

**City of Ellsworth
Planning Board Meeting Minutes
Wednesday, July 7, 2021
5:30 PM**

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

Six board members present

City Planner Elena Piekut, Code Enforcement Officer Lori Roberts, 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 5:33 PM.

Call to Order

2.) Adoption of Minutes from the June 2, 2021 meeting. John DeLeo moved to approve the minutes. Rick Lyles seconded the motion, and with no further discussion, the motion passed unanimously **(5-0)**.

Adoption of minutes

3.) Final Plan Review for a Major Use Site Development and Subdivision of New and Existing Structures entitled XL Space for Rocky Pond LLC. The proposal is to construct a 43-unit self-storage facility on a 1.76-acre parcel (Tax Map 75 Lot 11-1) located at 1000 Bangor Road. All of the subject property is located in the Drinking Water Zone.

**Final Plan Review
XL Space**

Steve Salsbury of Herrick and Salsbury was present to represent Rocky Pond, LLC.

Mr. Salsbury addressed the board and explained that no major revisions were made to the application since the preliminary review of the meeting. The Maine Historic Preservation Commission and the Maine Natural Areas Program response letters have been submitted. The Maine DOT entrance permit to utilize two entrances has been obtained. In addition, the applicant was able to provide a financial capacity letter.

Introduction

Mr. DeLeo inquired about the DOT entrance permit only specifying one entrance. Mr. Salsbury explained the application was approved for both entrances and included as a condition of approval that both entrances will be required to be paved up to the right of way.

**Deliberations &
Findings of Fact**

Mr. DeLeo asked Fire and Life Safety Inspector Thomas Canavan if the current discussions with City Council to amend the Fire Prevention Ordinance will have

any effect on the 10,000 gallon cistern proposed to be installed at this site. Mr. Canavan explained since no changes or revisions have been made to the ordinance at this time, the requirements for the cistern are still in place. A brief discussion ensued in regards to upcoming revisions to the Fire Prevention Ordinance.

Chairman Fink opened a public hearing at 5:40 PM. No one came forward to speak and the public hearing was immediately closed.

Rick Lyles made a motion to approve the Final Plan for a Major Use Site Development and Subdivision of New and Existing Structures entitled XL Space for Rocky Pond, LLC Complete. John DeLeo seconded the motion and with no further discussion, the motion passed unanimously (5-0).

4.) Preliminary Plan Review for a Major Use Site Development and Major Subdivision entitled Denver Trails for Ceban Investments. The proposal is to construct a 28-unit multi-family development on a 6.5-acre parcel (Tax Map 58 Lot 19-3-1) located at Denver Way. All of the subject property is located in the Urban Zone.

The Preliminary Plan Review for Denver Trails was withdrawn by the applicant.

5.) Staff Comments

Ms. Piekut addressed the board and informed them of a new addition to the State law regarding how DEP will address decommissioning plans for solar energy developments. The addition applies only to projects required to undergo Site Location Development Act review. The changes do not require any immediate action or changes to the City's solar energy ordinance. A brief discussion ensued in regards to decommissioning plans.

Ms. Piekut informed the board that that the 2022 fiscal year budget was approved, which included thirty five thousand dollars for the comprehensive plan. A brief discussion on the comprehensive plan process ensued.

Ms. Piekut informed the board of the current circumstances surrounding Chapter 4, Fire Prevention Ordinance. Ms. Piekut explained that Chapter 4 is not a Planning related ordinance, but she has been assisting with the amendment process. Although Chapter 4 is not part of the UDO it is referenced many times within the Subdivision Ordinance and the Unified Development Ordinance. One solution that is being explored is to exempt minor subdivisions

Public Hearing

Final Plan for a Major Use Site Development and Subdivision of New and Existing Structures entitled XL Space: Approved

Preliminary Plan Review Denver Trails: Withdrawn

from Chapter 4 requirements. Minor subdivisions consist of four or fewer lots and/or do not involve the creation of a new road. Minor subdivisions would not have to provide water supply in the prescribed way that Chapter 4 establishes. State law still requires a sufficient water supply for the reasonably foreseeable needs of the subdivision. However, the City would still defer to the Fire Department for water supply regarding firefighting.

Mr. DeLeo commented that he would like to see accurate figures regarding the cost to install sprinkler systems and cisterns. Mr. Canavan gave the board a detailed explanation of cost estimates that he had obtained.

A lengthy discussion ensued regarding amendments to the Fire Prevention Ordinance.

Ms. Piekut added that she found the State statute that covers if a City repeals an Ordinance. It clearly states all approvals that were granted prior to that repeal are not invalidated. In the event Chapter 4 is repealed, any subdivisions approved by the Planning Board that required water supply for fire protection would still have to fulfil that requirement.

Ms. Piekut informed the board of changes to the State's subdivision law. In 2019, the State law was revised to restrict a municipality's authority to expand the definition of subdivision beyond what is in State law. The City's current Subdivision Ordinance is not consistent with State law. Ms. Piekut explained that until amendments to the ordinance can be made we will not review specific projects that were previously and incorrectly believed to require Planning Board review.

A brief discussion ensued regarding adult use marijuana.

6.) Signing of Mylars & Adjournment

Rick Lyles moved to adjourn the meeting after the signing of the mylars. John DeLeo seconded the motion and with no further discussion, it passed unanimously **(5-0)**. The meeting was adjourned at 6:25 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.

Date

**Rick Lyles, Secretary
Ellsworth Planning Board**

**Vote to adjourn at
6:25 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.