbury represented the applicant. Mr. Salsbury provided a summary of the proposed project, in particular noting that it is the second phase of an existing subdivision that would create an additional 14 lots with similar characteristics to the first phase of the subdivision, and involves the extension of Bridgetwin Road. He mentioned that it is the intent of the applicant to build the road extension to standards so it can be taken over by the City in the future.

Darrell Wilson clarified that the net lot size table on the Site Plan depicts the size of the lot, minus the wetlands, to show that the buildable lot size meets the minimum lot size requirements. Mr. Wilson inquired about the right-of-way depicted on the Site Plan and Mr. Salsbury responded that it is a transmission line right-of-way. It was noted that the road extension proposed for this phase of the project would not intersect with this right-of-way and that it was being depicted strictly for future planning purposes. Mr. Salsbury confirmed that there are no other right-of-ways or easements related to this phase of the project. Mr. Wilson requested that a depiction of the remainder of land be submitted with the preliminary plan application.

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Chairman Fink inquired about the parallel line that runs from lot 3 to lot 8 on the Site Plan and it was determined that this was a logging road that would no longer be utilized and would not cause a burden on those subject lots. Jim Barkhouse asked if the first phase of the subdivision was at full build-out and Mr. Salsbury responded that approximately only two lots were not currently built upon. Darrell Wilson confirmed with Code Enforcement Officer Dwight Tilton that the first phase of the subdivision is in good standing.

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

City Planner Michele Gagnon reminded the Board that they can request a Site Visit; however, after consideration, the Board determined not to conduct a Site Visit at this stage in the application process.

3. **Preliminary Plan for a Major Subdivision titled Cedar View Properties** for Cedar View Properties, LLC. The proposal is to create a 13-lot residential land subdivision with common space on a 67-acre parcel on Main Street (Tax Map/Lot: 28/12-5 and 28/12-5-2) in the Rural Zone.
- a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Roger Lessard rejoined the Board at the table.

Dick Day represented the applicant. He provided a summary of the subdivision, particularly noting that this project is a 13-lot subdivision, of which one lot has been improved upon and is currently for sale (Lot 12), and a second lot (Lot 13, 55-acres) is to remain as open space, covered by a conservation easement, to be owned in common by the residents of the subdivision, per the cluster development section of the Subdivision Ordinance. Mr. Day stated that the proposed subdivision road would remain private and that all lots would be accessed off the subdivision road, except for one lot (Lot 10), which would be accessed off of Main Street. Lot 10 was built upon and sold to Ian Spencer prior to the acquisition of the subject properties by Cedar View Properties, LLC.

Mr. Day explained that there is a right-of-way off of Main Street to access the Spencer lot's driveway, which was considered for the proposed subdivision road entrance. However, it was found that this right-of-way did not have adequate sight distance. Thus, the proposed road entrance was moved approximately 75-feet west of the existing right-of-way and the land between the right-of-way and the new proposed entrance is being offered to Mr. Spencer at no cost in exchange for moving the right-of-way.

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

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Mr. Day reminded the Board that this is a cluster subdivision, which allows for flexibility in lot size and density requirements.

Darrell Wilson inquired how the open space lot would be accessed by the residents of the subdivision. Mr. Day explained that the open space lot could be accessed at the end of the proposed road, in the area between lots 6 and 11, and south of Lot 9. He added that no trails have been proposed and that the subdivision owners could make that decision in the future. Mr. Day remarked that the Homeowner's Association bylaws would outline the rights of the subdivision owners in regard to the open space lot and that these bylaws, as well as the conservation easement restricting any improvements on the open space lot, would be submitted with the Final Plan application.

Darrell Wilson asked the City for their perspective on if this proposal fits the characteristics of a cluster development. The City Planner responded that it met the requirements of the ordinance.

Chairman Fink opened the Public Hearing at 7:23 PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson confirmed that the subdivision would be serviced by public water and it was determined that the applicant would include a letter from the City's Water Department with the Final Plan application, per the Subdivision Ordinance. Chairman Fink confirmed with the Code Enforcement Officer Dwight Tilton that the lots were in conformance with the wastewater disposal requirements. Mr. Day noted that for the Final Plan review, the applicant will depict Lot 10's driveway on the Site Plan and provide demonstration that there is adequate site distance.

Darrell Wilson moved in regard to the Preliminary Plan for a Major Subdivision titled Cedar View Properties for Cedar View Properties, LLC, the proposal to create a 13-lot residential land subdivision with common space on a 67-acre parcel on Main Street (Tax Map/Lot: 28/12-5 and 28/12-5-2) in the Rural Zone, the Board finds that this is an allowed use in this zone and that the application is complete under the City's Subdivision Ordinance, Chapter 28. Barbara Hegenbart seconded the motion. With no discussion, the motion passed unanimously.

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

**Preliminary Plan for a
Major Subdivision
titled Cedar View
Properties:
COMPLETE.**

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4. Sketch Plan for a Major Subdivision Plan and Major Use Site

Development Plan titled Commercial Development for Ellsworth

Associates, LLC. The proposal is to construct two commercial buildings totaling 16,696 square feet on an 1.8-acre parcel located at 208 High Street, currently developed as an automotive dealership (Tax Map/Lot: 131/47) in the Urban Zone. Building A – 9,400 square feet is proposed to encompass a fast food restaurant, barbershop, retail store, and medical/dental office and building B – is proposed to encompass a retail store.

a. PUBLIC HEARING AND GENERAL DISCUSSION.

Doug Reynolds from Gorrill and Palmer represented the applicant. Mr. Reynolds provided a summary of the proposed project and of the proposed site design, including the parking, the access off High Street, locations for a dumpster, and the inclusion of a drive-through. Mr. Reynolds noted that a conversation with the City's Technical Review Team included the possibility of looking at Long Lane to provide access to the site, as well as connectivity to other parcels.

Mr. Reynolds stated that the Sketch Plan package submitted to the Board explains how the proposed project meets the standards outlined in Section 607 of the City's ordinance.

Darrell Wilson asked Mr. Reynolds to describe the existing entrances to the subject lot. Mr. Reynolds noted that the lot currently has three, wide curb cuts onto High Street and that the applicant is proposing to reduce the number of curb cuts to one in order to provide for one, full access entrance. He further explained that the location of the entrance was chosen in order to reduce conflicts with surrounding properties and to provide more access to the center turning lane. City Planner Michele Gagnon reminded the Board that the Maine DOT will evaluate the proposed entrance as part of their traffic movement permit review.

Darrell Wilson expressed concern for the proposed internal site circulation. It was noted that the Maine DOT does not typically review internal site circulation unless it has an impact on queuing at the entrance. A brief discussion was had on parking and peak hours for the differing uses and how this may affect internal site circulation. It was also noted that the applicant is currently proposing 17 more parking spaces than is required by the ordinance.

Roger Lessard inquired as to whether the project is located within the Card Brook watershed. City Planner Michele Gagnon noted that she would look further into how the stormwater from the subject site is drained.

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Chairman Fink opened the Public Hearing at 7:52PM.

Mr. George Ray Jr., owner of an abutting property, came forward to express his concern that the existing right-of-way is maintained to service the properties behind the subject lot.

Mr. Peter Cummings, owner of Hancock Dental across High Street from the subject lot, came forward to express his concern with traffic exiting the subject lot. He noted that currently drivers who are unable to turn left (south-bound) out of businesses located on the north-bound side of High Street will instead turn right (north-bound), then make a left on Foster Street and cut through his property in order to reverse direction.

Ms. Gagnon explained that the Maine DOT will take these concerns into consideration when reviewing the project's application for a traffic movement permit.

Chairman Fink closed the Public Hearing at 7:57PM.

- 5. Final Plan for a Major Use Site Development Plan and Major Subdivision Plan titled 50 Church Street for Stephen Curtain.** The proposal is to convert the existing building and to construct an addition, a total of 6,108 SF, for the use of professional offices, a residential apartment, a yoga studio, and a café on a 1.26-acre parcel located at 50 Church Street (Tax Map/Lot: 136/166) in the Downtown Zone.

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

Peter Cooperdock and William Sepe represented the applicant. Mr. Cooperdock noted stormwater calculations, a revised parking table, and a lighting waiver were submitted since the previous preliminary plan meeting.

Darrell Wilson asked the applicant to describe the areas of non-conformity on the lighting plan. Mr. Sepe explained that the lighting plan does not meet the Urban Core requirements, but that it does meet the standards for the Growth Area. He noted that the site is located within the Urban Core, but in an area that provides for a mixture of residential and commercial uses. Chairman Fink concurred that given the residential characteristics of the area it was reasonable to consider a lower lighting standard.

Chairman Fink opened the Public Hearing at 8:12PM. With no one coming forward, he immediately closed the Public Hearing.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

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

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Darrell Wilson moved in regard to a Major Use Site Development Plan and Major Subdivision Plan titled 50 Church Street for Stephen Curtain, the proposal is to convert the existing building and to construct an addition, a total of 6,108 SF, for the use of professional offices, a residential apartment, a yoga studio, and a café on a 1.26-acre parcel located at 50 Church Street (Tax Map/Lot: 136/166) in the Downtown Zone, that the Board finds the application meets the standards of site development, Article 607, Article 8 Street Design, Article 9 Stormwater, the parking standards, and that the Board grants the requested waiver to the lighting for exterior lighting to be below the urban core requirements but inside the growth area requirements because of the building's location within the urban core, and the active building entrance to be below the growth area requirements due to the relationship to the neighbors and the slopes that are involved, and that the applicant has met the subdivision requirements, and that the Board approves the project. Roger Lessard seconded and with no discussion, the motion passed unanimously.

**Final Plan for a Major Use Site Development Plan and Major Subdivision titled 50 Church Street:
APPROVED.**

6. Signing of Mylars & Adjournment

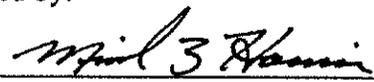
Chairman Fink moved to adjourn the meeting after the signing of the mylars. Darrell Wilson seconded and with no discussion, the motion passed unanimously. The mylars for 50 Church Street were signed. The meeting adjourned at 8:17PM.

**Meeting Adjourned
[8:17 PM].**

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

Minutes approved by:

4-11-17
Date


Mike Howie, Ellsworth Planning Board Secretary

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