

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, February 1, 2023 5:30 PM

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

Four board members present

City Planner Matthew Williams, Code Enforcement Officer (“CEO”) Lori Roberts, Fire & Life Safety Inspector Tom Canavan, and Assistant City Planner Elizabeth Littlefield attended the meeting.

Four staff members present

✓ **1.) Call to Order**

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

Call to Order

✓ **2.) Adoption of Minutes** from the January 4, 2023 regular meeting. Vice Chair Lyles moved to adopt the minutes. Alternate Member Hangge seconded. Motion was approved by unanimous vote (4-0).

Adoption of minutes

**Chair DeLeo clarified that Items 3 and 4 will have a public hearing even though it was not reflected on the agenda.

3.) Revision to an approved Subdivision entitled Upper Lakewood Subdivision for Applicant/Owner Craig Fellis. The proposal is to revise the conditions of approval implemented by the Planning Board to allow for the use of a cistern that did not exist at the time of approval for fire suppression instead of a sprinkler system. The property is a 23.3-acre lot located along Route 180 (Tax Map 117, Lots 20-1-1 and 20-1-6) in the Rural (R) and Limited Residential Shoreland (LR) Zoning Districts.

Upper Lakewood Subdivision

Andrew McCollough was present representing the owner.

In 2020, the neighboring subdivision was amended to allow for the implementation of a cistern onto the property for water storage and fire protection. That location is adjacent to the Subdivision in question. Upper Lakewood was originally approved using sprinkler systems and the owner would like to take advantage of the cistern that will be adjacent to the property. The wording on the plan was revised and the Fire & Life Safety Inspector went and measured the property. Lot 1 on the Subdivision is too far away from the cistern to be covered, however lots 2-6 are close enough and the owner is requesting that the Subdivision be amended to allow for cistern use on those lots.

Chair DeLeo clarified the location of the cistern. Vice-Chair Lyles asked if the cistern was in. Mr. McCollough said that it was ordered and it is waiting for the contractors to install it.

Vice Chair Lyles asked if Fire & Life Safety Inspector Canavan approved of the revision. He said that he does and the Fire Chief has also signed off on it.

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Alternate Member Hangge asked if the cistern could be moved, it cannot because the owner does not have sufficient land to put it on. City Planner Matt Williams stated that the owner has an easement already to use the cistern.

Chair DeLeo opened the public hearing at 5:37. No members of the public were present. Chair DeLeo closed the public hearing at 5:37.

Member Geel asked if there was language in the easement stating who would maintain the cistern. The easement language is clear.

Alternate Member Hangge moved to approve the revision, Vice-Chair Lyles seconded. Revision was approved by unanimous vote (4-0).

4.) Revision to an approved Major Use Site Development entitled Ellsworth ME Solar, LLC for Applicant/Owner Ellsworth ME Solar, LLC. The proposal is to revise the previously approved project by the Planning Board to reduce the overall size and impact of the project from the originally proposed 117,339 sq. ft. of structure footprint to 80,462 sq. ft. of structure footprint. The property is a 48.68-acre lot located at 889 Bucksport Road (Tax Map 30, Lot 15) in the Rural (R) and Drinking Water (DW) Zoning Districts.

Sean Hale and Steve McDonough were present representing the owner.

This project was approved by the Board in September of 2021. The project went on hold for a while and has been majorly downsized. Previously approved project was 35 acres, it is now 13 acres. The impervious area was originally 57,000 sq. ft. it is now 32,000 sq. ft. The tree clearing area was 33 acres, it is now 12 acres. The amount of proposed wetland impacts was 5 acres, it is now 685 sq. ft. The purpose and intent of the project are the same. The existing access road will remain the same, but now it will be shorter since the solar arrays are now only on the southern part of the property. They have added a designated emergency access path that allows access to the western portion of the property. They have received core permits and state stormwater permits and those will be given to Planning.

Member Geel asked if the square footage was added to the plan. Hale confirmed that it was added.

Vice Chair Lyles asked since it was previously approved, if every aspect of the plan is open for debate. City Planner Williams clarified that the changes to the plan are the items up for debate. Vice Chair Lyles asked if the layout and landscaping plans in the front of the property have changed, Hale confirmed that they were the same as before.

Member Geel asked if there was any new construction or additions to the plan. Hale confirmed that there was not, the only new construction is the access road. Inspector Canavan said that the owners will maintain the access road year-round. Hale said the City

**Public Hearing
Opened and Closed**

**Revision
APPROVED**

**Ellsworth ME
Solar, LLC**

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is allowed to inspect the access road annually. This is a new condition that was not on the original plan.

DeLeo asked if the road will still go past another citizen's driveway. Inspector Canavan said it was and they will repair the road once the construction is done. That was not impacted by the change.

Hale said they did a new stormwater memo to document that there was no change to the stormwater impact. They also put in a new decommissioning plan with the major change that the cost for decommissioning is less than originally said.

Alternate Member Hangge stated that there are some minor discrepancies in the decommissioning plan regarding the removal of electricity poles. McDonough clarified that all poles would be removed. Alternate Member Hangge asked if the plan could be revised to say that all the poles will be removed.

Chair DeLeo asked about the triggering event for the decommissioning plan. He asked if the 12 months mentioned on the plan was a waiting period or if that was the period of time they had to decommission. McDonough clarified that it meant they had up to 12 months to complete the decommissioning plan.

Chair DeLeo opened up the public hearing at 5:54pm. There was a letter from an abutter asking some questions about the project and solar in general. City Planner Williams will reach out to the abutter regarding the solar questions. The letter asks about the wetlands and the impact on animals. It also asks about snow removal. The access road will be plowed, however the snow removal on the panels would be accomplished by the sun and the angle of the panels. Chair DeLeo closed the public hearing at 5:57pm.

Member Geel moved to approve the revision with the conditions that they would revise the decommissioning plan and the stipulation that the City would be allowed to inspect the emergency access road annually be included into the plan. Vice Chair Lyles seconded the motion. The vote to approve was unanimous (4-0).

5.) Sketch Plan Review for a Major Use Site Plan and Major Subdivision entitled Old Mill Property Development for Applicant Tim Stone and Owner Arbor House Properties, LLC. The proposal is to create a 17-lot major subdivision. The subject property is an approximately 30-acre lot located at 30 Old Mill Road (Tax Map 41, Lot 53) in the Neighborhood (N), Urban (U), and Limited Residential Shoreland (LR) Zoning Districts.

Scott Bradshaw and Tim Stone were present representing the project.

A sketch plan was reviewed in October 2022 and some revisions have been made since then. Wetlands have been delineated and the flow of the edge of the river has been

**Public Hearing
Open**

**Public Hearing
Closed**

**Revision
APPROVED with
conditions**

Old Mill Property

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delineated along with the 250 foot Shoreland zone. A survey of the property has been done and a traffic impact study has been done.

Concept has been revised to include 3 tiny houses, 2 of which are in the Shoreland zone and one is in the Neighborhood Zone. They have also removed the campground portion of the plan and are exclusively building tiny homes and tree houses. They have worked through the tiny home classifications under State law. The tiny homes are classified as single family homes. The tree houses would qualify as tiny homes.

They are proposing 16 units total – 3 tiny homes and 13 tree houses. The plan still is a low density development. The plan would still meet the density requirements for all applicable zones. The plan will stay 75 feet off of all of the wetlands that were delineated on the plan. The majority of the tree houses will be on the high ground on the property. There is an existing road which is old and goes through the property. The plan is to use the old road as much as possible to save on overall wetland impacts.

There are two potentially significant vernal pools on the north side of the property which they need to investigate whether or not there is certain wildlife in the pools. The plan has contingencies for the path the road will take in case one or both of the pools are deemed to be significant. If they are deemed significant, they would need to stay 100ft away from the pools per the DEP.

The plan is proposing that each tree house and tiny home have their own property lot associated with them. The original plan was having them all on one lot. This would still fit in the density requirements for a cluster development. There would be 3 open common areas along the river which would be accessible to everyone in the development.

Member Geel asked about a discrepancy on acreage and if it would impact the density requirements. Bradshaw said they had a survey done which confirmed the acreage and the density calculations are based on that survey. Bradshaw will provide that survey to the Assessor to clear up the discrepancy.

Chair DeLeo asked about the two tiny homes which will be replaced by tree houses later in the project. Bradshaw said that they wanted to put in those two tiny homes in the first phase and change it over into tree houses during phase 3. Phase 1 would extend the existing road and they would like to put in the two tiny homes during that phase to begin renting them out. Once they got to phase 3, the houses would be converted.

Vice-Chair Lyles asked if tree houses were more permanent than tiny houses. Bradshaw confirmed that they were. The tree houses will not actually be in trees, they will have support columns that would elevate them. Lyles asked if the tiny homes could be moved at will since they are on wheels. City Planner Williams said that the tiny homes are built on chassis and under State law, it would still qualify as a single family dwelling even though it is on wheels. Alternate member Hangge asked if they were considering the tiny homes a manufactured home, City Planner Williams stated that they were not.

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Chair DeLeo asked if the plan was still to use these dwellings for short term rentals and Bradshaw confirmed that it was. Code Enforcement Officer Roberts stated that as long as the tiny house requirements by the State are met, it will be considered a single family dwelling, just an elevated one. Vice-Chair Lyles asked if the lots were ever going to be sold. Bradshaw said that they could sell them in the future if they decided to go that direction, however that is not the plan at this time. Vice-Chair Lyles asked if the utilities services and all other requirements for a residential subdivision would be met. City Planner Williams said it was. Chair DeLeo asked if they wanted to sell the lots whether or not they would have to come back to planning board. Planner Williams stated that they would not, however they would need to provide road maintenance agreement and any subdivision paperwork that would be required. Bradshaw reiterated that it is not their intention to sell. Alternate member Hangege asked if the lots were sold, who would maintain the underground fire cisterns. Planner Williams said that they would need to bring the documentation to the Planning Office before the sale took place. Inspector Canavan went through the procedure if the lots were to be sold.

Vice Chair Lyles asked whether or not the dwellings would be rented year round. Bradshaw said that is the new plan.

Chair DeLeo asked what qualifies as a short term rental. City Planner Williams said that the City does not regulate short term rentals so there is no set requirements as to the time allowed for the rental. Bradshaw stated that there were state requirements which they would comply with and apply to the State for a permit to operate short term rentals.

Chair DeLeo asked if the road requirements would be the same in this development. City Planner Williams stated that it was and that this project is looking for a waiver for paving since they are using an all-weather surface. Bradshaw stated that the plan was to use the all-weather surface and to continue the nature of the road since the access road is also a gravel road. There was some discussion as to whether or not paving should be required if the owners do decide to ever sell the lots. It may be a condition of approval when the plan comes back for Preliminary.

Vice-Chair Lyles asked about the traffic impact study. He asked that if there is significant queuing at the intersection with 1A that would block the Old Mill Road. Stone said that there he has never seen traffic back up that far, however it is a possibility in the summertime when traffic is bad. Vice-Chair Lyles said that he would like to see something in the study about the 1A and North Street intersection, since it could possible go so far back that it obstructs the Old Mill Road. Vice-Chair Lyles asked for more information on whether the amount of cars on the road would be impacted by the development. Member Geel mentioned that this intersection was already a trouble intersection. Vice-Chair Lyles said that this development should not have a huge intersection. There was some discussion about the history of the intersection and some possible solutions for the traffic issues. All agreed that the traffic impacts from this development would be marginal.

**Public Hearing
Opened and Closed**

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Chair DeLeo opened the public hearing at 6:45pm. No members of the public wished to speak. Chair DeLeo closed the public hearing at 6:46pm.

Member Geel mentioned that he would like to see color coding of the phases of the plan when it comes back for Preliminary. He also asks for satellite photos that show foliage and ground cover.

6.) Preliminary Plan Review for a Major Use Site Development entitled Timberland Acres Downeast for Applicant Colton Sanborn and Owner Timberland Acres Downeast, LLC. The proposal is to expand an existing campground onto adjacent property by developing 121 recreational vehicle sites. The subject property is a 39.3-acre lot (Tax Map 6, Lot 7) located off of Bar Harbor Road in the Rural (R) Zoning District.

**Timberland Acres
Downeast**

Jeff Crafts was present representing the owner.

Crafts explained that the owner of the existing campground also owns that land that they are planning to expand onto. 121 RV sites will be added to the campground, there are already 246 existing campsites. There is a Main Road coming in from Route 3 that will still be the access to the new campsites. There will be an upper and lower entrance to the campground. This will all be on underground electricity with 4 transformers, which will allow all sites to have 240 Volts should the campers want to use it. There is one septic tank in each row of the new development, the tanks will be fed by gravity and a pump will bring the affluent to the public sewer line.

Vice Chair Lyles asked if each campsite will be able to hook into the septic. Crafts said that each site will have a place to connect. Member Geel asked if all of the sites will be pull-through sites, Crafts confirmed that they were. Alternate Member Hangge asked why the plan has some breaks on it. Crafts explained that there are only so many units that can be connected per line, so the breaks on the plan are to reflect which sites will go to each tanks. Member Geel asked if there will be different electricity connection types on the circuit panel, Crafts confirmed that there would be. There will be 3 wells so each site will have access to portable water.

There will be 4 detention ponds with walking paths going around them. There will be a culvert that runs underground which will limit the flow of water. The stormwater will run southerly onto land which is also owned by the owner of the campground. They had a soil test done on the property and they are very good for the septic systems. The soil plan will be coming to the Planning Board at the next presentation.

All of the access ways will be paved and will allow for two-way traffic. Member Geel asked if there would be one direction that the RVs would have to turn into their spots to have access to the utilities, Crafts said that it would depend on how they decide to set up the hookups. Vice-Chair Lyles asked Inspector Canavan if there is enough room for the

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Fire Department trucks to turn around. Inspector Canavan said that there is actually more than they need to turn around.

The woods that are between the access ways will be left alone. Member Geel asked if there would be paths created through the woods to access the facility buildings. Crafts stated that there would be 12 foot walkway to the facility buildings. There will be end buildings with toilets, showers, and laundry facilities. Vice-Chair Lyles asked about the registration system. Crafts said there will be an online system to register for the campsites and campers can pick their sites in advance.

Chair DeLeo asked if the building of the new campsites would be in phases. Crafts said that they will be and they will provide color coded copies on the plans for their next presentation. They intend on having 4 building phases. Their plan is to build from north to south. DeLeo asked about the timeline of the building, Crafts said that they would like to start as soon as they get the approvals needed. Member Geel asked if the phases would be scheduled by year, Crafts said they would be done according to the season and they would like to get phases completed before the camping season. Member Geel asked if there would be construction going on during summer months. Crafts said that they will not be building during July and August, however they will be trying to build in the spring/early summer months, and as late into the fall as the weather will allow.

Crafts explained that they were going to be paving the access ways, and they are looking into impervious surfaces to control stormwater runoff. Alternate Member Hangge for a drawing of turning radius' of the EFD trucks specifically since the dimensions are different than other municipalities. Member Geel asked if they could include the lighting plan into the next presentation. Crafts said that they will put solar lighting on the walk ways and they will be downward focused so as to not disturb any campers that may be sleeping.

Vice-Chair Lyles explained that there are a lot of things missing from this plan, so it will not be able to be found complete. Crafts said that he does understand that and will attempt to get all of the remaining aspects of the plan together by the next Planning Board meeting.

Alternate Member Hangge asked if Trenton would be notified since one of the entrances is in Trenton. Trenton will be notified as well as DOT will also need to approve the plan. Chair DeLeo asked Inspector Canavan about the stipulation allowing EFD to use the pool for additional water should they need it. Inspector Canavan said that there should be ample water stored in the fire trucks, however they asked for the stipulation to be added in case, for some reason, they run out of water and the fire is still ongoing. Chair DeLeo asked if people store the campers year round, Inspector Canavan said that they do and he is not concerned about the pool being frozen or their trucks running out of water.

Chair DeLeo opened the public hearing at 7:44pm. There were no members of the public present, Chair DeLeo closed the public hearing at 7:44pm.

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Opened and Closed**

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Vice-Chair Lyles moved to find the preliminary plan not complete. Member Geel seconded the motion. The vote was unanimous (4-0).

Plan is NOT COMPLETE

7.) Comprehensive Plan Update – Discuss February 15th Meeting to Select Comprehensive Plan Steering Committee.

Comprehensive Plan Update

The meeting to select the Steering Committee is on February 15th. There have been several applicants, more than the amount of spots so there will need to be some decisions made on the night. City Planner Williams provided some guidelines to consider when they interview and discuss the candidates, however it will be an open discussion which can deviate from the list.

Member Geel asked what the process will look like. City Planner Williams stated that they will read all the applications and speak to the candidate if they are present. After that, they will go into executive session to select the members. Once the members are selected, the meeting will be opened up and they will vote to appoint the members onto the steering committee publicly. There was some discussion as to whether the City Councilors who are also on the Steering Committee can be present for the executive session, Planner Williams said that he did not believe so but he would ask the attorney if they are allowed.

8.) Staff Comments

Staff Comments

City Planner Williams has hired a new assistant, Elizabeth Littlefield.

9.) Adjournment

Vote to adjourn at 7:58 PM

Vice-Chair Lyles moved to adjourn, Member Geel seconded, the meeting was adjourned by unanimous vote (4-0).

Minutes prepared by: Elizabeth Littlefield, Assistant City Planner.

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

3/1/23



Date

Nelson Geel, Secretary
Ellsworth Planning Board