

**City of Ellsworth
Planning Board Meeting Minutes
Wednesday, June 3, 2020
5:30PM**

Vice-Chairman John DeLeo, Members Rick Lyles, David Burks, Roger Lessard, Alternate Member Marc Rich, and Alternate Member Nelson Geel attended the regular meeting of the Ellsworth Planning Board. With the absence of the Chairman, the Vice-Chairman presided over the meeting and Nelson Geel was made a voting member.

Six board members present

The meeting was held using ZOOM webinar technology, in accordance with *An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency*, Sec G-1 1 MRSA §403-A.

Code Enforcement Officer Dwight Tilton, Fire Inspector Mike Hangge, Development Services Director Janna Richards, and Development Services Coordinator Kerri Taylor attended the meeting. Sarah DelGizzo, a Planner with the Musson Group, (a planning firm, temporarily hired by the City to assist with Planning Board review) also joined the meeting.

Five staff members present

1.) Call to Order

Vice-Chairman DeLeo called the meeting to order at 5:31 PM.

Call to Order

2.) Roll Call

Chairman DeLeo conducted roll call for the Planning Board members.

Roll Call

3.) Adoption of Minutes from the May 6, 2020 meeting. Roger Lessard moved to approve the minutes. Rick Lyles seconded the motion, and with no discussion, the motion passed unanimously **(5-0)**.

Adoption of minutes

4.) Final Plan Review for a Major Use Site Development Plan entitled Mariaville Road Ellsworth Solar - East Site for Industrial Road Ellsworth Solar, LLC (subsidiary of Sunraise Development, LLC). The proposal is to construct a 3.1 acre solar energy facility, install 5,780 photovoltaic panels, and build a 540 linear foot, gravel access road on a 28.92 acre parcel located at 69 Mariaville Road, currently owned by Bridgetwin, LLC (Tax Map 50 Lot 39) located in the Urban and Limited Residential Shoreland zones.

Final Plan for Mariaville Road Ellsworth Solar-East Site

Patrick Jackson of Sunraise Development, LLC joined the meeting along with Eben Baker of Stantec.

Introduction

Mr. Lyles questioned if the final plan can be approved due to the pending status of the final decommissioning plan and financial assurance. Janna Richards explained that both the decommissioning plan and proposal for the financial assurance were submitted, but that the City's attorney had some concerns. Ms. Richards noted that it could be a condition to final approval that these items be finalized. Mr. Lyles requested that a copy of the finalized documents be distributed to the Planning Board when it becomes available.

Deliberations and Findings of Fact

There was further discussion about the completion and submittal of the decommissioning plan. It was concluded that the finalized documents would be submitted and reviewed by the Planning Board prior to the signing of the mylars.

Mrs. Richards informed the board that the applicant has submitted the final approvals for the required Maine Department of Environmental Protection and Department of Transportation permits. Therefore, they can be removed as a condition for final approval.

Chairman DeLeo opened a public hearing at 5:58 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Chairman DeLeo read through the standards and criteria for final plan approval per the Unified Development Ordinance and confirmed all requirements had been satisfied.

Roger Lessard moved to approve the Final Plan for a Major Use Site Development entitled Mariaville Road Ellsworth Solar- East Site for Industrial Road Ellsworth Solar, LLC (subsidiary of Sunraise Development, LLC) with the condition that the Planning Board review and approve the decommissioning plan prior to signing of the mylars. Rick Lyles seconded the motion and, with no further discussion, the motion passed unanimously (5-0).

5.) Final Plan Review for a Major Use Site Development Plan entitled Mariaville Road Ellsworth Solar - West Site for Mariaville Road Ellsworth Solar, LLC (subsidiary of Sunraise Development, LLC). The proposal is to construct a 7.53 acre solar energy facility, install 5,120 photovoltaic panels, and build a 677 linear foot, gravel access road on an 11.6 acre parcel located at 122 Mariaville Road, currently owned by Bridgetwin, LLC (Tax Map 59 Lot 14-1-2) located in the Urban Zone.

Patrick Jackson of Sunraise Development, LLC joined the meeting along with Eben Baker of Stantec.

Nelson Geel inquired about the landscaping and buffering of the west property line as noted in the TRT report. Eben Baker explained that he submitted a photo by email displaying the west property line buffering and vegetation after reviewing the TRT comments. There was a brief discussion in regards to the proposed fencing and buffering around the site.

Chairman DeLeo opened a public hearing at 6:11 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Public Hearing

Final Plan for Major Use Site Development Mariaville Road Ellsworth Solar-East Site: Approved

Final Plan Mariaville Road Ellsworth Solar-West Site

Introduction

Deliberations and Findings of Fact

Public Hearing

Chairman DeLeo read through the standards and criteria for final plan approval per the Unified Development Ordinance and confirmed all requirements had been satisfied.

Roger Lessard moved to approve the Final Plan for a Major Use Site Development entitled Mariaville Road Ellsworth Solar- West Site for Mariaville Road Ellsworth Solar, LLC (subsidiary of Sunraise Development, LLC) with the condition that the Planning Board review and approve the decommissioning plan prior to signing the mylars. Rick Lyles seconded the motion and with no further discussion, the motion passed unanimously (5-0).

6.) Preliminary Plan Review for a Major Use Site Development Plan entitled Ellsworth R/V for Burnie & Selena Gordon. The proposal is to construct four self-storage unit buildings (a total of 9,600 square feet) on a 3.09-acre property located at 314 Bucksport Road (Tax Map 25 Lot 2) located in the Urban Zone.

Steve Salsbury joined the meeting to represent the applicants Burnie and Selena Gordon. Mr. Salsbury gave a brief explanation of the project to the board. Mr. Salsbury stated that he is working with the applicants to obtain the remaining necessary documents needed for final approval (these are noted in the TRT report).

Mr. Lyles confirmed that there will be no outside lighting installed. Mr. Lyles also inquired about the installation of walkways between the office and the storage units. Mr. Salsbury stated that it is all gravel and grassed area and no vehicles are permitted within that space so they will not be installing walkways.

Mr. DeLeo questioned if the applicants had submitted an application for entrance permits to Maine Department of Transportation. Mr. Salsbury explained that they are not proposing a significant change in use on the property and therefore did not deem it necessary to apply for additional permits. Mr. DeLeo voiced concerns about the three existing curb cuts and asked if the project could suffice with only one. Mr. Salsbury explained that one of the curb cuts is actually a right of way to property located behind the project and not owned by Burnie and Lena Gordon. Mr. DeLeo inquired about access to the storage units after hours. Mr. Salsbury stated that use of the storage units is only during business hours.

Chairman DeLeo opened a public hearing at 6:30 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Chairman DeLeo confirmed that per the Unified Development Ordinance all preliminary plan submittal requirements had been satisfied.

Rick Lyles made a motion to approve the Preliminary Plan for a Major Use Site Development Plan entitled Ellsworth R/V for Burnie and Selena

Final Plan for Major Use Site Development Mariaville Road Ellsworth Solar – West Site: Approved

Preliminary Plan Ellsworth R/V

Introduction & Applicant Presentation

Deliberations and Findings of Fact

Public Hearing

Preliminary Plan for Major Use Site

Gordon. Roger Lessard seconded the motion and with no further discussion, the motion passed unanimously (5-0).

7.) Preliminary Plan Review for a Revision to a Previously Approved Major Subdivision Plan entitled Beechland Terraces IIA for Associated Builders Inc. The proposal is to divide Lot 5 (Tax Map 15, Lot 33-2), a 1.84-acre parcel, into two parcels, creating Lot 5A (.92-acres) and Lot 5B (.92-acres) to create a total of 13 lots in the subdivision located on the Beechland Road. All of the subject property is located in the Neighborhood Zone.

Steve Salsbury joined the meeting to represent the applicant Associated Builders. Mr. Salsbury explained that the owner of Associated Builders, Doug King, would like to divide a lot within the existing subdivision to make two lots. One of the lots will front Beechland Road and the second lot will front Grandview Road. Mr. Salsbury explained to the board that staff has requested any wetlands on site be included on the plans and that this is in the process of being completed. Site distances have been measured for both lots and are more than adequate to meet the City’s requirements. Mr. King’s attorney submitted a letter to Mr. Salsbury stating that he will not have to limit road access of the division of the two lots to Grandview Road only. This is because Mr. King is the original developer of the property and that condition was not included in any of the deeds or the phase II subdivision. They would like to remove that note from the plan if the current application is approved. These materials will be submitted with the final plan application.

Mr. Lyles inquired about the extra covenants in the subdivision that are not part of the City’s Zoning Ordinance. Mrs. Richards explained that per subdivision law the developer is allowed to add specific covenants that go with the deed. The covenants are not enforceable by the City’s Code Enforcement Office, but are regulated by any homeowner’s association that is created as part of the subdivision.

Mr. Lyles asked if it is an issue that the two noted areas suitable for septic tank installation are both located on Lot 5A. Sarah DeGizzo explained that there is a proposal for a septic easement from Lot 5A to Lot 5B.

Chairman DeLeo opened a public hearing at 6:39 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Rick Lyles moved to approve the Preliminary Plan Review for a Revision to a Previously Approved Major Subdivision Plan entitled Beechland Terraces IIA for Associated Builders Inc. David Burks seconded the motion and with no further discussion, the motion passed unanimously (5-0).

8.) Sketch Plan Review for a Revision to a Previously Approved Major Site Plan and Major Subdivision Plan entitled Denver Way Eco Homes for Jonathan Bates. The proposal is to create a cluster subdivision with 15

Development entitled Ellsworth R/V: Approved

Preliminary Plan Beechland Terraces IIA

Introduction & Applicant Presentation

Deliberations and Findings of Fact

Public Hearing

Preliminary Plan for Major Use Site Development entitled Beechland Terraces IIA: Approved

Sketch Plan Review for Denver Way Eco Homes

lots on a 6.5-acre parcel (Tax Map 58 Lot 19-3) located at 21 Denver Way. All of the subject property is located in the Urban Zone.

Steve Salsbury joined the meeting to represent the applicant Jonathan Bates. Mr. Salsbury explained this is a previously approved plan with 15 structures on the property and there are no changes to the road, leach fields, or central water supply. Mr. Bates initially planned to use the structures as rental properties, but would like the opportunity to sell each home individually. Mr. Salsbury stated that there is no change in the physical design they would just like to add lot lines around each unit in the event that the homes sell.

There was a brief discussion in regards to the sketch plan review process.

Mr. DeLeo asked Mr. Salsbury if the street names on the site plans have already been approved by the City. Mike Hangge answered that the street names were approved by the Planning Board on the previously approved final plans for the site. Mr. DeLeo voiced concerns that the street names end in "Drive" and typically private roads within the City of Ellsworth end in "Way". This helps differentiate between City roads and private roads and maintains consistency with street naming. Staff agreed to speak with the City Assessor in regards to the street names.

Chairman DeLeo opened a public hearing at 6:47 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

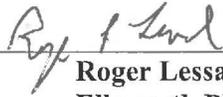
Mr. Lyles asked about the common spaces and areas on the property if each home is sold separately. Mr. Salsbury explained that each homeowner would own one fifteenth of the common areas in the subdivision and there will be a homeowner's association. A separate LLC will be created to manage the shared water and sewer maintenance and will be owned by the developer. Sarah DelGizzo added that the City attorney will be reviewing the utility LLC, open spaces, and homeowner association documents to ensure all is legally binding and compliant with City ordinances.

There was a brief discussion about the property owners' contribution to the homeowners association.

7.) Adjournment

Roger Lessard moved to adjourn the meeting, John DeLeo seconded the motion, and it passed unanimously (5-0). The meeting was adjourned at 6:52 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.
Minutes approved by Ellsworth Planning Board on July 1, 2020.

7/14/2020
Date _____

Roger Lessard, Secretary
Ellsworth Planning Board

Introduction & Applicant Presentation

Deliberations & Findings of Fact

Public Hearing

Vote to adjourn at 7:56 PM

*Agendas and minutes posted on the city of Ellsworth's website: ellsworthmaine.gov
A video transcript of this meeting is also available on YouTube.*