

City of Ellsworth  
Planning Board Regular Meeting Minutes  
**Wednesday, September 6, 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, and Fire & Life Safety Inspector 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 August 2, 2023 regular meeting and the August 14, 2023 Workshop.**

Adoption of minutes

Vice-Chair Lyles moved to adopt the Minutes from the August 2, 2023 regular meeting and the August 14, 2023 Workshop. Alternate Member Lyons seconded the motion. **The vote to adopt the Minutes from the August 2, 2023 regular meeting and the August 14, 2023 Workshop was UNANIMOUS (5-0).**

**ADOPTED**

**3.) Discussion and action to accept the resignation of Planning Board Member Molly Friedland.**

Resignation of Molly Friedland

City Planner Williams explained that Member Friedland is stepping down from the Planning Board so she may focus on her growing business. Vice-Chair Lyles moved to accept the resignation of Planning Board Member Molly Friedland. Member Geel seconded the motion. **The vote to accept the resignation of Planning Board Member Molly Friedland was UNANIMOUS (5-0).**

**ACCEPTED**

**4.) Discussion and action to recommend the promotion of Alternate Planning Board Member Patrick Lyons to Regular Planning Board Member.**

Promotion of Patrick Lyons

City Planner Williams explained that Alternate Member Lyons was willing to be elevated from an Alternate to a Full Member of the Planning Board. Vice-Chair Lyles moved to recommend the promotion of Alternate Planning Board Member Patrick Lyons to Regular Planning Board Member. Member Rich seconded the motion. **The vote to recommend the promotion of Alternate Planning Board Member Patrick Lyons to Regular Planning Board Member was UNANIMOUS (5-0)**

**ACCEPTED**

**5.) Preliminary Plan Review of a Major Subdivision entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC. The proposal is to convert the existing restaurant into 4 residential units and demolish the adjacent existing structure which houses 4 commercial units. The subject property is an approximately 0.27-acre lot located at 59 Franklin Street (Tax Map 134, Lot 33) in the Downtown (DT) Zoning District.**

59 Franklin

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

Cory Weigand was present representing the project. Chair DeLeo asked for clarification on the classification of the project. City Planner Williams explained that this project was a structure subdivision and the Board had the option of including any requirements from the Major or Minor subdivision requirements if they wanted. Member Lyons asked if Williams made the decision to call it a major subdivision on the agenda. Williams said that he did that based on the application and did not look at the plan before setting the agenda. Williams said that the Board could amend the agenda to classify the project as a Subdivision of a New or Existing Structure. Lyons asked what the difference was between the two classifications. Williams said that if this was a new structure, the full major subdivision review would be warranted. As for existing structures, Williams said, the footprint isn't changing significantly and there is already infrastructure in place, therefore the full major subdivision requirements are not always necessary. Williams said that the Board can choose to add additional requirements if it is needed, but it would not be fair or efficient to have a developer go through all of the requirements when it was not necessary. DeLeo said that his concern was not necessarily the infrastructure present, but it was the change of use associated with this project. He said that he thought there should be more review since there is a change of use even though the building footprint will not change. Lyons said that because there are two definitions that could apply, they should apply the more specific one, which is the New or Existing Structure Subdivision. Lyons said that was what he thought the Board should apply, but if they thought there was something missing in those standards that would be relevant, they could request that from the applicant. He said it would be more efficient to require less and then add requirements if necessary than to require everything and grant waivers for things that are not relevant to the project.

**Clarification**

Member Geel asked Code Enforcement Officer Roberts if there were any issues regarding stormwater on this project since the building is on a hill. Roberts said that she does not know of any stormwater issues on that lot that are existing. Geel said that if there were any existing stormwater concerns from neighbors, that this could be an opportunity to discuss them. Roberts said that she has not received any reports of stormwater issues in that area. Roberts said that the roof was being changed from a flat roof to a pitched roof. She said that she asked Weigand to install gutters to divert the stormwater. Weigand also pointed out that there were two stormwater drains on the property which divert the runoff. Weigand said that these drains connect to the City's stormwater system and flow through the City's existing infrastructure. Alternate Member Hangge asked Member Lyons to explain his previous statement about going with the more specific definition. Lyons said that the two definitions at play in this situation are the "Major Subdivision" and the "New or Existing Structure Subdivision." He explained that "Major Subdivision" could encompass many different kinds of subdivisions, while the other definition is much more specific to this situation. Lyons explained that there are "cannons of construction" which is used for legal interpretation which says to go with the more specific definition when there is a conflict such as this.

**Discussion**

Alternate Member Hangge asked Weigand if he was going to change the use on the first level since it was previously a bar. Weigand said that the first level has been occupied and used as an office space for the last two years that he is not changing the use on that level. The only change of use will be on level two of the building. Vice-Chair Lyles asked if that

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

was where the Ellsworth American currently has their offices. Weigand said that it was. Chair DeLeo asked Lyons for clarification on the definitions as he read them in the ordinance. Williams said that there is a discrepancy between the Chapter 56 definition of major subdivision and the Chapter 28 definition of major subdivision. Lyons recommended that those definitions be changed so they are harmonious. Williams said that there are a lot of things in Chapter 28 that need to be fixed and he is planning on making those changes in the near future. Lyons asked about the definition that DeLeo was unsure of. Williams said that the definition does not apply here since this project is governed by Chapter 28 which is the subdivision ordinance. Lyons said that even with these definitions taken into account, the "New or Existing Structure Subdivision" is still the most specific definition and that is what the Board should follow. Lyles asked what the motion should be when they get to that stage of review. Williams said that the Board could vote to amend the agenda item to read "New or Existing Structure" instead of "Major" subdivision. Lyons said that would be the correct procedure.

Member Geel made a motion to amend the agenda item #5 to read "Preliminary Plan Review of a Subdivision of a New or Existing Structure entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC." Member Lyons seconded the motion. **The vote to amend Agenda Item #5 to read "Preliminary Plan Review of a Subdivision of a New or Existing Structure entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC" was UNANIMOUS (5-0).**

**Agenda Item #5  
Amended**

**AMENDED**

Weigand introduced the project. He said that this project was a three level building consisting of 9,201 square feet of enclosed space not including decks, patios, and walkways. He said that the first level leads out to the back of the building and is an office space which is 2,400 square feet. He said the second level leads out to Franklin Street and has been used as a restaurant in recent years. He said the level two demolition area is a structure with 4 commercial units that is in disrepair and will just be demolished. Level three is currently two one-bedroom apartments. He said that this application is for the change of use on Level two from a restaurant into 4 dwelling units.

**Introduction**

Member Lyons asked if Weigand had plans to build something back up on the demolition site after the existing structure is taken down. Weigand said that the original plan was to build units in that area, but plans changed when the current restaurant gave notice that they were vacating. He said that he changed his priority to converting the restaurant space since he did not want it to sit vacant as it had before the current tenant. He said that he did not think that space was a good space for a restaurant given the location and that the location would be better used for residential units. Lyons asked that since the property is in the Downtown District if the lot was nonconforming given the lot size. Williams said that there was no minimum lot size requirement in the Downtown Zone. Lyons asked if the applicant would still be able to build on the demolished area after a period of time or if the new building would be a nonconforming structure. Williams said that there is nothing in that zone that would make the new building nonconforming. Weigand said that the biggest restricting factor to building on the demolition site would be the requirement of providing more parking spaces.

**Discussion**

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

Alternate Member Hangge asked if the two existing units are currently occupied. Weigand said that one of them was recently vacated and the other will be vacated by the end of this month. Vice-Chair Lyles asked if the existing units would be renovated. Weigand said that they would not. Hangge asked about the condition of the exterior stairs. Weigand said that they were fairly new, having been installed about a year ago. Hangge asked Fire and Life Inspector Canavan if he was okay with the property. Canavan said that he was and that he had spoken with the Applicant about updating the sprinkler system to accommodate the new units. He said that the Applicant has already reached out to a sprinkler company to talk about the updates. Lyles asked if the demolition area was currently occupied. Weigand said that there were two of the four spaces currently occupied. Lyles asked about the plans for building a new structure on the demolition area. Weigand said that he was unsure about the plans and he would need to think about it some more before presenting any sort of plan. Lyles asked if Weigand could provide more detail regarding the amount of traffic that the units will generate. Lyles said that he does not think a study would be necessary, but he would like to see some numbers of how many trips would be generated daily. Lyles said that he does not think it is very necessary here, but he does not want to set a precedent of allowing developers to not provide figures. City Planner Williams said that it is on the report sent to the Applicant and Staff was already aware of the need for additional figures.

Member Lyons asked about the lower lot being used for snow storage by the City. City Planner Williams said that that reference on the TRT Report was to make the Applicant aware that the City has used that lower lot for snow storage. Weigand said that the snow storage was previously held on his property. Williams said that the City would no longer be storage the snow on that portion of Weigand's property. Chair DeLeo said that the parking lot in question is very confusing because some parts of it are privately owned but some is owned by the City so no one is really sure who owns what. Lyons asked if Staff had any concerns. Williams asked Code Enforcement Officer Roberts to speak about the item on the TRT report regarding ADA compliant units. Roberts said that initially, she believed that the Applicant would be required to provide one ADA compliant unit. She said that since then, she has spoken to her ADA resource and that individual said that because this is an existing structure, the Applicant is not required to provide an ADA compliant unit. She said this was because the percentage of the structure that is being renovated is below 50% which would be the threshold for an ADA requirement. Roberts said that if the Applicant would build new apartments in the demolition area, one ADA compliant unit will be required since it is a new construction. Chair DeLeo asked about the lack of a deed. Williams said that a deed was submitted in the preliminary submission, but was removed for the final submission. Williams did confirm that he has seen a deed and it shows that the Applicant has the ownership in the property. Williams also said that a contour map was submitted in the preliminary submission and it was dropped off on the final submission. Weigand said that he was unaware that he did not submit the deed or contour map in the final submission.

Chair DeLeo asked about the parking regulations. He said that with the addition of units there would need to be one space designated per dwelling unit. Weigand said that there are ten parking spaces on his plan. DeLeo asked if 6 of them would be reserved for tenants. Williams said that they would be. DeLeo then asked about the potential building on the

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

demolition area. He wondered if those units would then deprive the tenants of this building of their designated parking spaces. Williams said that the idea is to build more dwelling units instead of commercial units. Member Rich said that was a concern that they should discuss when the Applicant brings the other plan to the Board. DeLeo asked about the floor plans for the four units, noting that one of them was blank. Weigand said that was left blank because he was unsure if there would need to be an ADA compliant unit. He said that he left that unit blank as a place holder. DeLeo then asked about the estimated cost for the project since there is a letter from the financial institution which says that the loan could be far more than what is put down as the cost. Weigand said that the loan was based on the acquisition of the property and a construction loan for the renovation, demolition, and new construction on the lots. Weigand said that the loan package includes the future work that will be done.

Alternate Member Hangge asked about the exits on the two existing units. He said that one of them appears to exit via the outside staircase and the other appears to exist via the back of the building. Weigand said that there was a rooftop deck on the back of the unit, but the exit would be down the covered staircase. Hangge asked Weigand to show all of the exits on the existing units on the final submission. Vice-Chair Lyles asked if the existing garage would remain where it was. Weigand said that it would. Lyles asked if that counted towards the parking requirements. Weigand said that this project was exempt from parking requirements since they are not expanding the use. City Planner Williams said that he has provided all of the parking which was required and could use the garage to count as parking on his additional construction project if he wanted to. Chair DeLeo asked if Staff had any more concerns. Williams said that there were a few small items which would need to be addressed but some of those are waiting on Staff. He does not anticipate any issues regarding water and wastewater connections, however he has not received the letters from the superintendents yet. DeLeo said that there would need to be something written by the Fire Inspector as well.

Chair DeLeo opened the public hearing at 6:07PM. There were no members of the public in attendance. DeLeo closed the public hearing at 6:07PM.

Vice-Chair Lyles moved to accept the Preliminary Plan of a Subdivision of a New of Existing Structure entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC. Member Lyons seconded the motion. **The vote to accept the Preliminary Plan of a Subdivision of a New or Existing Structure entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC was UNANIMOUS (5-0).**

Chair DeLeo asked City Planner Williams if there was any talk in the City about having more control over what developments go into Main Street. He said that while housing is great, there is an impact by closing commercial units. Williams said that he did not think exerting "more control" was what was needed. Williams said that the City is looking into incentive programs to incentivize more mixed-use developments in the downtown area which would encompass residential and commercial uses. DeLeo referenced another municipality that made an ordinance restricting residential units on the first floor to encourage businesses. Williams said that the City is considering the incentive program that

Public Hearing  
OPENED and  
CLOSED

ACCEPTED



City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

would achieve the same result without having to create an ordinance. Alternate Member Hange said that many buildings on Main Street already have residential units on the higher floors. DeLeo asked if the City knew how many residential units were on Main Street. Williams said that they will be conducting a housing study in conjunction with the Comprehensive Plan which will tell that that information. Member Lyons said that this is an interesting time since there is such a need for residential units but the City also be mindful of the need for businesses on Main Street. Lyons said that the area where this current project is going in is not on Main Street and so he does not think it will have an impact on the businesses. Lyons said that an incentive program would likely be more successful. Vice-Chair Lyles asked if mixed-use developments were allowed in the Downtown Zone. Williams said that they were. Alternate Member Hange said that the Fire Inspector and Fire Chief should be involved in the conversion to residential units. He said that there have been issues in the past with getting developers to provide two paths of egress for each unit. He said that there were extra provisions in the Fire Safety Code which the Staff needs to be aware of. Member Geel said that the point that DeLeo brought up was a good point that needs to be discussed in the context of the Comprehensive Plan. Geel also said that once those ground-floor units were converted into residential units, it would be almost impossible to convert them back to commercial units so the Board should be cognizant of that. Geel said that he thought an ordinance would be a better way to achieve this. DeLeo made mention of how many Short-Term Rentals were in Ellsworth and how much money they are renting for. DeLeo asked if the Downtown Association was still running. Williams said that the organization is now Heart of Ellsworth. DeLeo asked if Heart of Ellsworth includes the tenants living in the downtown. Williams said that they primarily represent the business owners and business interests but are concerned about the health of the downtown as a whole. DeLeo said that they should consider including the tenants. Williams said that was not for him to say, it was a decision of Heart of Ellsworth.

**6.) Proposed amendments to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts, Article 8 Performance Standards, and Article 14 Definitions.** The proposed amendments will add new definitions and performance standards to come into compliance with the State's passing of LD2003. These changes related to affordable housing, accessory dwelling units, and zoning density ratios.

City Planner Williams began by explaining that the Article 3 Table of Uses and Dimensional Requirements were not changing but were provided to the Board for reference. Williams said that there was an addition of Article 4 Shoreland Zoning would need to be amended as well to remove two small provisions. He said that it currently prohibits duplexes and LD2003 does not allow municipalities to restrict duplexes. Member Lyons asked for clarification on a portion of the ordinance. Williams said that portion was mistakenly changed but will remain unchanged on the final document. Williams said that the major changes were within Article 8 and Article 14 since some definitions were changed and some performance standards added.

City Planner Williams began to go through the major changes. He said that the definition of accessory dwelling unit was changed to accommodate LD2003 requirements. Williams

**Chapter 56  
Amendments**

**Introduction**

**Discussion of  
Changes**

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

said that he removed the provision that a mobile home could not be an accessory dwelling unit. Member Lyons said that this change was good since there are other State laws which do not allow municipalities to restrict mobile homes being used as dwelling units. Williams said that he also included a provision which says that an accessory dwelling unit could be attached to the principal structure since LD2003 specifically states that. Williams also added the requirement that the minimum square footage would be 190 square feet as dictated by LD2003. Williams mentioned that at the Workshop, Member Lyons mentioned that the provision which states that an accessory dwelling unit must not exceed 50% of the principal structure may need to be changed. Williams said that if the Board wanted to discuss it, now was the time. Vice-Chair Lyles asked if tiny homes should be mentioned as an acceptable accessory dwelling unit. Williams said that it would not need to be mentioned here since it is incorporated through its size. Lyles then asked if the 50% provision was existing previously. Williams said it was and the Board can discuss changing it. Lyles said that if the principal structure is a large house, the accessory dwelling unit would also be large. Lyles asked if this was something that the Board wanted to keep or change. Williams said that he had concerns about making the percentage to large because then it could lead to accessory dwelling units being used as principal dwelling units. Williams said that the Board could change the percentage or just set a maximum size for accessory dwelling units. Williams said that the accessory dwelling units would not have to comply with density requirements, and his concern would be that developers would use this provision to get around density requirements while providing two full-size principal dwelling units. Lyons asked why the accessory dwelling units would not have to comply with density requirements. Williams explained that LD2003 required it. Lyles said that if the principal dwelling unit was a tiny home, the accessory dwelling unit would be even smaller. Williams said that currently Ellsworth's ordinances dictate that a principal dwelling unit can be no smaller than 500 square feet which would make the accessory dwelling unit 250 square feet at maximum. Williams said that the Board could amend the requirements to accommodate the new requirements.

Member Geel asked about the Board's ability to grant waivers for these requirements. Williams said that there was no waiver procedure for accessory dwelling units. He said that the Board could put a waiver procedure into place but they would need to figure out the requirements for that. Member Lyons asked where the 190 square feet came from. Williams said that he believed that the State worked with the State Fire Marshall's office to come up with that number. Williams also said that, regardless, it is a requirement from the State that they would need to follow. Lyons said that the Board could put a provision saying that an accessory dwelling unit could be no larger than 50% of the principal unit or a set number of square feet, whichever is smaller. Lyons said that would cover the situations where a waiver may be needed. Lyons also said that they could just set a maximum number for accessory dwelling units as a whole and regulate it that way. Williams said that this brought up something that he was going to mention later on. Williams asked the Board if they would want to revisit the 500 square feet minimum requirement for a principal dwelling unit or if they wanted to lower it. Vice-Chair Lyles asked where the 400 square foot requirement comes in. Williams said that was the State requirement for the maximum square footage for tiny homes. Lyles asked if it wouldn't be easier to have Ellsworth's dwelling unit size requirement be the same as the tiny home requirement so tiny homes

City of Ellsworth  
Planning Board Regular Meeting Minutes  
**Wednesday, September 6, 2023 5:30 PM**

could be considered principal dwelling units. Williams said that was something that the Board could do. Williams said that he thought 400 square feet makes sense. Alternate Member Hangege asked Code Enforcement Officer Roberts if there is a provision in the building code which covers tiny homes. Roberts said that there is an appendix which discusses it. Chair DeLeo asked about a tiny home in Ellsworth. Roberts said that tiny home is approximately 200 square feet. DeLeo noted that there seems to be a lot of space and that someone could live in one of those year round. Member Lyons said that the Board should change the minimum size for principal dwelling units to be 400 square feet and then deal with the percentage of an accessory dwelling unit. Geel noted that the size of an accessory dwelling unit is very case-specific so it is difficult to set a maximum. Lyons said that they need to set a maximum so that developers do not try and get around the density requirements to build two principal dwelling units. Williams said that all other dimensional requirements would still be in effect. Lyons said that he thought that the Board should set a maximum number of square footage instead of a percentage. DeLeo asked where the percentage came from and if it was a State requirement. Williams said that it was a City of Ellsworth requirement and they could change it if they wanted to. The Board agreed that a set number would be cleaner. Lyons suggested that Williams and Staff do some research on what number would be appropriate instead of just choosing a number right there and then. Lyons also suggested that a maximum number and percentage be chosen and the smaller of the two is the requirement for that specific parcel. Lyons also thought that a blanket provision stating that accessory dwelling units be smaller than the principal would suffice, but more research was needed. Hangege suggested looking at drafts from other municipalities to see what they do.

Chair DeLeo asked about the density requirements for accessory dwelling units. Williams said that LD2003 says that density requirements would not apply for the first accessory dwelling unit but all other dimensional requirements would apply. Code Enforcement Officer Roberts asked about the lot coverage requirement in the shoreland zone. Williams said that would still apply. Member Lyons asked if that was only for shoreland zone. Williams said that there is one other zone that had a lot coverage requirement but that zone does not allow single family homes so it would not apply. Member Geel asked about the language in the ordinance which says that the accessory dwelling unit must be “clearly subordinate” to the primary use. Geel asked what “clearly subordinate” meant. Vice-Chair Lyles said that to him, it mean smaller. Alternate Member Hangege said that it was an ambiguous term. Lyons asked if there was any restriction that the primary use had to be residential. Williams said that at this point, there is no provision that says that, but he was going to bring it up to the Board and see if they wanted to change that. Lyles said that he thought that it should only apply to residential. Lyons said that the current restrictions on size makes sense if the principal use is residential, but it would not matter if the principal use was commercial. Lyons said that was why he thought saying accessory dwelling units cannot be larger than the principal structure or a set maximum would be a cleaner way to explain this. Lyles asked if the ordinance was going to be approved at this meeting. Williams said that he has planned this process to take two meetings, so these changes will not impact the timeline. Geel asked what the average size of a residential home in Ellsworth. Williams said that the Assessor may be able to figure that out. Lyles said that Williams should also look at the average dwelling unit size generally.



City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

Williams directed the Board to Article 8 to discuss the performance standards regarding an accessory dwelling unit. Vice-Chair Lyles made mention to one provision and suggested that Williams add the word “unit” to “accessory dwelling” for continuities’ sake. Williams said he could make those uniform by removing any other mention of “unit” given that the definition is just “accessory dwelling”. Lyles said that he would like them to be uniform. Williams then went through the changes to this section of the performance standards. Williams said that he kept the provision which only allows one accessory dwelling unit to keep in line with the purpose of LD2003. DeLeo said that he didn’t like the idea of removing “unit” from the performance standards since there are a lot of other definitions that say “unit.” Williams said that he did not think that it mattered either way, but the Board can choose to keep the word or not. Williams explained that the accessory dwelling units would be covered by the more specific definition so the other definitions would not apply in this case. Williams went through some of the additional changes to mirror the performance standard with the definition which was previously discussed. Williams then went through the State-mandated portion of the ordinance which stated that this would only apply to a lot with a single family exists with no other accessory dwelling unit. He also restated that all other dimensional requirements other than density would apply. Williams then said that Ellsworth is already very permissive with their allowance of accessory dwelling units so there should not be many that are created under this provision.

Vice-Chair Lyles asked about one of the lines in the ordinance which says “may” where he thinks it should not be permissive. Williams agreed and said that he could change it to “shall” or “is” to make sure there is no ambiguity. Williams said that there is also no parking requirements in addition to a single family home under LD2003. Williams said that he assumes that most builders will likely put an additional parking space if the unit is separate from the principal unit, however, the State mandated that the municipality cannot require any additional parking. Williams said that the setback requirements would still be the same if the accessory dwelling unit was attached or within the single family home. Lyles asked about the effective date being July 1, 2023. Williams said that was when the law was initially passed and he will update it to the new effective date of January 1, 2024. Chair DeLeo asked if Williams saw any issues with not requiring additional parking. Williams said that he could see potential issues but he was unable to require additional parking due to the State mandate.

City Planner Williams said that he also included a provision which says if any landowner adds an accessory dwelling unit under LD2003, they would not be allowed to use that unit as a short term rental for the first 10 years. He said that would be a condition of the certificate of occupancy given by the Code Enforcement Department and that Code Enforcement would need to keep track of when the accessory unit was added through LD2003 provisions or just the existing Ellsworth ordinances. Williams said that he added a definition of short term rental to the definitions section. Chair DeLeo said that enforcement of that provision would be a nightmare. Williams said that this would not impact many units since Ellsworth is already very permissive with their accessory dwelling unit requirements. Williams said that if this was encompassing all accessory dwelling units, then he would have a concern about enforcement. Member Lyons pointed out that some

City of Ellsworth  
Planning Board Regular Meeting Minutes  
**Wednesday, September 6, 2023 5:30 PM**

of the citations in the enforcement provision is not correct. Lyons gave Williams the correct citations and explained how they work. Williams said he would make the change. Vice-Chair Lyles asked if there would need to be something in the mobile home park provision which would allow for a mobile accessory dwelling unit. Williams said that accessory dwelling units are not allowed for a mobile principal dwelling unit so it would not apply to mobile home parks. He said that mobile homes are not considered single-family dwellings. Lyles said that there is a provision for accessory units in the mobile home park section. Williams said that he would look into that. Lyons said that the State calls mobile homes “manufactured housing” so Williams should update the ordinance to reflect that. Williams said that he will look into it and make those changes. Lyons also suggested that Williams look into potentially allowing an accessory dwelling unit for each mobile home unit in the park. The Board then discussed the potential benefits and drawbacks of allowing that. Member Rich said that it could cause an issue with the amount of units which are connecting into the water and sewer infrastructure. Rich said that he was concerned with creating an area that is too compact and therefore services are not adequate. Lyons said that was not how he saw it. Williams said that he would do research on this topic and he will address it at the next meeting.

Williams then moved onto the affordable housing provisions. Williams directed the Board to the definition changes of affordable housing. He said that his definition mirrors the State definition of Affordable Housing. Vice-Chair Lyles asked if the utilities and other expenses would impact the affordability rate. Williams said that there are no provisions from the State so he does not have a good answer to that question. Lyles suggested reaching out to the State and asking them since they are the ones that set the affordability amount. Lyles asked why the definition of majority was 51% instead of 50%. Williams said that it was the State’s definition. Member Lyons suggested moving the accessory dwelling unit definition under the umbrella of the dwelling unit definitions to make it easier to find. Williams said that he could make that change. Williams then directed the Board to the performance standards regarding affordable housing. He explained the ordinance as written and how the density bonus would work. Member Rich asked about the requirement for the affordable units to be kept at an affordable rate for 30 years. Williams said that was in line with what most affordable housing groups require for their units. Williams then discussed the other provision of LD2003 which potentially allows additional dwelling units on a lot under certain circumstances. Williams said that was why the provisions in the shoreland zoning ordinance were changed to allow duplexes. He then went through the State’s comments regarding Ellsworth’s dimensional requirements and their suggestion to look over the math to make sure it is all uniform. Williams said that there would not be an issue with the math as he saw it.

Williams then went over the additional definition changes made that do not apply to LD2003. He said that he added a few definitions because there have been some issues that have come up regarding certain things like “what is a cooking facility?” that lead Williams to want to add some clarification. Vice-Chair Lyles pointed out some small changes that were needed to make the definitions more clear. Alternate Member Hangge asked where Williams got the definition of cooking facility. Williams said that he and the City’s attorneys came up with the definition. Hangge said that this has been an issue for many years and it

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, September 6, 2023 5:30 PM

is a tricky issue. Hangge suggested that Williams look through past records of instances where they had dealt with these issues in the past for guidance. Williams said he would look into it. Member Lyons gave some suggestions on language changes to make it clearer. He suggested a list of devices that could reasonably be used for cooking of food. Williams then went through some more definitions that he took out because they were duplicative and obsolete. Chair DeLeo asked if there were any other definitions that could be removed, thinking that some of them are the same. Williams said that he may change some more after he completes the research on the additional topics brought up this evening. Williams then explained that he separated the definitions of "hotel" and "motel." DeLeo asked why they were two different things. Williams said that the experience and expectations are different with both. Member Geel said that it was also different in the way you enter the rooms. He said that he got the definitions from a different municipality. The Board suggested including the egress to the outdoors to the definition of motel to make the distinction more clear. Williams then talked about his addition of a definition for "Tiny Home," explaining that he got that definition from the State. Lyles asked about the short term rental definition which says that it is under "28 days." Williams said that this was so a rental of a month would not be considered a short term rental, only rentals that are less than one month. Lyles then gave a suggestion on the definition for tiny home. Hangge asked about the provision which said a tiny home could not be a manufactured home. Williams said that he will be changing that provision given the conversation they just had.

Chair DeLeo opened the public hearing at 7:33PM. There were no members of the public in attendance. DeLeo closed the public hearing at 7:33PM.

**7.) Staff Comments**


City Planner Williams said that he has received the Inventory and Analysis document from the Comprehensive Plan consultants and would be sending it to the Steering Committee next week. Williams said that they are moving into the visioning phase.

**8.) Adjournment**

**Vice-Chair Lyles moved to adjourn. Member Lyons seconded the motion. The vote to adjourn was UNANIMOUS (5-0).**

Minutes prepared by: Elizabeth Ouellette, Assistant City Planner.

10/4/23  
Date

  
Nelson Geel, Secretary  
Ellsworth Planning Board

**Public Hearing  
Opened and Closed**

**Staff Comments**

**Vote to adjourn at  
7:36 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.*

