

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

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

Five board members present

City Planner Matthew Williams, Code Enforcement Officer (“CEO”) Lori Roberts, and Fire and Life Safety Inspector Thomas Canavan were present.

Three 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 May 3, 2023 regular meeting and the May 19, 2023 special meeting.

Adoption of minutes

Vice-Chair Lyles moved to adopt the Minutes from the May 3, 2023 regular meeting and the May 19, 2023 special meeting. Alternate Member Hangge seconded the motion. **The vote to adopt the Minutes from the May 3, 2023 regular meeting and the May 19, 2023 special meeting was PASSED (3-0-1 Alternate Member Lyons abstaining).**

ADOPTED

3.) Preliminary Plan Review of a Major Use Site Plan entitled Ouellette Self Storage for Applicant Plymouth Engineering Inc., and Owner RO Enterprises LLC. The proposal is to create a self-storage site with 3 storage buildings. The subject property is an approximately 29.8-acre lot located at Route 1A (Tax Map 112, Lot 7) in the Drinking Water (DW) and Resource Protection (RP) Zoning Districts.

Ouellette Self Storage

Keith Ewing and Adam Violette were present representing the project. Mr. Ewing began by detailing that the lot will have 3 storage buildings on it. The access will be off of Route 1A. There is a gravel berm between the buildings and the road so the buildings will not be visible from the road. They are going to add a tank for fire suppression to the property.

INTRODUCTION

Chair DeLeo asked if there was an existing pond. Mr. Ewing said that there was not. Fire & Life Inspector Canavan said that it will need to be an underground cistern instead of a pond. Alternate Member Hangge noted that the cistern would need to be accessible for a fire truck. Vice-Chair Lyles asked how large the cistern will be, confirming that it was 5,000 gallons. DeLeo asked Canavan why the cistern is required when there were other projects that did not require it. Canavan explained that the situation that DeLeo was referring to was a special agreement with the property owners. Canavan said that there were many other projects that require a cistern since there is no existing source of water. DeLeo confirmed that the developers were aware that the property needs to be paved. DeLeo noted that there is one storage unit which was not required to be paved. Canavan said that the development he is referring to was approved several years before his tenure so he could not speak to those reasonings. Canavan did note that in all storage units that came before him, he has required them to be paved.

DISCUSSION

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

Chair DeLeo asked about the vegetative buffer that is required on this property. Mr. Ewing said that there are no plans to remove any vegetation and use it as the required buffer. Ewing also said that they have provided a sketch of the vegetation with their submission. Member Friedland asked if there were only rocks in the buffer zone or if there will be additional vegetation. Ewing said that they have added some trees to the buffer area as well to provide more coverage.

Alternate Member Hangge asked about firewalls. The developers said that they were aware of the requirements and details concerning the firewalls were submitted. Vice-Chair Lyles asked if the developers could add some outlines of the proposed buildings on more of the plans. Lyles asked where the property was in relation to 1A, asking if it was at the portion of the road where it splits off into two lanes. Mr. Ewing said that it was during the split. Lyles then asked about turning radii for fire trucks. Ewing said that the State Department of Transportation was okay with the location and they did not anticipate issues with the split lanes. Lyles then asked about proposed signs. Mr. Ewing said that the client is working on it and will present it during final. Lyles asked if the sign would be visible from the road. Ewing said that it may be difficult to see. Lyles suggested thinking of ways that it could be more visible since it is a high-speed area. Hangge asked where the fencing would be. Mr. Ewing confirmed that it would not be at the entrance, it will be farther down near the buildings.

Alternate Member Lyons asked if there was existing vegetation that will need to be cleared. Mr. Ewing said that the property was used when 1A was being constructed and it was used as a gravel dump. He said that there is not much existing vegetation and they do not plan on having to clear anything. Chair DeLeo asked about the clearing that the previous owner did to the property. Mr. Ewing said that there are some areas that were cleared and are now growing over. Ewing also said that there was no other development planned currently. Mr. Ewing also noted that the driveway would be made wider. DeLeo asked about security features. Ewing said that there will be security cameras and the customers will be issues access cards to access their unit.

Chair DeLeo asked if Staff had any concerns regarding this project. City Planner Williams asked the developers if they have talked with the Maine DOT regarding the entrance permit for their driveway. Mr. Ewing said that those have been approved and the signed permit has been provided. Williams also said that there is a lighting plan that will be provided for final.

Chair DeLeo opened the public hearing at 5:50PM. There were no members of the public in attendance who wished to speak. DeLeo confirmed that there were no members of the public on Zoom who wished to speak. DeLeo closed the public hearing at 5:50PM.

Vice-Chair Lyles made a motion to approve the Preliminary Plan of said project. Alternate Member Lyons seconded the motion. **The vote to approve the Preliminary Plan Review of a Major Use Site Plan entitled Ouellette Self Storage for Applicant Plymouth Engineering Inc., and Owner RO Enterprises LLC was UNANIMOUS (5-0).**

**Public Hearing
OPENED and
CLOSED**

APPROVED

4.) **Preliminary Plan Review of a Major Use Site Plan and Major Subdivision Plan entitled W.L. Properties LLC for Applicant/Owner W.L. Properties LLC.** The proposal is to create a multi-family development with a total of 116 units. The subject property is an approximately 121.8-acre parcel located at the end of Eastward Lane (Tax Map 22, Lot 13) in the Commercial (C), Limited Residential (LR), and Resource Protection (RP) Zoning Districts.

Shelly Lizotte and Scott Pelletier were present representing the project. Ms. Lizotte introduced the project. Lizotte said that the Eastward Lane is off of Route 1. Chair DeLeo pointed out that some of the information said that it comes off of Route 1A, which is incorrect. Lizotte said she will correct that for next time. Lizotte said that this project came for sketch plan review last year with a larger plan. They have now condensed the project so it will be less of an impact on the environment.

Chair DeLeo asked for clarification about a note on the application regarding utilities and whether they will be private or public. Ms. Lizotte said that there were private water lines put in by a neighboring property and there was some discussion about connecting to that private line. Lizotte said that she has provided a letter to the Water and Wastewater departments to discuss the connections. There was some confusion as to who the owner of the water line was. Lizotte said that if the line is a private line that they could not connect to, then they can run a line from Route 1 to the development, however that would not be preferable. DeLeo asked if there was a right of way over Eastward Lane for the development, Lizotte said that there was.

Alternate Member Hangge asked about the arrangement of the units in the development. Ms. Lizotte said that the units will be townhouse style with two entrances on each. At the end of each building, there will be a laundry/utility room. Hangge asked if this was the way that all units will be constructed, Lizotte said that it would. Hangge then asked about firewalls, sparking some disagreement as to the design of the firewall. Hangge pointed out the regulations which detail what a “high-challenge” firewall is and explained the purpose of it. Hangge said that several high-challenge firewalls would need to be included in the development. Hangge said that there was an alternative to put in a 13-hour sprinkler system. Vice-Chair Lyles asked if the existence of the utility rooms would impact how many firewalls would be needed. Hangge said that the utility room would only need a 1-hour firewall.

Alternate Member Lyons asked how many bedrooms the units would be. Mr. Pelletier confirmed that they would be two-bedroom units. Lyons asked if there would be sidewalks in the development. Ms. Lizotte said that there were no sidewalks planned however she did plan for a larger shoulder. Lizotte said that there was a possibility of extending a sidewalk from Route 1 to the development, but that would be something that would not be designed until final. Lyons noted that there should be a sidewalk for safety purposes. Lizotte said that the extended shoulders would be able to accommodate any pedestrians. Vice-Chair Lyles said that would not be ADA compliant. City Planner Williams said that Staff was not sure there would be enough space in the right of way to construct sidewalks

W.L. Properties LLC.

INTRODUCTION

DISCUSSION

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

while also having room for emergency vehicle access. Lyons asked about the requirements for sidewalks. City Planner Williams said that it would be required for inside the development, however the ordinance does not speak to requiring developers to install sidewalks onto someone else's property. Lyles asked if there could be some agreement with the land owner of expanding Eastward Lane. Lizotte said that there were some initial conversations, however ownership may have changed since then. Lyons suggested looking at the right of way that the developer has over Eastward Lane to see if it would allow them to construct sidewalks. Lyles asked about the turn-around spaces at the end of all of the roads. Fire & Life Safety Inspector Canavan said that he was not able to measure if the spaces met the requirements. Canavan said that he would need some clearer information to resolve this. Lizotte said that there was some confusion as to whether or not it would be considered a street. Canavan said that this would be considered a dead-end street. Lizotte said that she will talk with the assessor regarding the streets. Lyles asked Canavan if there are any homeless encampments in the area. Canavan said that there were not. Lyons asked if there was any green space of common area included in this development. Lizotte said that there were not, however there are some areas which could be used for those purposes.

Chair DeLeo asked if there have been any conversations with the Post Office or the School Department to see if they would come to the development to drop off/pick up mail and school children. Code Enforcement Officer Roberts said that she did not believe that they would come up a private road to pick-up/drop-off. Ms. Lizotte said that the school bus pick-up location was included on the plan as a possibility. As to the mail, Lizotte said that she has not had a conversation with the Post Office, however she is aware that for developments like these, they usually require 1 mail location and will drive down a private road to get there. Alternate Member Lyons said that he believed this was the case as well. Lyles asked about an alternative plan for the school children. Lizotte said that she will reach out to the School Department and see if they will come up the private street to pick-up the kids so they won't have to be standing on the side of Route 1 waiting for the bus, which would not be safe.

Chair DeLeo asked about the maintenance of the road and who would be in charge of maintenance and plowing. Mr. Pelletier said that they are having conversations with the owners of the road, however they are prepared to maintain the road on their own if they should need to. Pelletier said that he would be able to plow the road in addition to their development if they need to do it. Vice-Chair Lyles asked if an agreement would be shown on the plan. City Planner Williams recommended that Pelletier attempt to have conversations with the road owners, and if any agreements come out of it to include that on the plan. Williams said if there was no agreement, then a note on the plan stating that Pelletier would take care of maintenance. Alternate Member Lyons recommended that they look into the right of way and see if there are any provisions regarding maintenance.

Vice-Chair Lyles pointed to one part of the application where he would like to see more detail. Ms. Lizotte said that she will include it in the final plan submission. Alternate Member Hangge asked about the fire hydrants on the property, noting that he only sees 4 on the plan. Lizotte said that she included as many as she thought would be required.

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

Hangge then asked what size water line will be going into the hydrants, Lizotte said that they would be a six inch line. Lyles asked if more maps can show the outline of the development to see what would need to be removed. Lyles then asked about the environmental report submitted. In that report, Lyles said, there are a number of suggestions and recommendations. He asked if there was any way that the Planning Board would have authority to enforce those recommendations. Lizotte said that the majority of the findings in the report were significantly farther away from the habitats found. As for the vernal pools on the property, there are setback requirements which they will be adhering to. Lizotte said that DEP will be reviewing the project since there will be some wetland disturbance. City Planner Williams said that the DEP review would inspect whether or not the developers were following the recommendations. Alternate Member Lyons asked what permits were required from the DEP. Lizotte said that they are applying for a Site Law Permit. Lyons said that the review will hit on all of the requirements and they will not be allowed to start building until they obtain that permit from DEP. Hangge asked if there would be any large amounts of land cut away. Lizotte said that there would not be.

Vice-Chair Lyles then moved on to traffic. He noted that there was no discussion as to the level of service on Eastward Lane as it intersects with Route 1, specifically asking about the right and left turns out of and into the development. Lyles said that that information needs to be included in the report. Lyles noted that he did not believe that the level of service would not be impacted on Route 1, but he was concerned regarding Eastward Lane. There was some confusion regarding the diagrams detailing the high-crash locations, since they did not show Eastward Lane. Alternate Member Lyons noted that the amount of units was not the same as in the application. Ms. Lizotte said that they were based on the original numbers which have since been scaled back. Lizotte said that her traffic engineer did provide an updated letter with the new traffic counts. Chair DeLeo asked if the Maine DOT would be doing a scoping meeting for this project. Lizotte said that she was not sure that they would hold a scoping meeting when the entrance to the development is technically a private road. DeLeo asked about another development which is making its way through the approval process. City Planner Williams said that the development in question would not add any traffic into this project, however that other development may need to take these housing units into consideration. DeLeo asked about the maintenance of traffic lights and if the City will be reaching out to that company to change the sequencing. Williams said that there was a Staff member who changes the sequencing and timing of the signals. He said if there were any changes that needed to be made, Staff would make those. DeLeo said that if any money needed to be spent to update those signals, it would be on the developer to pay them, so the City would need to keep track of any expenses. Lizotte said that there would be some City Impact fees which would need to be paid regardless. Williams said he will ask the DOT if the new projects would impact each other's applications.

Alternate Member Hangge asked if all of these units will be rental units and if there are any handicapped accessible units. Mr. Pelletier said that they will all be rental units and there are no handicapped accessible units. Code Enforcement Officer Roberts said that given the nature of the units and the firewalls, there was no requirement that there needed to be

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

a certain number of handicapped accessible units. Chair DeLeo then asked Staff if there were any comments. City Planner Williams said that there are a number of things that are needed for Final Review. One thing was evidence of financial capacity, which Ms. Lizotte said she can provide. Vice-Chair Lyles suggested that Williams check with MDOT about any surrounding developments, noting that they should all be considered in conjunction when talking about traffic impacts. DeLeo asked Williams if there was any chance the potential MDOT grant could cover this area of road. Williams said that it would not and the specific grant DeLeo is referring to would impact a different area of the City. DeLeo then asked if there were any grants that the City could help the Developer apply for. City Planner Williams said that this was not something the City was discussing with the Developer at this time.

Chair DeLeo opened the Public Hearing at 6:49PM. There were no members of the public in attendance who wished to speak. DeLeo confirmed that there were no members of the public on Zoom who wished to speak. DeLeo closed the Public Hearing at 6:50PM.

Chair DeLeo said that he believed there was a lot of information that still needed to be provided and he was unsure whether or not he would consider it complete. City Planner Williams said that a lot of the information that is contained in the TRT report is the information that is needed for Final. DeLeo said that there are several things that need to be determined, specifically if the water and sewer will be private or public. Vice-Chair Lyles wondered where to draw the line between “needs more information but still enough information to be complete” and “incomplete.” Alternate Member Lyons asked Williams about his opinion to whether or not to consider the application complete. Williams said that there are some things that are missing, however he believed there is enough information to find it complete. Lyons said that he believed there was enough to find the plan complete in its preliminary stage, noting that the developers now have the Board’s comments and can use that for their Final review. There was some discussion about the general procedure for approval and whether or not it was the determination of Staff or the Board as to the completeness of the applications. It was agreed that the developers can choose to submit a partially incomplete application against Staff’s advice and it is ultimately up to the Board to determine completeness.

Vice-Chair Lyles moved to find complete the Preliminary Plan. Alternate Member Lyons seconded the motion. **The vote to find complete the Preliminary Plan of a Major Use Site Plan and Major Subdivision Plan entitled W.L. Properties LLC for Applicant/Owner W.L. Properties LLC was UNANIMOUS (5-0).**

5.) Final Plan Review of Phase 1 of a Major Use Site Plan 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. Phase 1 of the project will consist of 4 dwelling units and the construction of the first section of Old Mill Way and Day Lily Way. The subject property is an approximately 29.9-acre parcel located at 30 Old Mill Road (Tax Map 41, Lot 53) in the Limited Residential (LR), Neighborhood (N), and Urban (U) Zoning Districts.

**Public Hearing
OPENED and
CLOSED**

APPROVED

**Old Mill Property
Development**

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

Tim Stone and Zack Graham were present representing the project. Mr. Graham gave an introduction to the project. He stated that the road names have been approved by the Assessor. Graham also said that they had a meeting with the DEP and that not all phases are subject to the Site Law Permit. He noted that they are only coming back for Final approval of Phase 1. There are some vernal pools which have been determined to not be significant, and there needs to be work done in regards to obtaining stormwater permits for the remainder of the development. Graham said that Phase 1 is exempt from the Site Law Permit review, therefore they can get final approval on Phase 1 only. Graham said that very little in Phase 1 has changed. The biggest change was a change on the routing of Old Mill Way because there were some ledges which would have been in the way. Graham said that they are requesting that the letters from the Water and Wastewater Superintendents to be included in review, seeing as they came in after the submission deadline. Graham also said that they are asking for a delay in the paving requirement until the construction of the whole development is complete to avoid any damage to the pavement.

INTRODUCTION

Chair DeLeo asked if there needs to be a request for a paving waiver at this time since the traffic counts would not require a paved road with only Phase 1. City Planner Williams said that the Board can approve a temporary waiver for paving until the construction has been complete. He also said that the Board can approve this waiver since the ADT requirements in Phase 1 are met. DeLeo asked if there was a timeframe involved in the deferral. Mr. Graham said that they were requesting a waiver until the other Phases are approved and a more concrete timeline is established. Williams asked Mr. Stone if the Phase 1 units will be rented out during the construction of the other Phases. Mr. Stone said that they have not determined that yet, noting the inconvenience of a construction site. Alternate Member Lyons asked why the other phases of the plan are not coming for review yet. Mr. Graham said that there were some requirements for the DEP permits that were not able to be fulfilled until recently. He said they are working on obtaining the permits and will come back with the other phases once they have received it. Williams also said that there are some issues with other phases, specifically the Rock Bridge, which need more evaluation.

DISCUSSION

Chair DeLeo asked about a waiver to not be required to detain stormwater and allow the stormwater to flow into the Union River. Mr. Graham said that the stormwater plan was to drain into the River, which the DEP is in support of. DeLeo asked that the letter containing the waiver request be addressed to the Planning Board instead of the Code Enforcement Officer. City Planner Williams said that there was some confusion as to who would approve those waivers, but it can be made a condition of approval to have the letter redrafted. Alternate Member Hangge asked if there were any tree houses involved in Phase 1. Mr. Graham said that there was one on Lot 15. Chair DeLeo asked about the length of rental periods. Mr. Stone said that it was the intention that these would be short term rentals. DeLeo asked if there were any City standards on this. City Planner Williams said that there were not currently any standards like that. Hangge asked about fire suppression, asking if Phase 1 only had one cistern. Mr. Graham said that was correct. Fire and Life Safety Inspector Canavan said that there would be one 10,000 gallon cistern with each phase of the development.

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

Vice-Chair Lyles then moved on to traffic. Lyles said that the traffic impact on the North Street and 1A intersection would be minimal. He did note, that that intersection is a dangerous intersection and he was not surprised that there was no change in the impact from this development. Lyles said that the crash report provided a lot of helpful information and suggested that the developers look at a similar intersection in the City which would be similar to this development. Lyles also said that he believes there needs to be a traffic signal at the intersection in question, however that is not something that they are discussing for this project. Chair DeLeo asked Staff if there were any comments. City Planner Williams said that there is still a conversation needed regarding the public portion of Old Mill Road, however that would be for the other phases and did not need to be determined at this time.

Chair DeLeo opened the Public Hearing at 7:24PM. Bruce Kaminsky was present and wished to speak. Mr. Kaminsky asked what the Board meant when they used the term “pavement.” City Planner Williams said that the intention was that it would be asphalt. Mr. Kaminsky then asked if there would be pavement in front of his house. Williams said that was the conversation that they still needed to have with the developer. He then asked about a traffic light and if it were going to be installed. Vice-Chair Lyles said that this has come up a number of times, however MDOT is not supportive of a traffic light at that intersection. Williams said that there were some conversations around a blinking light, however MDOT would not pay for a full traffic signal. DeLeo checked that there were no members of the public on Zoom who wished to speak. Margaret Drag was also present and wished to speak. Ms. Drag asked if the City would repair the public portion of the road if it were to be damaged during construction. DeLeo said that this was something that Staff would keep an eye on and encouraged Ms. Drag to call the City if there is any damage. Alternate Member Hangge asked Mr. Stone if he would be willing to fix the public portion of the road should there be any damage. Mr. Stone said that they would be willing to fill in potholes. DeLeo closed the Public Hearing at 7:30PM.

**Public Hearing
OPENED**

Chair DeLeo asked about the size of the water line. Mr. Graham said that it has been increased to a 4-inch line. Member Friedland asked if the abutters will get notices for the other phases. City Planner Williams said that they would. DeLeo asked if there was a timeframe in which they needed to come back for the other phases. Williams said there was no requirement. There was some discussion as to the type of motion that would need to be made to approve the project with conditions.

Alternate Member Lyons moved to accept the Final Plan subject to the granting of a waiver regarding paving of Old Mill Way up and until 50ADT is exceeded or the expiration of 3 (three) years from the date of this approval, whichever comes sooner and a waiver for the retention of the stormwater. Vice-Chair Lyles seconded the motion. **The vote to accept the Final Plan Review of Phase 1 of a Major Use Site Plan entitled Old Mill Property Development for Applicant Tim Stone and Owner Arbor House Properties LLC subject to the above stated conditions was UNANIMOUS (5-0).**

City of Ellsworth
Planning Board Workshop Minutes
Wednesday, June 7, 2023 5:30 PM

6.) Staff Comments

City Planner Williams said that there were some terms that were expiring at the end of this month. Williams asked Chair DeLeo and Alternate Member Hangge if they would like to be appointed to new terms, they both said that they did. Williams then gave an update about the Comprehensive Plan, noting that there was an expo planned for June 16th from 11AM to 1PM in the Franklin Street Parklet. He also said that the consultants are nearing the end of their Inventory and Analysis phase and the consultants would be coming to visit next week.

7.) Adjournment

Alternate Member Hangge moved to adjourn, Alternate Member Lyons seconded the motion. The vote to adjourn was UNANIMOUS (5-0).

Minutes prepared by: Elizabeth Ouellette, Assistant City Planner.

Date

**Nelson Geel, Secretary
Ellsworth Planning Board**

**Vote to adjourn at
7:41 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.