

**City of Ellsworth  
Planning Board Meeting  
Minutes — Wednesday, July 10, 2019**

Chairman John Fink, Vice-chairman John DeLeo, Secretary Roger Lessard, regular member Rick Lyles and alternate members David Burks and Nelson Geel were present. Regular member Lisa Enman (out of town for work) was absent from the meeting. With her absence, Burks served as a voting member.

**Attendance: six members present, one absence**

City staff attending the meeting were Staff Planner Steve Fuller and Fire Inspector Mike Hangge. Development Services Director Janna Richards was also present for the meeting in the audience.

**Several city staff members present**

**1.) Call to Order**

Chairman John Fink called the meeting to order at 6:28 PM. He had each of the six board members present introduce themselves.

**Meeting called to order at 6:28 PM**

**2.) Adoption of Minutes** from the June 5, 2019 meeting

Member Rick Lyles made a motion to approve the minutes of the June 5, 2019 meeting. Vice-chairman John DeLeo seconded the motion, and without any discussion the motion then carried unanimously (5-0). Alternate member Nelson Geel voted in favor of the motion, too, but as an alternate member his vote was not counted in the official tally for this or any subsequent votes.

**Adoption of minutes from June 5, 2019 regular meeting:  
APPROVED (5-0)**

**3.) Final Plan Review for a Minor Subdivision titled Meghan C. Fellis Subdivision** for Meghan Fellis. The proposal is to divide a 13.3-acre parcel (Tax Map 117, Lot 20) on the Mariaville Road into four parcels, ranging in size from 2.4 to 4.2 acres. The subject property contains land in both the Rural and Limited Residential zones.

**MEGHAN C. FELLIS  
SUBDIVISION for  
Meghan Fellis**

- a.) PUBLIC HEARING
- b.) DELIBERATION
- c.) FINDING OF FACTS AND CONCLUSION

Andrew McCullough was present to represent the applicant. He said the final plan was largely the same as the preliminary plan with some exceptions: minor adjustments were made to text on the plan regarding fire protection, pins were set on the corners of the lot and driveway entrance permits were received from the Maine Department of Transportation. He said no other state permits were required for the subdivision (no wetland impacts, for example).

**Andrew McCullough present to represent applicant, briefs board on status of application**

Fink noted the plan had already been found complete at a previous meeting. Board members indicated they were satisfied that submission requirements had been met.

Lyles asked about the driveways, and the stipulation that there be a 20-foot level portion at the end where the driveway meets the street. He asked who checks to make sure that kind of stuff actually happens when construction takes place. There was discussion and a sense that it would likely be the Code Enforcement Office, though CEO Dwight Tilton could not speak to that as he was on vacation and not at the meeting.

Fink opened a public hearing at 6:34 PM. No one came forward to speak (there were no members of the public in attendance), and the hearing was subsequently closed.

Staff Planner Steve Fuller handed a draft findings of fact document, prepared by staff, for the board to review and consider (a final, signed copy of that document is attached to these minutes). He said it was partially prompted by a question from DeLeo at last month's meeting about ensuring compliance with city ordinances. Fuller said the document was open to change by the board if they so wished. The document broke down the application with regard to compliance with specific sections of the Unified Development Ordinance as well as other separate city ordinances. He said staff was open to changing the format or delivery of the document based on board feedback going forward but wanted to make a first attempt at it that night.

Lyles asked when the board would expect to see such a document in the future. Development Services Director Janna Richards said at the meeting itself, based on her experience working with other municipalities. She said it is a proposed findings of fact to go through at the time of a final decision. Typically, the chairman might read out each of the sections and the board could then deliberate on whether the application meets that section or if it is perhaps not applicable. She said it is part of the deliberation process for findings of fact. She said it will be helpful for staff when preparing the action letter.

Fink asked if, going forward, the sheet will be filled out for the board for its review. Richards said check marks will not be there in the future, and that the board would essentially create them as it goes. Richards reiterated that the board would not see the document until the final meeting and it is ready to deliberate. She said the document could serve as a deliberation tool. She gave an example of how this could work, and reiterated that this meeting was a test run. She said staff wants to give

**Submission requirements met**

**Question from Lyles about driveways**

**Public hearing opened and closed at 6:34 PM (no one there to speak)**

**Board presented with draft findings of fact, staff gives explanation of why this is being provided and how it could work in the future**

**Questions from the board on timing: when would the board get this? How much time to look over? Concern that at the meeting is too rushed for review**

**Form will not be filled out (with check marks) in the future**

**More discussion**

the board a tool to create a findings of fact, but not to provide the board with a findings of fact.

Fink suggested another form, a submission requirements checklist that the board can use as it is reviewing application materials for both preliminary and final review. Fuller said the forms would be left blank as more of a worksheet for the board to use.

Staff said the form would be tailored to a specific project. Lyles said the board would like to have the form(s) beforehand. DeLeo agreed, and said it could be time-consuming to do during the meeting itself. Fink said the chairman could lead the discussion. Fuller said worksheets could be made for submission requirements and for findings of facts. Lyles reiterated he would like to receive the material in advance of the meeting, but said he liked the overall idea of the forms.

Board member Roger Lessard asked if the board would get the form for preliminary review. Fuller said perhaps in a worksheet form, yes. Board members seemed to like that idea. Fuller said as the system is refined, such a worksheet could be provided to board members as part of their packets with agendas and application materials.

Speaking as a new member, Geel said he found the idea of using checklists and/or worksheets to be helpful. He said he, too, would like to see it earlier than the night of the meeting. Lyles said getting the material in advance becomes especially important if there are multiple applications on the agenda.

Fink joked staff should relax, because the board only expects perfection.

Lyles said it would be a good idea to include the applicant in the loop of people who receive the checklists or worksheets that are prepared. Fuller said the TRT process helps to keep the applicant informed but agreed they should receive those materials. Lessard asked if there was any TRT report for this project (Meghan C. Fellis Subdivision), and Fuller said there was not because the TRT had no concerns.

**Lessard motioned that the board pass [approve] for final review a minor subdivision titled Meghan C. Fellis Subdivision for Meghan Fellis, with the proposal being to divide a 13.3-acre parcel (Tax Map 117, Lot 20) on the Mariaville Road into four parcels, ranging in size from 2.4 to 4.2 acres, and with the subject property containing land in both the Rural and Limited Residential zones. Lyles seconded the motion.**

**Designed as a tool, not prefilled form**

**Fink suggest having a checklist for submission requirements**

**More discussion about the forms, how they would be set up and when the board would get them**

**Worksheet and/or checklists could be provided to the board with their meeting packets**

**New member Nelson Geel says these forms are helpful, but need to get them in advance**

**Fink jokes: Board expects perfection**

**Applicant should get any forms that are prepared, too**

**No TRT report for this project**

**MEGHAN C. FELLIS SUBDIVISION for Meghan Fellis: APPROVED (5-0)**

Fink suggested that the motion make reference to the draft findings of facts as the board's official findings of fact. Fink said otherwise, the board would have to fully state its findings of facts. Neither Lessard nor Lyles voiced opposition to that idea. Without further discussion, the motion with that addition was then approved unanimously (5-0).

Fink suggests including findings of fact form in the motion, Lessard and Lyles are not opposed

**4.) Other Business (Not on the Agenda)**

DeLeo said he had a question for Fire Inspector Hangge. He asked for an update on the water flow and pressure situation at Woodlawn.

DeLeo has a question for Hangge about water (fire protection) at Woodlawn

Hangge said tests were done after the new water line and hydrants were put in, and that both tests failed to meet the required flow rate and PSI as stipulated on the plans that were signed by the Planning Board last year. He recounted additional details in providing this information to the board. "The new line that went in has not increased the flow to the point of where they meet the minimum requirements of the plan that the Planning Board approved," he said. Woodlawn has not yet come back with an alternative plan, he said. One of the options would be putting in a very large underground water storage tank. Hangge said having adequate water supply is necessary for the sprinkler company when it is working on engineering the sprinkler system for the new building.

Hangge: Tests to date have been unsuccessful in getting necessary water pressure and flow rate

DeLeo inquired if going the route of the underground storage tank would require Woodlawn to come back to the Planning Board because it is a change to the plan. Hangge said it would because it could affect the position of the building, among other factors that he explained.

Plan will need to come back to the board if changes are made for fire suppression

**5.) Signing of Mylars and Adjournment**

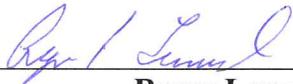
Fink made a motion to adjourn the meeting as soon as Mylars were signed, which Lyles seconded. The motion then carried unanimously (5-0) at 6:53 PM. Mylars were signed for Meghan C. Fellis Subdivision and Happytown Heights (that being the name used in Planning Board agenda and minutes; however, referred to on site plan as Happytown Heights Lot 4 Amendment).

Vote to adjourn at 6:53 PM, (5-0)

Mylars signed for two projects

Minutes prepared by: Steve Fuller, Staff Planner  
Minutes approved by Ellsworth Planning Board on August 7, 2019:

Agendas and minutes posted on the city of Ellsworth's website: [ellsworthmaine.gov](http://ellsworthmaine.gov)

8/7/2019  
Date  Roger Lessard, Secretary  
Ellsworth Planning Board