

**City of Ellsworth  
Planning Board Meeting Minutes  
Wednesday, May 6, 2020  
5:30PM**

Chairman John Fink, 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. 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 also attended the meeting.

**1.) Call to Order**

Chairman Fink called the meeting to order at 5:32 PM followed by brief instructions on conducting the meeting using Zoom webinar technology.

**2.) Roll Call**

Chairman Fink conducted roll call for the Planning Board members.

**3.) Adoption of Minutes** from the March 4, 2020 meeting. Rick Lyles moved to approve the minutes. Marc Rich seconded the motion, and with no discussion, the motion passed unanimously (5-0).

**4.) Preliminary Plan Review for a Major Use Site Development Plan entitled McMullen** for Richard McMullen. The proposal is to create a 5-acre gravel pit and install a driveway on an undeveloped 95-acre property on the Bucksport Road, currently owned by Maurice Oliver (Tax Map 31 Lot 47) in the Rural and Industrial Zones.

Steve Salsbury joined the meeting to represent the applicant Richard McMullen. Mr. McMullen also joined the meeting.

Mr. Fink referenced the waiver requests submitted with the revised preliminary plan application. Rick Lyles made a motion to grant the waiver request to waive submission requirement 606.5 H; Vice-Chairman John DeLeo seconded the motion. For discussion, Chairman Fink added that the request would not adversely affect abutting property owners or the general health, safety, and welfare of the City. The motion passed unanimously (5-0) with no further discussion.

Mr. Lyles inquired about a road profile being included in the application materials, as it was a major point of discussion during the March meeting. Janna Richards explained that the applicant submitted a cross section and included the proposed driveway on the site plan. She added that the applicant

**Seven board members present**

**Four staff members present**

**Call to Order**

**Roll Call**

**Adoption of minutes**

**Preliminary Plan for McMullen Gravel Pit**

**Introduction**

**Motion to Grant Waiver Requests**

**Deliberations and Findings of Fact**

chose to change the proposal from a site road to a driveway and that therefore, according to the ordinance, the road profile was no longer required.

**Rick Lyles made a motion to approve the Preliminary Plan Review for a Major Use Site Development entitled McMullen. David Burks 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 McMullen** for Richard McMullen. The proposal is to create a 5-acre gravel pit and install a driveway on an undeveloped 95-acre property on the Bucksport Road, currently owned by Maurice Oliver (Tax Map 31 Lot 47) in the Rural and Industrial Zones.

Steve Salsbury joined the meeting to represent the applicant Richard McMullen. Mr. McMullen also joined the meeting. Mr. Salsbury briefly explained that the proposal is to create a gravel pit no larger than 5 acres.

Mr. DeLeo proposed to add the following conditions to the final plan: no rock crushing of any kind, the prohibition of all recreational vehicles including, but not limited to motorcycles, ATV's, UTV's, and snowmobiles. Mr. DeLeo also mentioned establishing hours of operation for the gravel pit. Mr. DeLeo suggested 8 AM to 4 PM Monday through Friday. Mr. McMullen stated he would prefer Monday through Saturday 7 AM to 5 PM. He also stated he would prefer not to eliminate rock crushing, as it can be necessary in the operations of a gravel pit.

Chairman Fink opened a public hearing at 5:52 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

There was a brief discussion about natural buffers shown on the site plan.

Chairman Fink read the application requirements per the Unified Development Ordinance (including Articles 6 and 8) and confirmed all requirements had been satisfied.

Mr. DeLeo asked Mr. McMullen if he has officially purchased the 95-acre property from Maurice Oliver. Mr. McMullen answered that he has purchased the property.

Mrs. Richards made a request that the applicant formalize the easement for the section of the access road that is on the neighboring Haslam property. The applicant provided a letter from the property owner that has granted him permission to use the portion of the road on her property. Mrs. Richards suggested that the easement or right of way be recorded with the Hancock County Registry of Deeds as part of the final plans and that this documentation

**Preliminary Plan for Major Use Site Development McMullen: Approved**

**Final Plan for McMullen Gravel Pit**

**Introduction**

**Deliberations and Findings of Fact**

**Public Hearing**

be provided to the Code Enforcement Office. Dwight Tilton requested that it be provided to him prior to any gravel harvesting on the property.

**John DeLeo made a motion to approve the Final Plan for a Major Use Site Development entitled McMullen with the following conditions: no blasting on site, no public use of recreational vehicles on the property including, but not limited to motorcycles, ATV's, UTV's, and snowmobiles, hours of operation to be Monday through Saturday 7 AM to 5PM, and the applicant is to provide a recorded easement or right of way for the portion of the road that sits on the Haslam property. 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 Mariaville Road Ellsworth Solar - East Site for Mariaville 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 on the Mariaville Road, currently owned by Bridgetwin, LLC (Tax Map 50 Lot 39) located in the Urban and Limited Residential Shoreland zones.**

Patrick Jackson of Sunraise Development, LLC joined the meeting along with Eben Baker of Stantec. Mr. Jackson gave an overview of the project for the board. He explained that Sunraise has been working on developing this project in conjunction with the bill LD1711 passed by the Maine legislature last June. The intent is for it to be a community solar project. Sunraise will be working with customers in the Emera Maine territory to ultimately lower their electric bill. Mr. Jackson explained that Sunraise Development LLC is a Portsmouth, NH based commercial solar energy company. They will be working with local contractors, site workers, electricians, etc. Sunraise will not only be the developer of the project but, the owner and operator as well.

Mr. DeLeo inquired about winter weather conditions affecting the construction timeline outlined in the application. Mr. Jackson explained the provided timeline is tentative and dependent on weather conditions. However, light snowfall will not negatively affect site work. If there is a significant amount of heavy, wet snow in November and December, they will postpone the work until late winter.

Mr. DeLeo inquired about the ownership of the property. A purchase and sales agreement was submitted with the application; however, the decommissioning plan indicates the decommissioning of the site will occur within 120 days of the end of the lease term. Mr. Jackson explained that Sunraise will be purchasing the property and will subsequently lease the property back to themselves. It is a standard financing structure and they will be both the owner and the lessor.

**Final Plan for Major Use Site Development McMullen: Approved**

**Preliminary Plan Mariaville Road Solar-East**

**Introduction**

**Deliberations and Findings of Fact**

Mr. DeLeo questioned why the Ellsworth Police Department was not included in the emergency response plan. Mike Hangge explained that the full emergency response plan is still in the planning stages. Chairman Fink stated the completed emergency response plan will need to be included in the final plan application.

Mr. DeLeo mentioned that the “estimated cost and financial assurance” section of the decommissioning plan specifies the total cost and the total cost after 20 years, but there is the possibility that the operation could last up to 35 years. Mr. DeLeo suggested that the cost of decommissioning for up to 35 years be included in the plan. Mr. Jackson explained that the Maine Solar program is a 20-year program, so the expectancy of the project is 20 years. It is standard practice in the solar farm industry to provide a 20-year inflation adjusted decommissioning price. In the event that the State wants to continue, solar projects beyond year 20, Sunraise would provide an updated decommissioning cost. Mr. DeLeo suggested that something be included in the plans to cover the projected 20-year life span. Eben Baker added that decommissioning costs will be reassessed after the commencement of operations.

Mr. Lyles questioned if it is required to level out the land prior to installation of the solar panels. Mr. Jackson explained they try to do as little grading as possible to retain the natural integrity of the land. Mr. Lyles asked if stormwater will be collected on site. Mr. Baker answered that James W. Sewall Company has developed a stormwater and erosion and sediment control plan for the project. They have received a Stormwater Permit by Rule for the project that will be included with the final plan. Mr. Baker stated that there is a culvert at the turn of the access road, along with the installation of a level spreader for stormwater control.

Mr. Lyles made a suggestion to allow enough space for vehicles to park off the road to lock and unlock the gate that will be installed at the access road entrance. Mr. Baker confirmed that it is included in the plans to allow for adequate space to park off the road for locking and unlocking the gate. Mr. Hangge added that the gate will be installed 60 to 70 feet away from the road. There was a brief discussion about the entrance to the site.

Nelson Geel inquired about the installation of solar panels in wetland areas on the property. Mr. Jackson explained that the solar panels are anchored directly into the ground using earth screws. Mr. Geel requested that the applicants provide photos of some of their other projects so that the board may see the layout of the solar panels on the natural landscape.

Chairman Fink opened a public hearing at 6:30 PM.

**Public Hearing**

Dwight Tilton received a question from an Ellsworth resident that wanted to know the type of fencing that will be used on the property. Mr. Jackson answered that it will be chain-link fencing installed on site. The resident, the owner of the abutting property (Maine Propane), also requested information on

the setbacks from Route 180 and the setbacks to his property line. Mr. Baker explained that there is a minimum 30-foot or more setback from the solar panels to the Maine Propane lot that is directly South of the project and on the back lot, there is a minimum 30 foot setback to the fence line and an additional 10 to 20 feet to the solar panels.

With no other questions or comments from residents, the public hearing was subsequently closed.

Chairman Fink read the application requirements per the Unified Development Ordinance (including Article 6 submission requirements) and confirmed all requirements had been satisfied. There was a brief discussion about the monuments located on the property, the lighting plan, and the requirement of a groundwater impact analysis.

**John DeLeo made a motion to approve the Preliminary Plan for a Major Use Site Development Plan entitled Mariaville Road Ellsworth Solar - East Site for Mariaville Road Ellsworth Solar, LLC (subsidiary of Sunraise Development, LLC). Roger Lessard seconded the motion and with no further discussion, the motion passed unanimously (5-0).**

**7.) Preliminary 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 on the 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. Mr. Fink asked if this project had any major variations from the previously reviewed project, Mariaville Road Ellsworth Solar- East Site. Both Mr. Jackson and Mr. Baker answered that it does not have any considerable differences.

Mr. Lessard questioned where the stormwater runoff would go for this development in comparison to the East Site's stormwater flowing toward the Union River. Mr. Baker explained that there is a large wetland and stream located on this site that stormwater will be directed toward, ultimately being collected into a culvert under Route 180, which discharges to the Union River.

Chairman Fink opened a public hearing at 6:45 PM. With no questions or comments from the public, the public hearing was immediately closed.

**John DeLeo made a motion to approve the Preliminary Plan for a Major Use Site Development Plan entitled Mariaville Road Ellsworth Solar - West Site for Mariaville Road Ellsworth Solar, LLC (subsidiary of**

**Preliminary Plan for Major Use Site Development entitled Mariaville Road Ellsworth Solar- East Site: Approved**

**Preliminary Plan Mariaville Road Solar-West**

**Introduction & Applicant Presentation**

**Deliberations and Findings of Fact**

**Public Hearing**

**Preliminary Plan for Major Use Site Development entitled Mariaville**

**Sunraise Development, LLC). Rick Lyles seconded the motion and with no further discussion, the motion passed unanimously (5-0).**

**8.) Preliminary Plan Review for a Major Use Site Development Plan & Major Subdivision entitled Foster Street Apartments for DC Predevelopment LLC.** The proposal is to construct 53 apartment units (two market rate 12-unit buildings & one senior housing 29-unit building) on a 6.16 acre parcel (Tax Map 131, Lots 13, 14, and a part of lot 17) located on Foster Street and Oriole Way, located in the Urban and Downtown zones.

Kevin Bunker of Developer’s Collaborative joined the meeting along with Nancy St. Clair of St. Clair Associates. Mr. Bunker gave a brief overview of the project. He explained to the board that he will be in charge of the construction, permitting, and will be the owner of the development. Mr. Bunker was able to secure a funding commitment from the Maine State Housing Authority to build the Senior Affordable Housing building, which constitutes as Phase I. Phase II of the project is the two market rate apartment buildings. They are anticipating starting the project this upcoming summer if given approval.

Nancy St. Clair shared her screen displaying site plans for the members of the meeting to view. Mrs. St. Clair pointed out the Senior Affordable Housing and Market Rate buildings locations on the plans. Mrs. St. Clair pointed out details for the Phase II parking area and described the circulation pattern as one way in and one way out, limiting the parking lot to an entrance and exit only. The Senior Affordable Housing will have two more parking spaces than required by the ordinance. However, the market rate buildings are two spaces under what is required by the ordinance, which is why they are asking for a waiver. Mrs. St. Clair explained that Phase I, the Senior Affordable Housing building is three stories with 29 one-bedroom apartments. Phase II, the Market Rate apartments is comprised of two 12-unit buildings that are also three stories, with both one and two-bedroom units. There will be two entrances for each building, one entrance to access six apartments and the other entrance to access the other six apartments. Mrs. St. Clair gave a brief description of the architectural elevations of each building and highlighted the key points of the Grading and Utility Plans for each phase of the project. Mrs. St. Clair pointed out the proposed public water and sewer connections for each building and stormwater management details.

Mr. Fink read comments submitted in a letter to the Planning Board by Washington Street resident Robert Hayes. Mr. Hayes requested that the Planning Board pay close attention to the proposed paved area and stormwater management around the three multi-unit buildings, raising his concern that projects on Washington Street have had inadequate water management resulting in stormwater runoff into the street as well as erosion issues. He also included in his letter concern that the runoff flows a short distance into the Union River. Mr. Hayes also asked that the Planning Board pay close attention

**Road Ellsworth Solar- West Site: Approved**

**Preliminary Plan Foster Street Apartments**

**Introduction & Applicant Presentation**

**Deliberations & Findings of Fact**

to the proposed heating and cooling systems for the three buildings, nothing his disappointment that the large developments on Water Street, Washington Street and Oriole Way have no solar components in spite of their southern exposure.

Mr. DeLeo voiced concerns about the curb cuts and the two missing parking spaces for the market rate apartments. Mr. DeLeo suggested closing the westernmost driveway and inserting two parking spaces there rather than having a separate entrance and exit. Mrs. St. Clair addressed these concerns and stated that she can look at reconfiguration of the parking lot to add the two required spaces. Mr. Geel expressed his agreement with Mr. DeLeo on the addition of the two required parking spaces and the removal of the second curb cut. David Burks questioned what impact the removal of the second curb cut might have on the Fire Department's access to the buildings. Mr. Hangge responded that the Fire Department is in favor of the two curb cuts due to the narrowness of the parking lot and the turning radiuses at the location. Mr. Hangge mentioned the issue of getting a ladder truck into the parking lot with other vehicles is not feasible unless the Fire Department has access from both ends of the parking lot. Mr. Hangge added that it would not be ideal as it would force the Fire Department to back the apparatuses out into the road. There was further discussion in regards to the parking lot design and amount of required spaces. Mr. Lyles asked Mr. Hangge if the Fire Department has adequate space in the Senior Housing parking lot. Mr. Hangge confirmed that there is. Mr. Bunker addressed the board and stated he will comply with whatever the Planning Board and Fire Department decides is best for the project. Mr. Hangge said he will meet with the Fire Chief and further discuss the issue and work on finding a solution with the applicant.

Mr. DeLeo pointed out that the vehicle sight distance submitted on the traffic impact study was completed using Maine Department of Transportation site distance standards instead of the City of Ellsworth's site distance criteria. Mrs. St. Clair said she would contact the traffic engineer and work on correcting the error. Further discussion ensued in regards to the sight distance requirements.

Mr. Lyles inquired if a peer review is being conducted for the proposed stormwater management plan. Mrs. St. Clair confirmed that there is. Mrs. St. Clair shared her screen to display the stormwater diagrams to aid in the discussion. There was a thorough discussion about the stormwater plans and infrastructure.

Chairman Fink opened a public hearing at 7:46 PM. With no comments or questions from the public, the hearing was closed.

**Public Hearing**

Mr. Burks inquired about the age stipulations for the Senior Affordable Housing. Mr. Bunker responded that the age requirement is 62 and over.

