

City of Ellsworth
Planning Board Meeting
Minutes — Wednesday, March 7, 2018

Chairman John Fink, Secretary Mike Howie, member Jim Barkhouse, member Roger Lessard and alternate member John DeLeo were present. Vice Chairman Darrell Wilson was absent. The seventh seat on the board (second alternate member) is currently vacant. With Wilson absent, DeLeo served as a voting member during tonight’s meeting.

City Planner Michele Gagnon, Code Enforcement Officer Dwight Tilton, Fire Inspector Mike Hange and Assistant City Planner Steve Fuller attended the meeting. City Manager David Cole was in the audience for part of the meeting.

1.) Call to Order

Chairman John Fink called the meeting to order at 7:00 PM. At his direction, Planning Board members introduced themselves.

2.) Adoption of Minutes from the February 8, 2018 meeting

Mike Howie made a motion to approve the minutes as written and Jim Barkhouse seconded the motion. There was no discussion. The motion then passed unanimously, 5-0.

3.) Election of Officers

The Planning Board held its annual election. Fink asked if there was a nomination for the officer of chairman. John DeLeo nominated Fink, and the nomination was seconded by Mike Howie. There was no discussion. The nomination was approved unanimously (5-0) and Fink was elected chairman.

Fink then asked for a nomination for vice chairman. Roger Lessard nominated Darrell Wilson and DeLeo seconded the nomination (“He should have been here,” DeLeo noted wryly). There was no discussion. The nomination was approved unanimously (5-0) and Wilson was elected vice chairman.

Fink then asked for a nomination for secretary. DeLeo nominated Mike Howie and Fink seconded the nomination. There was no discussion. The nomination was approved unanimously (5-0) and Howie was elected as secretary.

Planning Board member attendance

City staff members in attendance

Meeting called to order at 7:00 PM

Adoption of minutes from Feb. 8, 2018 regular meeting: APPROVED (5-0)

Annual elections of Board’s Officers

John Fink re-elected as board chairman

Darrell Wilson re-elected as board’s vice chairman

Mike Howie re-elected as secretary of Planning Board

4.) Final Plan for a Major Use Site Development titled Woodlawn Museum Visitor Center for the Hancock County Trustees of Public Reservations — The Black House, Woodlawn. The proposal, with approximate square footages, is to remove the existing carriage barn (2,500 SF) and caretaker’s house (1,325 SF) and construct a visitor center (8,000 SF) and expand the workshop (700 SF) on a 155-acre parcel (as listed in city records) at 19 Black House Drive off of Route 172/Surry Road (Tax Map/Lot: 26/57), in the Neighborhood Zone.

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

Noel Murphy from Oudens Ello Architecture, Woodlawn Executive Director Joshua Torrance, The Hancock County Trustees of Public Reservations Board President Terry Carlisle and Vice President Steve Shea represented the applicant.

Murphy referenced the site visit in October after the board last reviewed the application at its October 4, 2017 meeting. He said the focus since that time had been on working with the city’s Technical Review Team (TRT) on water and sewer matters, as well as working with the Ellsworth Historic Preservation Commission on obtaining a certificate of appropriateness. He noted the city’s Board of Appeals had approved a certificate of appropriateness at its meeting last week, on February 26, and that Woodlawn had wanted to resolve that matter before coming back before the Planning Board.

Fink asked if there were any changes since the last time the Planning Board saw the project, and Murphy said there were a few minor changes that were not substantive but rather made to come into compliance with matters raised by the TRT. The previous plan, for example, called for two fire hydrants, while the new version has only one hydrant. He said Woodlawn had also come to an agreement with the city on what the sewer demand would be as a result of the project. Murphy also again referenced the resolution of the matter of obtaining a certificate of appropriateness.

Fink asked about fire suppression water flow. Murphy said a test was done several months earlier that showed there was not sufficient fire flow at the site. Murphy said the applicant looked at multiple options and said Woodlawn will install a new pipe from the city’s water line on the Surry Road up to the site. He said an analysis showed that an 8-inch HDP pipe should be sufficient to achieve the necessary water flow (813 gallons per minute). He said that won’t be known for certain until it is installed. Murphy said the agreement with the city is that the pipe will be installed and tested, and that Woodlawn is prepared to look at alternate means if sufficient flow cannot be achieved. He said that could be achieved

WOODLAWN MUSEUM VISITOR CENTER for Hancock County Trustees of Public Reservations — The Black House, Woodlawn

Applicant representatives

Murphy explains what has happened since the last review by the Planning Board

Changes made since last time in response to the Technical Review Team

Discussion on fire suppression and water flow

through the installation of a pump or some type of water storage system (i.e., tanks) on site.

Fink asked city staff what would happen if sufficient flow cannot be achieved. Code Enforcement Officer Tilton said the building permit would likely be held until all necessary testing is done, but that that would not prohibit the applicant from doing ground work at the site.

DeLeo asked about letters from the Fire Department that said the project would be brought back to the Planning Board if the necessary water flow cannot be achieved, in order to consider alternate measures. He said language on the plan made no reference to that requirement about additional board review, should it prove necessary. He said he was unhappy about that omission.

Fire Inspector Hangge said he believed the only reason it would need to come back to the Planning Board would be because of needing to put a fire pump in place either on the property or attached to the city's water supply. Chairman Fink offered thoughts, then Hangge spoke again and said the project would come back because if they do not achieve the necessary flow, the Fire Department will not be able to grant the waiver for road width and the road would need to be widened.

Planner Gagnon said the project could be approved with a condition that language about the project coming back before the board if the required water flow is not met.

Gagnon then referred to a memo given to board members that summarized what had happened with the Woodlawn project since they last reviewed it in October. She asked the board to consider rescinding a waiver it had granted at that time, because such a granting was the purview of the Fire Department and not the Planning Board.

Board Member Mike Howie asked a question about peak wastewater (sewer) flow from the proposed facility. Murphy said the numbers represented a "worst-case scenario" and said on an average day the numbers will be lower than that.

Fink made a motion to rescind the waivers the Planning Board granted at the October 4, 2017 meeting relating to road width for fire access. Lessard seconded the motion and it carried unanimously (5-0).

Fink opened a public hearing at 7:15 PM. Penelope Houghton voiced various concerns. She said her overarching concern was "what kind of neighborly relations Woodlawn has extended to its immediate

Project to be brought back for Planning Board review if it fails to satisfy the fire department's requirements

Board asked to reconsider waiver it granted in October

Board rescinds road width waiver (5-0)

Public hearing opened at 7:15 PM

neighborhood.” She said she did not think Woodlawn had taken previous concerns of hers seriously and that now, with a larger project, she was more concerned than before.

Houghton said she was concerned about subjects including increased traffic and fire safety. She said she was concerned previously that there were not “No Smoking” or other fire safety signs in place when large numbers of guests were present. She also expressed concern about the quantity of deadwood present on the Woodlawn property. She said she wanted to see the existing fire hazard addressed.

Houghton said she was also concerned about water flowing down the hill, causing basements and gardens to flood. She said she was concerned these problems might intensify with the new development.

Fink asked if there was any additional comment from the public. Hearing none, he closed the public hearing at 7:20 PM.

Lessard said he, too, had questions about traffic. Murphy referred to the original application from September of 2017 which projected traffic would increase by 97 trips per hour at the peak on Surry Road (when an event was going on). Fink asked when the peak hour would be. Murphy said it would be on the weekend.

Lessard asked if Woodlawn would be renting the facility out for weddings, receptions or similar events, and Murphy said that yes, that would be one of the uses of the facility. Lessard said he presumed that these uses would result in more traffic than at present, and Murphy said that is true.

Gagnon explained how traffic calculations are made. She said a full-blown traffic study was not necessary in this case, based on the predicted numbers. Discussion continued.

Barkhouse lives on Laurel Street just off of the Surry Road across from Woodlawn and said he, too, had concerns about water runoff from the property. He asked if anything could be done about the matter. Torrance said Woodlawn had worked closely with the city to try and determine the source of the problem. Torrance said an old stone drain on the south side of the horseshoe-shaped access road to Woodlawn will be replaced with a new culvert and possibly a catch basin to help address the water issues there.

Murphy referred to the stormwater plan. He said the increase in stormwater due to the new construction and parking area will be

**Penelope
Houghton shares
her concerns**

**Public hearing
closed at 7:20 PM**

**Questions about
traffic**

**Concerns and
answers about
water runoff**

collected on site (the front lawn of the property) to slow it down and keep it from flowing off the property as much.

Fink said the board's scope of review is limited to what is proposed under the plan before it. He said problems that exist prior to this project are beyond the scope of the board's review and that the board cannot make a decision on this application based on ongoing issues.

Gagnon said Fink was correct, but added that the city is aware of ongoing issues and has met with the applicant to discuss ways to make sure the runoff does not remain a recurring problem.

Lessard asked a question about parking. Murphy said there will be 70 parking spaces, 46 of which will be on compacted or crushed stone (an impervious surface). The remaining spots will be on reinforced turf, which is considered a pervious surface.

DeLeo asked Hangge if the Fire Department had made a determination about the capacity (in terms of people) of the new building. Hangge said that determination had been made, but said it depends on how the building is set up inside. Hangge said there would be one figure if tables and chairs are in place, while a different number would be in place if those fixtures are taken out. He said in the latter situation, the capacity would be well over 300 people (at 7 square feet per person).

DeLeo asked how that related to parking, which both Murphy and Gagnon addressed. DeLeo said he was not proposing adding more parking, but wondered about how individual parking spaces would be marked considering the surfaces involved. Murphy said there will be granite curb stops for each individual space. He said there is an 80-car overflow lot which can be used for larger events. Torrance said poor parking is a pet peeve of his, too, and noted Woodlawn in recent years has used a parking attendant to help direct people to parking spots.

Howie asked about waivers, directing his question at Gagnon. There was agreement that the requested lighting waiver was granted by the board previously, and that waivers relating to Fire Department matters will be handled by that department. Gagnon noted that if the applicant is not able to meet the gpm and psi requirements outlined by the fire department, the project would be remanded to the Planning Board.

Fink made a motion that with regard to the Final Plan for a Major Use Site Development entitled Woodlawn Visitor Center, that the Board approve the project under Site Plan Review (Chapter 6) as an allowed use in the zone. He said the project was approved with a condition, that if the water pressure and flow rates are not achieved

Discussion about parking

Discussion about building occupancy

More discussion around parking

Approval of Final Plan for Major Use Site Development WOODLAWN VISITOR CENTER: 5-0

for the fire suppression, it will come back to the Planning Board for review because the changes to road width for fire access would then not be allowed. Fink asked if the fire Department was satisfied with that wording, and Hangge said he was. DeLeo seconded the motion, and without further discussion, the vote was called. It carried unanimously (5-0).

5.) Final Plan for a Major Use Site Development Plan and Major Subdivision Plan titled Atlantic Storage for Atlantic Landscape Construction. The proposal is to build 11 self-storage buildings and four residential duplexes (total of eight units) at 124 Bangor Road (formerly New Land Nursery & Landscaping) located on two parcels totaling 9.5 acres (Tax Map/Lot: 50/68 and 41/79), in the Urban Zone.

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

Steve Salsbury and Greg Johnston were present to represent the applicant.

Salsbury said he had submitted a revised traffic narrative, letters from the water and sewer departments, a revised site plan and a lighting plan for the office building specifically.

Johnston said one of the board's previous questions was about lighting, specifically about the residence being converted to an office. He said there were existing lighting fixtures on the building, but that another one (Dark Sky compliant) had been added as well.

Johnston said a request that came out of TRT meetings was that the wooded buffers on site be memorialized by both pins and signage so that "people know it's not a place to go get firewood." Gagnon asked that the sign provided by the applicant be shown. Salsbury showed one of the signs he has had made to mark the edge of the buffer. Gagnon said she was pleased with the sign and glad the applicant was doing this.

Discussion continued on the signs for a short while.

Johnston spoke about what was happening to the entrances to the property from the Bangor Road (Route 1A). He said the applicant was using the entrances recommended by the Department of Transportation and that it intended to discontinue the other entrances/exits. He said the plan had been taken a step further by curbing off those other entrances/exits, to make it clear they are fully shut off and not able to be used.

Johnston noted the plan had been updated to reference the proper type of Storz connections on the fire hydrants, after consultation with the fire

ATLANTIC STORAGE for Atlantic Landscape Construction

Applicant representatives

Salsbury outlines an update of project

Questions about lighting addressed

Wooded buffer to be marked with signs, City Planner expresses gratitude

Discontinued entrances to be shut off officially with curbing

department. Other changes included updating notes on the plan and in the application to reference the changes he had just outlined.

DeLeo asked a quick question about lights which Johnston answered. DeLeo then asked Salsbury about whether there will be a fence around the property, and Salsbury said there would be one on the front side (facing the Bangor Road) of the property. DeLeo asked if there would be a gate at the entrance, and Salsbury said there would not be a gate — that the facility would be open 24 hours a day. DeLeo asked if the owner had concerns about people not renting units there accessing the property, and Salsbury said he was not aware of any.

At 7:51 PM Fink asked if there was any public comment. There was only one member in the audience at that point, a representative for a subsequent agenda item, and he did not offer any comment. As a result, Fink declared the public hearing closed at 7:51 PM.

Fink reminded the board it found the application complete during its previous review. He said the applicant had addressed all items raised by the Planning Board and by city staff. Fink asked if board members had any remaining concerns on traffic or stormwater maintenance. No one voiced any. Fink noted lighting issues had also been addressed by the applicant.

Lessard made a motion that the board accept the Final Plan for a Major Use Site Development and Major Subdivision titled Atlantic Storage for Atlantic Landscape Construction. He noted that the proposal is to build 11 self-storage buildings and four residential duplexes (total of eight units) at 124 Bangor Road (formerly New Land Nursery & Landscaping) located on two parcels totaling 9.5 acres (Tax Map/Lot: 50/68 and 41/79), in the Urban Zone. Howie seconded the motion. There was no discussion, and the motion then carried unanimously (5-0).

6.) Amendment to an Amended Subdivision Plan titled Maddocks Avenue Extension Phase IV (Planfile 35-30) for Wayne W. Wright. The amendment would relocate boundary lines around subdivision Lot 18(Tax Map/Lot: 34/48), changing it from a 0.92-acre parcel in the Neighborhood Zone to 1.48 acres.

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

Salsbury remained at the table as he was representing this applicant as well. Salsbury explained the project involved modifying the lot line of Lot 18 in the subdivision. The applicant would receive a small amount of land from abutting landowner Toothaker, and in exchange would give

Questions about lighting and fencing

Public hearing opened and closed at 7:51 PM (no comment)

Approval of Final Plan for Major Use Site Development and Major Subdivision ATLANTIC STORAGE: 5-0

MADDOCKS AVENUE EXTENSION PHASE IV for Wayne W. Wright

Steve Salsbury represents the applicant

Toothaker a small amount of land that would then provide Toothaker with frontage on American Avenue for his property.

Fink asked if Lot 18 is currently developed. Salsbury said it is not, but that the plan is for it to be developed. He said that was part of the reason to expand the lot.

DeLeo asked about Toothaker gaining frontage and access on American Avenue. He asked if Toothaker could put a house on his property with an entrance/exit onto American Avenue, and Salsbury said yes, he could, if he wanted to because he has enough land to do so by subdividing his lot (there is already an existing home on the Toothaker property). Salsbury noted that American Avenue is a public street, and that adding another access point to it would not overburden it.

DeLeo asked about the deed restrictions/covenants in place when this subdivision was first created, and Salsbury said Toothaker's property (with its additional land creating frontage on American Avenue) would not be subject to any of the restrictions/covenants in place on the properties that are within the subdivision, with the exception of the small triangular piece of land conveyed to it from Lot 18.

Barkhouse confirmed with Salsbury that American Avenue is now a public way maintained by the city, and Salsbury said it was.

Fink said as an amendment to a subdivision, review is confined to the facts of the amendment. He said the board had expressed no concerns and that he did not have any of his own.

At 7:57 PM, Fink asked if there was any member of the public who wished to comment on the proposed amendment. Once again, the only person in the audience was a representative for a subsequent agenda item and he again had no comment. Fink closed the public hearing at 7:57 PM.

Barkhouse made a motion to accept the amendment to the amended subdivision plan titled Maddocks Avenue Extension Phase IV (Planfile 35-30) for Wayne Wright. The amendment would relocate boundary lines around subdivision Lot 18 (Tax Map/Lot: 34/48), changing it from a 0.92-acre parcel in the Neighborhood Zone to a 1.48-acre parcel. DeLeo seconded the motion. There was no discussion, and the amendment was then approved unanimously (5-0).

7.) Amendments to an Amended Subdivision Plan titled Blueberry Hill II (Planfile 20-43) for First National Bank and H. Ray Graham. The

Salsbury explains the project

Plan is to develop Lot 18 some time

Toothaker property to gain frontage and access on American Avenue

Discussion on deed covenants and restrictions from the subdivision

Public hearing opened and closed at 7:57 PM (no comment)

Approval of amendment to an amended subdivision plan MADDOCKS AVENUE EXTENSION PHASE IV: 5-0

BLUEBERRY HILL II for First

amendments would: a) retroactively approve Lot 2, a 0.64-acre lot (Tax Map/Lot: 16/8-1-1) created in 2001 with a transfer from Eye Realty, LLP to Graham; and b) create Lot 3, a 0.17-acre non-conforming lot to be merged with First National Bank's abutting 1.32-acre lot (Tax Map/Lot: 16/9). All of the subject land is in the Commercial Zone.

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

Patrick Lyons from Eaton Peabody was present to represent the applicant (First National Bank). Before speaking about the proposed amendment, Lyons said he was excited to be at the meeting because he, along with his wife, is a new resident of Ellsworth (having purchased a home on Joy Way off of the Surry Road a year and a half ago). He said it is his first time appearing before the Planning Board. Salsbury remained in the audience, as he drafted the plan for First National Bank's application.

Lyons explained the two amendments that were being sought tonight. First National Bank has an adjacent lot on Beechland Road to the proposed 0.17-acre Lot 3, which would be merged with that adjacent lot. Lyons said First National Bank has a purchase-and-sale agreement with the present owner of Lot 3 which is subject to approval of this amendment.

Lyons then addressed Lot 2, which was created in 2001, but for which the owner (Graham) apparently did not seek Planning Board approval to amend the subdivision plan. That apparent oversight came to light during review of First National Bank's application, and Lyons explained the intent was to take care of that matter along with the proposed new amendment (creation of Lot 3). He noted First National Bank was not involved with the creation of Lot 2, but said Graham had given First National Bank and Eaton Peabody authority to appear on his behalf in the matter tonight.

Lyons summarized the proposed amendments and said they were in compliance with the city's ordinances, particularly Chapter 56 (Unified Development Ordinance) and Chapter 28 (Subdivision Ordinance).

Fink asked about Lot 2's original creation in 2001, and said he noticed it had no direct access (that it is landlocked). Lyons said it abuts property owned by Graham which have frontage on High Street. Gagnon echoed that point, noting those parcels are owned by other LLCs but which are in turn owned by Graham. She said Lot 2, therefore, is not a landlocked lot. Fink asked if there was a right of way to Lot 2. Fink said he saw it as an independent lot with no access, technically, and asked if the board would have approved the creation of Lot 2 if Graham had come before the board in 2001. Gagnon said it would not have triggered subdivision

National Bank and H. Ray Graham.

Patrick Lyons from Eaton Peabody represents the applicant (First National Bank)

Lyons explains the process

Lyons explains after-the-fact amendment being sought, separate from First National Bank's project

Discussion about landlocked lot (Lot #2), versus it having access from abutting lots owned by the

review because it was not within the five-year window. She said it was the creation of a lot after the fact, outside the five-year window, and would have been treated as a lot line revision in an approved subdivision.

Fink said that still amounted to creating a lot with no access. Gagnon countered that Graham has access because he owns three abutting lots (which in turn have frontage). Fink said if Lot 2 were sold to another party, there would be a problem. Howie agreed.

Tilton said Graham is currently using Lot 2 for storage. He said he understood Fink's point, but said similar situations were approved before.

Gagnon recapped that First National Bank came initially just for approval of Lot 3. She said city staff looked at the previous history of the subdivision and found there was a violation, and she said the city wanted that violation to be corrected before more changes were made.

As discussion continued on Lot 2, Barkhouse said if Graham were to sell it he thought whoever was buying it would ask for a right-of-way in at that time. "Or a helicopter pad," quipped Fink. Discussion subsided.

At 8:06 PM Fink asked if any member of the public wished to comment. Salsbury was the only person sitting in the audience, and he did not say anything. Fink closed the public hearing at 8:06 PM.

Howie made a motion to accept the amendments to an Amended Subdivision Plan titled Blueberry Hill II (Planfile 20-43) for First National Bank and H. Ray Graham. He noted the amendments would: a) retroactively approve Lot 2, a 0.64-acre lot (Tax Map/Lot: 16/8-1-1) created in 2001 with a transfer from Eye Realty, LLP to Graham; and b) create Lot 3, a 0.17-acre non-conforming lot to be merged with First National Bank's abutting 1.32-acre lot (Tax Map/Lot: 16/9). He also noted all of the subject land is in the Commercial Zone. Barkhouse seconded the motion. There was no discussion among the board, but Gagnon asked the board to change the word "accept" to "approve" and not use "accept" anymore going forward when making motions. Howie changed the word to "approve." There was no further discussion, and the motion carried unanimously (5-0).

8.) Signing of Mylars & Adjournment

Barkhouse made a motion to adjourn the meeting after mylars were signed, and the motion was seconded by DeLeo. Without further discussion the vote was taken and the motion passed unanimously (5-0). The meeting adjourned at 8:09 p.m. Mylars and plans for

**same individual
(Graham)**

**Public hearing
opened and
closed at 8:06 PM
(no comment)**

**Approval of
amendments to
an amended
subdivision plan
BLUEBERRY
HILL II: 5-0**

**Meeting
adjourned at 8:09
PM.**

Atlantic Storage, Maddocks Avenue Extension Phase IV, Blueberry Hill II and 208 High Street were signed.

Board signed
mylars/plans for
Atlantic Storage,
Maddocks
Avenue Extension
Phase IV,
Blueberry Hill II
and 208 High
Street

Minutes prepared by: Steve Fuller, Assistant City Planner
Minutes approved by Ellsworth Planning Board on May 2, 2018:

*Agendas and
minutes posted on
the city of
Ellsworth's website:
ellsworthmaine.gov*

6/6/18



Date

Mike Howie, Secretary, Ellsworth Planning Board

