

**City of Ellsworth
Planning Board Meeting Minutes
Wednesday, March 3, 2021
5:30 PM**

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

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.

City Planner Elena Piekut, Code Enforcement Officer Dwight Tilton, Development Services Coordinator Kerri Taylor, and Fire and Life Safety Inspector Thomas Canavan attended the meeting.

Four staff members present

1.) Call to Order

Chairman Fink called the meeting to order at 5:32 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 February 3, 2021 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.) Introduction to the Ellsworth Green Plan—presented by Green Ellsworth (10-15 minutes)

Mary Blackstone of Green Ellsworth attended the meeting and gave a presentation of the Ellsworth Green Plan. Ms. Blackstone explained that Green Ellsworth was formed from a collaborative effort between the Ellsworth Garden Club and the City. Through the efforts of many volunteers over the course of four years, the Ellsworth Green Plan has been completed. With the mission of Green Ellsworth being to make Ellsworth a model green community. The plan is made up of four major chapters and Green Ellsworth is currently holding forums for the public via Zoom. Consultations on the plan will be concluding in March and the plan is set to be finalized in April. Ms. Blackstone explained that the plan is a ten year plan that is designed to be implemented through engagement of community members and the City. Ms. Blackstone answered questions from the Planning Board and a discussion ensued regarding the details of the plan.

Ellsworth Green Plan Introduction

5.) Sketch Plan Review for a Major Use Site Development entitled Grindle Pit for E. Skip Grindle & Sons Inc. The proposal is to create a 10-acre gravel pit and access road on a 45-acre parcel (Tax Map 60 Lot 8) located on North Street. All of the subject property is located in the Rural and Limited Residential Zones.

**Sketch Plan
Review Grindle Pit**

Chairman Fink explained for the benefit of the public that a Sketch Plan meeting is an informal meeting designed to educate the Planning Board on the proposed project so they can provide feedback to the applicant on any potential issues they see with the project. This allows the applicant the opportunity to use the board's feedback to prepare for the preliminary and final review of the proposal.

Steve Salsbury of Herrick and Salsbury joined the meeting to represent the applicant.

Introduction

Mr. Salsbury gave a brief description of the proposed project. The applicant recently purchased the property with the intent of utilizing it for gravel extraction. A new access road will be constructed from North Street and utilized as the primary access point. The secondary access point will be on Patriot Road. Mr. Salsbury stated that he has received some comments from neighbors on the project and intends to address them with a future application. Mr. Salsbury shared his screen and gave a brief overview of the site plan. Mr. Salsbury informed the board that he had intended to have a complete application, however, he was informed by City Planner, Elena Piekut that a portion of the property is located over a sand and gravel aquifer. Due to location of the aquifer water testing is required. One test well has been installed and a second one has been started. Water quality will be monitored throughout the life of the project.

Vice-Chairman DeLeo asked Mr. Salsbury if he had measured the sight distance at the location. Mr. Salsbury answered that he has not because there is good visibility in both directions at the location. However, he will make a note and measure it. Mr. DeLeo noted that the DOT entrance permit did not require the applicant to pave the beginning of the access road as it was required for another recently approved gravel pit. Mr. DeLeo requested that staff determine why so that the City can remain consistent with similar projects. Mr. DeLeo voiced concerns in regards to the continued use of the access point on Patriot Road. He stated he had visited the site and went through Kidspace Way, there was a dump truck on the road at that time and he doesn't think there is enough space for a car and a dump truck if they were to meet. Mr. DeLeo stated he thinks that all access should be through the North Street entrance. He also mentioned that Patriot Road is posted this time of year. Mr. Salsbury added that North Street is posted as well. Mr. Salsbury explained that a portion of North Street isn't posted because a different company was given permission from Maine DOT to access their land on North Street. This section will allow for access to the gravel pit from the proposed North Street entrance. Mr. DeLeo

**Deliberations &
Findings of Fact**

inquired about the noise level and potential effects on KidsPeace. Mr. DeLeo suggested having a member of KidsPeace address the board in regards to any potentially adverse effects on the clientele at the KidsPeace facility.

Secretary, Rick Lyles inquired if the City has a noise ordinance. Mr. Salsbury confirmed there is a City enforced noise ordinance and work at the site cannot begin until 6 AM. Mr. Lyles asked if the Noise Ordinance covers the maximum amount of noise production in residential areas and facilities similar to KidsPeace. Mr. Salsbury answered that he is aware of decibel limits during the nighttime quiet hours, but is unsure if there are any limits during the daytime hours. Mr. Lyles requested staff provide a copy of the City's Noise Ordinance to the board members.

Mr. Lyles requested a drainage/contour plan for the project. Mr. Lyles asked if it is anticipated that the gravel pit will be below the elevation level of Graham Lake. Mr. Salsbury explained that even at the pit's lowest level it will not be below the elevation level of the lake. A brief discussion ensued in regards to stormwater management. Mr. Lyles questioned if the Patriot Road access point road will be widened at all during construction, he noted that the road is very narrow. Mr. Salsbury answered that it was discussed with the Fire Department and they are unsure at this point. With the new access road meeting the required minimum width and with enough turnaround spots within the development they may choose not to widen the Patriot Road access point. Mr. Salsbury anticipates the majority of truck traffic will be utilizing the North Street access road. Mr. Lyles asked how many trucks per day have they anticipated will be using the newly proposed and the existing access road. Mr. Salsbury estimated a trip or two per hour. There was further discussion on the narrowness of the Patriot Road access point and the possibility of utilizing the North Street entrance as the primary access point.

Patrick Lyons identified that section 410.11 within the Shoreland Zoning Ordinance may be applicable to the road usage. The section states that in keeping the purpose of this article the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operation on surrounding uses and resources. Mr. Lyons interpreted that to mean the board can restrict access from the Patriot Road entrance to be limited to emergency use only. He suggested the board consider this as a condition of approval in order to reduce impacts of mineral extraction on the surrounding neighbors. Mr. Lyons mentioned another provision included in the same section of the Shoreland Zoning Ordinance, which restricts any mineral extraction within 50 feet of any property line and no part of any mineral extraction operation is permitted within 100 feet of a waterbody. Mr. Lyons suggested that the 50-foot buffer may apply to the access roads as well. Mr. Lyons asked Mr. Salsbury if there will be any form of buffering such as plantings or berms with special attention to the KidsPeace property. Mr. Lyons suggested providing decibel ranges of the equipment used on site for the board. Mr. Lyons suggested the use of existing natural buffers in order to

mitigate some of the noise that may be produced from the project. Mr. Salsbury explained that there is a 50-foot buffer for the property lines as well as the required 100-foot buffer to the lake and the existing vegetation will remain in its present state except for the location of the proposed road. Mr. Salsbury added that the new diesel engines do run very quietly. Mr. Lyons commented that he would like noise level information on equipment that may be used such as sorters and graters that have the potential to make a lot of noise with concern to KidsPeace and the adverse effects on the children who attend the facility. Mr. Lyons requested data sheets with projected noise levels that the board can use to compare to Maine DEP's acceptable noise range levels for various industrial operations.

Mr. Lyles requested that Mr. Salsbury indicate the zoning district boundaries on the site plan.

Chairman Fink opened a public hearing at 6:24 PM.

Public Hearing

Paul and Carolyn Marino of 440 North Street joined the meeting to voice their concerns in regards to the proposed project. Mr. Marino stated that on numerous occasions, unsupervised children from KidsPeace walk through the property and he has seen them in the water and along the shoreline. He is concerned that it may be difficult to keep children from KidsPeace off of the property if the project is approved. Mr. Marino commented that there are not a lot of trees along the shoreline and a large portion of the property appears to be solid rock near the shoreline. Mr. Marino expressed concerns of potential disturbance due to dust and blasting and also mentioned the requirement for certain State permits. Mr. Marino added that he believes the operation will be easily seen and heard across the lake. Mr. Marino informed the board that he has submitted a list of nine questions and inquired if he should go through each one. Mr. Fink answered that this meeting is a sketch plan and not intended to go into any merits or details unless the board has questions. As far as State permitting the City of Ellsworth Planning Board is not responsible for ensuring the applicant is in compliance with the State.

Chairman Fink closed the public hearing at 6:35 PM.

Mr. DeLeo asked if there will be blasting on site. Mr. Salsbury answered that there will not be and from the test pitting that has been conducted, they have only found gravel, sand, and clay. Mr. Lyles added the closest thing to blasting included in the application is potentially crushing rock and gravel on site. Mr. DeLeo commented that there is a small section on dust control in the application that staff could provide to Mr. Marino.

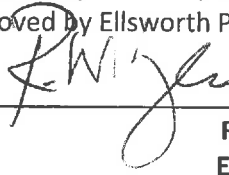
Mr. Lyons inquired about a site walk of the property. Mr. Fink asked the board if they would like to do a site visit. Mr. Lyons confirmed he would like to do a site visit of the property. Mr. Fink requested that City Planner Elena Piekut

coordinate a site visit for the Planning Board once the preliminary application is submitted.

6.) Adjournment

Rick Lyles moved to adjourn the meeting, John DeLeo seconded the motion, and it passed unanimously **(5-0)**. The meeting was adjourned at 6:42 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.
Minutes approved by Ellsworth Planning Board on April 7, 2021.

4/30/21 
Date _____ Rick Lyles, Secretary
Ellsworth Planning Board

**Vote to adjourn at
6:42 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.