City of Ellsworth
Planning Board Meeting Minutes
Wednesday, July 1, 2020
5:30PM

Chairman John Fink, Vice-Chairman John DeLeo, Members Rick Lyles, David Burks, and Alternate Member Nelson Geel attended the regular meeting of the Ellsworth Planning Board.	**Five 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. Noel Musson and Sarah DelGizzo, Planners with the Musson Group, (a planning firm, temporarily hired by the City to assist with Planning Board review) also joined the meeting.	**Six staff members present**
1.) Call to Order Chairman Fink called the meeting to order at 5:30 PM.	**Call to Order**
2.) Roll Call Chairman Fink conducted roll call for the Planning Board members.	**Roll Call**
3.) Adoption of Minutes from the June 3, 2020 meeting. John DeLeo moved to approve the minutes. Rick Lyles seconded the motion, and with no discussion, the motion passed unanimously **(5-0).**	**Adoption of minutes**
4.) Recognition of Roger Lessard for 10 years of service to the Planning Board.	**Recognition of Roger Lessard**
5.) Final Plan Review for a Major Use Site Development Plan entitled <u>Ellsworth R/V</u> 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.	**Final Plan for Ellsworth R/V**
Steve Salsbury and Andrew McCullough joined the meeting to represent the applicant.	**Introduction**
Mr. Salsbury addressed the Board and identified the major changes and updates made to the final plan following the June 18th TRT meeting. Mr. Salsbury mentioned the addition of the signature block and lot table to the plans, the submission of a financial capacity letter, and an updated stormwater maintenance plan. He informed the board that he contacted the Maine Department of Transportation and confirmed that they will not be required to update the permit for entrance to the site. Mr. Salsbury discussed the waiver request submitted	**Applicant Presentation**

regarding stormwater management. The applicant was able to obtain a signed easement from the abutting property owner Bridgetwin, LLC. The water run-off will flow directly into a pond owned by Bridgetwin, LLC, located roughly 40-feet behind the development. The small retention pond on the original plans was eliminated.

Deliberations and Findings of Fact

There was a discussion on the stormwater maintenance plan and the waiver request. John DeLeo inquired about the stormwater calculations for the project. Andrew McCullough briefly explained the peak flow of post-development in comparison to pre-development.

Nelson Geel requested that the discrepancy between the acreage on the site plan and the application be amended and the Rural zone requirements must be changed to Urban zone requirements. Mr. Geel noted the discrepancy between the square footage on the application and the site plans. Mr. Salsbury stated that the discrepancies will be corrected.

Public Hearing

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.

Final Plan for Major Use Site Development Ellsworth R/V: Approved

Rick Lyles moved to approve the Final Plan for a Major Use Site Development entitled Ellsworth R/V for Burnie and Selena Gordon, and the granting of the Stormwater Management Waiver Request (Chapter 56 Article 10). John DeLeo seconded the motion and with no further discussion, the motion passed unanimously (5-0).

Final Plan Foster Street Apartments

6.) Final Plan Review for a Major Use Site Development Plan & Major Subdivision entitled <u>Foster Street Apartments</u> 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.

Introduction

Nancy St. Clair of St. Clair Associates and Kevin Bunker of DC Pre-Development, LLC joined the meeting.

Applicant Presentation

Mr. Bunker gave a detailed description of the project and explained the proposed development will be completed in two phases. Phase I is to construct a 29- unit senior affordable housing building and Phase II will consist of two 12-unit market rate apartment buildings. Mrs. St. Clair outlined several changes that have been made to the application since the preliminary plan review.

Deliberations and Findings of Fact

Mr. Fink asked if the suggested removal of vegetation noted in the traffic report is within the applicant's control. Mrs. St. Clair explained that the traffic engineer recommended a couple of trees for removal located at the existing intersection of Oriole Way and Washington Street which is applicable to Phase I. The trees are in an area controlled either by the City or the owner of the Oriole Way apartment complex. The applicant is working to coordinate with either party or both to

remove the trees. Another suggestion was for some tree clearing along Foster Street applicable to Phase II of the project. Mrs. St. Clair explained that the sidewalk and pavement in that area are very close to the right of way line and some of the clearing may be on the abutter's property. She is working with City staff to obtain contact information with the abutting property owner in order to work out a solution. Mrs. St. Clair added that it is a minor impact and is part of Phase II of the project. Mr. Fink stated that the City's sight distance requirements will only be met on the condition that the vegetation be cleared. There was further discussion on sight distance for both phases of the proposed project. Mr. Fink added that the vegetation clearing should be added as a condition to the final plan approval.

Mr. Lyles expressed concern to the efficiency of a detention pond located on the west side of the project during the spring time when run off increases. Mrs. St. Clair explained that the submitted stormwater analysis meets the ordinance requirements for sizing and the standard conditions used in stormwater modeling. Also, the stormwater will be collected, treated, and discharged into the municipal system on Foster Street. There was a lengthy discussion in regards to stormwater.

Public Hearing

Chairman Fink opened a public hearing at 6:32 PM.

Development Services Director Janna Richards received an anonymous comment requesting that a compromise be made to save some of the vegetation that is proposed for removal or that new vegetation be planted prior to completion of the project. Mr. Fink commented that the vegetation removal is a safety matter and replanting would cause the issue to resurface.

With no additional comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Mr. Geel inquired about some of the bullet points noted in the TRT report. The first item noted that, based on the geotechnical report, the applicant has mentioned potential changes to the retaining wall in the northern building design of Phase II due to topography and soils. The next item is focused on the applicant addressing the challenges to emergency access to the rear or northern building of Phase II. Fire Inspector Mike Hangge addressed the emergency access concern. Mr. Hangge explained that the emergency vehicle access challenge has to do with the terrain and getting around the second building due to the retaining wall. The Fire Department is aware of and has accepted that they will not be able to get a vehicle or truck around the second building. Mr. Hangge explained that the situation prompted the Fire Department to require installation of a specific sprinkler system and standpipe system within the building.

Mr. Bunker made the suggestion to table the final approval of the project until the August Planning Board meeting. The project is contingent on the final approval of the subdivision for Ellsworth Shopping Center LLC. That project will not come before the board for final plan review until August and Mr. Bunker stated this would be a good opportunity to take another month to work on finalizing the plans for Foster Street Apartments.

There was a brief discussion about the effect of the geotechnical study on the stormwater peer review.

Rick Lyles moved to Table the Final Plan for a Major Use Site Development entitled Foster Street Apartments. John DeLeo seconded the motion and with no further discussion, the motion passed unanimously (5-0).

Final Plan for Major Use Site Development Foster Street Apartments: Tabled

7.) Preliminary Plan Review for a Major Subdivision entitled <u>Subdivision of Ellsworth Shopping Center</u> for DK Ellsworth Shopping Center LLC. The proposal is to subdivide and reconfigure approximately 22.5 acres of land currently or previously owned by DK Ellsworth Shopping Center LLC (Tax Map 131, Lots 13, 14, 17, and 25) into four lots consisting of 4.67 acres (the current site of Oriole Way Townhouses), 10.96 acres (the current site of the Ellsworth Shopping Center), 2.73 acres (the proposed site of Foster Street Apartments Phase 1), and 3 acres (the proposed site of Foster Street Apartments Phase 2). The land is located in the Urban and Downtown zones.

Preliminary Plan Subdivision of Ellsworth Shopping Center

Nancy St. Clair and Kevin Bunker represented the applicant.

Introduction

Mrs. St. Clair explained that the Foster Street Apartments project prompted the need for a Major Subdivision of DK Ellsworth Shopping Center LLC.'s property.

Applicant Presentation

Mr. DeLeo inquired about specific language in the submitted easement. He noted a section of the easement that states that each the grantor and grantee shall have the right to relocate that portion of Oriole Way that is located on their respective land. Mrs. St. Clair explained that it does allow the landowners who control each section of Oriole Way in the event that a minor adjustment is needed, they would have authority to do so on their respective property without effecting the agreement. Mr. Fink suggested that the applicant carefully consider the easement language to avoid permit violations and title issues.

Deliberations and Findings of Fact

Chairman Fink opened a public hearing at 6:50 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Public Hearing

John DeLeo moved to approve the Preliminary Plan for Major Use Site Development entitled subdivision of Ellsworth Shopping Center. John Fink seconded the motion and with no further discussion, the motion passed unanimously (5-0).

Preliminary Plan for Major Use Site Development entitled Subdivision of Ellsworth Shopping Center: Approved

8.) Adjournment

Vote to adjourn at 6:53 PM

Rick Lyles moved to adjourn the meeting, John DeLeo seconded the motion, and it passed unanimously **(5-0).** The meeting was adjourned at 6:53 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.
Minutes approved by Ellsworth Planning Board on August 5, 2020.

9/1/20
Date

John Fink, Chairman
Ellsworth Planning Board

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