

**City of Ellsworth
Planning Board Meeting Minutes
Wednesday, January 6, 2021
5:30 PM**

Chairman John Fink, Vice-Chairman John DeLeo, Members Rick Lyles, Nelson Geel, Marc Rich, Alternate Members Molly Friedland and Patrick Lyons attended the regular meeting of the Ellsworth Planning Board.

Seven 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 Coordinator Kerri Taylor, Deputy Fire Chief Gary Saunders, and Fire and Life Safety Inspector Thomas Canavan attended the meeting.

Five 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 December 2, 2020 meeting. Rick Lyles moved to approve the minutes. John DeLeo seconded the motion, and with no discussion, the motion passed unanimously **(5-0)**.

Adoption of minutes

4.) Discussion on Amending the Planning Board Meeting start time to 5:30 PM.

The board had a brief discussion in regards to starting the meetings at 5:30 PM going forward. All board members agreed to the change.

John Fink moved to approve amending the start time of all Planning Board meetings to 5:30 PM. Rick Lyles seconded the motion and with no further discussion, the motion passed unanimously (5-0).

**Begin Planning Board Meetings at 5:30 PM:
Approved**

5.) Final Plan Review for a Revision to a Previously Approved Major Subdivision Plan entitled Fox Run for Homsted Earthworks, Inc. The proposal is to divide a 6.5-acre parcel (Tax Map 49 Lot 5-1) into two lots, creating Lot 5 consisting of 2.8-acres and reducing Lot 4 to 3.7-acres located on Route 1A/Bangor Road. All of the subject property is located in the Urban Zone.

Final Plan Review Fox Run

Steve Salsbury joined the meeting to represent the applicant. Mr. Salsbury gave a brief description of the project.

Introduction

Mr. DeLeo inquired about the authorization letter for Matthew Ceban that was included with the development application. Mr. Salsbury explained that Mr. Ceban is a partner of the new LLC. that was formed in regards to the property.

Deliberations & Findings of Fact

Chairman Fink opened a public hearing at 5:37 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 Revision to a Previously Approved Major Subdivision Plan entitled Fox Run for Homsted Earthworks, Inc. Rick Lyles seconded the motion and with no further discussion, the motion passed unanimously (5-0).

Revision to a Previously Approved Major Subdivision entitled Fox Run: Approved

6.) Preliminary Plan Review for a Major Subdivision Plan entitled Patrick's Way for Bridgetwin, LLC. The proposal is to create two new residential rental units on a 15.2 acres(Tax Map 35 Lots 20 & 21) located on Patrick's Way. All of the subject property is located in the Neighborhood and Rural Zones.

Preliminary Plan Review Patrick's Way

Steve Salsbury joined the meeting to represent the applicant.

Introduction

Mr. Salsbury gave a brief description of the proposed subdivision. The property currently consists of four dwelling units, two stand-alone units, and one duplex. The property owner is proposing to install two more single-family stand-alone living units. The project requires subdivision review and approval because the duplex was installed less than five years ago, resulting in three or more units in a five-year period. The property is currently served by city water and the new units will be as well. The private water line will be extended to serve the new units and a fire hydrant will be installed at the intersection of Patrick's Way and Main Street. A single leach field will be installed to serve the two new units.

Rick Lyles inquired if the owner has any intentions to sell the units individually in the future. Mr. Salsbury answered he believes if the owner were to sell, the whole parcel and all living units would be sold as one property. However, there are no current plans to sell the property. A brief discussion ensued about the proposed water line on the property.

Deliberations & Findings of Fact

Chairman Fink opened a public hearing at 5:45 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 Review for a Major Subdivision Plan entitled Patrick's Way for Bridgetwin, LLC. Marc Rich

Preliminary Plan for a Major Subdivision

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

entitled Patrick's Way: Approved

7.) Preliminary Plan Review for a Major Use Subdivision entitled 8 Union Street for Barbara & Dale Joyce. The proposal is to subdivide the interior of the building to create a multi-use property, resulting in residential, office, and commercial space on a .7-acre parcel located at 8 Union Street (Tax Map 137 Lot 3). All of the subject property is located in the Neighborhood Zone.

Preliminary Plan Review 8 Union Street

Steve Salsbury joined the meeting to represent the applicant.

Introduction

Mr. Salsbury addressed the board and gave a description of the proposed project. Mr. Salsbury explained that the existing structure on the property, which has been used as a medical office building, is currently under contract to be sold. The new owners are proposing to convert the medical office space into business office space with a small gallery on the first floor. The second floor will consist of two residential units. A new handicap accessible ramp will be installed on the East side of the building to serve the office spaces, which is the only exterior change being proposed. The property currently has 20 parking spaces, which will be reduced to 19 spaces after the installation of the new handicap ramp.

Chairman Fink addressed a letter received from Kelly Bellis, a resident of Union Street. Mr. Fink read Mr. Bellis's questions and the staff provided answers aloud to the meeting participants. Mr. Fink stated he believes that the building can be subdivided in the proposed manner, but the uses must conform to the current Zoning restrictions.

Deliberations and Findings of Fact

Mr. DeLeo asked Mr. Salsbury if the applicant is intending to lease the office space out for professional offices such as lawyers, accountants, architects, etc. Mr. Salsbury answered that is correct and the owner will live upstairs in one of the residential units and operate the photography studio out of one of the first floor spaces. A lengthy discussion ensued about the allowable uses in the Neighborhood Zone in comparison to the proposed project.

Mr. Fink commented that the objective of the preliminary review is to determine if the application is complete.

Further discussion ensued in regards to the permitted allowable uses within the Home Occupations list defined in the Unified Development Ordinance.

Chairman Fink opened a public hearing at 6:12 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

Public Hearing

Rick Lyles moved to approve the Preliminary Plan for a Major Use Subdivision entitled 8 Union Street for Barbara and Dale Joyce. John DeLeo seconded the motion and with no further discussion, the motion passed unanimously (5-0).

Preliminary Plan for a Major Subdivision

entitled 8 Union Street: Approved

Preliminary Plan Review
Gilpatrick Solar

Introduction

8.) Preliminary Plan Review for a Major Use Site Development entitled Gilpatrick Solar LLC for Ryan Stair. The proposal is to construct a 19.81-acre solar energy facility on a 126.86-acre parcel located on the Gilpatrick Road (Tax Map 58 Lot 15). All of the subject property is located in the Rural and Urban Zones.

Chris Byers and Dale Knapp of Boyle Associates joined the meeting, along with applicant Ryan Stair of Aypa.

Mr. Byers shared his screen with the meeting participants and explained that the proposed project is a 3.5 megawatt solar energy farm located on the Gilpatrick Road. An access road will be constructed to enter the site consisting of 19 acres of ground-mounted solar panels.

A brief discussion ensued in regards to some outstanding items for final review of the project.

Mr. DeLeo inquired about February 2021-expiration date of the Option for the Lease of Land included in the Right, Title and Interest, Section K of the development application. Ryan Stair explained that a new lease option will be signed prior to the final project review.

Mr. DeLeo asked about the concern from the US Department of the Interior Fish and Wildlife Service in regards to the construction schedule due to the proximity of the project to Gilpatrick Brook. Dale Knapp answered that there are no issues with the proposed construction schedule since they are not directly affecting a waterway or a water body. They are proposing to cross a jurisdictional wetland; however, there is no surface water present. Mr. Byers added that they have obtained their Army Corps of Engineers permit for the wetland crossing.

Mr. DeLeo asked if the plant manager mentioned in the Operations and Maintenance Plan is a full time employee. Mr. Byers explained that the plant manager is an assigned person, typically someone who has multiple projects they are responsible for overseeing in a particular region. Mr. DeLeo asked staff if the monthly inspections handled by the plant manager should be submitted to the City. Code Enforcement Officer Dwight Tilton answered that the monthly operational reports should be forwarded to the City.

Mr. Lyles questioned any dust or noise impact to the adjacent houses. Mr. Byers explained that the contractor is typically required by contract to mitigate any dust. In terms of noise Mr. Byers suggested that it's best to keep neighbors informed of what's happening on the project. The contractor should work with the Code Enforcement Office to ensure that the adjacent property owners are notified of any noise disturbance.

Mr. Lyles asked if the water runoff directed toward Stargazer Way will go over the road or cause any issues due to utilizing a meadow instead of the current forested ground cover. Mr. Knapp explained that meadow habitats used for stormwater management produce similar treatment when compared to a forested ground cover.

Patrick Lyons inquired if there is a cost to recycle solar panels or if the developer is able to make money from the recycled panels. Mr. Byers answered that they intentionally excluded any scrap value of steel, solar panels, copper, etc. because there is no way to predict what the value of the materials will be in 20 years. Further discussion ensued about the potential of recycling the decommissioned solar panels.

Molly Friedland asked if the applicant has a contingency plan in place in the event that the stormwater management practices fail. Mr. Knapp explained that during construction more traditional stormwater controls will be installed and maintained in place until the meadow is established. The use of silt fences and/or erosion control mulch is a requirement of DEP on solar projects. Ms. Friedland asked what takes place if the meadow doesn't take after the initial planting. Mr. Knapp answered that they continue to utilize the silt fences and erosion control measures until the meadow is fully established and stabilized.

Nelson Geel inquired about the glare produced by the solar panels. Mr. Byers explained that the solar panels are designed to absorb sunlight. An anti-glare coating is applied to the tempered glass to avoid producing any glare.

Chairman Fink opened a public hearing at 6:42 PM. With no comments submitted through ZOOM or through email/phone, the public hearing was subsequently closed.

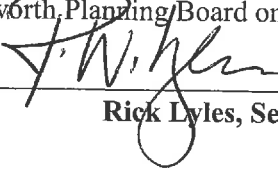
Rick Lyles moved to approve the Preliminary Plan for a Major Use Site Development entitled Gilpatrick Solar LLC. for Ryan Stair. John DeLeo seconded the motion and with no further discussion, the motion passed unanimously (5-0).

9.) Adjournment

John Fink moved to adjourn the meeting, John DeLeo seconded the motion, and it passed unanimously (5-0). The meeting was adjourned at 6:44 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.
Minutes approved by Ellsworth Planning Board on February 3, 2021.

4/30/21
Date


Rick Lyles, Secretary

Public Hearing

**Preliminary Plan
for a Major Use
Site Development
entitled
Gilpatrick Solar
LLC.: Approved**

**Vote to adjourn
at 6:44 PM**

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

Ellsworth Planning Board

A video transcript of
this meeting is also
available on YouTube.