

**City of Ellsworth  
Planning Board Meeting Minutes  
Wednesday, March 2, 2022  
5:30 PM**

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

**Five board members present**

Public and Applicant participation in addition to in person attendance at the meeting was held using ZOOM webinar technology, pursuant to 1 M.R.S. § 403-B.

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 DeLeo called the meeting to order at 5:30 PM.

**Call to Order**

**2.) Adoption of Minutes** from the February 2, 2022 meeting. Rick Lyles moved to approve the minutes. Nelson Geel seconded the motion, and with no further discussion, the motion passed unanimously **(5-0)**.

**Adoption of minutes**

Chairman DeLeo announced that alternate members Molly Friedland and Patrick Lyons will be voting on the Agenda items.

**3.) Election of Officers**

Rick Lyles nominated John DeLeo as Chairman of the Planning Board. Nelson Geel seconded the motion, and with no discussion, the motion passed unanimously **(5-0)**.

Patrick Lyons nominated Rick Lyles as Vice-Chairman of the Planning Board. John DeLeo seconded the motion, and with no discussion, the motion passed unanimously **(5-0)**.

John DeLeo nominated Nelson Geel as Secretary of the Planning Board. Patrick Lyons seconded the motion, and with no discussion, the motion passed unanimously **(5-0)**.

**3.) Final Plan Review for a Major Use Site Development entitled Bomarc Kingsland Self Storage for Bomarc Commercial Ellsworth, LLC.** The proposal is to construct a 31,650 SF self-storage facility consisting of 3 buildings of climate controlled self-storage units and 1 building of drive-up self-storage units on a

**Final Plan Review entitled Bomarc Kingsland Self-Storage**

2.02-acre parcel (Tax Map 16 Lot 8-1-2) located on Kingsland Crossing. The subject property is located in the Commercial (C) Zoning District.

Jim Kiser, PE, attended the meeting to represent the applicant. Applicant, Rich Trott also attended the meeting.

Mr. Kiser addressed the Board and provided a brief description of updates made to the application since the Preliminary Review. Mr. Kiser explained that they provided additional traffic information, withdrew the lighting plan waiver, and adjusted the stormwater to have no post-development runoff increase.

Mr. DeLeo inquired what the size variation is between the existing Bangor Road location and the proposed site on Kingsland Crossing. Mr. Trott answered that the buildings are equal in size, however, the Bangor Road location only has two climate controlled buildings where as this site will have three.

A brief discussion ensued regarding stormwater calculations.

Mr. DeLeo inquired if there will be any lighting installed on the traditional style storage-unit building. Mr. Kiser answered that there will not be any lighting installed and there will be no power to that one building. Mr. Trott added that they are anticipating that the light emitting from the climate controlled buildings will provide adequate lighting for the traditional style storage building. Mr. DeLeo asked City Planner, Elena Piekut if no lighting on the traditional style storage-unit building meets the City's lighting ordinance. Ms. Piekut explained that there isn't a specific standard for storage units given that it does not need a traditional parking lot, but less light is better than too much for this type of project.

Mr. Deleo asked what the hours of operation will be. Mr. Trott replied that the property will not be gated, however, the climate controlled buildings will have hours of operation, but the drive up units will be accessible at any time.

Mr. DeLeo asked Ms. Piekut if the project complies with the ordinance section 812.5, lighting standards. Ms. Piekut explained that there is not a specific category for storage units, so the closest category is parking lots, active building entrances, or private walkways. Mr. Kiser stated that visibility is created for the building from the exterior lighting on the climate-controlled buildings. Mr. Lyles inquired the distance between the climate-controlled units to the drive up building. Mr. Kiser answered that it is a 30-foot distance. Mr. Kiser added that if the board is concerned with lighting for the drive up building, they will increase the wattage of the climate-controlled building exterior lights.

A brief discussion regarding lighting followed.

## Introduction

Nelson Geel inquired if the applicant knows the exact location of the private force main. Mr. Kiser answered that they do not know the exact location, but they believe it is somewhere near the middle of the easement. They will complete test pits during excavation and will provide insulation to the force main if they get too close to the swale.

**Chairman DeLeo opened a public hearing at 5:50 PM.** With no one coming forward, the public hearing was subsequently closed.

**Rick Lyles made a motion to approve the Final Plan for a Major Use Site Development entitled Bomarc Kingsland Self-Storage for Bomarc Commercial Ellsworth, LLC with the condition that the wattage of the exterior lighting on the climate-controlled units be increased in order to provide adequate illumination to the drive up storage unit building. Nelson Geel seconded the motion and with no further discussion, the motion passed unanimously (5-0).**

**4.) Preliminary Plan Review for a Major Use Site Development entitled A & B, LLC for Aaron Wiswell.** The proposal is to construct a 1,512 SF automated car wash building on a 0.66-acre parcel (Tax Map 135 Lots 13 & 14 & Tax Map 134 Lot 150) located at 59 & 61 High Street and 62 Deane Street. The subject property is located in the Downtown (DT) Zoning District.

Andrew McCullough, PE attended the meeting to represent the applicant. Applicant, Aaron Wiswell and representative, Chris Lindley of Car Wash Pros LLC attended the meeting remotely via ZOOM.

Mr. McCullough explained to the Board that they revised the site plan to show they are able to provide two lanes for vehicle stacking. In order to accommodate the second lane the building has been moved two feet to the north. This also allows for a nine-foot aisle around the building for vehicles to exit the property if they choose not to use the facility. Mr. McCullough informed the Board that he submitted letters from the Maine Historic Preservation Commission, Maine Natural Areas Program, and the City's Fire Inspector, and the Wastewater Superintendent. The hours of operation were revised and the facility will be closed from 10 p.m. to 6 a.m. Mr. McCullough stated that the approximate noise level from the proposed vacuums is 60 decibels. In addition, the noise level for the carwash at the westerly property line is approximately 63 decibels without factoring in noise attenuation from the building or the fence. Mr. McCullough informed the board that they are now proposing a solid panel PVC fence around the north and west sides of the facility. They have requested a landscaping waiver to use a fence rather than a vegetative buffer to the existing residences and are requesting that the 10-foot wide planting requirement for Deane Street be included in the waiver. Mr. McCullough suggested planting vegetation in a 3-foot wide strip that is located

**Public Hearing**

**Final Plan for Bomarc Kingsland Self-Storage: Approved**

**Preliminary Plan Review for a Major Use Site Development entitled A & B LLC**

**Introduction**

between the sidewalk and the retaining wall. Mr. McCullough informed the Board that he also revised the traffic narrative and explained that the operating factor that will limit peak hour trips is that each bay of the carwash can wash approximately ten vehicles per hour. Mr. McCullough stated that he calculated that a maximum of 28 vehicles would pass through the Deane Street and High Street intersection during the peak hour. Mr. McCullough suggested amending Deane Street to a no left turn street.

Mr. DeLeo commented that the City Council will need to approve imposing no left turns out of Deane Street. Mr. DeLeo added that it is something that the Department of Transportation may have to approve also. Ms. Piekut commented that she contacted DOT and they would support the City's decision to restrict left turns onto High Street. Patrick Lyons stated that the Planning Board does not have the authority to require a sign to be installed, but the Board can make it a condition of approval that the applicant receive approval for a no left turn from the City Council. Ms. Piekut stated that she can do further research into the requirements of the Traffic Code before the final review. Mr. Geel commented that the residents on Deane Street have been able to turn left for as long as they have lived there.

Mr. Lyons inquired if there is a requirement for a traffic study for this project. Ms. Piekut answered that under Section 907.1.F in Article 9 of the ordinance it states that the Board can waive the traffic study requirement if the development generates less than 50 ADT. Ms. Piekut stated that Mr. McCullough has completed some of the traffic analysis. Mr. McCullough informed the Board that compared to the previous Subway they are proposing a smaller number of trips.

Mr. McCullough suggested that as a condition of approval, prior to the issuance of a certificate of occupancy the owner/applicant will provide contact information to the City for a property manager that will address any road icing issues.

Mr. Lyles suggested installing signage at the facility entrance that notifies people that they are not able to wait in the street to use the carwash. Aaron Wiswell, added that they plan to have someone on site during busy days to assist with directing traffic.

Mr. DeLeo voiced concerns regarding the potential for patrons being stuck in the wrong lane. Chris Lindley explained that the lanes are identified in the canopy of the building so customers can see which bay they are entering. Mr. Lindley stated that when considering performance they account for approximately 280 wash days per year with only 20 to 25 days considered maximum wash days. On the maximum washdays, Mr. Wiswell will have an attendant on site to assist customers.

Public Hearing

Mr. DeLeo inquired about the payment methods accepted at the facility. Mr. Wiswell responded that he intends to do a card only site. Mr. Lyles asked how customers will know in advance that the machines accept cards only. Mr. Wiswell explained that customers can drive through the bay if they do not have a credit card to use or if their card is declined.

Mr. DeLeo asked if there is a machine that does both the touch free and the soft touch wash to make it so customers will not have to choose a specific lane. Mr. Lindley answered that a manufacturer attempted to make a dual machine, but it was not proficient.

Mr. Lyles voiced concerns about headlights shining over the fence into the neighbor's property at night. Mr. McCullough stated that the site is relatively level except for at the entrance. When vehicles enter the facility, the lights will be aimed at the building. Mr. Lyles stated that some of the light may spill over the fence and he would like to know for sure if they will by the final review. Mr. DeLeo asked how tall the fence is going to be. Mr. McCullough replied the fence is 6-feet tall and is located on top of a grade.

A brief discussion ensued regarding landscaping requirements and the proposed fence.

Mr. DeLeo inquired about the proposed asphalt curbing on Deane Street. Mr. McCullough explained that asphalt has been proposed because it is consistent with the existing curbing. For the High Street entrance that they intend to close off, they will install granite curbing to match what is existing. Mr. DeLeo stated that the ordinance requires that curbing within the Urban Core shall be granite in high use areas and concrete in all other areas. Mr. McCullough commented that only High Street, Main Street, and a small portion of State Street have granite curbing. Mr. DeLeo stated that he is not suggesting that they install granite curbing, but bituminous curbing is not effective. Mr. Wiswell asked if the Board would prefer slip form concrete. Mr. DeLeo responded that he would. Mr. Wiswell stated that he does not have any issue with installing the slip form concrete curbing.

A brief conversation regarding sight distance followed.

Mr. Geel commented that traffic entering the facility in the outside lane in a large pick-up truck may have difficulties entering if someone is in the inside lane. Mr. McCullough explained that they have used a variety of vehicle sizes and their turning radiuses that have been published from Chevrolet. Mr. McCullough agreed that it could prove to be a tight fit for a long bed truck, but the majority of vehicles will fit. Mr. Lyles commented that it seems to be adequate.

Mr. DeLeo asked where the vacuums will be located. Mr. McCullough answered they will be located on the edge of the pavement on downhill side of the project. Mr. DeLeo asked how many vacuums will be installed. Mr. McCullough replied there will be three vacuums.

Mr. Lyles inquired about water dripping from vehicles and the chemicals used to wash the cars. Mr. McCullough explained that he looked at an Environmental Protection Agency document specifically regarding carwashes and the EPA's primary concern is the treatment of the concentrated wash water inside the bays. The EPA was not concerned about water dripping off vehicles after they exit the site because the water containing the concentrated solution is contained inside the bay and is going to the wastewater treatment plant. Mr. Lindley added that each carwash process lasts roughly five minutes and at the two and a half minute point, the vehicle is clean and the remaining cycles are rinsing and waxing cycles followed by a final spot free rinse using mineral free water, which is then followed by the drying cycle. There is very little water leaving the bay, but what water does drip is clean and free of chemicals. Mr. Lyles inquired if the wash water flows directly to the sewer. Mr. McCullough answered that it goes to the sewer treatment plant.

Mr. DeLeo inquired if the bay doors remain closed during the drying process. Mr. Wiswell answered that he can program the doors to stay closed during the drying process. Mr. Lyles asked if the Board has the authority to make a condition of approval that the bay doors have to remain closed when the carwash is in use. Ms. Piekut answered that they can.

Mr. Lyons asked Ms. Piekut if she had any concerns regarding the completeness of the application. Ms. Piekut answered that she does not.

A brief discussion about queueing ensued.

Mr. DeLeo requested that Mr. Wiswell provide data from his North Berwick carwash location to show how many hours per week staff is on site. Mr. Lyles added that they could also submit queueing numbers for comparison.

**Chairman DeLeo opened a public hearing at 6:53 PM.**

Kim Gourley owner of 35 Elm Street approached the Board. Ms. Gourley explained that she abuts the project on the north end. She is in favor of the fence, but is concerned with the five percent grade at the entrance because headlights will shine upwards. Ms. Gourley expressed concerns regarding the noise and light created by customers. Ms. Gourley stated that she was happy to hear that the project may have operating hours of 6 a.m. to 10 p.m., but she would appreciate if that were guaranteed. Ms. Gourley suggested planting evergreens behind the fence to help with light pollution and noise. Ms. Gourley stated that her biggest concern is the noise created by the vacuums and more

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importantly the noise created by the people using the facility. Ms. Gourley expressed concern about imposing a no left turn on Deane Street.

Ms. Gourley inquired if the Board had discussed the decibel levels of vehicles at rest with music playing at the last meeting. Mr. Geel answered that they had discussed the decibel level of the machinery, but not vehicles. Mr. McCullough stated that he believes the carwash equipment produces a higher noise level than a vehicle at rest. Mr. Geel stated that is probably correct and loud music is probably more of a concern. Mr. Wiswell stated that he had chosen the 6 a.m. to 10 p.m. hours of operation because those are the hours outlined in the City's noise ordinance, however, he would be willing to amend the hours. Mr. Wiswell explained that he could shut the vacuums off at 7 p.m. and the carwash at 9 p.m. Mr. Lindley added that typically later in the evening there are not a lot of vehicles lined up waiting to use the facility.

Mr. DeLeo commented that he is in favor of closing the facility at 9 pm.

Albert Harmon owner of Harmon Tire located at 220 High Street approached the Board. Mr. Harmon asked Mr. Wiswell what equipment model he will be installing. Mr. Wiswell answered that he is considering using Wash World. Mr. Harmon inquired if the blowers are mounted on the exit or the machine. Mr. Wiswell answered that they are mounted on the machine. Mr. Harmon commented that he uses Simoniz, the same supplier company that Mr. Wiswell will be using and the delivery truck is 53-feet long and the cab is 25-feet long. Mr. Harmon inquired how the delivery truck will enter and turn around in the proposed lot. Mr. Wiswell stated that the delivery truck can be backed into the site or products can be delivered in a box truck.

Mr. Harmon commented that there are two large companies that produce a machine that provides both the touch free and the soft touch wash. Mr. Harmon stated that he uses one of the machines and they work very efficiently. Mr. Harmon stated that he has about 150 peak washdays per year at his facility. Mr. Harmon stated that despite drying the vehicles there is still water that drips onto the road. Mr. Harmon stated that the dryer noise is the very loud so the bay doors will need to be closed.

Jason Barrett owner of 33 Elm Street approached the Board to express his concerns. Mr. Barrett stated that he is concerned about noise and that the application materials stated the vacuums run at 60 to 70 decibels. Mr. Barrett explained that 60 to 70 decibels does not seem to be a big difference, however, the difference is 10 times the sound volume. The difference between 60 decibels and 80 decibels is 100 times the sound volume. Mr. Barrett reported that he found that vacuums produce 70 to 75 decibels after researching the sound level. Vacuum use is more of an issue into the evening hours. Mr. Barrett stated that light pollution is another concern. He noted that the site sits on top of the hill and due to the elevation and fence placement; the light will spill over

the fence. Mr. Wiswell stated that he can install a taller fence if necessary. Mr. Barrett expressed his appreciation for Mr. Wiswell's willingness to accommodate to the residential neighbors and he would like to see these things guaranteed. Mr. Barrett stated that planting evergreens on the north and west side in addition to a taller fence will assist with light and sound attenuation.

Mr. Barrett inquired if a traffic study will be required for the project. He mentioned that the project will have a significant impact on High Street and Water Street. Mr. Barrett stated that Deane Street does not typically have any traffic issues, so a traffic study should be completed. In addition, the turning radii are very tight for the two lanes. Mr. Barrett stated that the entrance and project appear to be inconsistent with the ordinance and the ordinance says that provisions should be made for vehicular access and so that there is a safeguard against hazards and to avoid traffic congestion on any access way and to provide a safe and convenient circulation on and off site. Mr. Barrett said that he does not think the conversation has covered safe and convenient circulation of traffic. Mr. Barrett added that there are several other places in Ellsworth where this type of project would be ideal.

Mr. DeLeo asked Ms. Piekut if a traffic study is necessary. Ms. Piekut answered that yes, it is. Mr. McCullough inquired what intersections will need to be included. Mr. DeLeo and Mr. Lyles agreed that the up and down stream intersections of High and Water Streets need to be immediately looked at and then to work the rest out with the City Planner.

Mr. Geel inquired if there is a lane to exit the facility. Mr. McCullough responded that there is a lane that goes around the back of the building.

**Chairman DeLeo closed the public hearing at 7:25 PM.**

**Rick Lyles made a motion to find the Preliminary Plan Review for a Major Use Site Development entitled A & B, LLC for Aaron Wiswell complete. Molly Friedland seconded the motion, and with no further discussion, the motion passed unanimously (5-0).**

#### **6.) Staff Comments**

Ms. Piekut informed the Board that at the March 21<sup>st</sup> City Council Meeting they will be recognizing John Fink's 30 years of Planning Board service and 22 years as Chairman and all are welcome to attend.

Ms. Piekut explained to the Board that she is proposing to extend the Solar Moratorium, which she will present to City Council at their March meeting. Ms. Piekut has been in contact with a solar consultant and is working on scheduling

**Public Hearing  
Closed**

**Preliminary Plan  
Review for A & B,  
LLC: Complete**

a workshop to address questions and concerns regarding solar energy.

Ms. Piekut commented that at the February Council Meeting she gave a presentation on the Comprehensive Plan process with a focus on public participation and timeline. Ms. Piekut will be submitting a request at the March Council Meeting to designate the Planning Board as the Planning Committee.

Mr. DeLeo commented on the timing process regarding development applications. Mr. DeLeo suggested adjusting the timing in order for the Board to receive their packets a week prior to the Planning Board meeting. Ms. Piekut explained that the majority of the application submission and deadline process is set in the ordinance. The ordinance will need to be amended in order to address the issue. Ms. Piekut provided a description of the submission deadline to the Board.

Mr. DeLeo mentioned that some of the applications that come before the Board are incomplete. Ms. Piekut suggested incorporating the submission checklist into the Major Use Site Development application form so that the applicant is required to ensure they have submitted all of the required materials. This process would assist her with application review and help the process be more efficient.

Ms. Piekut explained that she believes the current schedule was designed to expedite the development review process in an attempt to be business friendly. Ms. Piekut suggested keeping that process with adding another option for applicants to attend the technical review team meetings prior to submitting an application. This will provide applicants will an informal review and assist them with submitting a complete application.

Ms. Piekut informed the Board that for the solar energy amendments, the focus will be on Articles 3 and 8 of the ordinance and it is a good opportunity to look at other things that may need revision. In addition, Article 6 can be looked at for potential revisions to the application submission deadlines.

Mr. DeLeo commented that the intent of the Preliminary Plan Review meeting is for the administrator to make a determination of completeness of material submissions as well as identify issues and constraints that must be addressed in the Final Plan Review meeting. Mr. DeLeo suggested working out the important issues and addressing the major application components at the Preliminary hearing in order to be fully prepared for Final Review.

Ms. Piekut mentioned to the Board that currently the meetings are broadcasted on the local cable channel, YouTube, and on Facebook Live. Without a clear social media policy something for the Board to consider is not broadcasting the meetings on Facebook Live or if possible, turning off commenting, as the comments seem to serve no purpose except increasing negativity.

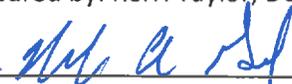
A brief discussion ensued regarding the use of Facebook Live as a way to stream the Planning Board meetings.

Ms. Friedland inquired about recruiting a new Planning Board member to fill the vacant alternate seat. Ms. Piekut replied that she is working on advertising for a Board new member in addition to appointing Ms. Friedland to a regular Board member.

**9.) Adjournment**

Rick Lyles made a motion to adjourn the meeting. Nelson Geel seconded the motion and with no further discussion, the motion passed unanimously (5-0). The meeting was adjourned at 7:49 PM.

Minutes prepared by: Kerri Taylor, Development Services Coordinator.

4/10/22   
Date Nelson Geel, Secretary  
Ellsworth Planning Board

**Vote to adjourn at  
7:49 PM**

*Agendas and minutes posted on the City of Ellsworth's website: [ellsworthmaine.gov](http://ellsworthmaine.gov)*

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