

**City of Ellsworth
Planning Board Meeting
Minutes June 7, 2017**

Chairman John Fink, members Roger Lessard, Mike Howie, Jim Barkhouse, and alternate members Barbara Hegenbart and John DeLeo attended the regular meeting of the Ellsworth Planning Board. Vice Chairman Darrell Wilson, was absent. Barbara Hegenbart voted in his absence on all items. John DeLeo voted on agenda #2 due to member Lessard recusing himself.

City Planner Michele Gagnon, Fire Inspector Mike Hangge, and Code Enforcement Officer Dwight Tilton also attended the meeting.

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

Chairman Fink announced that it would be Ms. Hegenbart's last meeting as she has completed her term and was not seeking reappointment.

1. Adoption of Minutes from the April 5, 2017 meeting.

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

2. Final 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, DELIBERATIONS, FINDING OF FACTS AND CONCLUSIONS.

Roger Lessard recused himself from partaking in the discussion on this project and left the table.

Stephen Salsbury and Jim Kiser represented the applicant.

Mr. Salsbury explained that he has submitted a revised plan showing the stormwater restrictions for the buffers as mandated by the Maine Department of Environmental Protection. He also added a note on the plan pertaining to the paving of Phase 1 and the start of Phase 2.

In reference to the TRT memo, Mike Howie made certain that staff had no remaining concerns.

John DeLeo asked about the enforcement jurisdiction and process of any potential restricted buffer violations. Mr. Salsbury noted that the wording per

Call to Order [7:00PM]

Alternate member Hegenbart is not seeking reappointment.

Adoption of minutes: APPROVED.

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the note on the plan provides the City Code Enforcement Officer enforcement authority.

Mr. Kiser noted that the Maine Department of Environmental Protection would potentially get involved if there were a violation of the State Stormwater Permit. Code Enforcement Officer Tilton added that if there were a violation the City would get involved.

Chairman Fink opened the Public Hearing at 7:09 PM. With no one coming forward, he immediately closed the Public Hearing.

Chairman Fink read the Final Plan requirements for a Major Subdivision Plan. There were no comments from the board. Nothing was found to be missing.

Mr. Howie motioned in regard to the Final 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, to approve this application under the provisions of the Subdivision Ordinance. Jim Barkhouse seconded the motion, and with no discussion, the motion passed unanimously.

- 3. Revisions to an Approved Major Subdivision titled Maine Estates Phase 2 for Maine Estates, LLC. The revision is to modify the stormwater management plan including adding an additional stormwater easement area on Lots 21 and 22 of a 13-lot subdivision located 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.**

Roger Lessard rejoined the board at the table.

Stephen Salsbury and Jim Kiser represented the applicant. Mr. Salsbury explained that the Maine Department of Environmental Protection required the addition of a substantial buffer on the north side of the property and a buffer along the road to treat the quality of stormwater, in addition to the detention.

Chairman Fink opened the Public Hearing at 7:16 PM. With no one coming forward, he immediately closed the Public Hearing.

Mr. Howie verified that the Maine Department of Environmental Protection was satisfied with the proposed stormwater management plan. Mr. Kiser assured Mr. Howie it received Maine Department of Environmental

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

**Final Plan for Major
Subdivision titled
Bridgetwin Estates
Phase 2:
APPROVED WITH
CONDITION, as noted
on plan.**

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

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Protection approval and added that the State had recently issued the Stormwater Permit and that a copy of this permit was to be provided to the City promptly.

Roger Lessard motioned to approve the Revisions to an Approved Major Subdivision titled Maine Estates Phase 2 for Maine Estates, LLC. The revision is to modify the stormwater management plan including adding an additional stormwater easement area on Lots 21 and 22 of a 13-lot subdivision located on a 16-acre property off of Sugar Way (Tax Map/Lot: 33/4 & 33/4-21) in the Neighborhood Zone. Jim Barkhouse seconded the motion, and with no discussion, the motion passed unanimously.

Revisions to an Approved Plan titled Maine Estates Phase 2: APPROVED.

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

Co-owner Jessica Snoweal represented herself.

City Planner Michele Gagnon explained that the City received the documentation linking Ms. Chakirelis to the name of the LLC appearing in the deed and that documentation had been submitted showing the legal acquisition of land to provide for the necessary egress staircase from the second floor of their building onto the abutting property owner's land.

John Fink opened the Public Hearing at 7:21 PM. With no one coming forward, he immediately closed the Public Hearing.

Mike Howie moved to approve the Final Plan for a Major Use Site Development Plan and Minor Subdivision title 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. Roger Lessard seconded the motion. With no further discussion, the motion passed unanimously.

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

Final Plan for a Major Site Development Plan and Minor Subdivision titled 121 Main Street: APPROVED.

- 5. Final 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**

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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 DELIBERATIONS, FINDINGS OF FACT, AND CONCLUSIONS.

Doug Reynolds of Gorrill Palmer Consultants represented the applicant.

Mr. Reynolds explained that the project meets the stormwater quality management standard of the ordinance. He has also revised the plans to address the comments of the TRT reports.

Roger Lessard asked for clarification that the stormwater was not going to affect Card Brook. Planner Gagnon explained that the project met the standards of the ordinance.

John DeLeo expressed concerns over the developer's \$2,500 contribution to the City to assist with the traffic signal timing cost. Mr. DeLeo mentioned that this is a maintenance matter and it should be the responsibility of the City. Therefore, the City should not be requiring the developer to pay for this. Planner Gagnon explained that the City was not requiring the developer to pay for this. This is a voluntary contribution from the developer to the City. She noted that one of the traffic study findings was that retiming the signals would improve mobility on the High Street corridor. Mr. DeLeo expressed surprise that it would cost so much to retime the signals. Information Technology Officer Jason Ingalls explained that the \$2,500 price tag is an estimate from Sebago Tech to redo the timing on the three signals from Shaw's to McDonald's. The timing of the traffic signals has not been updated since the late 2000s. Mr. Ingalls proceeded to inform the Planning Board that the City is currently in the process of conducting an inventory of all 12 traffic signals. This includes a download of the current timing plan for each of the intersections and recommendations to improve mobility on the corridor. Mr. Ingalls said that because of the impacts the project will have on High Street, the developer volunteered to provide a financial contribution. Mike Hangge also pointed out that the retiming of the traffic signal will benefit left hand turn movements out of the project site.

John Fink opened the Public Hearing at about 7:36 PM. With no one coming forward, he immediately closed the Public Hearing.

Mike Howie asked if and it was confirmed that the City will be maintaining the sidewalk.

The conversation went back to the timing of the traffic signal between John DeLeo and Planner Gagnon. Mr. DeLeo asked the Planner if the City will guarantee that the timing will be completed prior to the project being ready

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

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to open. The Planner explained that she could not guarantee this but explained that the work was well underway.

Chairman Fink asked the Board members about their level of satisfaction that the information submitted met the ordinance. He verified that the stormwater plan was acceptable.

Roger Lessard confirmed that the waiver for lighting was still being requested and Mr. Reynolds responded in the affirmative. Planner Gagnon stated that the lighting plan met the “Darrell Wilson lighting ratio standards.”

Mike Howie motioned to approve the Final 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. Along with the motion, Mike Howie recommended that the Board approve the waiver for the lighting standards for this application. Chairman Fink agreed to have discussion take place prior to having a member seconding the motion. Roger Lessard remarked that the list of uses was very specific and inquired about the process if one of the listed uses does not take place or changes. It was noted that there is a note on the plan that specifies that a change of use creating greater impacts will be remanded to the Planning Board. Jim Barkshouse seconded the motion. With no further discussion, the motion passed unanimously.

- 6. Preliminary Plan for a Major Use Site Development Plan titled DM&J Waste for DM&J Waste. The proposal is to construct a compost facility for sludge from wastewater treatment plants and seafood waste. The proposed developed area is about 173,000 SF on 13.1-acre of land located off the Mariaville Road but accessed via the Industrial Road. The property consists of two parcels: a 5-acre parcel of which about 3 acres is occupied by a demo debris facility and an 8.1-acre vacant parcel (respectively Tax Map/Lot: 50/75 and 50/76), in the Business Park Zone. The proposal is to include a total of 20,600 SF of pads and/or storage areas, a 15,750 SF compost storage area, and a 240 SF office building.**
- a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS

Andrew McCullough from McCullough Engineering represented the applicant. Also at the table were Josh and Tracey Wellman, owners of the project.

Hard copies of the Maine Department of Environmental Protection Compost Facility application, previously emailed to the Board, was distributed.

Final Plan for a Major Subdivision Plan and Major Use Site Development Plan titled Commercial Development: APPROVED WITH WAIVER.

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Andrew McCullough presented a summary of the project. He prepared and submitted the project application to the City and to the Maine Department of Environmental Protection for Stormwater permit while the Wellmans prepared the Maine Department of Environmental Protection Compost Facility application. The wetlands were delineated and the boundaries are shown on the plan. There is a wetland impact of about 14,950 sf of forested freshwater wetlands. There are no vernal pools on the property or near the facility. Access is via the Industrial Road over the Wellman's demo debris business land. Traffic is minimal. The entire impervious area/working area is draining to an underground soil filter. Stormwater runoff will be treated and peak flows will be controlled before it is discharged to the level spreader. The stormwater management system maintenance plan was developed and will be submitted for final review. There is a small office building. The wastewater for this building will go to a holding tank. It will be periodically pumped and disposed of at the City Wastewater Treatment Plant.

The material to be composted will be brought into the compost building and laid on a concrete slab with an underdrain system. The building consists of a tubular pipe framework anchored into the concrete, open at one end, and covered over with a heavy tarp material. The leachates will go into the underdrain and then be pumped out and brought to the City Wastewater Treatment Plant. The leachates will not be going into the stormwater system or the pond. Materials to be added to the sludge such as shavings; and sand and loam will be stock piled in other areas. There will also be an area for food waste and/or seafood waste windrows to be composted.

A waiver is being requested for the submittal of a lighting plan. One full cutoff light fixture is proposed at the active entrance and will meet the City's lighting standards. If acceptable, the applicant proposes to submit the fixture specs to the Code Enforcement Officer for approval prior to securing the building permit. The applicant agrees, per the TRT memo, to include a note on the plan to the effect that the standards of the ordinance will be met and the fixture will be full cutoff. Letters from Mike Hangge, the Natural Areas program, and the Maine Historic Preservation Commission will be submitted for the final review. The setback lines will be narrated on the final plans and will be retitled to provide more clarity. The Tank Deed Covenant pertaining to the leachate and the wastewater, as required under the state wastewater disposal rules, will be captured on the Final Plan.

Mike Howie observed that there is a disconnect between the applicant name of DM&J Waste on the application and the WTS Properties name on the deed. Mr. McCullough assured the Board that this will be straighten out for the final application. Roger Lessard asked for further clarification about the relationship between DM&J Waste and WTS properties.

**Lighting Waiver
requested by
Applicant.**

**Connect DM&J to
WTS properties
requested by PB
Member.**

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The Wellman gave a detailed explanation on how the composting process works. Mr. Wellman noted that if the mixing process is handled properly there should be little to no odors. He noted there will be a learning curve but at the beginning they will be working with someone experienced in composting. He noted the existing odors emanating from the City Transfer Station caused by the Maine Shellfish waste. He hopes to be able to take that waste and eliminate the existing odors. Mrs. Wellman informed the Board that the sludge will not be moved outside until all the pathogens are killed.

Roger Lessard inquired about vermin. The Wellmans replied that if done well vermin should not be an issue. Mr. Wellman said that the material must be mixed immediately with a carbon source in the right proportions and if that process is done correctly there should be no issues with vermin and odors. Mrs. Wellman pointed that the Composting Application to the State include a Control Management Plan for Odors and Vectors (vermin).

Mike Howie inquired if the City Ordinance had odor standards. Planner Gagnon indicated that there is some very vague language – but for all intensive purpose, not really. She explained that when the zone change was reviewed to allow the use that consideration was given to adding performance standard language to the ordinance but that it was felt the State standards were more than adequate to handle this matter.

John DeLeo remarked that odors is a subjective matter. He asked if a plan/process could be devised to inform the City of any odor and vector problems/complaints and remediation with the goal of ensuring a prompt and adequate response from DM&J. Mr. DeLeo also asked if the City could contact some of these facilities to inquire about how prevalent are odor complaints and how long does it take for DEP to get involved.

Mrs. Wellman explained the DEP 5-point odor scale measurement process taken at the property boundary. Sludge composting facilities are mandated to maintain the odor level below the nuisance level.

John DeLeo asked for and received confirmation from the applicant that there is no way the leachates will enter the environment.

A long conversation about odors amongst the Board, staff, and applicant ensued.

Mike Howie asked Mike Hangge about fire suppression concerns with the proposed composting facility. Mike Hangge explained that the Fire Department was all set with the project as presented.

Plan for prompt and adequate response to odor and vector complaints requested by PB member.

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John Fink opened the Public Hearing at about 8:41 PM.

Russ Vivier, owner of number 5 and 7 Industrial Road, came to the podium. He explained he sent an email to the City Planner with his comments. He stated that he thinks the Board addressed most of the issues. His remaining issue is with vermin. Mr. Wellman explained that good management of the material brought in for composting should not result in a vermin problem. Mrs. Wellman encouraged Mr. Vivier to review the DEP application section titled Vector Control. When asked, Mr. Vivier stated that, although he is not there every day, he has not heard any complaints from the tenants about the odors from the City Transfer Station. Mr. DeLeo asked Mr. Vivier if he felt more comfortable about odor control after what was presented by the applicant. Mr. Vivier responded yes he did feel more comfortable if the City can get the Maine Department of Environmental Protection to monitor the odors.

The public hearing was closed at 8:48 PM.

Planner Gagnon mentioned that the letter from Mike Hangge has now been officially submitted.

Roger Lessard motioned that for the Preliminary Plan for a Major Use Site Development Plan titled DM&J Waste for DM&J Waste. The proposal is to construct a compost facility for sludge from wastewater treatment plants and seafood waste. The proposed developed area is about 173,000 SF on 13.1-acre of land located off the Mariaville Road but accessed via the Industrial Road. The property consists of two parcels: a 5-acre parcel of which about 3 acres is occupied by a demo debris facility and an 8.1-acre vacant parcel (respectively Tax Map/Lot: 50/75 and 50/76), in the Business Park Zone. The proposal is to include a total of 20,600 SF of pads and/or storage areas, a 15,750 SF compost storage area, and a 240 SF office building. There are two exceptions the letters from State and the stormwater maintenance plan, as well as the tank deed covenant. The Board is finding this complete with the [abovementioned] exceptions. Mike Howie seconded the motion. With no further discussion, the motion passed unanimously.

7. Signing of Mylars & Adjournment

Fink motioned that as soon the mylars are signed we are adjourned. Jim Barkhouse seconded the motion, and with no discussion, the motion passed unanimously. The meeting adjourned at 8:55 PM.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Preliminary Plan for a
Major Use Site
Development Plan
titled DM&J Waste:
COMPLETE.**

Adjourned [8:55 PM]

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Minutes prepared by: Michele Gagnon, City Planner.
Minutes approved by:

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

Date **Mike Howie, Ellsworth Planning Board Secretary**

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