

City of Ellsworth  
Planning Board Regular Meeting Minutes  
Wednesday, October 2, 2024 5:30 PM

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

**Four board members present**

City Planner Matthew Williams, Planning and Community Development Assistant Brittany Merrill, Code Enforcement Officer Robert Grant, and Fire & Life Safety Inspector Thomas Canavan attended the regular meeting of the Ellsworth Planning Board.

**Four staff members present**

**1.) Call to Order**

**Call to Order**

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

DeLeo moved to add the Adoption of Minutes from the June 5, 2024 Regular Meeting to the Agenda. Lyles Seconded. **The vote to add the adoption of minutes from the June 5, 2024 Regular Meeting to the agenda was UNANIMOUS. (4-0)**

DeLeo moved to add the acceptance of the resignation of John Califano. Lyles seconded. **The vote to add the acceptance of the resignation of John Califano to the agenda was UNANIMOUS. (4-0)**

**2.) Adoption of Minutes from the September 4, 2024 Regular Meeting. PASSED (4-0)**

**Adoption of minutes**

Member Lyles moved to adopt the Minutes from the September 4, 2024 Regular Meeting. Member Rich seconded the motion. **The vote to adopt the Minutes from the September 4, 2024 Regular Meeting was UNANIMOUS (4-0).**

**ADOPTED**

DeLeo moved to adopt the Minutes from the June 5, 2024 Regular Meeting. Lyles seconded the motion. **The vote to adopt the Minutes from the June 5, 2024 Regular Meeting was UNANIMOUS (4-0).**

**ADOPTED**

DeLeo moved to accept the resignation of alternate John Califano. Member Lyles seconded the motion. **The vote to accept the resignation of alternate John Califano was UNANIMOUS (4-0).**

**ACCEPTED**

**3.) Final Plan Review of a Major Use Site Plan entitled Main Street, LLC for Applicant/Owner Dustin Lawrence.** The proposal is to construct a 6,600sf building for rental to small commercial companies. The subject property is an approximately 3.6-acre parcel located on Route 1A/Bangor Rd (Tax Map 143, Lots 1, 3, 4, 5 Lots 1, 2 & 4) in the Urban (U), Zoning District.

**Main Street LLC**

Hangge made a motion to accept the letter from Inland Fisheries and Wildlife. Rich seconded. **The vote to accept the letter from Inland Fisheries and Wildlife was UNANIMOUS (4-0)**

**ACCEPTED**

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Randy Bragg from Carpenter Associates represented Owner/Applicant Dustin Lawrence. He began by giving a brief overview of the changes that were made based on the comments they received. He added that they listened to the neighbors and added lots of trees and shrubs at the boundary. Changes included: cleaned up the narrative, straightened out math, added signature block, received the last letter that was required, and talked to 911 addressing and received 4 Bangor Rd as the official address. The units will be lettered once there are tenants as there are five available units, but someone may want to rent more than one. They also showed a detail for a 2-hr fire separation wall on the plan. Once they know what the tenant is going to store in the units, they will know what type of fire wall will be required.

Lyles asked which sheet the screening was shown best on.

Bragg said the site plan itself on Sheet 2. He then asked to confirm how many mylar copies needed.

Williams replied one mylar copy and the other three could be paper.

Rich asked the Bloods if they had seen the plan with the new screenings.

Blood replied they glanced at it that evening with Williams and had talked to Bragg earlier. She mentioned the rear door on the back.

Bragg said they did propose a door on the back to allow for egress.

Member Hangge mentioned that a 1-hr wall was the minimum requirement, but they couldn't do anything about assumed storage. He suggested putting some narrative on the plan that speaks the developer increasing the wall fire rating if the renter stores a higher hazard material. He said based on the IBC if someone wanted to store Furniture, a 3-hr wall would be required. He suggested that the type of wall separation should be determined by storage not the other way around.

Bragg asked what sheet the language should be on.

Williams asked if it could be a condition of approval. If the plan was approved with a 1-hr fire wall base but the level of fire protection needed to be elevated, plans for increasing the fire protection would be approved by the fire department before building permits are issued.

Bragg said he could add that condition if they gave him language.

Hangge replied that Canavan would have the language for him.

Rich asked how they would address that 10-years down the road.

Hangge replied that would be up to the Code and Fire Departments.

Bragg replied that each unit would have an occupancy permit so they would be able to come and inspect it at that time.

Grant added that every time the tenancy changes, they would do a new inspection.

There was then a discussion on the IBC and rules regarding wall ratings.

DeLeo asked about the site distance and if it had been determined at 500-ft.

Bragg replied it was greater than 500 in both directions.

Williams mentioned they had a conversation about the intersection at 179/180 with MDOT about potentially lighting that intersection.

DeLeo asked for clarification on the Fire & Life Safety Inspector Canavan's letter about the access around the building.

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Canavan replied that the building needed to be accessible on the side to get to the rear entrance by foot.

DeLeo asked if the old building would be torn down or what would happen to that.

Lawrence said it was his plan to tear it down but wasn't sure of the timeframe.

DeLeo asked why the driveway had a little hooked to the left.

Bragg said they did it that way to align with the existing curb cut and agreed to close off the other open areas to help guide cars to one entrance.

Hangge asked if they were going to heat the spaces.

Bragg said they were planning on using heat pumps.

Chair DeLeo opened the Public Hearing at 5:46pm.

**Public Hearing  
OPENED**

Judy Blood, Ellsworth resident and neighbor to the project site asked if the propane tanks originally proposed were now gone.

Bragg replied in the affirmative.

She then asked what the material would be circumnavigating the building.

Bragg replied that the walkway to the rear exit door would not be paved but along the edge of the building facing the road would be paved and the rest would be cleared walkway.

Blood asked how long the leases for the 5-units would be.

Lawrence replied they would be 1 or 3-yr and expected most to renew.

Blood asked if Code Enforcement came in after the lease ended each year.

Grant replied only if there was a new tenant.

**Public Hearing  
CLOSED &  
OPENED**

Chair DeLeo closed the Public Hearing at 5:49pm.

Chair DeLeo reopened the Public Hearing at 5:49pm.

Blood mentioned there was a Historical Society Walking Tour sign where the old Fire House used to be, but it had been moved more centrally on the property. She asked if it would be prudent to move it back to its original location. She did not want it to disappear. Williams replied that he could talk to the Highway Department and thought they might have moved it.

DeLeo closed the Public Hearing at 5:51pm.

**Public Hearing  
CLOSED**

Vice-chair Lyles made the Motion to accept the **Final Plan Review of a Major Use Site Plan entitled Main Street, LLC for Applicant/Owner Dustin Lawrence** Subject to the condition that if the hazard classification should change relative to who the renters are then the developers need to upgrade the 1-hr separation wall to whatever is appropriate for the code classification for the material being stored prior to the issuance of an occupancy permit by the city as **COMPLETE**. DeLeo seconded. Motion PASSED (4-0)

**APPROVED W/  
CONDITION**

#### 4.) Staff Comments

#### Staff Comments

Williams provided an update on the Comprehensive Plan stating that it would be presented at the November meeting. He mentioned there would be a check list of state requirements with the packets for them to review. They would bring back to the December meeting

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before it goes to Council for final approval December 16<sup>th</sup> at their meeting so there would be two changes to review in full for each legislative body.

DeLeo asked if there was a budget in the 2025 budget to bring in outside help for revising the ordinance. He mentioned the Comprehensive Plan should be a guide in revising the ordinance. He acknowledged it was a massive job and thought outside help would be needed. He suggested budgeting for it.

Williams replied that they would budget for in in chunks so it would not be all in one year but a 2-3-year process.

DeLeo then asked if the ordinance would be revised piecemeal or all at once in 2-3-years. Williams replied it depended on what part of the ordinance. He mentioned that some of the land use classification and zoning required a request from Council to amend those. The real meat of what would be amended would be parking, revising the table of uses, and housing and short-term rentals are big pieces that need to be addressed.

DeLeo mentioned some of the higher priorities like Airbnbs and things to do with downtown would hopefully not be put off too long.

Williams replied that the higher priority issues would be the first things they address and some of the smaller ones could be addressed this year but there would be a bigger budget for FY26.

DeLeo suggested the City consider impact fees.

Williams replied they were in discussion but would hire out to a consultant to determine the best approach for those.

Hangge asked if they were searching for new candidates.

Williams replied that they have the advertisement out and maybe would have two applicants for them to review next meeting but if not, they would keep pushing the ad.

Lyles asked if he was open to suggestions.

Williams replied that he should tell whoever was interested to send him an e-mail to apply.

## 5.) Adjournment

**Vice-Chair Lyles moved to adjourn. Member DeLeo seconded the motion. The vote to adjourn was UNANIMOUS (4-0).**

**Vote to adjourn at  
6:02 PM**

Minutes prepared by: Brittany Merrill Planning and Community Development Assistant

11/6/2024  
Date

Mike Hangge  
Mike Hangge, Secretary  
Ellsworth Planning Board

*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.*