

**City of Ellsworth  
Planning Board Meeting  
Minutes August 2, 2017**

Chairman John Fink, members Jim Barkhouse, Roger Lessard, and alternate John DeLeo attended the regular meeting of the Ellsworth Planning Board.

City Planner Michele Gagnon and Fire Inspector Mike Hangge 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 July 5, 2017 meeting.**  
**Jim Barkhouse moved to adopt the minutes. John DeLeo seconded the motion. No discussion. Motion passed unanimously.**
  
- 2. Sketch Plan for a Modification to an Approved Subdivision Plan, and the creation of a Minor Subdivision Plan and of a Major Use Site Development Plan titled Our Way Development/Holt Industrial Park Amendment for Danny J. and Theresa M. Quinlan.** The proposal is: a) to split a 2.65-acre parcel off the Bucksport Road (Tax Map/Lot: 26/2) into two lots both including one residential structure and add two apartment units to the existing duplex; and b) to split a 3.72-acre parcel accessed off Our Way (Tax/Map: 26/2-4) into two lots both including a residential structure, in the Urban Zone.
  - a. PUBLIC HEARING AND GENERAL ADVISORY DISCUSSION.

**Minutes adopted**

Stephen Salsbury from Herrick & Salsbury represented the applicant.

Mr. Salsbury explained that the project consists in taking lot #1 (six and half acres) located in the Holt Industrial Park Subdivision [also known as two separate lots in the City assessing records] and dividing it into four different parcels. The applicant is also going to take the proposed lot 1-1 building that already has two living units and create two more units for a total of four housing units. No improvements to the site are proposed. It was remarked that additional land was added to the east of lot #1.

Chairman Fink received confirmation that no changes are proposed at the site entrance.

The City Planner asked if a road association will be created and if it would include abutter Isolina Meeks.

Chairman Fink asked that the assessor tax map and lot numbers be shown on the plan, as it is what the city uses for records.

Jim Barkhouse asked about parking. Mr. Salsbury explained that the building to be divided was previously used as retail and that there was plenty of parking available.

At 7:30 PM, the Chairman opened the public hearing.

Abutter Isolina Meeks, 9 Our Way, said that the road was graveled and had potholes until recently when it was paved. She said that the access to the Bucksport Road was quite steep and difficult especially in bad weather. She asked that the road be improved and better paved. She asked if the City would monitor the changes to the multi-unit structure. The Chairman replied that the Code Enforcement Office would enforce the building code. She asked if the exterior was under the purview of the Code Office and the Chairman indicated that it was not and that the City did not regulate such elements. She asked if the lots met the minimum lot size for that zone. She explained that the applicant had asked her to relocate her driveway, which she did, but the owner never compensated her for the agreed 50% of the cost, as verbally agreed. She asked if her ROW was for a specific location. The Planner remarked that if the deed describes a ROW in a different location than what is on the ground it should be shown on the plan in addition to the actual location of the Meeks ROW.

The public hearing was closed at 7:19 PM.

**3. Sketch Plan for a Major Subdivision titled Twin Hill Courts for Roy Lietz.** The proposal is to create a 12-lot cluster land subdivision off the Bucksport Road located on a 140-acre parcel (Tax Map/Lot: 46/19), in the Drinking Water Zone.

a. PUBLIC HEARING AND GENERAL ADVISORY DISCUSSION.

Stephen Salsbury from Herrick & Salsbury represented the applicant.

Mr. Salsbury explained the applicant wants to do a cluster subdivision on the property. Contrary to what is depicted on the sketch plan, the entrance will be located off Atlantic Highway. There will be no future development in or beyond the area labeled as common area. There will be City water and private septic systems on each lot. A fire hydrant will be located within the subdivision near lot #1. The road will meet city standards and the applicant

Request for tax map/ lot numbers on plan

**Public Hearing opened at 7:30 PM**

**Public Hearing closed at 7:19 PM.**

is considering asking the City to take the road over. A homeowners association will be formed. It will be mentioned in the deed what uses are allowed in the common area.

The Chairman opened the public hearing at 7:26 PM.

Abutter Susan Walsh, 23 Atlantic Highway, explained that there was contamination on her lot due to an old gas station. She was glad to hear that the project would be served by City water. She organically farms her lot and expressed concerns about development activities that could jeopardize her organic farm. She was pleased to learn that the activities allowed on the common space will be stipulated in the deed.

The Chairman closed the public hearing at 7:28 PM.

The public hearing was reopened at 7:30 PM.

Adelbert Gaspar came forth and explained that the filling station was owned by Harry Wheeler and closed sometime in the 1940s.

The public hearing was closed at 7:31 PM.

**Public Hearing  
opened at 7:26 PM.**

**Public Hearing  
closed at 7:28 PM.**

**Public Hearing re-  
opened at 7:30 PM.**

**Public Hearing  
closed at 7:31 PM.**

**4. Modification to an Approved Subdivision Plan titled Joy Woods at U.S. Route #1 for Steven and Athanansia K. Joy. The proposal is to split the 13.27-acre remainder of land parcel into two lots (Tax Map/Lot: 133/14-1 and 26-1), in the Urban Zone.**

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

Owner/applicant Steven Joy represented himself.

Mr. Joy explained that the remainder of land [lot #7] is being split so it can be sold to an abutter along with lot #1. The revised plan shows the remainder of land split and labelled lot #7a and lot #7b.

The Planner explained that although the “new” remainder of land (#7b) will be bisected in two sections, for the purpose of subdivision it still consists of one parcel hence the reason the two sections have been labelled the same (#7b) and are linked with an arrow hook.

It was explained that lot #7a can be accessed through the abutter’s campground land and via the Carriage Road.

The public hearing was opened, no one came forward, and it was immediately closed at 7:36 PM.

**Jim Barkhouse** motioned that we accept the Modification to an Approved Subdivision Plan titled Joy Woods at U.S. Route #1 for Steven and Athanansia K. Joy. The proposal is to split the 13.27-acre remainder of land parcel into two lots (Tax Map/Lot: 133/14-1 and 26-1), in the Urban Zone and this is in accordance to the Subdivision Ordinance Chapter 28. **John DeLeo** seconded the motion, there was no discussion, and the vote passed unanimously.

**Public Hearing opened and closed at 7:36 PM.**

**Modification to Approved Subdivision Joy Woods at U.S. Route #1 - APPROVED.**

**5. Final 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 off 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.

a. PUBLIC HEARING, DELIBERATION, FINDING OF FACTS AND CONCLUSION.

Andrew McCullough from McCullough Engineering represented the applicant.

Mr. McCullough explained that he met with the Ellsworth Fire Department and they came up with a lettering scheme to facilitate emergency responses, as shown in the application. The level spreader was shorten per the discussion at the preliminary plan meeting and is now 20 foot long.

A very long conversation ensued about level spreaders, outlet pipes and setbacks.

The Chairman opened and closed the public hearing at 7:55 PM, as there were no comments.

**Public Hearing opened and closed at 7:55 PM.**

Chairman Fink opined that a level spreader is not an outlet pipe and that therefore it does not need to meet setback requirements. He also remarked that along this thinking there was no need for a waiver request for the setback of the level spreader. The Board decided not to act on the waiver request.

**Final Plan Major Use Site Plan Maine Storage Plus - Approved.**

**Roger Lessard** motioned for the finalization of the Final 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 off 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 that there will be no new waivers necessary for the plan and that it meets the requirements of the Site Development Ordinance [Unified Development Ordinances] Article 6. John DeLeo seconded the motion, there was no discussion, and the motion passed unanimously.**

**6. Preliminary Plan for a Major Use Site Development Plan titled Route 180 Project for Bridgetwin,-LLC. The proposal is to create a pad site of about 100,000 SF on a 24-acre parcel off Route 180/Mariaville Road (Tax Map/Lot: 50/39), in the Urban Zone.**

a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Andrew McCullough from McCullough Engineering represented the applicant.

Mr. McCullough explained that the proposal is to use the fill from the Maine Department of Transportation State Street project stockpiled on site to create a pad site that would be suitable for future development. The entrances were built when Route 180 was built several years ago. The pad slopes (1%) away from Route 180 and the pad is graded internally in such a way to capture stormwater runoff and direct it to a catch basin labeled outlet structure on the plan. The grading will bring the stormwater to an underdrain soil filter where it will be treated and then released to the level spreader.

The approximate limit of the Waterfowl and Wading Bird Habitat, the zoning districts, and the flood zone are shown on the plan. Mr. McCullough agreed to put a note on the plan that will specify the slope revegetation schedule – six months from substantial completion, as mentioned in the TRT report.

There was a discussion about the cut trees stacked on the land and about the content of the fill, more specifically the inert material sticking out from the fill pile such as metal and culverts. John DeLeo asked if there is fill/material from other projects stockpiled at the site. Mr. McCullough explained that most of the stockpiled fill will need to be moved around which will provide the machinery operators opportunities to cherry pick the

Add note on plan regarding re-vegetation timeframe.

Need confirmation where the fill comes from beside the MDOT Route 1A project.

material that needs to be removed from the pile. Mr. McCullough mentioned that the plan calls for a depth of about 15 feet of fill.

Mr. McCullough agreed to flag the Wading and Waterfowl Habitat boundary to provide a visual clue and help avoid encroaching on that area during construction. John DeLeo asked staff to contact the Inland Fish and Wildlife Service for review and input. Mr. McCullough explained that the standard state reviews have been requested. Mr. McCullough explained that in January 2016 the applicant had obtained a permit for the Ellsworth CEO under Minor Site Development for filling up to 40,000 sf. He added that there was no fill brought to the site previously to the issuance permit.

John DeLeo remarked that the plan shows the edge of existing fill to have spilled over onto the neighbor's property. Mr. McCullough said that it happened, as the applicant was not sure where the property line was and said that was being addressed with the neighbor. John DeLeo also noticed that the encroaching fill was over some wetlands. Mr. McCullough said that it was under 4,300 sf of impact.

Roger Lessard also voiced concerns over the unknown content of the fill. Chairman Fink said that the applicant should tell us what is in the fill.

Chairman Fink proceeded to go through the submission requirements of Chapter 56 UDO Article 6. Chairman Fink asked if the Board wanted to see the location and nature of the debris that has brought in. It was remarked that the Board had already made this request earlier in the meeting.

The Board decided it wanted to conduct a site visit and continue the meeting at the site. The planner said she would send a notice to the abutters to inform them of the time and date of the site visit.

**Chairman Fink motioned to have a site visit at the Bridgetwin site [Route 180 Project] on August 10 at 8:30 AM. Jim Barkhouse seconded the motion, there was no discussion, and the motion passed unanimously.**

Chairman Fink continued the review of the submission requirements of Chapter 56 UDO Article 6.

**Chairman Fink motioned that in regards of the Preliminary Plan for a Major Use Site Development Plan titled Route 180 Project for Bridgetwin,-LLC. The proposal is to create a pad site of about 100,000 SF on a 24-acre parcel off Route 180/Mariaville Road (Tax Map/Lot: 50/39), in the Urban Zone, the Board finds the plan is complete and that there should be a note on the final plan regarding the soil**

Prior to construction flag Wading Bird and Waterfowl Habitat.

Request for City staff to contact IFW.

Site Visit

stabilization schedule within six months of substantial completion and asks the City Planner to contact the U.S. Fish and Wildlife Service regarding the project. **Jim Barkhouse seconded the motion.** Under discussion, John DeLeo asked if the issue of the fill encroaching on the neighboring property needs to be noted to make sure it is rectified. A discussion ensued and the consensus was that it was a civil matter. **Chairman Fink asked for a vote and the motion passed unanimously.**

The Chairman remarked that the public hearing was not open for this item as there was no member of the public before the board.

**Chairman Fink stated that the meeting was not being adjourned as it is continued until the Board conducts the site visit and the Planner added that the site visit was scheduled for Thursday, August 10, at 8:30 AM at the Route 180 project. The Chairman added that the meeting will be adjourned at the site visit.**

**No public – no public hearing.**

**Meeting ended at 8:47 PM**

**City of Ellsworth  
Planning Board Meeting  
  
Route 180 Project Site Visit  
August 10, 2017  
(Continuance From August 2, 2017)**

Chairman John Fink, Secretary Mike Howie, members Jim Barkhouse, Roger Lessard, and alternate John DeLeo were present at the site visit.

City Planner Michele Gagnon attended the meeting.

Owner Patrick Jordan and design professional Andrew McCullough were also present.

There was no member of the public present.

Chairman Fink called the meeting to order at 8:30 AM.

Patrick Jordan explained that they will pick the inert materials out when they level the site. He said that there was no metal in the fill; the fill is from the Route 1 project; and the wood will be chipped or burned on site, or it will be moved off site.

**Meeting re-opened/continued August 10, 2017 at 8:30 AM.**

There was a discussion about the location of the Waterfowl and Wading Bird Habitat and Andrew McCullough explained that this was done by the State as a desktop exercise from aerial maps and therefore the line is in an approximate location. Mr. McCullough also explained that the he had sent his request for review letters to the state including the Maine Natural Areas Program that coordinates with Inland Fish and Wildlife.

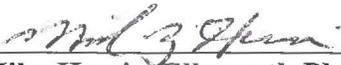
At 8:51 AM, Mike Howie motioned to adjourn the meeting. Jim Barkhouse seconded the motion. The motion passed unanimously.

**Meeting adjourn  
At 8:51 AM.**

Minutes prepared by: Michele Gagnon, City Planner.

Minutes approved by:

9-6-17  
Date

  
Mike Howie, Ellsworth Planning Board Secretary

\\STORE1\Shares\Planning\Planning\_Board\Minutes\2017 Planning Board Minutes\PB Minutes 8.2.17 draft.docx