

**City of Ellsworth
Planning Board Meeting
Minutes July 5, 2017**

Chairman John Fink, Vice-Chair Darrell Wilson, Secretary Mike Howie, members Jim Barkhouse and Roger Lessard, and alternate John DeLeo attended the regular meeting of the Ellsworth Planning Board.

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.

Call to Order [7:00 PM]

- 1. Adoption of Minutes from the June 7, 2017 meeting.**
Mike Howie moved to adopt the minutes. Darrell Wilson 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 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 about 8,360 SF of pads and/or storage areas, a 36,600 SF compost storage area, and a 288 SF office building.
 - a. PUBLIC HEARING, DELIBERATION, FINDING OF FACTS AND CONCLUSION.

Andrew McCullough from McCullough Engineering represented the applicant. In addition, present at the table were project owners Josh and Tracey Wellman.

Mr. McCullough explained that on the application form the name of the property owner changed from DM&J Waste to WTS Properties, consistent with the name on the lease and on the deed. He added a note on the plan regarding the lighting waiver. He submitted several pages from the Maine Department of Environmental Protection (MDEP) Odor Control and Vector Plan. He revised the size of the office building to 14 feet by 30 feet changing the size of the office building to 420 sf. The mylars [plans to be signed by the Board] will show the correct sizes.

A discussion ensued about the Ellsworth Fire Department (EFD) request for a fire hydrant on Route 180/Mariaville Road in the event an entrance is created on Route 180. John DeLeo asked for clarification about the reasoning for the EFD's request. Fire inspector Mike Hangge explained that there is a water line on Route 180 coming from the Bangor Road (Route 1A) which runs along the Industrial Road all the way to the City Transfer Station.

Mr. DeLeo reiterated that from the EFD's perspective the project, as presented, would not have to install a new water line to the site. Mr. Hangge agreed and added that only if there is an access off Route 180 would the developer need a hydrant, per NFPA 1. He further explained that under NFPA 1, this development requires a fire hydrant be placed every 500 feet. In order to meet this requirement, the developer would need to blast ledge over a distance of approximately 1,000 feet to place a water line to feed the hydrants. This amount of blasting would have caused a financial burden on the applicant. The EFD determined that the hydrant located at the City Transfer Station would suffice to meet the requirement but in the event, an entrance is created off Route 180 the developer will need to meet the NFPA 1 and put a hydrant.

The Board discussed the submitted Odor Control and Vector Plan, per concerns raised at last month's meeting. The applicant proposed to submit monthly record of complaints and related correspondence. Mr. McCullough informed the Board that Roger Johnstone from the MDEP Residual Unit [Bureau of Remediation and Waste management, Residuals, Sludge and Composting] was present to answer questions on odors and vectors. Mr. Johnstone explained that he writes licenses, and if a business does not meet the compliance standards, he does enforcement. He described the process used to respond to complaints and added that he is hopeful that the relationship with this applicant will be cooperative.

Board Member Wilson asked Mr. Johnstone how he saw the City's Code Enforcement Officer (CEO) fitting in the overall DEP picture of compliance. Mr. Johnstone responded that CEO's activities are independent to the Department's activities.

Mr. Johnstone remarked that a license could be revoked but added that he has never heard of this happening. He told Mr. Lessard that complaints usually come from the public. He noted that the applicant did a good job on the license application and that the Odor Control and Vector Plan was well laid out.

Mr. Wilson asked if composting was a use specifically listed in the table of uses. The Planner explained that in the table of uses the Light Industrial category encompasses composting. She explained that when the

City expanded the Urban Zone staff considered the addition of specific standards to regulate composting but after review of the State requirements, it was agreed that the MDEP licenses had very specific standards that were sufficient to regulate composting uses.

Mr. Wilson asked the applicant what is the impact of an extended power outage on the composting process. Mr. Wellman explained that they will have a generator backup and Mrs. Wellman added that the composting process could function, although slower, without the air blower.

Mr. Fink explained that as there were no members of the public present in the audience; therefore there was no need for a public hearing.

Darrell Wilson motioned with regard to the lighting of this submission that the applicant be allowed to get a waiver from [UDO] 602.9 - Criteria and Performance Standards because of the special circumstances of the project and finds that the compliance with [UDO] 602.9 is not requisite per [UDO] 8.12 - Exterior Lighting. The project, as presented, has appropriate outdoor lighting levels for safety, security and productivity, and they are controlling excessive or unnecessary lighting. The lighting waiver does not compromise health and safety. The lighting standards are met by what is proposed. Mike Howie seconded the motion. There were no discussion and the Board voted unanimously in favor of the motion.

Darrell Wilson motioned with regard to the Final Plan for a Major Use Site Development Plan titled DM&J Waste for DM&J Waste, agenda item #2, the proposal is to construct a compost facility as detailed in the agenda item [stated above], the Board finds that the application meets [UDO] section 607 standards, form standards, street design, stormwater, parking standards as applicable, the [lighting] waiver was granted and has been recorded on the site plan and the condition of approval will be that the correct office square footage be reflected on the final plans to be signed and that we approve the project. John Fink seconded the motion. After discussion, Mr. Wilson added to his motion for approval that a note be placed on the plan that says that Ellsworth Fire Department may require the placement of a hydrant in the future if an entrance is opened on Route 180. There was no further discussion and the board voted unanimously to pass the motion.

[Time ~ 7:39 PM]

**DM&J Waste:
Lighting Waiver
APPROVED.**

**Final Plan for a Major Site Development Plan titled DM&J Waste:
APPROVED with conditions:**

- SF of office space.
- Hydrant note.

- 1. #3. Preliminary Plan for a Major Use Site Development Plan titled Maine Storage Plus for Mark Remick/Remick Storage, LLC. The proposal is to expand the Maine Storage Plus business located on Route 1A/Bangor Road to the northwest by constructing a total of 13,500 SF**

of new self-storage units (three 4,500 SF buildings) on 2.1-acre of land (Tax Map/Lot: 58/20), in the Urban Zone. Access will be through the existing facility from Route 1A.

[Time ~ 7:46 PM]

a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Andrew McCullough from McCullough Engineering represented the applicant.

Mr. McCullough explained that Mark Remick owns and operates a storage facility on the Bangor Road/Route 1A. The existing operation is on two of the Fox Run Subdivision lots approved in the early 1990s and modified in the early 2000s. Mr. Remick purchased an adjacent lot to the north northwest also with frontage on Route 1A to expand his business. On the recently acquired lot, Mr. Remick intends to construct additional storage units to be operated as part of the existing business and using the same entrance. There is no increase in water or sewage use. There will be a slight increase in traffic and are awaiting a response from Maine Department of Transportation Bruce Mattson. We have a letter from the Ellsworth Fire Inspector. We have included turning templates to demonstrate site maneuverability. We delineated the internal site road. We prepared stormwater calculations for the added developed area. The calculations show a reduction in peak flow and provide quality treatment using an underdrain soil filter. There is a small wetland impact but it does not trigger a NRPA permit for the project. Mr. McCullough requested a waiver for submittal of a lighting plan as the intent is to continue with the existing lighting scheme. It was explained that the project would meet the lighting standards of the ordinance.

The applicant is working with the EFD to establish a number/letter sequencing for all the buildings (new and existing) to ensure effective and timely emergency responses.

Mr. DeLeo noted that the TRT attendance list showed that the Police Chief was absent. He encouraged the Planner to have a chat with the Manager to have a chat with the Police Chief to assure attendance from the Police Department. Mr. DeLeo remarked that the Police Chief should be attending the TRT meetings.

Mr. Wilson verified that the stormwater system for the new developed area was independent from the existing stormwater system and asked if the developer intended to reuse any of that infrastructure. Mr. McCullough explained that the City stormwater regulations have changed since the ponds were created and that the applicant is not proposing to

modify the ponds to meet today's standards. The applicant plans to construct a new pond to handle the expansion and meet the standards.

Pertaining to lighting, Mr. Wilson asked about the hours of operation and how site access was controlled. Mr. McCullough said he believes it was not 24-hour access. He mentioned that there were gates at the entrance of the facility. Mr. McCullough told the members of the Planning Board that he will find out the hours of operations for the final plan meeting. In regards to the waiver request for the lighting plan, Mr. Wilson asked if the present lighting is adequate security and safety. Mr. Wilson observed that for the most part users of the facility will be there during daylight hours. From a law enforcement perspective, Mr. Wilson asked if there is sufficient lighting and has there been issues at that location in the past to suggest the lighting needs to be augmented. Mr. DeLeo indicated that during his tenure as the Ellsworth Police Chief, he does not remember any issues at this facility. Mr. Wilson remarked that requesting the applicant to install more lighting than what is proposed will not improve site security. Mr. DeLeo concurred with Mr. Wilson.

Applicant to find out hours of operations

Mr. Howie said that he has been at the site before and that as it stands today it is difficult to navigate through the area with the parked trucks. He is concerned with the ability of fire trucks to navigate to the proposed development. Mr. McCullough stated that this was the reason the internal site road was delineated and to show that it will provide adequate turning movement. Mr. McCullough explained that the trucks will be relocated to the staging area.

Mr. McCullough shared with the Board that, although not depicted on the plan, there is a possibility the owner will add an additional 3,000 sf of storage unit at the southern end of the lot. Jim Barkhouse asked if the additional building would trigger a stormwater upgrade. Mr. McCullough affirmed that he would need to add an underdrain soil filter for that area.

Mike Hangge said the turning radius and template shown on the plan provide plentiful site maneuverability, as well as meet the requirements.

John Fink said to let the record show that there was no public and therefore there will not be a hearing.

**[Time ~ 8:08 PM]
Public Hearing**

John DeLeo observed that the plan showed a level spreader located in close proximity to the property line. Mr. McCullough stated that the level spreader was 25 feet long to spread out the concentrated flow. Mr. McCullough suggested shortening up the level spreader so that the end is further away from the property line. He did mention that the flow out of the level spreader is down the hill and away from the property line. Mr. McCullough proposed to make the spreader 20 feet long instead of 25 feet

and therefore 10 feet away from the property line instead of 5 feet. Mr. Wilson questioned if the spreader is a structure that needs to meet setbacks. The planner said that in the UDO section 1003.9 that an outlet would need to be 20 feet from the property line. The question is if a level spreader is an outlet. Mr. McCullough explained that the purpose of the spreader is to disperse peak flows.

Mr. Wilson asked if Mr. McCullough had received a response from Fish and Wildlife. Mr. McCullough said that he had not.

Mr. Wilson motioned that with regard to the Preliminary Plan for a Major Use Site Development Plan titled Maine Storage Plus for Mark Remick/Remick Storage, LLC. The proposal is to expand the Maine Storage Plus business located on Route 1A/Bangor Road to the northwest by constructing all the items as stated in agenda item #3 [stated above] we find that this is an allowed use in this zone, the application is complete in terms of submission materials for those standards that apply and in relation to this we grant a waiver for the submission of a lighting plan and we find that the fixture installed at the project [existing] and the fixtures being installed [proposed] at the project will meet the standards of the ordinance [UDO] and that approval of that waiver will not adversely affect the abutting landlords and the general health and safety of the city, and that we find the application complete. Mike Howie seconded the motion. There was no discussion and the motion passed unanimously.

Mr. Wilson informed Mr. McCullough that some of the things the board will be looking for include well defined vehicular access and numbers for the EFD.

3. Signing of Mylars & Adjournment

There were no mylars to sign.

Darrell Wilson motioned to adjourn the meeting. John Fink seconded the motion, and with no discussion, the motion passed unanimously.

The meeting adjourned at 8:22. PM.

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

Applicant agreed to reduce the length of the level spreader for the Final Plan.

**Preliminary Plan for a Major Use Site Plan titled Maine Storage Plus:
FOUND COMPLETE AND LIGHTING PLAN SUBMISSION WAIVER APPROVED.**

For Final Plan applicant to provide well defined site road and EFD numbering.

No Mylars

Adjourned 8:22 PM.

NOTE: For agendas and minutes, see:

9-1-17
Date



Mike Howie, Ellsworth Planning Board Secretary

ellsworthmaine.gov