City of Ellsworth
Planning Board Meeting
Minutes October 4, 2017

Chairman John Fink, Vice-Chair Darrell Wilson, Secretary Mike Howie, and alternate member John DeLeo attended the regular meeting of the Ellsworth Planning Board. Chairman Fink remarked that Mr. DeLeo would be voting in the absence of Mr. Barkhouse and Mr. Lessard.

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 September 6, 2017 meeting.**

John DeLeo moved to adopt the minutes. The motion was seconded by John Fink. There was no discussion. The motion passed unanimously.

Adoption of minutes: approved.

On the request of Chairman Fink, the board agreed to change the order of the agenda. Item 6 - Preliminary Plan for a Major Use Site Development titled Woodlawn Museum Visitor Center became item #3 and was heard right after the Re-approval of the June 7, 2017, Major Subdivision Plan and Major Use Site Development Plan titled Commercial Development for Ellsworth Associates.

Agenda order rearranged.

2. **Re-approval of the June 7, 2017, Major Subdivision Plan and Major Use Site Development Plan titled Commercial Development** for Ellsworth Associates, LLC. The proposal is to allow the developer to comply with the 90-day state law requirement for the recording of a subdivision at the Registry of Deeds. The project consists in the construction of two commercial buildings totaling 16,881 SF on a 1.8-acre parcel located at 208 High Street (Tax Map/Lot: 131/47), in the Urban Zone.

Chairman Fink explained that the applicant was having problems at the registry and was unable to meet the 90-day deadline for the recording of the subdivision plan. Nothing had changed in the application and that they were looking for a re-approval.

Doug Reynolds, P.E. for Gorrill Palmer represented the applicant and stated that the explanation given by the Chairman was correct.

The public hearing was opened and closed, as there were no comments.

Public Hearing @ 7:10 PM.

Darrell Wilson motioned that in regard to the re-approval of the June 7, 2017, Major Subdivision Plan and Major Use Site Development Plan titled <u>Commercial Development</u> for Ellsworth Associates that the Board re-approves the final plan an allow the applicant time to record the subdivision at the Registry of Deeds. Mike Howie seconded the motion. There was no discussion and the motion passed unanimously.

<u>Re-approval of Commercial Development</u>: Approved.

3. **Preliminary Plan for a Major Use Site Development titled <u>Woodlawn Museum Visitor Center</u>** for the Hancock County Trustees of Public Reservations – The Black House, Woodlawn. The proposal is to remove the carriage barn and caretaker's house (3,825 SF), and construct a visitor center and expand the workshop (8,700 SF) off Route 172/Surry Road (Tax Map/Lot: 26/57), in the Neighborhood Zone.

Terry Carlisle, President of the Board of the Hancock County Trustees of Public Reservations - the governing body of Woodlawn also known as the Black House, made opening remarks. She explained that the Board was formed in 1901 to preserve land on Mount Desert Island. In 1916, 5,000 acres were given to the Federal government, which became Acadia National Park. In 1929, the Board accepted the gift of Woodlawn/Black House from George Nixon Black. The Board of Trustees has been maintaining this estate as a historic house museum and a public park. Woodlawn Executive Director Joshua Torrance, hired in 2000, was introduced to the Planning Board.

Mr. Torrance explained how the project developed. He noted that the job of the Board of Trustees, the caretakers of the property, is to ensure that the entire site is preserved. He remarked that the Black House is a very significant cultural piece in the community. The property encompasses 180 acres.

The project focusses on getting the barn back to what it was originally. John Black built the original barn in the 1830s. Probably in 1900, the last Mr. Black changed and remodeled the barn. In 1948, the barn was significantly reduced in size and remodeled.

The work focuses on maintaining the historic integrity of the estate and the façade of the barn to be able to create a space for modern functions.

The design team, Architects Matt Oudens and Noel Murphy from Oudens Ello Architecture and civil engineer Eero Hedefine from Hedefine Engineer, was introduced. Matt Oudens proceeded to describe

the existing conditions. He noted that the entire property is a historic site not just the buildings themselves.

The original barn will be replicated in location, volume, and scale, and expanded to the west where it once existed. This will not be a barn for animal but for human use. In deference to the historic nature of the site, crush stones will be used in the arrival plaza and the non-pervious parking areas. There is overflow parking and reinforced turf at the entry drive. Fire truck turning space will be provided in the parking area. The wall of the barnyard/animal pen, located south of the visitor center, will be reconstructed using fieldstone. It will become an extension of indoor programming. The barn is a one-story building with a mezzanine. First floor includes a lobby, bathrooms, a main event space, a temperature-controlled exhibition space, and a small caterer's kitchen, and the second floor will house a small meeting room and administrative office. There is a small basement area for mechanical equipment. The building is handicap accessible. There is also an elevator.

Requested Waivers

Waivers requested from the Fire Inspector under Life & Safety include the minimum width of the accessway to be decreased from 20 feet to 14 feet and for allowing the use of crushed stone surfacing compacted to 95% instead of pavement. Two waivers are requested from the Planning Board – to meet the Rural Area Lighting Standards instead of Urban Core Area Lighting Standards reducing the overall amount of light and to allow for no lighting in the area the 20 parking spaces of stabilized turf.

Planning Board Member Howie asked if the applicant has received a Certificate of Appropriateness from the Ellsworth Historical Commission. Mr. Oudens indicated that their intention is to obtain the Certificate prior to securing a building permit and the applicant had met with members of the Commission earlier in the day.

Chairman Fink asked about what the intentions were for the outbuildings. Mr. Oudens responded that the sleigh barn, the one closest to the carriage barn, was renovated about eight years ago and will stay as is. The other outbuilding, beyond the sleigh barn, is used as a preservation workshop building. This building will be expanded, renovated and converted to a sleigh storage building. The caretaker's house, built in 1968, does not fit the historic fabric of the site and will be demolished. The area will be used for parking. It was explained that the applicant would like to save some historic material from the barn if it can be successfully treated from the post powder beetle. Mr. Oudens stated "to be clear it is a reconstruction. It's a new [building] has to have a new foundation, has to meet Life & Safety, and all of the things that go along with a code compliant modern building today."

Planning Board Member DeLeo asked both Mr. Oudens and Ellsworth Historic Commission member Mark Honey to address the comments in Ms. Goodrich's letter. Ms. Oudens remarked that he had read the letter and that he understands Ms. Goodrich's appreciation for the site and history. He added that in some areas the applicant has a different position that Ms. Goodrich. Primarily when she refers to the state of the project being completely incompatible with the property. The applicant disagrees. Mr. Oudens pointed that the applicant has taken great pain to study the property and to come up with a context sensitive solution. The barn will serve museum functions and public accessibility. It will not be used to house animals. Once upon a time, there was a large building on the property and we concluded that having a new building of similar size is appropriate even if the building is a little different. It is an appropriate response to the problem in terms of the overall approach to preservation of a historic property. Mr. Oudens pointed that Ms. Goodrich closes the letter with a line that refers to "don't big box Woodlawn." Mr. Oudens remarked that the scale of the project is appropriate given the history of the property. Ms. Goodrich's characterization of the project in the context of other stalled developments in the City, empty lots, and labs is not fair. Mr. Oudens added that Woodlawn invested considerable thought, time, and energy in planning this project.

Planning Board Member DeLeo asked to hear from Mr. Mark Honey. Mr. Honey remarked that he was speaking on behalf of the Ellsworth Historic Preservation Commission. He added that he just saw Ms. Goodrich's letter for the first time. Mr. Honey explained that the Commission is very sensitive to the fact that the project is "changing something in history." He remarked that in the past Woodlawn has done an excellent job of preserving the structure but that it is in need of a lot of work. The Commission is working with Woodlawn to see how to repurpose the barn material from the inside of the building. He went on to explain that the Commission is looking at the overall scope of the project and is in the process of deciding if the project is the best alternative. He indicated that the Commission is supportive of the project but that there is still a few things that need to be addressed prior to the Commission issuing the Certificate of Appropriateness.

Certificate of Appropriateness

Chairman Fink, echoed by Member Wilson, recommended that it would be prudent for the applicant to secure the Certificate of Appropriateness prior to seeking final approval from the Planning Board.

Planning Board Member Wilson asked if the applicant knows the original size of the barn. He asked how it compared to the barn shown in the 1940 picture. Mr. Oudens responded that he only has a general sense of the scale of the original barn. He added that the proposed barn is

8,200 SF. Woodlawn Trustee Todd Little-Siebold added that when the barn was built in 1830, it was the largest in Hancock County. It was nine times larger than any other barn in the surrounding area. Ninety tons of hay were stored in the barn. Mr. Honey estimates that the barn was approximately 40'x120' with a roof pitch of 3:1.

Planning Board Member Howie asked if the overflow parking would be usable year round. Mr. Torrance responded that it would be plowed as needed similar to what is done during winter carnival.

Planning Board Member DeLeo asked Fire Inspector Mike Hangge where is the designated bus parking area shown on the plan. It was pointed that the bus parking area was shown on the Landscaping Plan and that bus drivers will be required to stay with their bus so they can move the bus in the event of an emergency.

Missing information for Completeness

Planning Board Member Wilson asked about the status of the TRT memo comments. Planner Gagnon responded that the Water and the Wastewater Departments have not yet issued the capacity letters and that minimum water flows will need to be demonstrated prior to Final Plan approval.

Member Wilson asked about the hours of operation as it relates to the request for a lighting waiver for the 20 overflow parking spaces. Director Torrance responded that the regular operating hours are 9:00 AM to 5:00 PM. He explained that the overflow spaces would likely be used during daylight operations. The park is open from dawn to dusk.

Public Hearing @ 8:05 PM.

Chairman Fink opened and closed the public hearing at 8:05 PM as no one came forward to make comments.

Member Wilson asked if it was an allowed use and Chairman Fink said it was.

Preliminary Plan Woodlawn Museum Visitor Center: Complete w/ Waivers.
Granted Waivers:

- **Allows 14-foot ROW.**
- **Allows Lighting to meet Rural Area requirements.**
- **Allows for no lighting in the area of the 20 overflow parking spaces.**

Darrell Wilson motioned that in regard to the Preliminary Plan for a Major Use Site Development titled <u>Woodlawn Museum Visitor Center</u> for the Hancock County Trustees of Public Reservations – The Black House, Woodlawn. The proposal is to remove the carriage barn and caretaker's house (3,825 SF), and construct a visitor center and expand the workshop (8,700 SF) off Route 172/Surry Road (Tax Map/Lot: 26/57), in the Neighborhood Zone, the Board grants the requested waivers: for the 14-foot right-of-way for the fire equipment. The Fire Department seems to be on board with that [14-foot ROW] pending some flows that will be provided later. Grants a waiver for the lighting classification to Rural to allow for the levels that they proposed and grant a waiver from minimum

lighting requirements in the parking section of the 20 additional parking spaces. Upon a suggestion of Chairman Fink, the motion was amended to add that none of the waivers affects the health, safety, and welfare of the citizens of Ellsworth. Member Wilson continued that the letters from the Water and Wastewater Departments are forthcoming and that is an allowed use in the Zone. And, we find the application complete with these details. Member DeLeo seconded the motion. There was no discussion. The motion passed unanimously.

4. **Final 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 <u>Our Way Development/Holt Industrial Park Amendment</u> 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/Lot: 26/2-4) into two lots both including a residential structure, in the Urban Zone.**

Steve Salsbury from Herrick & Salsbury represented the applicant.

It was clarified that Tax Map/Lot: 26/2 is actually 2.56 acres not of 2.65 acres, as written in the agenda.

Chairman Fink asked for a status update on the Meeks easement matter. Mr. Salsbury said that it had not yet been resolved. Mr. Fink asked about the fence shown within the right-of-way. Mr. Salsbury explained that the fence matter would also be resolved in the redrafting of the easement language.

Planner Gagnon explained that existing and proposed water lines still need to be shown on the plan and the source of water (city or well). She also explained that because of the note on the plan pertaining to the Meeks easement being "extinguished" there is a responsibility for the Board to see an executed easement agreement prior to approving the plan.

Member DeLeo asked Ms. Meeks if she was satisfied with the information she had for the new deeded right-of-way. She explained that she had not seen it. She also explained that her fence is slightly on the Quinlan property and that needs to also be addressed.

Public Hearing @ 8:30 PM.

Chairman Fink opened and closed the public hearing at 8:30 PM as no one came forward to make comments.

Member John DeLeo motioned to table the final approval for the <u>Our Way Development/Holt Industrial Park Amendment</u> until of the water line and the Meeks easement matters are resolved. Darrell Wilson seconded the motion. There was no discussion. The motion passed unanimously.

Chairman Fink explained to the applicant that an executed agreement with Ms. Meeks would be needed, as well as have the plan shows the proposed water line and the source of such water.

Final Plan for Our Way Development/Holt Industrial Park Amendment: Tabled Until:

- **Executed agreement with Ms. Meeks.**
- **The plan shows the proposed water line and the source of the water.**

5. **Final Plan for a Major Subdivision titled <u>The Village</u> for Roy Lietz. The proposal is to create a 12-lot cluster land subdivision off the Bucksport Road and the Atlantic Highway located on a 140-acre parcel (Tax Map/Lot: 46/19), in the Drinking Water Zone.**

Steve Salsbury from Herrick & Salsbury and Chip Haskell from CES represented the applicant.

Mr. Salsbury explained that a few revisions were made to the plan. Test pit location on lot #1 is shown. A setback table, giving 10 feet on the front side was added. A memo was supplied showing intersections around town in regard to the TRT concerns with sight distance. The covenants were revised to further emphasize that development would not happen in the common area.

Planner Gagnon explained that the granted waivers need to be listed with the signature block prior to Board signing and the sight distance is still not meeting the ordinance.

The Board had a long discussion about sight distance and the benefit of moving the road north. Member DeLeo asked if the car would be partially or entirely lost from sight because of the Atlantic Highway "dip" located closed to the Bucksport Road. Chip Haskell from CES explained the purpose of a stopping sight distance and said that the contention of the applicant is that 350 feet is not needed, as no cars will be travelling at 35 mph. Member Deleo stated that he wanted a second opinion from the City engineer. He also would like to know how much distance would be gained if the road were slipped as much as possible north (toward the hydrant). Chip Haskell referred to his memo that was submitted in the package.

Chairman Fink opened the public hearing at 8:54 PM.

Public hearing opened @ 8:54 PM.

Susan Walsh, immediate abutter to the project came forward. Ms. Walsh owns Blessed It Be Farm also known as Rocky Horror Farm. Since 1984, she has enjoyed the peace and quiet along with night skies. There is nothing to guarantee that the housing project will not grow into something larger and more odious. She asked that certain safeguards such as lighting, traffic, and noise be imposed and a wetlands study conducted. She requested full cut off lighting, as well motion detectors, and stated that streetlights should not be allowed. She noted that Atlantic Highway has a high amount of traffic travelling too fast. She also reminded the Board that her neighbor Tammy Walker had sent the Board a letter with pictures.

The public hearing ended (it was never officially closed).

Planning Board Member Wilson asked if other people beside residents travelled on Atlantic Highway. Ms. Walsh said it was residents and people from Clearwater Way. It was noted that there was no posted speed limit on Atlantic Highway. She mentioned that the line of sight to the south from her driveway is poor.

Planning Board Member Wilson asked if any wetland were being impacted by the development. Mr. Salsbury said that there was no wetland impact. It was clarified that no street lights are proposed.

The Planner asked for signature blocks to be placed on sheets C701.

Planning Board Member Wilson announced that he had forgotten to ask for a site visit for the Woodlawn project. It was decided that it would be discussed after the Board was done with the items on the agenda.

Woodlawn Site Visit.

Planning Board Member DeLeo asked for an independent review of the sight distance.

Planning Board Member Howie asked for clarification on the speed limit study that has been requested to the Maine Department of Transportation. Planner Gagnon informed the Board that it was in the hopper.

Darrell Wilson motioned in regard to the Final Plan for Final Plan for a Major Subdivision titled <u>The Village</u> for Roy Lietz. The proposal is to create a 12-lot cluster land subdivision off the Bucksport Road and the Atlantic Highway located on a 140-acre parcel (Tax Map/Lot: 46/19), in the Drinking Water Zone, we find

Final Plan for The Village: Approved with Conditions:

- **Signature block added to C701.**

that the application is complete. The Board approves this application with the following items to be addressed: 1) signature blocks be added to sheet C701; 2) a stamp letter from CES on the Village Road Subdivision road sight distance; 3) we would like to initiate an independent review of the set content of the previously mentioned letter; and 4) that the waivers will be listed in signature blocks of the drawings. John DeLeo seconded the motion. There was no discussion. The motion passed with three members voting yes and member Fink abstaining.

- **PE stamp on CES sight distance memo**
- **Independent review of sight distance.**
- **List waivers with signature block.**

Planning Board Member Wilson asked for a site visit to be scheduled for the Woodlawn project and that an invitation be extended to the members of the Ellsworth Historic Commission.

Schedule site visit for Woodlawn.

Darrell Wilson motioned to adjourn the meeting after the mylars are signed. John Fink seconded the motion. There was no discussion. The motion passed unanimously.

The meeting adjourned at 9:11 PM.

Adjourn @ 9:11 PM.

Mylars for the Commercial Development - 208 High Street and Mark Remick Storage Plus project were signed.

Mylars signed.

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

3-7-2018 Mike Howie

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