

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, February 7, 2024 5:30 PM

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

Five board members present

City Planner Matthew Williams, Code Enforcement Officer Lori Roberts, Code Enforcement Officer Robert Grant, and Fire & Life Safety Inspector Canavan attended the regular meeting of the Ellsworth Planning Board.

Four staff members present

1.) Call to Order

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

Call to Order

2.) Adoption of Minutes from the January 3, 2024 Regular Meeting.

Member Rich moved to adopt the Minutes from the January 3, 2024 Regular Meeting. Secretary Geel seconded the motion. **The vote to adopt the Minutes from the January 3, 2024 Regular Meeting was UNANIMOUS (5-0).**

Adoption of minutes

ADOPTED

3.) Preliminary Plan Review of a Major Subdivision entitled The Village Phase II for Applicant/Owner Village Way, LLC. The proposal is to create a 14-lot cluster subdivision. The subject property is an approximately 140-acre lot located at Village Way (Tax Map 46, Lot 19) in the Drinking Water (DW) Zoning District.

Village Phase II

Chair DeLeo began by explaining that this was on the agenda as a preliminary plan, but it was really a sketch plan. City Planner Williams asked the Board to vote to amend the agenda to reflect that. Vice-Chair Lyles moved to amend the agenda to reflect “sketch plan” instead of “preliminary plan” for Agenda Item #3. Alternate Member Hangge seconded the motion. **The vote to amend the agenda to reflect “sketch plan” instead of “preliminary plan” for Agenda Item #3 was UNANIMOUS (5-0).**

**Agenda Item #3
AMENDED**

Steve Salisbury was present representing the project. Salisbury began by saying that he was aware that a lot more information would be required for a preliminary submission, which is why the application is only for a sketch plan review. He said that the proposal is to add 14 lots and continue the same concept in Phase I of small parcels with a large dedicated common area. He said that it would all be within a master parcel and the common area will be added onto the common area from Phase I. Salisbury then said that there is more road that need to be built, but there is a lot that is already built. He said that the electric and water lines are being put in underground. He said that the homes will have private septic leech fields supplied by City water to allow them to be closer together. Salisbury said that there are 8 or 9 homes in Phase I that are already built.

Introduction

DeLeo asked if the remaining homes to be built in Phase I will be single family homes or duplexes. Salisbury said that they would be single family homes. DeLeo then asked about the homes that are being built for Phase II. Salisbury said that the plan as of now was to have them all be single family homes, but if that changes he was aware that he would need an amendment from the Board. DeLeo then asked about the additional acreage being

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added to the common space. Salisbury pointed out the area on the plan where the common space is going to be added. He said that all of the property owners in Phase II will still have access to all of the common land and it would not be separated by phases. Williams explained that the entire development would be one subdivision so in reality, it will be one large common lot. DeLeo asked if there would be anything done with the common area or if it would be left wooded. Salisbury said that it would be left as it is and it was just set aside to meet the density requirements. He added that it would be a good buffer between this development and the neighboring development which is a solar field. DeLeo asked about the community building on the property. Salisbury said that this community building was built to hold the mailboxes for all phases. He said that there are going to be four or five phases in total. DeLeo asked if there would be one Homeowner's Association (HOA) for the entire development. Salisbury said that there would be. He said that some developments have different HOA for each phase, but that it not the intention here. DeLeo asked how the fees would be split up in the HOA. Salisbury said that it would be split proportionately by lot. Lyles asked if the HOA existed now. Salisbury said that it did not since the buildings are all still developer owned. He said that nothing has been sold yet and all of the existing buildings are being used as rentals. He said that once they begin selling the lots, the HOA will be formalized. Lyles asked if it was the developer's intention to sell the lots. Salisbury said that it would be eventually, but they are being used right now as rentals so the developer can make up the funds for the future phases. Williams said that the HOA requirement will be a note on the plan. Salisbury said that once the first parcel was sold, the HOA would be formalized. DeLeo asked about the two buildings that were originally on the property. Salisbury said that they were purchased by the developer and are being used as rental properties like the other buildings.

Lyles asked what the real purpose of a cluster development in this context. He said that typically the open space is near all of the houses and this development has the common space at the end of the development. He asked if this design really meets with the spirit of the cluster subdivision. Williams said that the ordinance was silent on the use of common space and that there may have been some intent behind the use, but that was not reflected in the ordinance. He pointed out that the common space is helpful in this situation because it is mostly wetlands which would not be buildable anyway. He said that through the cluster development, the developer is able to have more homes in the small area of buildable land. He also said that it is greener to do cluster developments since it takes up less space and there is less impervious surface since the road does not have to extend as far. Lyles said that he understood that, but wondered if there were better ways to deal with those concerns than to have a developer do a cluster development. He said that he does not understand how this project has been executed. Williams reiterated that the ordinance does not have a requirement regarding the use of the common space or where it sits in relation to the rest of the development. Lyles suggested that Williams look into changing that in the ordinance. Williams said that was something they could do. DeLeo said that he understand why this development was the way it was so the developer could fit more lots onto the property. Lyles said that it seemed like a way to get around the density requirements. Secretary Feel said that it is worth having a discussion since this is not the first time that the Board has discussed the spirit of a cluster development. Lyles then asked about the spurs which seem to go off and say "future road." Salisbury said that those would be roads for future phases

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and they will be adding a loop road to access the future lots. Lyles asked if all of the phases would be cluster developments. Salisbury said that was the intention, but if the Board makes changes to the ordinance by then they may have to change their plans. Williams said that there may be changes to the density in the Drinking Water Zone, but there also may not. He said that part of the update may be to dictate a use for the common lot and have the preservation of wetlands as one of those uses. He said that in other developments where there are no wetlands, they could possibly require additional things to be put in like walking trails or playgrounds. DeLeo said that maybe the Drinking Water Zone restrictions should be looked at since it makes up a large portion of Ellsworth's land.

DeLeo then asked about trash disposal. Salisbury said that it is currently being taken to the transfer station. DeLeo asked what would happen once people started buying the lots and moving in. Salisbury said that they will have garbage bins which will be emptied and taken to the transfer station. DeLeo said that he wanted to make sure that residents will not be leaving their trash out in the open or on the side of the road. Salisbury said that the bins will be enclosed. Lyles asked that that be reflected onto the plan. Williams said that would be on the plan and the plan would also reflect the responsibilities of the HOA once it comes into existence. Salisbury said that he would also include information in the narrative regarding trash removal. Lyles asked if the site distance at the Bucksport Road entrance has been looked at. Salisbury said that was a city owned and maintained road, so the Maine DOT has not looked at it. DeLeo gave a history of the road and the approval process when it was put in. Salisbury said that the street design was approved in the first phase and they have not had any problems with site distances. Lyles asked if the future phases were disclosed when the first phase came for approval. Salisbury said that it was always disclosed that this project would consist of several phases. Williams said that he had an old copy of the master plan which includes multiple phases. Lyles then asked about the proposed covenants and deed restrictions that will be put into the deeds once the lots are sold. Salisbury said that he could provide drafts of those documents to the Board for their review. Williams said that they were not required until final review, but the Board is able to review the drafts at preliminary if they are provided. DeLeo asked Fire & Life Inspector Canavan if the temporary cul de sac that currently exists is sufficient for emergency response. Canavan said that it was for right now since there are only 3 houses on that road. He said that the future roads will be built in a way that can be backed into. He said that he has spoken with Salisbury about the future roads and are in agreement. Lyles then pointed out a note on the TRT report saying that an engineer needs to confirm that the road was built to city standards. He asked if that was for all of the roads or just a specific one. Williams said that comment was particularly about Village Way. He said that all of the roads will need to be confirmed eventually. Lyles asked if it was the intention to have these streets become city streets. Salisbury said that was not the intention. DeLeo asked why only a portion of the road has been paved. Salisbury said that the rest of it would be paved once the underground electric lines have been put in. Geel asked about the TRT comment that hydrants need to be installed correctly. Canavan explained that one of the previously installed hydrants was found to not have been properly installed and that this note was just for future reference. Geel asked if that improper hydrant has been fixed. Canavan said that it would once the ground thaws in the Spring. Hangge asked if the Village Loop Road would have the same dimensions as Village Way. Salisbury said that it would.

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DeLeo opened the public hearing at 5:55PM. There were no members of the public in attendance who wished to speak. DeLeo closed the public hearing at 5:55PM.

**Public Hearing
OPENED and
CLOSED**

4.) Preliminary Plan Review of a Revision to an Existing Subdivision entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin, LLC. The proposal is to construct two dwelling units on a lot with an existing structure subdivision. 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 Planner Williams began by explaining that there were email correspondence between Fire & Life Inspector Canavan and the State Fire Marshall's Office regarding this project that was received late. He said that the emails explain why the review of this project would remain under the municipality and not the Marshall. He asked that the Board vote to accept the correspondence into the packet. Vice-Chair Lyles moved to accept the email correspondence into the packet. Alternate Member Hangge seconded the motion. The vote to accept the email correspondence into the packet was UNANIMOUS (5-0).

**Email
correspondence
ACCEPTED into
packet**

Cory Weigand was present representing the project. He said that Phase I or the project, called the north wing, was formerly a restaurant. He said that was changed into 3 dwelling units and a store front which will be retained for a commercial use. He said that Phase II was a continuation, called the south wing. He said that there would be two dwelling units, one with 3 bedrooms and one with 4 bedrooms. He said that each dwelling unit would have a shared kitchen.

Introduction

Chair DeLeo asked Staff if this project meets the definition of dwelling units. Williams said that it does and read the definition of single-family home, which he said fit this project. He said that the wing for Phase II has two dwelling units with multiple rooms. He said that under the definition of a single-family home, this could be considered a duplex. He then said that the classification of this project is up to the developer and the Board. Weigand said that after speaking to the Fire Marshall and the Code Officers, Phase II would be labeled as a Bed and Breakfast (BNB) so that he could rent out the rooms as short-term rentals. DeLeo read the basic definition of a dwelling unit and questioned whether or not these units fit that definition. He said that he was unsure what the proposed project is. Weigand said that a BNB is considered a dwelling unit. Williams said that he has been interpreting this project as having two dwelling units and all of the rooms have a shared kitchen. He said that in the entire dwelling unit, there are all the requirements necessary. He said that the question was whether or not to consider the dwelling units BNBs or single-family homes. He said that the developer can choose the classification he would like to present. Member Rich asked if the kitchens are connected. Weigand said that each unit would have one kitchen space with two kitchens worth of appliances. Rich asked that be made clearer on the site plan. Weigand explained the site plan and showed the separation between the units. Lyles asked if 1J and 1F are separate rooms or if someone could pass between them. Weigand said that they will be separate rooms. He said that all units will have direct access from the exterior and an internal access door to the kitchen which can

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be locked from the inside. Hangge confirmed that the two rooms were separate. Weigand confirmed that they were.

Hangge said that the plan does not appear to show proper firewalls in the proper spaces. He said that there needs to be proper separation between 1J and 1F. Weigand said that he can change the plan to show that. Hangge said that unless the rooms are combined as one living space, there needs to be the 1-hour firewalls. Geel said that if different people are going to be renting the rooms then there needs to be that proper separation. Weigand said if that was a requirement then he would comply. Canavan spoke up and said that the sprinkler system allows for a reduced rating in between the walls. Hangge said that there still needs to be that separation. Weigand said that his plan was to soundproof all of the walls which would make the wall at least 1-hour rated or higher. Hangge said that he needed to show the detail of that since the plan is very confusing. Canavan said that the Fire Marshall has accepted the plan. Rich suggested that the Weigand highlight the separate rooms to make it clearer where the separations are. Geel asked if there was the same issue between 1E and 1K and between 1H and 1I. Hangge said that it was the same issue there and that all rooms need a 1-hour separation. Canavan said that the rooms are not separate dwelling units. Geel said that even though all of the rooms are in the same dwelling unit, there could be different people renting the rooms and there is no way to ensure that the renters will not cause fires. He said that if one renter caused a fire, it would impact another renter in another room if these walls are not properly constructed. Canavan said that is the same risk with going to a hotel and that is why he required sprinklers and other emergency protection be installed. He said that they cannot control other people and their actions. Hangge asked again if rooms 1E, F, J, and K were all in one dwelling unit. Williams confirmed again that was the case. Lyles explained to Hangge that it was all one dwelling unit but the rooms could be rented out separately because it is classified as a BNB. Hangge asked if the Fire Marshall was okay with this. Canavan again pointed to the email correspondence and said that the Marshall is okay with the plan. He said that the existing fire suppression system will be extended throughout the building and the fire alarm system will be as well. He said that the Fire Marshall is classifying this project as residential. Weigand gave some history of revisions to the plan, explaining that it was originally classified as a Boarding House and then it was changed to BNB. Canavan explained that under the City's classifications, the project is a BNB. Under the Fire Marshall's classifications, the project is residential. Weigand said that he wanted to retain the BNB classification so he can rent out the rooms as short-term rentals. Hangge pointed out a portion of the fire code and stated that all of the rooms should be their own units in his opinion. Williams said if that were the case, the rooms are not large enough to be considered a dwelling unit. He said that they would also need individual kitchens added to the rooms which would lessen the square footage.

Rich asked about rooms 1A – 1D and if they were separate. Weigand said that they were the units that were approved in Phase I and that 1A is being retained as a commercial storefront. Lyles pointed out a discrepancy on the plan where one dwelling unit was defined by the number of bedrooms and one was defined by the number of bathrooms. Weigand said that was a typo and he would fix it for his next submission. Lyles also requested that Weigand also label the shared kitchen to make it clearer. He also asked for an explanation

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about the numbering of the rooms. Weigand said that the Assessor let him know that the rooms that empty into the back of the building need to have a Water Street address and the rooms that empty into the front of the building will need to have a Franklin Street address. He said that was so emergency response can know which side of the building the emergency is on. He said that the numbering was the decision of the Assessor. DeLeo clarified that the rooms on the Water Street side of the building have a deck and stairs which go to the Water Street parking lot and the rooms on the Franklin Street side empty into Franklin Street. Weigand said that was correct. Lyles asked if each of the rooms would have different street addresses even though they are considered on dwelling unit. Williams said that was correct and reiterated that it was for emergency response purposes. Geel asked if the street number would be different or just the room number. Weigand said that the street number would be the same and that the addresses were set up like an apartment building. He said that if more than 50% of the building becomes residential then it is considered an apartment building for E911 purposes. DeLeo asked again if the units that enter from the Water Street side would have the Water Street address. Weigand said again that that was correct and it was for emergency response purposes determined by the City Assessor. Hangge said that they should all be considered as individual units since they have individual numbering. Canavan said that the numbering was the decision of the Assessor and does not impact his classifications.

Geel then circled back to the question of firewalls. He asked if the walls that were planned were going to comply with the 1-hour firewall requirement then is there still an issue. Weigand said that the walls were going to be built to those specifications anyway because he wanted to soundproof them. Hangge said that soundproofing and fireproofing were two different things and there needs to be a design approved by Canavan. Canavan said that he has already approved the design. Hangge asked that the walls that are not shown as 1-hour firewall be corrected on the plan. Geel said that as long as Canavan is okay with the wall design then the Board should be okay with it. Canavan reiterated that it would be a 1-hour fire rated wall. Geel asked Weigand to show it more clearly on the plan. Lyles asked if there would be an address for the kitchen. He wondered what would happen if there was an emergency situation in the kitchen. Canavan said that he could not speak to the Assessor's logic when he set up the numbering system and that it was all still up in the air. Williams said that, in theory, the person calling the emergency response could say that they were in the kitchen. Geel asked if the kitchen could be accessed from the outside. Weigand said that it could not and the only access was through the bedrooms. He said that the orientation of the doors needed to be changed because emergency response personnel said that they were not able to go through a kitchen when responding to an emergency. Canavan said that they were not able to bring people through kitchens on stretchers, noting that it was not sanitary. Williams pointed out that emergency personnel will have access to all of the keys to the rooms. Weigand said that they were looking into having electronic keycards or some sort of electronic passcode to enter the rooms so they would not have to worry about physical keys.

DeLeo then brought back the topic of the addressing, noting that he could see what the Assessor was thinking, but still thought it was very confusing. Weigand said that it would be helpful and mentioned that people have been confused before about where the

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Ellsworth American building is since it has a Franklin Street address but is on the Water Street side. Weigand thought that this addressing scheme would help with that confusion. Geel said that usually the address of the building is the street that it is facing. Williams agreed that was generally how buildings were addressed. Geel said that creating an addressing scheme like this is not a new concept and that it is done in other municipalities. Williams said that was true, but there are no examples of it in Ellsworth. He explained the logic of the Assessor's decision and that the street address will be whatever street the front door of that room faces. He said that since it was not anticipated that any residents would be receiving mail at this development that the addressing was primarily for emergency response purposes. DeLeo asked if these rooms would be rented out for short term or long term rentals. Weigand said that his goal was to provide different forms of housing to accommodate the various needs of renters. He said that he could foresee short-term rentals, yearly rentals, and some traveling nurses' contracts. Williams said that Weigand needs to choose one type of rental for City classification purposes. He said that if the units were classified as BNBs then they could have one address for mail since it is the same dwelling unit. DeLeo asked if there would be a limitation on how long someone could rent. Williams said that BNBs do not have a time limit attached to them. DeLeo asked if that would mean that someone could make one of these rooms their address and receive mail. Williams said that would not be possible if there was no mail receptacle. Rich said that this seemed more like a cohousing environment since the rooms could possibly be rented out for longer stays. Hangge said that a precedent has already been set in terms of addressing and that the whole complex is 59 Franklin Street. He said that all of the rooms should have the same street address with different suite numbers. Canavan reiterated the Assessor's logic and said that because the doors to the rooms exit to Water Street that it would require a Water Street address for emergency purposes. Hangge said that it was the same building and that did not make sense. Lyles asked if Unit 1D exited through the first floor down the staircase. Weigand said that it did and it exited onto Water Street.

Lyles asked now many parking spaces were required. He asked if it was based on the number of dwelling units or the number of potential renters. Williams explained that the ordinance said that it was based on the number of units. Lyles asked if that would mean that multiple renters could be renting the same unit and there would only be one parking space allotted for that unit. Williams said that the Downtown Zone already has a reduction in their parking requirements since there are many parking lots. He said that as long as the calculation of the new uses show a reduction in parking versus what was there before, then a developer would not be required to adjust their parking. Lyles confirmed that this meant there could be multiple renters and an office building using only the parking that is existing. He also asked about the calculations showing that there is a restaurant on the property. Weigand explained that was because the last use of that commercial space was a restaurant, which is why they used it for their traffic calculations. Lyles asked how many spaces existed. Weigand said that there were 10 spaces existing on the Franklin Street side. Lyles then asked about snow storage. Weigand said that a few of the spots would be taken up to use for snow storage. DeLeo asked if there were any parking spots on the Water Street side. Weigand said that there was not on this lot, but there is a lot next to them which he also owns that has some parking spots. Geel asked for clarification as to whether some of the Franklin Street spots would be used for snow storage. Weigand confirmed that it would

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and said that is how snow removal is handled currently. DeLeo said that this would lead to multiple renters needing to use some of the common parking lots. Weigand said that it would and that is already occurring in downtown. He said that the building has sufficient parking based on the traffic calculations already discussed. He said that this was allowed by the ordinance. DeLeo pointed out that the previous uses had most of their parking taking place during the day, and this parking will be primarily at night. He said that he understood that renters can park their cars in city lots overnight but as more stores get converted into residential uses, there are less spots available in those city parking lots. Geel said that practically, there is a difference because people can choose where they park when they go to a store but they need to park in a certain area when they are renting. Rich said that there was a parking lot across the street. Weigand said that there were two parking lots around the property which renters can park in. Lyles asked if overnight parking was permitted on these lots. Williams said that it was. DeLeo pointed out that there may be issues with snow removal in those common lots during the winter. Hangge asked if the alleyway alongside the building leading to the back would be plowed. Weigand said that it would and that it could be used for emergency personnel to have access to the back of the building from the Franklin Street side. Lyles asked if that would be a walkway for tenants to access their rooms. Weigand said that was not the intention. Lyles asked if there was any parking on Water Street. Williams said that there was a lot which was partially owned by the City on Water Street. Weigand said that he owns a portion of the Water Street parking lot as well and there will be some spots that are designated as private. DeLeo said that the Water Street parking lot is owned by several different businesses. Weigand reiterated that he is one of those owners. DeLeo said that where people are allowed to park is not well defined and that it could end up with someone parking in someone else's private spot.

Hangge asked Code Enforcement Officer Roberts about the note on the TRT report stating that each unit would need their own electrical panel. He asked if that meant that there would be only one panel per dwelling unit or if there would be a panel for each room. Weigand said that each room would have their own panel. He said that there will be a panel behind the bathroom door in each room and one in each kitchen. Hangge asked why there would be a panel in each room when it is only a requirement to have one per dwelling unit. He said that if the rooms are not their own individual living spaces then they should not have their own panel. Canavan said that the panels in each of the rooms could be considered subpanels with the main panel being in the kitchen of each unit. Rich pointed out that some homes have multiple electrical panels and that it was not uncommon. Hangge said that was true but that is typically for a single-family home and there are not panels in each bedroom. Weigand said that the panels in the rooms can be considered subpanels. Geel asked if there would be one meter for the entire building. Weigand said that there were currently 6 meters and that there would be a meter for each dwelling unit. Geel then said that he understood that any housing Ellsworth can get is a good thing and that if Canavan is okay with the plan then he was okay with it. He did said that regarding the definition of the use, he was concerned that it may set a precedent down the line. Williams said that he did not believe that this would set a precedent since they are working on short-term rental guidance which may provide more regulation on how short-term rentals should be executed. Geel said that they should be focusing on incentivizing long-term housing. Williams said that Ellsworth is happy to have BNBS as well. He said that the Planning Staff

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will be working on clarifying some definitions. He also mentioned that incentives for those types of developments are done through the ordinance process. Hangge then asked again about the electrical meters, stating that he was still very confused. He said that each living space cannot have its own meter since someone cannot run a meter off of a subpanel. Weigand said again that each dwelling unit would have their own meter. Lyles explained the Hangge that there would be two meters for this portion of the development since there are only two dwelling units. Weigand confirmed that that was correct.

DeLeo asked how renters would enter the rooms. Weigand said that they were working on a digital setup with a keycode. He said that the argument could be made that this is similar to a single-family home with individual people renting rooms. He said that this is only considered a BNB for City purposes. Lyles said that it was similar to a lot of rentals on college campuses. Rich said that it was very common. DeLeo then asked again about the unique addressing situation. He asked Roberts if she could think of any other structure in Ellsworth that has two street addresses. Roberts said that she could not, but also she did not think that there was any other building that fronted two streets like this. She said that a previous bar that used to be in that location had a Franklin Street address. Williams said that there are some businesses on Main Street that have frontage on Store Street. He said that he would look into how those were addressed. Hangge asked Roberts if there are any ADA considerations that need to be taken. Roberts said that there was not since it was two dwelling units. Hangge asked if all of the rooms had been separate units if there would be some ADA requirements. Weigand said that there would not since they are not modifying more than 50% of the structure. Hangge pointed out that there was more than 50% being modified in this phase. Williams explained that those calculations take the entire building into account, not just the phase that is being worked on. Hangge then asked about the stairway to room 1D which comes up from Water Street. He said that he saw no door or separation between the entryway and the room. He said that it goes right from the outside into the apartment. Weigand said that was not a common stairwell so no one else would have access to it. Hangge then said that that room only had one form of egress. Weigand replied that there was egress from the bedroom window. Hangge said back that was not egress, just a means of escape. Canavan then said that it was not an enclosed stairwell which would require more separation. Hangge then pointed at Canavan and said that he needed to check and make sure since all enclosures need a 1-hour fire rated wall. Canavan said that he would look into it, but he needs more of a description of what the plan is and noted that it kept on changing. Hangge said again that there needs to be a 1-hour firewall because 1D may impact the downstairs units. Canavan said that he understood the requirements and that he needed more time to review the current plan as presented.

Rich asked if room 1D would also have a door that led out to the deck. Weigand said that it would. DeLeo asked if that room would have a Water Street address. Weigand said that it would. Geel asked where the door was reflected on the plan. Weigand said that he would make it clearer on the plan and confirmed that there would be a door. Lyles then asked about the traffic count and what it was supposed to tell the Board. Williams said that it was meant to show that there would be less traffic than the previous use. He said that it was not a requirement to provide one and that the developer did it for their reference. Lyles said that he did not think that those numbers made sense. He said that there may be fewer

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trips but the estimate that was provided was not accurate. Williams said that regardless, it was not a requirement for a structure subdivision and it was just provided as a reference guide. Lyles said that he understood that. DeLeo then asked what the keys in the knox boxes would go to. Canavan said that the developer would make a master key for all of the spaces so that emergency response can go to the box to gain access. He said that there would also be contact information for management in case they need to reach out to them. DeLeo asked if there would be a physical key in the box. Canavan said that it would be an electronic key that is a master key which can open all of the rooms. DeLeo asked if that was a setup that Canavan was familiar with. Canavan said that it was very common and gave reference to another multi-unit building under construction. Geel asked if those keys degrade over time. Canavan said that they do and that there would be a maintenance plan in place where the keys will be checked periodically. Hangge asked if Weigand was expecting capacity letters from the Water and Wastewater Departments. Weigand said that he was. Williams said that was not a requirement until the final submission so there was time to acquire them. Rich said that he liked that there was already an existing fire suppression and alarm system. Canavan said that he has letters from a sprinkler company that Weigand is under contract with to extend the system. He said that he also has a contract with the company that will be working on the alarm system. Lyles asked if the top floor of the building will be left as it is. Weigand said that it would. Lyles asked if there were only two units up there. Weigand said that was correct. Lyles asked if each of the units on that floor open up onto a deck. Weigand said that they do. Lyles then asked if the units would have a Water Street address. Weigand said that they lead out to Franklin Street. He said that the units that were already existing will be renumbered to fit the new addressing scheme. Canavan added that it would be a fire-rated door and that they have already discussed it. Williams said that was approved in Phase I. Hangge then asked again about snow storage and if 3 parking spots would be used. Weigand said that was the estimate. Hangge said that may cause some issues and said that Weigand may want to consider other options. He said that the alleyway leading to the back of the building would also be blocked by the snow. Rich said that there were also concerns with keeping the snow so close to the building since it may all melt and go into the structure. Weigand said that this was how snow storage has always been done at that location. Hangge said that if the alleyway was blocked then it would remove access to the back of the building. Weigand said that he was not even sure that it would be viable for access. He also said that since the back facing units will have Water Street addresses that the alleyway won't even be needed. Rich asked what action the Board was meant to take on this project. Williams said that they needed to vote to determine the completeness of the application. DeLeo said that he would like Staff to have another conversation with the Assessor regarding the addressing. He said that he understood the logic behind it, but he wanted more clarification.

DeLeo opened the public hearing at 7:04. There were no members of the public who wished to speak. DeLeo closed the public hearing at 7:04.

Lyles moved to accept the preliminary plan as complete. Member Rich seconded the motion. **The vote to accept the preliminary plan review of a revision to an existing subdivision entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin LLC as complete was UNANIMOUS (5-0).**

**Public Hearing
OPENED and
CLOSED**

COMPLETE

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Lyles then made the comment that the final submission would need to have more documentation. Hangge said that there needs to be better documentation for the final submission or it would not be found complete.

5.) Staff Comments

Staff Comments

City Planner Williams gave the Board an update on the Comprehensive Plan. He said that the Steering Committee is working through the vision statement for the plan. He said that he thought that the statement needed to go back to the Committee for one more meeting and then it will be completed. He said that while they are working on that, Staff is also reviewing the first draft of the policies and recommendations section of the Plan. He said that Staff will review and then the Department heads will meet to review the policies and recommendations. After that, Williams said that the policies will go through the subcommittee process and that there would be a subcommittee for each chapter of the plan. He said that this month he was going to the City Council meeting to give them an update of where they are in the process. He said that BerryDunn will be providing an update on the work done so far. He said that the vision statement would go out for public engagement after the Steering Committee has finalized it. Williams then said that the City is going through the budget process. He said that he has budgeted for two city-wide mailings. He said that he anticipated a few changes to the ordinances that they will be working through because of the Comprehensive Plan and concurrent Housing Study. He said that the Board should consider grouping the requested changes together so they can do as many at one time to save on mailing funds. Williams then said that, regarding the Housing Study, they will be setting up a housing task force at the end of February or early March. He said that the Board should start thinking about who from the Board they would want on that task force. He said that probably two members from the Planning Board would be good. Williams then said that the Council would also be approving the new Planning Board members and Alternate Member Hangge's promotion to a full member at their February meeting. Hangge then asked why blank checklists were included in the Planning Board members' packets for this meeting. Williams said that was for the Board's reference so they can have a blank copy of what the developer's requirements are under the ordinance.

Member Rich then asked if there could be a conversation regarding changing the meeting time. He said that, particularly in the winter, it is difficult for him to attend the meetings and it would be better for Staff if they were held during business hours. Chair DeLeo said that they could have that conversation. He then said that the meetings used to be a 7PM and were changed to accommodate Staff. Williams said that the Board can have a conversation about this at a future meeting. Vice-Chair Lyles said that he would like to have that conversation. Secretary Geel said that the main issue with having meetings during business hours is that the public would not have an opportunity to attend and give public comment. He said that normally there are no members of the public in attendance, but it needs to be made available to them. DeLeo also pointed out that some of the Board members do have fulltime jobs and that the 5:30 start time was a compromise. Lyles said that the public hearing is the main reason why the meetings are after business hours, and

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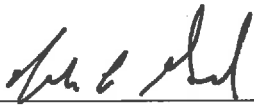
they never have public show up, so a conversation is worth having. DeLeo said that they can have a further discussion on this topic. Rich pointed out that the Rotary club lost some members because the meetings were held in the evening. Rich also said that he has more energy in the mornings. Lyles said that there was a meeting earlier this week that went until 9PM and there were a lot of people complaining at that meeting. He also said that it would lessen the burden on Staff which is significant to consider.

6.) Adjournment

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

**Vote to adjourn at
7:13 PM**

Minutes prepared by: Elizabeth Ouellette, Assistant City Planner.

3/6/24 
Date Nelson Geel, Secretary
 Ellsworth Planning Board

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