

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

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

Six 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 5:29 PM.

Call to Order

2.) Adoption of Minutes from the February 1, 2023 regular meeting and the February 15, 2023 Special Meeting.

Adoption of minutes

Member Geel moved to adopt the minutes, Member Friedland seconded the motion. **The motion to adopt the minutes from the February 1, 2023 regular meeting and the February 15, 2023 Special Meeting was UNANIMOUS (5-0).**

*Chair DeLeo stated that items 3 and 4 on the agenda will be switched.

3.) Sketch Plan Review for a Major Use Site Plan entitled Proposed Commercial Development for Applicant Alrig USA Acquisitions LLC and Owner Ellsworth No. 1 LLC. The proposal is to create a commercial building with three storefronts. The subject property is an approximately 2-acre lot located at 6 Downeast Highway (Tax Map 128, Lot 8) in the Commercial (C) Zoning District.

Proposed Commercial Development

Matthew Bombaci was present to represent the owners. Bill Bray was present as the traffic engineer on the property. Mr. Bombaci gave an overview of the project. The locus property is located at 6 Downeast Highway and is currently vacant. It is bordered by the Walgreens and the Hampton Inn. The project is to create a commercial building with 2,400 square foot coffee shop with a drive through, a 1,400 square foot sub shop, and a 2,800 square foot general retail store. The drive through queue for the coffee shop will loop all around the back of the building, allowing 12+ cars to fit. If there are extra cars, they would back out into the interior parking lot, not the road. There will also be a little island with some landscaping in front of the coffee shop with some seating. The Preliminary Plan will include a lighting plan and a landscaping plan. There will be a preliminary stormwater design which they are meeting with Maine DEP the following day to review. They will also be a Traffic Movement Permit which they will be applying for through the MDOT.

Introduction

Mr. Bray then got up to discuss the traffic plans for the development. They have developed a trip generation for the project. Combined, during peak hour of 11am, the trip generation will be around 340 trips. Maine DOT has a two tier system to approve a Traffic Movement Permit. This project falls into the second tier since the amount of trip generation is so high. This will mean more stringent rules and requirements to obtain the permit. The developers have just begun getting the application together and will be working towards completion.

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Mr. Bray mentioned that most of the traffic going through the coffee shop are usually already on the road and just decide to come and get some coffee on their way. Mr. Bray reviewed a trip generation study done for Dunkin Donuts in the City and the majority of trips are “pass-by trips.” They are looking to have the application into MDOT around the first of April. They have obtained crash data for that section of the road, including 3 high crash locations in the area. The developers will give a detailed inspection of those intersections to study the traffic and accident patterns. MDOT will hold a scoping meeting where they will go into far more detail about the crash locations and other traffic concerns. The City will be involved in that process and the meetings will likely be held at City Hall. Mr. Bray said they do have traffic counts from last summer to reflect the high uptick in traffic in the summertime. Mr. Bombaci reiterated that the City will be involved in the MDOT permitting process. Alternate Member Lyons asked if the developers planned on waiting to come to the Planning Board with a preliminary plan until they obtain the MDOT permit. Mr. Bombaci said that they plan on going through the processes concurrently.

Mr. Bombaci said they plan on constructing a pedestrian connection to Downeast Highway and the Hampton Inn. The developers will model the fire access plan off of the dimensions of Ellsworth FD’s fire trucks. There will be a bypass lane behind the building.

Alternate Member Lyons asked about landscaping. Particularly the fact that some trees would look nice but there are visibility issues to address at the same time. Mr. Bombaci said that they have a landscaping architect who is working on the landscaping plan. He mentioned that there will be some trees and they are aware that they need to still allow for proper visibility.

Alternate Member Lyons asked if they had potential tenants. Mr. Bombaci said they have two potential tenants for the coffee shop and restaurant. The retail tenant has not been selected. Since the agreements have not been finalized, they cannot disclose the names of the potential tenants as of yet.

Chair DeLeo asked Mr. Bray about the traffic count from DOT. He recommended that Mr. Bray look at historical data from when the Rite Aid was open and operating across the street from the proposed development to better understand the crash areas. Mr. Bray asked when the Rite Aid closed, Chair DeLeo said that if DOT cannot provide the information, Ellsworth PD has their crash reports and can give the information required. DeLeo also asked about the plan for those individuals who will be turning left into the development, since it is such a busy street and access from the other side of the road is difficult. DeLeo is worried about illegal U-turns across High Street and creating more accidents. Mr. Bombaci said that their hope is that people coming from the other side of the street will turn in at the light near Walgreens, however since the coffee shop would not be visible, it would have to be someone who knew it was there. Alternate Member Lyons suggested some wayfinding signage to direct people before the light. DeLeo suggested that the raised island be extended 100 feet to prevent people from making U-turns across High Street. Alternate Member Hangge said that people already make turns like this. DeLeo stated that this is something that they should talk to DOT about. City Planner Williams stated that wayfinding signage would be easy enough to do, they would just need to look into where

Deliberation

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they can be placed. Member Rich recommended a “no left turn” sign. Alternate Member Hangge recommended a “no U-turn” sign. Fire and Life Inspector Canavan stated that if they extended the island, it would make it more difficult for the fire trucks to enter the development. The other alternative, according to Canavan, would make them go through the Hampton Inn parking lot which has people walking through it. Chair DeLeo asked Canavan if he could go through the light at Walgreen. Canavan reiterated that this would require them to go through the Hampton Inn. DeLeo stated that the property is all owned by one company. Member Geel asked about other alternatives, Fire Inspector Canavan stated that these would take too much time to respond if there was an actual emergency. DeLeo said that there should be enough room for another access road to be put in between the Hampton Inn and the Walgreens, but that would require cooperation from those two businesses. DeLeo stated that the traffic lights may need to be adjusted if the traffic patterns will create more traffic at the Walgreens light. City Planner Williams stated that this is something they can discuss at the Traffic Safety Committee. Alternate Member Hangge asked if Mr. Bray will revise his transportation study. Mr. Bombaci stated that they will change the study based on the information they have collected the past few days. Member Rich asked if the developers will need an access easement from Hampton Inn. Mr. Bombaci said that they likely will, but they do not have any definitive information as of yet.

Member Friedland asked if the patio in front of the coffee shop would be shared with the restaurant. Mr. Bombaci said likely not as the seating will be for the coffee shop business and not the restaurant business. Friedland also asked about the retail space operating hours. Mr. Bombaci said it would be a low trip generation use with no odd hours.

Member Geel asked about walkability, noting that the area is not very walkable. Mr. Bombaci said that as a part of the final plan, they will be connecting the sidewalks from the access road and adding a sidewalk from the Hampton Inn. He said that everything will be connected, hoping that that will help the walkability issue in the area. Chair DeLeo mentioned that he appreciated the high amount of space in the drive through queue line.

Alternate Member Hangge asked where the dumpsters will be located. Mr. Bombaci said they will be located at the Northeast end of the property, as that is the least visible space while also still being accessible. Hangge then asked about the electrical plan, asking if it was underground or above ground. Mr. Bombaci said it will likely be underground and those plans will be included in the Preliminary Plan as well as the water and sewer plans.

Member Geel asked if they were concerned about large delivery trucks coming into the development. Mr. Bombaci said that they were not anticipating large delivery trucks, only box trucks which can either park in one of the parking spaces or go around back to make their deliveries. Chair DeLeo asked if there will need to be more parking spaces based on the amount of seats at the coffee shop and restaurant. Mr. Bombaci said that once they get the floor plans from the architect, they will have a definitive number of how many parking spaces they will need. DeLeo asked where the parking spaces would be added. Mr. Bombaci said likely to the east of the development, however they will not know until they get the final plans back.

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Member Geel asked about the visibility coming out of the development. Mr. Bray said that he measured the site distance and he is confident there will be enough visibility. Geel made the comment that this would also be dependent on the landscaping plan. Mr. Bray reiterated that they were confident that there would be enough visibility.

City Planner Williams then read the written comments submitted by Vice-Chair Lyles who was unable to make it to the meeting. Lyles stated that he would like to see a traffic study that included local trip general data, not just the computer generated data, given that Ellsworth has such a large fluctuation in seasonal traffic. He also stated that he believes they should take potential new developments in the area into account when conducting the traffic study. Mr. Bray said that is part of the information which he needs to include in his application to MDOT, so that will also be provided to the City. Mr. Bray said that the City would be involved in the MDOT application process. City Planner Williams also mentioned that the Preliminary plan should show all surrounding lots to give an overview of the entire location.

**There was a member of the public who wanted to comment on this item. The Board did not realize there was public comment on this item until later in the evening and allowed the individual to speak at that time.

Chair DeLeo opened the public hearing at 7:04PM. Aaron Healey, a nearby business owner, came up to speak. His concern was regarding the traffic in that area, stating that his business already has many people turning around in his parking lot to access the other side of Downeast Highway. His concern is for his employees and customers walking through the parking lot, as many people drive far too quickly through there. He was also concerned about how much traffic is already existing, saying that this development will only add more traffic which will impact his business. The Board thanked him for his comments and said that he will have ample opportunity to speak more about this with the developers at future meetings, since they will be required to come back at least twice more. The Board also said that this individual is more than welcome to attend the meetings that the developer will have with DOT. Chair DeLeo closed the public hearing at 7:09PM.

**Public hearing
Open.**

**Public hearing
closed.**

4.) Preliminary Plan Review of 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.

**Old Mill Property
Development**

Zack Graham, Tracey Daniels, Diane Morabito, and Tim Stone were present representing the development.

Mr. Graham went through the details of the development. This is a cluster development in a split zoned area. There are a total of 17 lots proposed, giving an average square footage of 42,185 per lot which complies with the Shoreland Zone requirements which are the strictest. There are two open space lots, one along the shoreline and another on the east

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side of the development. The desire of the owners of the development is to maintain the character of the land and have a minimal impact development. There will be 3 tiny homes and 14 treehouses. During peak hours, it will general 5-8 one-way trips. The wetland study and the floodplain have been shown on the plans. There are two potential vernal pools, which cannot be confirmed until spring at the earliest. When the pools are confirmed, the developers may have to change the path of the road. There is a note on the plan which states that if the pools are considered significant, the Planning Office needs to know and the road needs to be changed. There have been some road orientation modification since the sketch plan to have less of an impact on the development. Additional notes on sale conditions and deed restrictions were added in case any of the lots were to be sold.

Alternate Member Hangge said that he met with the 911 Addressing Officer. The name "Union Way" cannot be used as there is already a "Union Street" in Ellsworth. He would prefer "Old Mill Way" to continue through the entire development. Next, he mentioned the two auxiliary roads which are named from Lord of the Rings. The 911 Addressing Officer stated that he would like these changed to more common names to better ensure emergency response. Chair DeLeo also mentioned that private ways in the City usually end in "way," so he would like these roads to also end in "way." Alternate Member Hangge asked Fire and Life Inspector Canavan if the turning radius was enough for the fire trucks to get through. Canavan said the developers are turning in a turning template at the next meeting which he will review.

Deliberation

Alternate Member Lyons asked what State permits are needed on this development. Mr. Graham said they are looking into the process of getting a DEP Site Law permit and State Stormwater permits. He also stated that they will need to work with the City more to compile the information needed for the DEP permits.

Chair DeLeo asked about the note on the plan which mentions that the developers would like to add 8 4-bedroom houses. Mr. Stone said that this is not something that is currently planned. City Planner Williams said that this was something added to be thorough, however if they actually wanted to do this, they would have to go through the Planning Board process again. He said that these potential future houses should not be included in the Plan calculations since they will have to come back with future plans.

Chair DeLeo asked Fire and Life Inspector Canavan about the walking paths to some of the houses. Specifically, he wanted to know if there would be any issues with getting the hose to reach all the way to the house. Canavan said that he does not anticipate any issues, and some more hose can be added if more is needed. He stated that the developers will also be putting in a wooden path for the Fire Department to more easily access the distant parts of the development.

Chair DeLeo asked about the possibility of selling the lots in the future. Mr. Stone said that this is not the plan and hopefully they never have to sell. DeLeo asked about the information that will be needed if the lots were to be sold. City Planner Williams stated that there is a note on the plan that information must be provided to the Planning Office should the developers every sell any of the lots.

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Chair DeLeo asked City Planner Williams to explain the Water Department's need for a peer review of the water plan. Williams said that the Public Works Director and the Water Department Superintendent asked Woodard and Curran to conduct a peer review of the water plan to see if the development will have a large impact on the existing water supply as currently planned. They do not have the review back yet, however the initial assessment seems to show that there will be more needed on the plan to ensure that the water pressure will stay at the current rate for surrounding properties. DeLeo asked what kind of water line goes into the development. Williams replied that it is a 2 inch line and the third party review will be looking at whether a bigger line will be needed. DeLeo asked that if their plan is to add more homes in the future, if it might not be a good idea to put in the bigger line now. Mr. Stone said that these future houses are just a potential in the future and there are currently no plans to build them. City Planner Williams said that the houses were added to the plan to be thorough, however they may have been too thorough since these are just theoretical houses.

Chair DeLeo then asked about the dam upstream. Specifically, he asked if they have thought about what they would do if the dam breaks. The developers have not evaluated what would happen in a flood since they are building outside of the floodplain. Alternate Member Hangge clarified that he wasn't talking about a flood, he was talking about what would happen if the dam were to break. He suggested looking at MEMA's information about the dam and the effects of a dam failure or breach. Mr. Graham said he would reach out to the Public Works Director for some information on risk assessment analyses.

Chair DeLeo asked about the paving waiver which was requested by the developers. Mr. Graham stated that based on the trip generation analysis, only one portion of the road would be required to be paved (generating 84 ADT per day). He said the developers would like to have as little impact on the environment as possible, so they do not want to pave the whole road, they would prefer that most of it be gravel. Chair DeLeo stated that he is not convinced that a paving waiver should be granted in this instance. He mentioned that there were other developments leading into a City street which the Board required the entire road to be paved, noting the need for consistent decision-making from the Planning Board. Alternate Member Hangge said that it was not up to the Planning Board to make those paving determinations, it is actually up to the Fire Chief. Member Geel asked Fire and Life Inspector Canavan if he was okay with the majority of the road being gravel. Canavan said he was as long as it is properly maintained. He also mentioned that the Chief is supportive of the paving waiver. Canavan said the developer would be responsible for the maintenance of the road, and that will be reflected on the final plans. DeLeo stated that granting waivers like these is a slippery slope, possibly creating a situation where another developer wants the same waiver. He also mentioned that the Old Mill Road leading to the development is a terrible road. The first part is paved, then it goes to a 15-foot wide gravel road. Mr. Graham stated that they are fully aware that they will be required to maintain the road and they are planning on maintaining it. DeLeo clarified that he was talking about the public portion of the road that leads up to the development. He mentioned that the existing road is only 15-foot wide, which is a deviation from the required standards. Fire and Life Inspector Canavan said that this road is already existing, however it can be a conversation

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with developers on who would be required to pave the portion of the public road leading up to the development. DeLeo asked why there was only one small portion of the development that was required to be paved. Canavan stated that it was because that was the only portion of the road that goes over 50 ADT, and that is the required threshold. DeLeo asked about the public portion of the road. Canavan stated that there would be issues of encroaching on other people's property if they were going to expand the road. Alternate Member Hangge suggested that the City work with the Developer to see if they can pave and widen the road. Member Rich asked if this issue is more of a City issue or a Developer issue. City Planner Williams said it was likely both, however more of a City issue. DeLeo stated that the road would need to be widened, but there are some natural features which may get in the way.

Chair DeLeo then asked about the stormwater calculations on the plan. Mr. Graham said that there are 5 drainage spots and the peak runoff from those is 31 CFS. Taking into account the roadways and the developments, the runoff rose to 35.94 CFS. The developers are looking into different alternatives to accommodate this increased amount of runoff while maintaining a low impact development. The overall runoff will discharge into the river. Mr. Graham said they are looking at the State requirements to see if detention would be needed for other basins or if they would prefer all runoff go to the river. DeLeo said that they will need to fine tune the development to keep the runoff numbers at pre-development levels. Mr. Graham said that they would need to adjust their plan to comply with the State BMP requirements in order to obtain the stormwater permit from DEP. If the State requires detention, then they will add those detention requirements to the plan. In any case, there will be more information provided by the Final Plan.

Chair DeLeo then brought up the requested waiver regarding the width of the bridge. The bridge is 18 feet wide instead of the required 20 feet. DeLeo said that he would like to do a site visit to look at the bridge. He also asked if the bridge would be strong enough to hold a fire truck. Mr. Graham said that an engineer has been obtained to study the bridge to see how much it can hold. Fire and Life Inspector Canavan said that the fire department has no issue with the 18 foot bridge, but if construction is needed on the bridge then they will also require them to bring it to 20 feet. City Planner Williams said that he will work on scheduling a site visit and ensure that proper public notice is given when the visit will be taking place.

Chair DeLeo asked Fire and Life Inspector Canavan about Goldberry Way and if there was enough room for a fire truck to turn around. Canavan said that they are already discussing this with the developer and the plan will be altered for Final. Alternate Member Hangge asked Canavan if there will be bump outs included in the cisterns. Canavan said it would. City Planner Williams went through the comments from Vice-Chair Lyles. Lyles suggested a turn-around at the property line. He also mentioned his concerns about the public portion of the road, mirroring the comments from Chair DeLeo previously in the meeting. Lyles mentioned that there needs to be proper signage noting where it goes from public to private. He finally asked about the snow storage. Mr. Stone said that the snow storage will be included when the portion of the development is constructed, not later.

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Chair DeLeo opened the public hearing at 6:54PM. An abutter to the development came to speak, asking about the road. He wanted to make sure that the public part of the road will remain public. Chair DeLeo said that they cannot change the designation of public and private roads. Alternate Member Lyons said that the City Council is the body which impacts the designation of public roads, and that will not occur without proper notice. For this development, there will be no change to the designation of the roads. DeLeo closed the public hearing at 6:56PM.

**Public Hearing
Opened.**

**Public Hearing
Closed.**

Member Geel then stated that he does not know if the plan is complete or not. Alternate Member Lyons said that it could be considered complete with the condition that the complete the requirements in the TRT report. The Board discussed whether or not to consider it incomplete or complete with conditions. City Planner Williams said that the staff is comfortable with calling it complete with the stated conditions, believing that the developers would have enough time to complete all of the requirements before they come back for the Final Plan meeting.

Member Geel made a motion to find the Preliminary Plan complete subject to the conditions. Alternate Member Lyons seconded the motion. **The vote to find the Preliminary Plan for the Old Mill Property Development complete with the conditions that the developers complete all of the requirements stated in the TRT report dated February 23, 2023 was UNANIMOUS (5-0).**

**Plan COMPLETE
WITH
CONDITIONS**

5.) Staff Comments

Staff Comments

City Planner Williams said that the Comprehensive Plan Steering Committee met for their first meeting this past Monday. They will be reviewing the proposals for consultants and will have a special meeting on March 8th to vote on which consultant they would like to go with for completion of the Plan.

6.) Adjournment

**Vote to adjourn at
7:11 PM**

Member Geel moved to adjourn, Member Rich seconded the motion. The vote to adjourn was unanimous (5-0).

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.*

5/31/23



Date

Nelson Geel, Secretary
Ellsworth Planning Board