

**City of Ellsworth
Planning Board
Minutes of April 5, 2017**

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

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

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

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

2. Preliminary 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 DETERMINATION OF APPLICATION COMPLETENESS.

Roger Lessard recused himself from the agenda item.

Stephen Salsbury and Jim Keiser 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 extend 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.

Mike Howie noted that some of the proposed lots fall within FEMA's designated Flood Zone A and inquired as to the stipulations for those lots. Mr. Salsbury replied that potential buyers of those lots would be notified that they are within the flood zone. He further stated that the area within the flood zone would need to be removed from the buildable lot area calculation, but that the affected lots still meet the buildable lot size minimums.

Darrell Wilson asked for clarification of the subdivision covenants as they pertain to road and stormwater maintenance and inquired as to which party,

Call to Order [7:00PM]

**Adoption of minutes:
APPROVED.**

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the City or the Road Association, is responsible for the different type of infrastructure maintenance.

Jim Barkhouse confirmed that the road would be brought to City standards before any lots are sold. It was noted that the lot owners would be responsible for maintaining the road before it is turned over to the City.

It was articulated that the deed for the existing portion of Bridgetwin Road, which is currently a City street, had yet to be signed and provided to the City by the applicant. Darrell Wilson inquired as to whether this action should be made a condition to the Board's preliminary plan approval. City Planner Michele Gagnon indicated that the action was not related to the completeness review before the Board at this time and that if the action has not been executed by the time of the final plan review, then the Board could consider making it a condition to approval at that time.

Mike Howie expressed concern over wetland expansion and flooding due to beaver activity within the proposed subdivision and its potential impact on buildable lots. He also inquired if Emera had been contacted in regard to the impending construction below the power lines. Mr. Salsbury noted that he had not contacted Emera at this point in time and that while the proposed road would not be built below the power lines at this time, that one of the lots is in proximity to the power line.

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

Mr. Wilson confirmed that no waivers were being requested by the applicant.

Mr. Wilson moved in regard to the Preliminary Plan for a Major Subdivision titled Bridgetwin Estates Phase 2 for Bridgetwin, LLC, the proposal 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, that the application is complete in terms of submission materials per Articles 6, 8, 9, 10, 11, and the Subdivision Ordinance Chapter 28, and that the motion is that the Board finds the application complete. Barbara Hegenbart seconded the motion, and with no discussion, the motion passed unanimously.

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

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

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3. **Preliminary Plan for a Major Use Site Development Plan titled Route 180 Project** for Bridgetwin, LLC. The proposal is to create 57,000 SF of pad site on a 29.82-acre parcel off Route 180/Mariaville Road (Tax Map/Lot: 50/39) in the Urban Zone.

- a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

At the request of the applicant, this item was removed from the Agenda and was not reviewed by the Board.

4. **Preliminary Plan for a Major Use Site Development Plan and Minor Subdivision titled 121 Main Street** for Melissa Chakirelis. The proposal is to subdivide the existing building located on an 1,885 SF lot at 121 Main Street (Tax Map/Lot: 134/34) into three commercial units in the Downtown Zone.

- a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Andrew Bradford was given permission by Melissa Chakirelis to represent her. He explained the project, noting the renovation of the existing building and the future intended uses for the building.

Mike Howie explained that there was no documentation in the application linking Ms. Chakirelis to the name of the LLC appearing in the deed. Mr. Bradford assured the Board that this documentation would be provided before the Final Plan application is submitted.

City Planner Michele Gagnon explained that the applicant is currently in the process of acquiring a legal document that would allow the applicant to build an egress staircase from the second floor of their building onto the abutting property owner's land. For the Preliminary Plan, a document was provided showing the agreement between the two parties, but for the Final Plan, a legal agreement will need to be provided. Mr. Bradford confirmed that the applicant would have this legal agreement for the Final Plan application submittal.

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

A discussion on whether or not the application is complete occurred amongst the Board members.

Mike Howie moved to approve the Preliminary Plan for a Subdivision at 121 Main Street for Melissa Chakirelis, the proposal is to subdivide the existing building located on an 1,885 SF lot at 121 Main Street (Tax

Preliminary Plan for a Major Use Site Development Plan titled Route 180: NOT REVIEWED.

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

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Map/Lot: 134/34) into three commercial units in the Downtown Zone. Roger Lessard seconded the motion. Darrell Wilson appended the motion to include that the Board is deferring completeness on one item only and that is the ownership connection between the applicant and the deed. With no further discussion, the motion passed unanimously.

5. **Final Plan for a Major Subdivision titled Cedar View Properties for Cedar View Properties, LLC. The proposal is to create a 13-lot residential land cluster 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, DELIBERATIONS, FINDINGS OF FACT, AND CONCLUSIONS.**

Dan Balfour represented the applicant. Mr. Balfour provided a detailed explanation of the proposed subdivision and infrastructure. He noted that one lot of the subdivision is reserved as common open space and that the roadway would be paved. Mr. Balfour also asserted that the project is a cluster subdivision, that all of the lots meet the dimensional requirements for this type of subdivision, and that the proposed subdivision plan meets the requirements of the ordinance.

Jim Barkhouse confirmed that it is the intent of the applicant to have the road taken over by the City. Mr. Balfour added that a note was included on the plan that a third party inspector would be contracted to oversee the road construction. City Planner Michele Gagnon explained to the Board that the paving of the road is a revision to the plan since the preliminary plan submission, in which it was designated as a gravel road. She added that the applicant would no longer need to request a waiver from the City Council since the road is to be paved.

According to the proposed subdivision plan, there is an existing entrance servicing a lot on Main Street that is to be closed and revegetated and a portion of the subdivision land that will be conveyed to this same property owner (Spencer). While an email was circulated that indicates the property owner is in accordance with this plan, a more formal, signed document providing assurance that the existing curb cut entrance will be closed and revegetated, and that the party is willing to accept the conveyance, was not provided to the Board. It was determined that the deed conveyance to the Spencer's that explains the transfer of land, the closing of the existing driveway, the revegetation of the existing driveway, and the creation of a new driveway would be a suitable document to provide assurance and that the submittal of this deed conveyance would be made a condition to approval by the Board.

Preliminary Plan for a Major Site Development Plan and Minor Subdivision titled 121 Main Street: COMPLETE WITH AN EXCEPTION.

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Darrell Wilson opened the Public Hearing at 7:44PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson moved in regard to the Final Plan for a Major Subdivision titled Cedar View Properties for Cedar View Properties, LLC, Agenda Item #5, the proposal to create a 13-lot residential land cluster subdivision, the Board finds that it meets the standards of Section 607, Articles 8, 9, 10, the Subdivision Ordinance, and that the Board grants their approval conditional on executing the conveyance of the deed with the attachment of the existing driveway be dealt with per this agreement, as part of the execution of that conveyance, and that would be the one condition of the final plan approval. Mike Howie seconded the motion, and with no discussion, the motion passed unanimously.

6. **Preliminary 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 16,881 SF 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 – 9,500 SF – is proposed to encompass a barber/beauty shop, a retail store, and a medical/dental office. Building B – 7,381 SF – is proposed to encompass a retail store.

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

Doug Reynolds of Gorrill Palmer Consultants represented the applicant. Mr. Reynolds referred to site plans to explain the existing and proposed conditions of the site. He noted that the proposed conditions had changed since the Sketch Plan review due to the removal of the restaurant with a drive-thru. Mr. Reynolds pointed out that the proposed site plan shows reducing the existing curb cuts to one, full access driveway entrance, increasing landscaping, and thus reducing impervious surface. He explained that existing utility lines that service an abutting property crosses through the subject lot and that the applicant is working with this abutter, as well as with City departments, to finalize a utility plan. Mr. Reynolds stated that the proposed site includes landscaped buffering, a lighting plan that meets the City's ordinance, and a stormwater management plan that would require a waiver from the Board. He added that the applicant and City staff are still in the process of reviewing the proposed stormwater management plan.

Randy Dunton, a Traffic Engineer from Gorrill Palmer Consultants, came forward to provide an explanation of the Traffic Impact Study submitted to the Board. He explained to the Board that the traffic generation for the proposed project would be less than 100 trips and, therefore, it would not

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

**Final Plan for Major
Subdivision titled
Cedar View Properties:
APPROVED WITH
CONDITION.**

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require a MaineDOT Traffic Movement Permit. Mr. Dunton asserted that the applicant would resolve all traffic concerns outlined in the TRT Report and added that the applicant is in discussion with the City about contributing toward phasing and re-timing of the traffic signals in the immediate vicinity of the proposed project site.

Barbara Hegenbart inquired about the uses intended to occupy the site and Mr. Reynolds explained that the applicant has confirmed agreements with prospective tenants. Darrell Wilson asked what would happen if those intended uses were to change in the future and Mr. Reynolds stated that those uses would require additional review to evaluate their impact. Mr. Wilson also confirmed that the internal site layout and parking had changed since the removal of the restaurant use from the proposed site plan.

Darrell Wilson asked the Board if they would be interested in a Site Visit to the property.

Mike Howie brought up a water pooling problem on High Street near the subject lot. It was noted that the water pooling occurs to the south of the site and is due to lack of catchbasin maintenance, as well as the grade of that area of the road. It was also stated that the water from the subject site would be captured in the pipe before reaching that section of the road.

City Planner Michele Gagnon explained to the Board that the applicant and the City, with the assistance of an engineer that the City has hired, are reviewing the proposed stormwater management plan to ensure that it will have a positive impact on Card Brook. Ms. Gagnon added that the applicant has submitted a stormwater management plan, meeting the preliminary plan requirement, but advised the Board to wait on considering the applicant's waiver request until the Final Plan submittal.

Darrell Wilson asked the applicant to demonstrate how the stormwater flows off the subject site and ultimately into Card Brook using the submitted stormwater management plan. Mr. Reynolds referred to the drainage plan and assisted the Board with understanding the proposed stormwater management system.

Fire Inspector Mike Hangge briefly noted that the applicant is going to review the landscaping plan before the Final Plan submittal to ensure that the site entrance would be adequate for fire trucks.

Jim Barkhouse asked if there had been any further discussion on making the entrance a "right out only". City Planner Michele Gagnon explained to the Board that the City and the applicant's engineers held a meeting to discuss traffic earlier in the day. Ms. Gagnon noted that the Traffic Impact Study

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submitted to the Board meets the intent of the ordinance. She reiterated what Mr. Dunton had said previously, that the applicant is in discussion with the City about contributing toward phasing and re-timing of the traffic signals in the immediate vicinity of the proposed project site.

Mr. Dunton explained that a full service access entrance is still being proposed for the site. He stated that the Level of Service (LOS) for a left hand turn out of the site is currently a "C", and that re-timing and phasing of the traffic signals should improve this LOS. Mr. Dunton also mentioned that the model utilized to determine LOS does not include a center turning lane, as exists on High Street. He concluded that the center turning lane should also improve the LOS. Mr. Dunton asserted that one of the benefits of the proposed project is that the uses cater to the local population more so than the tourist population, and that the local population understands how to use the City's road system during peak traffic flows. He added that the queue is between 2-3 vehicles and that closing some of the existing site entrances and pushing the proposed entrance further south of the Burger King would improve traffic conflicts in that area of High Street, particularly making traffic movements from the center turning lane more feasible.

Barry Hosmer, the project's Landscape Architect, came forward to provide an explanation of the landscaping plan and to answer any questions from the Board.

Mike Howie inquired as to why the Burger King was restricted to a "right out only" and Mr. Dunton responded it could be because the trip generation for a use such as a Burger King is significantly higher than the proposed project.

City Manager David Cole came forward to clarify that the need for traffic signal optimization is an existing condition and that this project does not trigger the synchronization of the traffic signals.

It was disclosed that the applicant would have to advise the Code Enforcement Office of any change of use or tenants and report if the change alters the traffic counts.

Barbara Hegenbart expressed traffic concerns for the residents of Long Lane and Mr. Dunton assured her that the subject lot's proposed entrance configuration would not negatively, but could improve access to and from Long Lane.

City Planner Michele Gagnon explained to the Board the components of the Preliminary Plan application submittal that were not addressed on the Site Plan – (1) the ingress and egress of buildings, and (2) a snow removal storage location.

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Darrell Wilson opened the Public Hearing at 8:31PM.

Mr. George Ray Jr., an abutter, came forward to emphasize that as a business owner who utilizes Long Lane to access High Street, he and his employees have not experienced significant problems making left hand turns, even during peak summer months. He also reiterated that moving the existing site entrance to the north of Long Lane should improve access to and from Long Lane.

It was noted that the Final Site Plan will show the proposed, newly configured water and sewer utilities.

Darrell Wilson closed the Public Hearing at 8:37PM.

Darrell Wilson moved in regard to the Preliminary Plan for a Major Use Site Development Plan and Major Subdivision titled Commercial Development for Ellsworth Associates, LLC, Agenda Item #6, the proposal to construct two commercial buildings in the location we've been talking about [208 High Street, Tax Map/Lot: 131/47, Urban Zone] and the sizes and the uses [Building A – 9,500 SF – barber/beauty shop, retail store, medical/dental office, and Building B – 7,381 SF – retail store], that the Board finds the project is an allowed use in the zone, and the application is complete in terms of the submission materials per Articles 6, 8, 9, 10, 11, and the Subdivision Ordinance Chapter 28, and that the Board would like to see for the Final Plan that the applicant include the egress and ingress on the Site Plan and to show the snow removal area on the Site Plan, and that there are no waivers granted currently at this time. Jim Barkhouse seconded the motion. With no discussion, the motion passed unanimously.

7. Signing of Mylars & Adjournment

There were no mylars to sign. **Darrell Wilson moved to adjourn the meeting. Roger Lessard seconded the motion, and with no discussion, the motion passed unanimously. The meeting adjourned at 8:40PM.**

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

6/13/17
Date


Mike Howie, Ellsworth Planning Board Secretary

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Preliminary Plan for a
Major Use Site
Development Plan and
Major Subdivision
titled Commercial
Development:
COMPLETE.**

Adjourned [8:40 PM]

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

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