

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, August 2, 2023 5:30 PM

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

Six board members present

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

Four staff members present

1.) Call to Order

Call to Order

Chair DeLeo called the meeting to order at 5:29 PM.

Chair DeLeo announced that Member Friedland had submitted her resignation from the Planning Board due to her growing business. DeLeo said that Alternate Member Lyons will be elevated to a full member at the next Planning Board meeting. DeLeo and City Planner Williams discussed the process for Lyons’ elevation and Williams said that the City Council will also need to approve the appointment after the Planning Board voted.

2.) Adoption of Minutes from the July 5, 2023 regular meeting.

Adoption of minutes

Member Rich moved to adopt the Minutes from the July 5, 2023 regular meeting. Vice-Chair Lyles seconded the motion. **The vote to adopt the Minutes from the July 5, 2023 regular meeting was UNANIMOUS (5-0).**

ADOPTED

3.) Final Plan Review of a Major Use Site Development entitled Reef Rock Storage for Applicant Plymouth Engineering, Inc. and Owner RO Enterprises. 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 1642 Bangor Road (Tax Map 119, Lot 7) in the Drinking Water (DW) and Resource Protection (RP) Zoning Districts.

Reef Rock Storage

Keith Ewing and Adam Violette were present representing the project. Ewing began by explaining the changes made to the project since they were last before the Board. Ewing said that the client had completed the Wetland delineation and as a result, they change the orientation of two of the buildings. The buildings are now facing north instead of east. Ewing also said that the client had chosen to remove the berm and instead use vegetation and rocks along Route 1A as a buffer so the storage units and the sign will be visible from the road.

Introduction

Alternate Member Hangge said that there should be a letter from the Fire Chief saying that he has allowed the use of a 2-hour firewall instead of the required 3-hour firewall since the applicants are also installing a 5,000 gallon cistern. Hangge said that this was something that the Fire Chief was allowed to do, however the Board needs something in writing stating that. Chair DeLeo asked if this would be a condition of approval. City Planner Williams said that they could make it a condition if they want to, however it is also something that Staff could handle themselves. Fire & Life Safety Inspector Canavan said that he would get the letter from the Fire Chief the next day and did not anticipate this

Discussion

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, August 2, 2023 5:30 PM

holding anything up. DeLeo asked Williams if there were any issues from Staff. Williams said that they applicants have provided Staff with everything that they have asked for. Williams said that the lighting plan was updated and all of the small changes were taken care of. Vice-Chair Lyles asked if the Maine Department of Transportation (MDOT) was okay with the layout of the driveway. Williams said that the applicants had already received approval by MDOT before they came for preliminary review. Alternate Member Lyons asked if there would be any fencing. Ewing said that there would not be, noting that the client would prefer to use vegetation and trees as a natural fence. Lyles said that he thought that was a good idea because people could see the sign better. Williams said that getting rid of the berm improves the line of sight for ingress and egress. Hangge asked if there would be any security lighting. Ewing said that there is lighting around the property. Hangge then asked if all of the lights are shining down instead of out onto Bangor Road. Ewing confirmed that was the case. DeLeo asked if the lights could be motion-activated. Williams said that would be allowed, but it was the choice of the applicant. Ewing said that he would prefer to not have motion-sensor lighting because a flashing light would be a hazard for motorists on the Bangor Road at night.

Chair DeLeo opened the public hearing at 5:37. There were no members of the public in attendance. DeLeo closed the public hearing at 5:37.

**Public Hearing
OPENED and
CLOSED**

Vice-Chair Lyles asked for confirmation about the condition to include in the motion. Vice-Chair Lyles moved to accept the final plan of the major use site development entitled Reef Rock Storage for Applicant Plymouth Engineering, Inc. and Owner RO Enterprises contingent upon the receipt of the letter from the Fire Chief relative to the fire protection and firewall reduction from 3-hour to 2-hour. Secretary Geel seconded the motion. **The vote to approve the final plan of the major use site development entitled Reef Rock Storage for Applicant Plymouth Engineering, Inc. and Owner RO Enterprises contingent upon the receipt of the letter form the Fire Chief relative to the fire protection and firewall reduction from 3-hour to 2-hour was UNANIMOUS (5-0)**

APPROVED

4.) Staff Comments

City Planner Williams said that there would be a joint workshop on August 14th with the City Council to discuss the changes that will be made regarding the passage of LD2003. Williams gave a small review of the different aspects of the law. Williams said that he has almost completed the first drafts for all of the changes and will be providing those to the Planning Board and the City Council before the workshop. Williams said that he received some confirmation from the State regarding a few areas of confusion and noted that the changes were easier to make than he had anticipated. Williams said that he will also be adding a new extra things to the revisions, like adding a definition for "Tiny Home" and a performance standard. Williams noted that there was a "Tiny Home Park" definition for the City of Bangor, but he suggested using the cluster subdivision standards for Ellsworth since they were already in existence. Williams said that he also may update the lighting standards, noting that there were many discrepancies and therefore it make the approval of a lighting plan difficult as currently written. Alternate Member Hangge said that the lighting standards has been a concern for many years and so this update is very much needed. Williams reiterated that he would have all of the revisions to the Planning Board

Staff Comments


City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, August 2, 2023 5:30 PM

sometime in the following week. Chair DeLeo asked how much of the City would be impacted by LD2003. Williams said that the changes will affect the zones where housing is allowed. Williams did say the City's regulations are already closely aligned with the requirements from LD2003 so not much changes will need to be made. DeLeo asked about the requirements for parking spots included in LD2003. Williams said that the portion of the law that DeLeo was referring to was only regarding the Accessory Dwelling Units. Williams did say that the other portions of the law would not be subject to that provision. DeLeo expressed concerns about additional units causing parking to spill out onto the street. Williams said that there are satellite parking allowances and City regulations disallowing parking on the street. Vice-Chair Lyles asked for clarification as to whether the parking rules on existing streets would still be effective. Williams confirmed that any posted "no-parking" signs or limited parking hours would still be enforceable. Williams said that DeLeo can voice any concerns he has regarding the parking requirements with the State representatives who will be present on August 14th. Alternate Member Lyons asked if there would be any discussion regarding short term rentals in relation to the LD2003 update. City Planner Williams said that he does have a provision in his draft stating that if an individual gets additional accessory dwelling units through LD2003, they cannot be used for short term rentals for the first 10 years. Williams said that most individuals will not need to use LD2003 to get an accessory dwelling unit. Lyons asked if there would be a broader discussion regarding short term rentals. Williams said that they could bring it up at the meeting if they want to. Williams then explained that BerryDunn is currently in the process of applying for a grant to conduct a housing needs assessment study for the City of Ellsworth. He said that some of those broader impacts of short term rentals will be discussed in detail in that assessment. Lyons said that he believed this would be the perfect time to conduct an assessment and thought that it may be better to hold off on the larger conversation until after the study is completed. City Planner Williams also said that the Comprehensive Plan Subcommittee process will be beginning in the end of August and through September. Alternate Member Lyons asked if Williams could keep the Planning Board informed as to when those subcommittee meetings would be taking place. Williams said that once the dates are set for the meetings he will be sending out information to several different community groups in hopes of getting more involvement.

5.) Adjournment

Vice-Chair Lyles moved to adjourn. Secretary Geel seconded the motion. The vote to adjourn was UNANIMOUS (5-0).

Minutes prepared by: Elizabeth Ouellette, Assistant City Planner.

Sept 6, 2023 
Date Nelson Geel, Secretary
 Ellsworth Planning Board

Vote to adjourn at
5:50 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.

