

**City of Ellsworth
Planning Board Meeting
Minutes — Wednesday, July 11, 2018**

Chairman John Fink, Vice Chairman Darrell Wilson, Secretary Mike Howie, and board members Roger Lessard and John DeLeo were present. The sixth and seventh seats on the board (alternate members) is currently vacant.

Planning Board member attendance, all appointed members present

City Planner Michele Gagnon, Fire Inspector Mike Hangge and Assistant City Planner Steve Fuller attended the meeting. City Manager David Cole was also in attendance in the audience for part of the meeting.

City staff members in attendance

1) Call to Order

Chairman John Fink called the meeting to order at 7:00 PM. He had each of the five board members present introduce themselves.

Meeting called to order at 7:00 PM

2) Adoption of Minutes from the June 6, 2018 meeting

Board Member John DeLeo made a motion to accept the minutes from the June 6, 2018 meeting as written. Fink asked if there were any additions or corrections, and no one offered any. Fink called for the vote, and it was unanimous (5-0) in favor of the motion. It was not obvious that the motion had been seconded, so Assistant City Planner Steve Fuller asked for clarification and Board Member Mike Howie said he seconded the motion.

Adoption of minutes from June 6, 2018 regular meeting: APPROVED (5-0)

3) Preliminary Plan Review for a Modification to an Approved Minor Subdivision (Planfile 44-77) titled Our Way Development/Holt Industrial Park for Dan Quinlan. The proposal is to separate an existing residential building into two buildings and create a new lot in the process, increasing the total number of lots in the subdivision from four to five (which changes the classification to Major Subdivision). The proposal would not create any additional residential units. The project is located on 1.56 acres at 204 Bucksport Road on Tax Map 26, Lot 2 in the Urban Zone. The proposal would divide that lot into two separate parcels, one 0.81 acres in size and the other 0.75 acres.

OUR WAY DEVELOPMENT /HOLT INDUSTRIAL PARK for Dan Quinlan

a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Steve Salsbury was present to represent the applicant. He said the reading of the agenda item was a good summary of the project. He said the request is to split one of the originally approved lots into two parcels. Additionally, it calls for taking the building that had four units and making a separation so there are now two buildings with two units each. He noted that the separation of the building into two duplexes has already been done. Salsbury said there are no physical changes to the entrances.

Steve Salsbury representing the applicant, gives overview of project

Fink asked if setbacks are being met/maintained, and Salsbury said they are. He noted that the side and rear setbacks in this zoning district (Urban) are 5 feet, and that the plan provides for setbacks of 7 feet between the buildings. Fink asked if there were separate septic systems for each unit and Salsbury said there are. Salsbury said the new property line separates the two septic fields.

Discussion of setbacks and septic systems

Fink asked if there were questions from the board. Howie asked about the last time this subdivision came before the board, and said he recalled the parties involved were waiting for a right-of-way to be in place. Howie asked if that situation had changed and Salsbury said no, it had not.

Question about prior right-of-way issue

Board Member Darrell Wilson asked about an existing leach field, and how much space is between it and the building and it and a propane tank. Regarding the propane tank, Salsbury said there will likely be a cement base underneath the tank and that there should not be any interaction between the propane tank and the leach field.

Question about leach field and propane tank

Wilson noted that the application was filled out for a minor subdivision while the agenda item said a major subdivision. He asked if that could be corrected, and Gagnon said it needs to be. Gagnon explained it has become a major subdivision with the creation of a fifth lot, and that approval for such requires coming to two planning board meetings. Gagnon noted that she was not present for either the Technical Review Team or pre-Technical Review Team meetings held in the end of June, in advance of the Planning Board meeting (she was on vacation in Hawaii).

Discussion of major versus minor subdivision

Wilson asked about the subdivision plans, pages 23 and 24, in the back of the application booklet. Regarding page 23, a plan dated September 14, 2017, Salsbury said it was the current plan in place, approved by the board previously, but Wilson disagreed and said he really did not want this plan in the package. He pointed out there was a note that has the word “extinguished” in it, with regard to a right of way to a neighbor with the last name of Meeks, and recalled that the board had gone “round and round” on that matter during its last review of that subdivision. Salsbury apologized and said he had mistakenly put an earlier version of the plan in the packet, and said he would swap out page 23 for the correct version of the approved plan for the board’s next review of this project.

Application needs to contain correct approved plan that is in place at present

Salsbury will address this issue with the plan and the correct easement

City Planner Michele Gagnon asked if the approved plan to be included in the application contained “the correct language pertaining to Mrs. Meeks’ situation.” She said that is something that needs to be verified for the final review — to make sure that everything is consistent. Salsbury said the correct version of the approved plan has the language to which Gagnon referred to.

Discussion of easement involving neighbor Meeks

Fink asked if there was anything in particular Salsbury needed to be aware of with the subdivision going from minor to major classification.

Any changes in move from minor to major

He specifically asked if there would be anything that would affect the previous information about drainage.

Fink opened a public hearing at 7:08 PM. There were citizens in the audience, but none of them wished to speak about this project, and so Fink then closed the hearing.

Fink asked board members if they had anything to say. He noted that since it was a preliminary review, the board’s role was pretty much limited to finding whether the application was complete or incomplete.

Wilson asked about any other comments from city staff and whether all points raised in the Technical Review Team report had been addressed. A typo involving Our Way had been corrected on the plan post-TRT, but Salsbury said he did not correct an identified discrepancy involving tax map and lot numbers because “there is still conflicting information on the tax maps on the city’s website.” Gagnon said city staff felt the numbers they provided to Salsbury were correct and that the ones he was using were incorrect, and that they needed to be changed.

Fire Inspector Mike Hangge referenced the earlier question about siting of fuel tanks and said there is a requirement from a national-level fuel regulations organization. Hangge said he would talk to the property owner to make sure that requirement is met.

Gagnon referenced a comment from the water department regarding access to water lines. Fuller and Gagnon said Water Superintendent Reggie Winslow wants to see how water service will be provided to the 204 Bucksport Road property (unit 3 and 4 on the plan). Fuller noted that when water service is shown, Winslow believes it will need to come from the main across the Bucksport Road (unless the current service line on the south side of the Bucksport Road is 1 inch in diameter or greater).

Wilson asked whether the board’s role in this review is focused only on the specific proposed changes, rather than the subdivision as a whole. Fink said that is correct, unless there is something of particular significance that trips a larger review. Gagnon explained it is a modification creating a new lot and thereby triggering a major subdivision.

Fink said the board essentially will need to see a new utility plan for final review showing water service, and Gagnon noted there are also a few housekeeping items such as the one flagged by Wilson earlier (about having the correct plan with the right language for the easement to Meeks) and having the right map and lot numbers.

Public hearing opened and closed at 7:08 PM

Fink outlines board’s role, asks for questions

Wilson asks about issues raised in the Technical Review Team’s report

Question about siting of fuel tanks

Question and discussion of water lines and water service

Question about scope of board’s review with regard to this application

Discussion of what will be needed for final plan review

Wilson moved that with regard to the preliminary plan for this modification to an approved minor subdivision titled **Our Way Development/Holt Industrial Park**, agenda item number 3 on tonight's agenda, that it is an allowed use in the zone (as it was previously) and that the board find the application complete with advisory comments to the applicant on changing the proposed plan classification to major on the application, resolving the tax map/lot number issue, noting the location of the propane tank and depicting the water line location for final plan. The motion was seconded by DeLeo. There was no discussion and the motion carried unanimously (5-0) at 7:14 PM.

4) Preliminary Plan Review for a Major Use Site Development and Major Subdivision titled Washington LUXE for Jonathan Bates. The proposal is for two, 12-unit, three-story buildings with a total of 24 apartment and/or short-term rental units. The project is located at 29 Washington Street on two parcels totaling 1.19 acres (Tax Map 130, Lots 26 and 30), in the Downtown Zone.

a. PUBLIC HEARING AND DETERMINATION OF APPLICATION COMPLETENESS.

Steve Salsbury, Chip Haskell from CES and Jonathan Bates (the applicant) were all present at the meeting. Salsbury said the application showed the layout of the buildings as proposed, with utilities, stormwater, traffic and lighting information provided.

Wilson asked how tall the buildings will be. Bates said the roofline will terminate at 43 feet. Salsbury noted the buildings are three stories each, with 10-11 feet per story. Bates said the roof is a four-pitch roof.

DeLeo asked about stormwater calculations on page 28 of the application, regarding stormwater management. DeLeo noted that there were increases at all four summation points between pre- and post-development in a 2.7-inch rain event, whereas three summation points saw decreases in the larger, 5.4-inch rain event. He asked how that could be possible.

Haskell explained that in the larger storm event, the flow characteristics are very different than in a smaller event. In the smaller storm event there is a little more absorption in the soil, pre-development, because post-development there is more impervious surface and therefore less absorption. That leads to more runoff. In the larger rain event, Haskell said, the runoff is currently absorbing and then running off because the ground gets saturated. He spoke about measures that have been taken, including forcing runoff to take a longer route to summation points and therefore slowing it down.

OUR WAY DEVELOPMENT/HOLT INDUSTRIAL PARK:

Application complete, 5-0 (With advisory comments to the applicant)

WASHINGTON LUXE for Jonathan Bates

Steve Salsbury, Chip Haskell and Jonathan Bates present for project

Question about height of proposed buildings

Question about pre- and post-development stormwater numbers

Haskell explains the difference in flow characteristics between different types of rain events

DeLeo asked if stormwater runoff from the workforce housing project (Oriole Way) flows into the same stormwater line on Washington Street that Washington LUXE will be tied in to. The answer given was yes. DeLeo said he recalled that when the Straw Way housing project was constructed, off of Water Street, there was an issue with a stormwater line underneath Water Street. He said he did not think that issue was addressed. He said he believed the line from Water Street to the harbor and river was improved, but that the issue with the line under Water Street itself was not resolved. He asked if that is the case, what is going to be done about it?

DeLeo referenced the second page of the TRT report where it talked about stormwater and said he was concerned by the notes there that said city staff believes the stormwater line on Washington Street is 2 feet in diameter but has not verified it themselves and that the burden to do so is on the applicant. He said he really had a problem with that, with city staff saying it's up to the applicant to figure out what size the line is and whether it can handle the runoff from Washington LUXE. He compared it to an applicant going to the water and sewer departments and asking them what size their respective lines are and being told, "I don't know, you figure it out." He said it is really concerning to think that the city is suggesting it doesn't need to have that information.

Fink interjected and said it is the burden of the applicant to show that the information provided is correct, and also the applicant's burden to show the adequacy of the stormwater management plan it is presenting.

Haskell said at that specific location, the summation point on Washington Street, the plan is to reduce peak flows and so the size of the pipe becomes almost irrelevant. Haskell said he drove to the site that evening and taken a look down the storm drain and determined the pipe it feeds into is at least 3 feet in diameter. Haskell said concerns about flooding events would be in the larger rainfall events, where the applicant is proposing to reduce peak flows. In response to a question from Wilson, Haskell said he was referring to summation point 1.

Gagnon asked if the applicant was availing itself of the reduction (using stormwater credit) resulting from the uphill workforce housing development, and Haskell said no, that is not being done at this time. Returning to DeLeo's concern, Gagnon said the city paid previously for an inventory of the stormwater system (size, condition, elevation of invert, etc.). She said if the applicant was going to have an increase in stormwater, the applicant would need to show the system had the capacity to hold it. She said the applicant could ask for and use that information in its calculations. Gagnon said she thinks that's where the disconnect was: that the city has the information but it is not readily available (not in a program that the city can use).

DeLeo asks about stormwater lines on Washington and Water streets; recounts issue raised during Straw Way project in 2010

DeLeo unhappy with tone of note in TRT report regarding what is the applicant's burden versus what is the city's responsibility

Fink follows-up with comment on what the applicant needs to do

Haskell responds to stormwater concerns and questions

Gagnon asks about whether the applicant will use stormwater credits from a previous project, discussion ensues

Gagnon responds to DeLeo's previous concern RE: TRT report

DeLeo said his position is that if a developer says something is going to work (in this case a stormwater management plan), he wants to then see the city say it agrees with it (or not). DeLeo said he likes to have it verified from the city's standpoint in order to protect the city and its taxpayers. Gagnon said there is a concern internally, because of the slope, about whether the plan will work. She noted she has the ability to ask for a peer review, as does the Planning Board, of the data provided. She said the city is not saying there is anything wrong with what the applicant is proposing, but nor is it 100 percent comfortable at this time. She said she would like to have a conversation with the applicant after the site walk in order to determine what should be done. "It needs to work," she said.

DeLeo asked if the city was aware of the prior deficiencies with stormwater underneath Water Street and whether they had been addressed since Straw Way. Gagnon said she was not. She said stormwater is of great concern because of the slope on the Washington LUXE site. She said the city will take all necessary measures to make sure what the applicant says will work is actually going to work.

Fink asked if the city was going to seek a peer review or whether the Planning Board should pursue that instead. Gagnon said she did not feel she had had a chance to adequately discuss the matter with the applicant, and would want to have further discussion before the city called for one. Fink said a peer review would have to be done if the board asks for one and Gagnon confirmed that. She noted there is no ability to make a decision at the upcoming site walk. She said the applicant would likely rather have the board make a decision tonight instead of waiting until the next meeting, when they are there for final review, because that could slow down and/or extend the approval process.

Fink asked what the board's preference was and asked if anyone felt the need for a peer review, or whether it should be left for Gagnon. Wilson asked if a review could be called for at the final plan review, and Fink said yes but that it would delay the applicant at least a month. DeLeo said he felt there should be a peer review not only where the applicant connects into the line on Washington Street but "also to see if there is an issue with the stormwater down on Water Street." Gagnon said the peer review is limited to reviewing the integrity of what is provided by the applicant. She said other tasks cannot be added in. Gagnon said she could determine how to address that second component separately. She explained what the peer review would encompass. Fink noted it would look at "the adequacy of what is presented."

DeLeo inquired if the public works director could issue a letter similar to those issued by the water and wastewater departments, that there is sufficient capacity in the stormwater system to handle the flows. He asked if there is, in fact, a deficiency with the stormwater line underneath

DeLeo wants information to be verified by city staff

Discussion of peer review begins

Discussion of existing deficiencies and nature of site for this property

Discussion of possibility of a peer review for this project for stormwater

Discussion continues on subject of possible peer review

DeLeo asks if public works director can issue a letter of capacity for stormwater

Water Street, how does it affect the whole stormwater line feeding into it from Washington Street?

Bates said his project will reduce the amount of runoff going into Washington Street (and from there into Water Street). DeLeo said he would like to see someone from city staff say they agree with Haskell's calculations. Bates asked how quickly a peer review could be done.

Gagnon said she would recommend doing a peer review because she thinks it would be very helpful to the process. On DeLeo's concerns of existing deficiencies, she said that is something that can be looked at separately, either by the public works director or through other means as necessary. She reiterated that the city has concerns on stormwater, due to factors including the steepness of the slope and density of the project (while noting the city supports density generally). "I think that it would be good to have a second opinion that this is going to work," she said, adding that it could be especially reassuring for neighbors on the downhill side.

Discussion turned to summation point 4, which showed an increase for both the 2.7-inch and 5.4-inch rain events. Gagnon noted that is not allowed under ordinance. Haskell termed it a "slight increase." Haskell explained how his plan proposes to use a level spreader to spread the water out and turn it into a less energetic level of water before it leaves the property. He said doing so would reduce the amount of erosion. Fink noted that what is being proposed does not reduce the total flow, and Haskell acknowledged there would be a slight increase. Haskell said the velocity would be a lot less, however, because the water is being spread out. Fink said he thought the requirement was that there be less flow than before, and that therefore what is being proposed does not meet the requirements of the ordinance. Haskell made a reference to certain exceptions, and Fink said he saw it differently. "It either meets the language or it doesn't meet the language," he said. Gagnon said it currently does not meet, and Haskell said she was correct. Fink pointed out the board would be "remiss" in approving the project if the violation remains.

Gagnon said Jim Kaiser (a civil engineer who has been before the board numerous times over the years) has noted it is hard to model for stormwater on a small site. She said that is one of the reasons she would like to see a peer review — because it's a small site with a steep slope that could have a "grave impact" on the neighbors. She said it would be in the city's best interests to "just double check things."

DeLeo made a motion that the board have a peer review done on the stormwater plan for this project. Roger Lessard seconded. There was no discussion and the motion then carried unanimously (5-0).

Bates comments on the matter of stormwater

Gagnon voices support for a peer review, says it would be good to have a second opinion

Discussion a particular summation point for stormwater

Discussion over whether what was submitted meets the letter of the ordinance (it does not, at this point)

Gagnon notes others have said it is difficult to model for stormwater on a small site such as this

**Peer review to be done for stormwater plan for Washington LUXE:
Approved, 5-0**

Gagnon said she wanted to continue working more with the applicant to see if there were ways to get closer to meeting the ordinance before having the peer review done in order to avoid wasting time and money. Discussion continued between Fink and Gagnon about what would be done by city staff working with the applicant prior to the peer review commencing. Gagnon confirmed that whatever the board receives for the next meeting where this project is reviewed will have gone through peer review. Fink said that was a key concern of the board.

Howie asked about parking, and noted that the ordinance treats condominiums and multifamily projects differently. Fink commented how condominiums are “a different animal.” Gagnon said she does not consider this project multifamily but rather lodging. She said she believes what the applicant is trying to do is kind of a mix in between the two. She said there is a vision for multifamily along with a desire to do short-term rental that is very close to lodging. She noted lodging is also an allowed use in that zone and reiterated her belief that the project is lodging. She said she believes what is required for apartments for parking will serve the use. She said she feels comfortable with what is proposed (36 spaces for 24 units).

Bates said from his perspective it is more than likely no less than six-month leases. He said he is eyeing people who have no housing options from May through October, tenants who have good incomes who will then disperse that money within Ellsworth.

Gagnon said the difference between lodging and housing is that residents of housing plan to be there for awhile which creates a community feeling. She said this project is sort of somewhere in between that. She said she thinks the 1.5 parking spaces for each unit, as proposed, is appropriate. She asked how many bedrooms each unit will have and Bates said two.

DeLeo asked about the rip rap shown on the site plan, depicted between Bates’ existing Washington Lofts duplex and this project, Washington LUXE (to the east of Washington Lofts and west of Washington LUXE). DeLeo asked what the impact would be if the Washington Lofts duplex was sold to a different owner (Bates owns it now). He asked if the rip rap serves a purpose for the proposed apartment buildings. Salsbury said it will act to collect the stormwater and put it toward the street. DeLeo asked if a new owner bought the Lofts property, could he/she tear out the rip rap. Bates said if he were ever to sell the lower property, he would deed the entirety of the rip rap area to himself. Fink asked why he wouldn’t just do that now, and Bates said because he owns both properties currently he didn’t see the reason. Fink suggested Bates do it now to satisfy that that is protected. Wilson asked if the rip rap served any function for the downstream property (Washington Lofts), and Bates said there is some as the parking has a slight slope toward the rip rap. Wilson asked if there needed to be an easement there. Haskell suggested

Gagnon wants to work with applicant to review and revamp stormwater plans as needed

Questions about when peer review will be conducted and completed

Discussion on parking and whether what is proposed here is adequate or not

Bates says he is looking at a minimum six-month lease for his units

Gagnon speaks about difference between short-term rentals and apartments

Discussion about rip rap at Washington Lofts (downhill from Washington LUXE) and what function that will serve for both properties

Discussion of a shared or common easement between the two properties

probably having a common, two-way easement to that area for both properties. Wilson said that sounded like a condition for final approval and Fink agreed.

DeLeo asked Hangge about plans for fire apparatus access and curbing on the property. Hangge said the city has asked the applicant to provide mountable/drivable curbs on all internal curbing and at the entrance/exit on Washington Street. He said the applicant is in agreement with that request.

Hangge then addressed a guardrail on the western edge of the lower level parking lot that he said is a little bit high. If a fire truck were in there and needed to back up to turnaround, the rear end of two particular fire trucks would hit rather than go over the guardrail. Fink asked if lowering the guardrail would cause any safety concerns. Hangge said he did not think it would, that it would still serve effectively as a barricade. He said it needs to be there because of the safety concerns.

Hangge said he has worked with Haskell on fire department access into and out of the site. He spoke about approach and exit clearances beneath the various vehicles. He said the department feels several of the proposed clearances are insufficient. He said the various parties have been working “feverishly” on the matter. Fink said this matter is really for final review, as it is not a matter of plan completeness. Hangge agreed.

Hangge said the proposed hydrant location on Water Street (the applicant is adding a hydrant) is fine. Regarding how the building will be looked at for fire department review (classification of building), Hangge noted that life safety codes (and classifications) are different than land use codes (and classifications). He said some of the determination may be made by the fire marshal’s office. Hangge said the water lines that are going in for sprinkler systems are of sufficient size.

DeLeo asked about the sight distance at the entrance/exit. Haskell said a traffic engineer was sent to the site to measure sight distance in both directions. Because it is in a 25-mph zone, there needs to be at least 250 feet of sight distance, Haskell said. Looking up Washington Street (to the east), he said there is approximately 279 feet of sight distance, plus or minus. The downhill side (to the west), however, will “require a little bit of clearing,” Haskell said, to get to the required 250 feet. He said the sight distance will be re-measured as soon as the clearing is done. He noted the current sight distance is approximately 193 feet so not a lot more is needed. Gagnon asked if the sight distance was measured on site and Haskell said it was. DeLeo asked Haskell if he feels confident that there will not be an issue with sight distance once the clearing is done. Haskell said CES’s engineer felt there wouldn’t be any problem once a little vegetation was cleared. Haskell said the same engineer will re-measure when the clearing is done. DeLeo asked if the engineer could

Haskell suggests common easement, board considers making that a condition for final approval

Discussion about curbing on the site once project is built

Concern from fire department about the height of one of the guardrails

Fire department also has concerns about vehicle clearance for its trucks, is working with the applicant to resolve the matter

Discussion of how life safety codes and classifications are different from those for land use review

DeLeo asks about sight distance and discussion ensues

Haskell explains sight distance is short at present but will be re-measured and cutting done to achieve what is necessary

contact city staff when he does that “to have someone verify that.” Haskell said that was acceptable.

Gagnon spoke about landscaping. She said landscaping was partly addressed in the application but that more detail is needed, both under 813.6 and 813.16. She said she would also like to see a landscaping plan with a key. She said she wanted to make sure the applicant knew the city would be looking for a lot more information in the final plan. Fink noted it did not affect the board’s deliberations on completeness at this meeting.

Gagnon also touched briefly on traffic. She said there had been comments at the last meeting about traffic, and she said she had done her best to provide the board with more information about traffic in general. Fink noted the board had received two letters from abutters with concerns, and that traffic was again mentioned therein.

At 7:55 PM, Fink opened a public hearing. First to speak was Martha Dickinson of Ellsworth (40 Washington Street). Dickinson said she had already learned some things about the project so far during tonight’s meeting. She said it seems like most of the site will be covered with either paving or housing (impervious surfaces), so she anticipates there will be a lot of stormwater runoff onto Washington Street. She said she thinks it will be a “definite problem” and hopes that the board will obtain an adequate peer review.

Dickinson asked if she could summarize the letter she submitted earlier in the day. She said she bought her home about 17 years ago after looking all around the area. She thought Washington Street would be a good selection with a neighborhood of single-family homes, lawns, trees and friendly neighbors. She said she assumed there would likely be some type of development across the street from her, but said she presumed it would be one or two single-family homes and not 24 apartment units with the associated traffic, noise and lighting. Dickinson said she is retired and enjoys watching the nature in the neighborhood. Dickinson said she presumed the high-income tenants the applicant is eyeing will be attracted to the area for its natural beauty but will instead be surrounded by asphalt and lighting. She questioned how the units will be sellable.

Dickinson said 1.5 parking spaces per unit seemed inadequate. She said the units themselves seemed small to her. She said the occupants will be strangers rather than neighbors. She said lighting is a concern, also. She said the asphalt could be the permeable variety, such as what is used for part of the parking lot at Ellsworth Elementary Middle School on Shore Road. Noise is another concern, Dickinson said. She referenced her work with the Ellsworth Green Plan. Dickinson said she presumes the developer is within his rights with this project, and that she was not contesting that, but said the city “really needs to sit down and think about what [it] want[s] for this part of downtown,” the residential parts of the

DeLeo wants city staff to verify sight distance measurement, Haskell OK with that

Discussion of landscaping and what needs to be on the final plan

Discussion of traffic and Gagnon’s memo regarding overall traffic issues in the city

Public hearing opens at 7:55 PM

Martha Dickinson first to speak, shares concerns starting with stormwater

Dickinson summarizes contents of letter she sent to the board that day

Dickinson said proposed parking seems inadequate

Lighting and noise are additional concerns

Dickinson concerned about development in general

Downtown Zone district in particular. Dickinson said if she had the money and the energy she would move now, while she can. Dickinson wondered if the Planning Board could put off a final decision until the plan for the whole area is looked at. Without referencing specifics, she said she had heard there was “some plans... for that whole block that I don’t know about.” She said she heard the whole block from Washington Street to Foster Street and High Street to Water Street “could be all just concrete and houses.”

Dickinson asks if Planning Board can delay project

Dickinson said she would like a chance for the community to offer alternative ideas for development. She said occupants of such high-end housing will want to see greenery. She said a project like this should be on a much larger lot with lawn and trees and places for children to play. Dickinson said she believed the Green Plan would be asking for a public forum to talk about development issues. Dickinson said she finds the current zoning and the uses it allows for “extremely discouraging.”

Dickinson suggests alternatives for development

Fink noted the Planning Board does not have the authority to postpone review of this application because the applicant has rights. Fink said the board will review the merits of the information the applicant has presented the next time the applicant comes before the board. He said the purpose of this meeting and review is to make sure the application has all the parts that it should have and does not go into the adequacy of the application. Dickinson appealed to the applicant to consider something else, such as duplexes, for the property and called the current proposal “overkill.” She urged Bates to listen to neighbors.

Fink explains what board can and cannot do, and what the purpose of this meeting is

Next to speak was Joseph Cesario who lives at 36 Washington Street. He said he just closed on the property last month and has yet to make his first mortgage payment. He said he is concerned about headlights from traffic coming out of the development because his house is directly across from the driveway/road to Washington LUXE as well as parking lights. He said he “didn’t invest in Ellsworth to look at 24 lodging units.” He said he believed his property value would go down as a result of the development. “Nobody’s going to want to buy a house across from 24 lodging units,” he said. Cesario voiced concern about traffic on Washington Street and said as it is no one observes the speed limit there.

Joseph Cesario speaks — lives across the street and has concerns about traffic and property value

Fink said the board would look at traffic but said it has no jurisdiction over matters of property values. He said if the board made a decision based on property values the applicant would appeal and the board would “undoubtedly” be overturned. Fink reiterated that traffic is a concern of the board. He said lighting must meet the standards. He said aesthetics are a difficult thing to judge, unless the standards are very, very specific.

Fink says board cannot factor property values into its decisions

Judith Felch spoke next. She is chairman of the board of the Christian Science Society, whose building and property directly abuts the site of the proposed Washington LUXE project to the east. She spoke of a

Judith Felch from abutting Christian Science Society speaks

“runoff of water” that takes water from the uphill side downhill toward the Union River (it runs underneath the church’s parking lot and then diagonally down toward Washington Street). She said she wanted to make sure that on the upcoming site visit people see where it goes when it hits the applicant’s property. She said she wanted to ensure that water was not somehow stopped as a result of that project. In response to a question from Fink, Felch said there is usually only water in the runoff during a rain event or when snow is melting in the spring. She said the runoff is very active at times and that it has carved itself a channel over the years. She said the water flows well right now and there is not a problem.

Felch spoke about her own experience with stormwater where she lives on Birch Avenue. She spoke about wanting to have follow-up on things that are required as part of the plan after it leaves the Planning Board. She said it is one thing to put it down on paper and another to make sure that it is enforced.

Felch next spoke about traffic and said no one drives 25 mph on Washington Street. She said she doesn’t know how traffic factors into the Planning Board’s review, but wanted to make sure she knows it’s a concern. She said Washington Street will become “a major thoroughfare.” She said if no one else will address it, it should fall to the police department, and suggested a cruiser could be stationed on that street all the time. She said that would be a cost of the two projects (Washington LUXE and workforce housing), having a dedicated police presence there. She said she often sees a cruiser on High Street where it is 25 mph.

Felch posed a question in advance of the site visit. She said she did not understand how there would be less runoff post-development than there is pre-development. She asked for a non-technical explanation. She said she knew at Seaport Village, near her home on Birch Avenue, underground tanks were installed to accommodate the stormwater and that it seems to work well.

She asked a separate question, which is whether the lot is required to have a certain percentage of green cover (essentially, landscaping) post development. Fink said it does, but that that question will be addressed when the final landscaping plan is presented. Felch repeated her question and Fink repeated his answer. Fink said acceptance of the application as complete does not mean that the board approves or agrees with any of the specific information contained therein.

Martha Dickinson returned to the podium to make a comment on behalf of a neighbor who lives uphill on Washington Street from her. She spoke of his experience with unintended consequences of stormwater drainage from when the city worked on the road years ago. She noted that the

Felch speaks about water flowing under church parking lot, concerned about flow possibly being blocked downstream in the future

Felch wants to be sure there is follow-through and enforcement on plans

Felch has concerns about traffic, believes Washington Street will become a major thoroughfare, wants police presence there for traffic (speeding)

Felch wants non-technical explanation of stormwater

Felch asks about what will be required for landscaping, and Fink responds

Dickinson speaks again, this time on behalf of another neighbor

workforce housing project behind Renys is not yet finished or occupied, and said as a result no one really knows what the full impact of that project (with regard to stormwater) will be. Fink said the developer will need to finish the project according to the plans that were approved by the Planning Board. Dickinson asserted there would be more stormwater coming from that project once all pavement is in place. Fink said that is incorrect, that once the project is done it — under ordinance — cannot have more water leaving its property than it did before the development. Dickinson, who noted she has a degree in physics, said that seemed to be “miraculous” and said she did not “believe in miracles of that sort.” She urged the board to “be skeptical.” Discussion continued.

When discussion waned, Fink closed the public hearing at 8:17 p.m. He then gave Haskell a chance to address stormwater concerns. Haskell said what the modeling has shown so far is reduction in peak flows, not necessarily in volume. Haskell said the site is a steep site and that the intent is to essentially create a tiered site and force water to go a long distance (hitting curbs, etc.) while traveling to a summation point. He said water is traveling more slowly, as a result, and that because of that the peak flow is decreasing. Questions started to come from the audience, and Fink interjected to say it could not be a back-and-forth between the public and the applicant. Haskell said there are a lot of factors at play but that he is looking forward to working with the city and making whatever changes necessary to make it all work.

DeLeo then spoke. He said the board has kind of “danced around the cumulative effect” of multiple developments on stormwater and traffic. He said it “all comes to a peak at some point.” He said the city “really needs to address the cumulative effect of development” on things like stormwater and traffic and “not wait until the crisis point” to do so. He referenced commercial development on Beckwith Hill (Myrick Street) and said the original idea to have stores help pay for the traffic improvements did not quite work out as planned “but at least there was a shared cost in paying for the roads up there.” He said he has seen different developments, in one case in which stormwater expense was borne by the developer and another in which it was borne by the taxpayers. He said he has an issue if a project comes forward and the stormwater cannot be addressed as needed without the taxpayer paying for it.

Fink said the board needed to make a determination of whether this was a complete plan or not. Wilson said there are some conditions for final plan which would appear to be required. He said the merits of the plan could be debated at the next meeting. Wilson said he was not sure whether concerns about stormwater and traffic could be considered at this meeting. Fink noted those matters have been addressed, though the board will have to decide at its next meeting whether they have been addressed adequately. Wilson asked about the easement between the subject

More questions and concerns about stormwater

Dickinson expresses skepticism about calculations

Public hearing closed at 8:17 PM.

Haskell responds to questions and concerns about stormwater

DeLeo has concerns about cumulative effects of development around city on stormwater and traffic, too

Discussion of plan completeness

Discussion of specific concerns with the plan

property and the applicant's abutting property, and whether that would be a condition for final approval. Fink said the applicant has offered to consider that, and said he did not think that condition could be demanded by the board.

Wilson asked if there were any items the city saw as incomplete in the application. Howie noted that in the application under request for waivers, the applicant indicated that was marked as "to be determined." Howie asked if that was an acceptable answer. Fink indicated it was. Gagnon said she sees the preliminary application as complete. She said "there is a lot of work that remains to be done" before staff is satisfied with everything, however. Fink noted that that, too, is for the final meeting.

At 8:25 p.m., with regard to a major use site development and major subdivision titled Washington LUXE for Jonathan Bates, the proposal involving two, 12-unit three-story buildings with a total of 24 apartments and/or short-term rental units, with the project located at 29 Washington Street and as detailed in agenda item number four tonight, Wilson made a motion that the Planning Board finds that this is an allowed use in the zone, although there is some interpretation of what the exact use type is, with regard to things including fire suppression, but that in the board's determination it is an allowed use, and that the application is complete in terms of submission materials, with regard to Articles 6, 8, 9, 10 and 11 and Subdivision (Chapter 28), that there are no waivers, but that the applicant will be providing additional information for final review on stormwater and on a proposed drainage easement to be shared with an abutting property, as well as fire department concerns and site distance, the need for a landscaping plan, that need to be addressed at final. Fink seconded the motion. There was no discussion, and then the motion carried unanimously (5-0).

5.) Signing of Mylars & Adjournment

There were no mylars to sign. DeLeo made a motion to adjourn, and Wilson seconded it. The motion then carried unanimously (5-0) and the meeting adjourned at 8:27 p.m.

Minutes prepared by: Steve Fuller, Assistant City Planner

Minutes approved by Ellsworth Planning Board on August 8, 2018:

8/8/18
Date


Mike Howie, Secretary
Ellsworth Planning Board

Discussion of drainage easement

Continued discussion of completeness

Gagnon says work remains to be done

**WASHINGTON LUXE:
Application complete, 5-0
(With advisory comments to the applicant)**

Meeting adjourned at 8:27 PM

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