

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, May 1, 2024 5:30 PM

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

Four board members present

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

Five staff members present

1.) Call to Order

Call to Order

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

Chair DeLeo announced that Secretary Nelson Geel had moved to Portland and could no longer serve on the Planning Board. Chair DeLeo made the following motions: **Vote to add an agenda item to accept the resignation (2nd by Hangge) of Secretary Nelson Geel was UNANIMOUS (4-0).** **Vote to add agenda item to nominate a new Secretary (2nd by Vice Chair Lyles) was UNANIMOUS (4-0).** **Vote to accept the resignation of Secretary Nelson Geel was UNANIMOUS (4-0).** **Vote to add an agenda item to promote Alternate Member Vince Messer be promoted to full member was UNANIMOUS (4-0).** **Vote to appoint Michael Hangge as Secretary was UNANIMOUS (4-0).**

2.) Adoption of Minutes from the March 6, 2024 Regular Meeting.

Adoption of minutes

Member Lyles moved to adopt the Minutes from the March 6, 2024 Regular Meeting. Member Rich seconded the motion. **The vote to adopt the Minutes from the March 6, 2024 Regular Meeting was UNANIMOUS (4-0).**

ADOPTED

3.) Revision to Approve Subdivision entitled Cove Thera Acres for Applicant/Owner Torkel Patterson

Cove Thera Acres

Proposal is to combine existing lots 1, 2 & 3 into 2 distinct lots creating a total of 3 Lots within the subdivision. The subject property is approx. 7.69 acres located on Thera way (Tax Map 9 Lot 37 & 35) Rural Zone, Limited Residential, and Resource Protection (R, LR, RP) Zone Districts

Introduction

Representing the applicant is Stephen Salsbury. He stated since 1980 we've had a 4 Lot subdivision on this road. Patterson owns lots 1, 2 & 3 and wishes to combine those three lots into two. They've prepared a plan showing the new division line and the elimination of Lot 3. Member Lyles Asked if it changed the number of units. Does it reduce the potential of number of units by one? City Planner Williams responded yes potentially but not necessarily. Lyles asked if the applicant wanted to combine the lots to make it clean. Salsburg confirmed yes. Williams pointed out there was one comment, that there were two lot 4s on the original plans. Salsburg explain the two Lot 4s were sold as one unit and later on were separated. Williams said this does not affect the project as Lot 4 is not changing but may have to reach out to those landowners.

Discussion

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

**Public Hearing
OPENED and
CLOSED**

Motion to accept the Revision to a Previously Approved Subdivision entitled Thera Cove Acres for the applicant/owner Torkel Patterson to combine existing Lots 1, 2 & 3 into 2 distinct lots creating a total of 3 Lots within the subdivision. Seconded by Hangge. Motion PASSED UNANIMOUS (4-0)

Motion PASSED

Village Phase 2

4. Preliminary Plan Review for Major Subdivision entitled the Village Phase 2 For applicant/owner Village Way LLC

Proposal to create a 14-subdivision subject property is 140-acre lot (Tax Map 46 lot 19) Drinking Water (DW) Zone District

Discussion

Representing application Stephen Salsbury. Salsbury begins with the continuation of last meeting regarding this development. There are two plans, one shows 14-unit cluster subdivision comprised of 5 acres and the detached form that but still within the same parcel is the 22.9-acre common area to make up the aggregate 28 acres we need for the 14 living units. These will be single family homes unlike the first phase of the development that had duplexes. Member Lyles asked about the covenant's setbacks 30' from the rear and 10' from the front. Can you tell me why that's 10 & 30 and if it was their rule. Salsbury responded the traditional setbacks don't apply so they've applied their own covenant so that there is a buffer between the house and road. The restrictions are the same as in Phase 1. Lyles said he had no issue with current traffic impacts but raised concerns over future traffic impacts with future phases/developments and if ordinances should be adjusted. DeLeo raised a question on page 65 of traffic study. He said it was based on 12 lots with single family housing with Phase 1 was approved and now there are 17 and is concerned about the accuracy of the study with more units being added over time. Salsburg said he would have the traffic study revised in case it changes the impact. They planned out 5 phases and still don't need a Traffic Movement Permit because they will be under peak hour. Reassured the Board there was no room for more units because they would run out of land.

Traffic Impacts

DeLeo referenced the site plan on the Declaration of Covenants No 11 talks about the common area on the approved subdivision. He mentioned how far the common area was from phase one or the first 14 lots. And the owners of lots 1-12 are responsible for maintenance and asks if that is in reference to Phase 1 and those lot numbers. Salsbury said yes he would updates needed to reflect newer number of lots on updated plan, maintenance ownership. Williams commented for the No 11 that references the septic leach field should be update for Phase 2. Salsbury said he would update that and the covenants in the book are accurate. DeLeo asked about the common area and said it was not adjacent to those units. Williams said it did not have to be adjacent and that it is on the same lot. Salsbury said any owner can use any common space because it's all part of the same subdivision. DeLeo asked if lots 1-12 of Phase One and lots 1-14 of Phase Two and the future lots in Phase 3 could be renumbered sequentially for clarity. Salsburg said he could do that. DeLeo asked if the Homeowners Association will be the same for every parcel. Salsbury replied yes. DeLeo said it shows two offshoots for future roads and a couple places that says no easement granted on future roads. Would future homeowners have access to that?

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Salsbury said yes at that point once it's been approved. He said that to show a feature like that on subdivision plans there's case law in the courts that would say its implied easement on that road. If the roads are not developed as shown, then it will be a problem but by putting the note on their it puts the public on notice. It's shown on the plans for discussion but not an obligation for those roads to be built. Williams added that when it is approved there is a legal backing to the plans. So, if it doesn't have that note, the easement on those roads could be argued to exist even if the road doesn't get build. DeLeo asked if the roads don't get developed would those landowners have access to it. Salsbury responded yes. DeLeo asked if the deeds would have to be updated. Salsbury replied no. DeLeo mentioned Lot 1 has a natural buffer area within Lot 1. And asked if whoever buys that lot will have that buffer included. Salsbury replied Yes, needed that area to treat the storm water of the road, so it was created in Phase 1. Whoever buys that lot will be burdened with that area and it is meant to be left natural. DeLeo asked: If the city responsible for enforcing the restrictions on such buffer zones. Williams responded yes. DeLeo then asked about the letter to the Maine Historic Preservation for Phase 1 and if they had responded for Phase 2. Salsbury said nothing would change in 5 years' time so didn't think it necessary. Member Lyle raised a concern about the distance of the common areas from the units. Suggested they tighten up definitions going forward to be consistent with concept to be reflected in revisions of ordinances.

Easement

Chair DeLeo Opened public hearing 5:43PM. No members of the public attended. Chair DeLeo closed the public hearing at 5:43PM.

Public Hearing
OPENED and
CLOSED

Member Lyles makes Motion to find the Preliminary Plan submittal COMPLETE of the Major Subdivision entitled Village Phase 2 for applicant/owner Village Way LLC proposal to complete a 14 Lot cluster subdivision. Rich seconds. Motion PASSED (4-0)

Motion PASSED

5. Preliminary Plan Review of the Major Use Site Development and Major Subdivision entitled Beals Ave Multi-Family Housing Development for Applicant/Owner LB Ellsworth, LLC. The proposal is to build a 36-unit condominium development comprised of two-story buildings, each building would have 4 or 6 units. The subject property is an approximately 11.31-acre lot located at Beals Ave (Tax Map 135, Lot 44) in the Neighborhood (N) Zoning District.

Beals Ave Multi-Family Housing Development

Representing the project were Rene Courtemanche from Hedefine Engineering and Dan Black LB Ellsworth. Black asked to introduce to the board financial capacity letters that were received after the deadline for this meeting.

Introductions

Chair DeLeo motions to accept the financial information that the application presented. Seconded by Member Lyles. Motion PASSED Unanimously (4-0)

Motion PASSED

Courtemanche introduces the project. The site plan shows the general site access and general circulation, the building layout and parking for the buildings. The required permit for Army Core and storm water management permit to DEP have both been submitted but are confident they will have those approvals soon. Requesting one waiver for site

Discussion

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distance. Traffic Engineer Diane Morabito is on Zoom to answer questions. Asking for a waiver from city standard to state for site distance because of the site geometry. Updates from the last plan include changes and clarifications and details from comments from last meeting. One major change on the site is that the roads were widened from 1-way to 2-way. DeLeo asked if one of the roads was still a dead end. Courtemanche replied yes. mentions the traffic study and the driveway and would like to do a site visit regarding access onto Beals Ave. Mentioned the public is invited when they do site visits. Williams mentioned there would be abutters notices like if it were a regular meeting. DeLeo asked the meeting members to speak loudly so those in the back could hear.

Black apologized for missing the last meeting and went on to provide some background information on LB Ellsworth and LB Development Partners which has developed over 150 units in the past couple years around the state and the country. They primarily work in Maine as a community development entity. So, they like to work in communities and through the process of discussion with local residence and city staff here that's how this project came about. They purchased this land, and they were looking at a multi-family development and it was clear from the discussions they had that homeownership opportunities were important, particularly starter homes to allow people to get into this market people who live and work here and intend to stay. That is their intent with this project.

Lyle asked about the 3 Phases of the project and if they are dependent on the first phase being successful to get financing for the second and third. Black explained that financing is dependent on the presale of 50% of the condos, all 36 units. The proceeds of sales from the first phase will go in. By the time they break ground on Phase 1 they feel confident they will be able to move on to Phase 2. Lyles asked if the roads going in would be built per phase or all at once. Black responded as an attempt to reduce site costs and have the crew there for a limited time and to minimize impact on the neighborhood they would do it all at once. Lyles asked if the roads built in Phase 1 would hold up to the heavy equipment through Phase 3. Black replied they are building a modular design that would be brought in in large segments. That would reduce the in and out and with large deliveries and then people would be working inside at that time so that would significantly reduce the erection time compared to a stick-built design. Lyles then brought up the traffic concern assuming that Beal St to High St is not there, can you tell us what the overall impact traffic-wise would be on Beals Ave itself and the Beals/Main St intersection. Courtemanche suggested they confer with Diane Morabito who called in via Zoom to speak more on that. Morabito said did the traffic study both ways, with Beal's access open and closed. There were no significant impacts. The levels of service were similar, both were service levels A. Lyles asked if Beal's is closed if the amount of through traffic would be reduced. Morabito said correct. The other thing it would do would be that the development would become the end of the street, and the site distance requirement would be eliminated. Lyles asked if they could give preliminary approval without the site visit completed. Williams responded yes but wouldn't give final approval without the visit. Chair DeLeo asked for clarification on page 5 of the traffic study. Talking about West Bound on Beals Ave to High St is that what is being considered West Bound. Morabito replied Yes. DeLeo asked if North Bound. Rte 1 and 3 is considered North/South bound. Morabito said yes and North Bound Route 1 & 3 is considered North/South bound the way the model lined up. DeLeo asked if the turning movements were onto Beals Ave. Morabito said that was the level of service. The

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turning movements and volumes themselves are shown in the back Figure 2. She said that there were very few coming out of Beals Ave on to High St but there are a lot turning from Route 3 onto Beals. DeLeo asked if the numbers in parenthesis on page 5 were seconds. Morabito replied yes. DeLeo asked if going Westbound on Beal's and you're making a left onto southbound Route 1 and 3. Morabito said that was a single lane and represented all movements and there were only 2 lefts in the PM Peak Hour and no Left Turns in the AM so it really represents right turns. DeLeo asked if it would take 1.1sec the left turning from Beals onto High St is Level of Service A and will take 1.1 sec to make that turn? Morabito said that is both representing the average of left and right turns. In the morning peak hour, there were zero left turns. People are not coming out and taking a left. They were taking right turns. The level of service is so good because it represents right turns. DeLeo asked there are no left turns from Beals onto High St. M said not in the morning peak hour, at least in summer. Maybe in off season they are. She said they probably do off peak hour if the delays are not that great or in the winter. DeLeo found that hard to believe. Williams suggested there was a wall of cars at peak hour in summer so hard to take that turn. DeLeo said he can guarantee that people do make that turn. Morabito reiterated none in the AM and 2 in the PM take that turn. Lyles said it would be an improvement to the traffic flow if the intersection with High St is closed off and the number of cars that are put on Beal St is not significant. Member Rich asked when the trail was scheduled to happen. Williams replied there was still a long process to go before that might happen.

Chair DeLeo asked if they were to be success in their financing, they would have to have half of their units presold. Each Phase is 12 units so they would have to pre-sell 18 units before they could start the initial phase of 12 units. He then asked about the feasibility of finding six people to wait for Phase 1 and Phase 2 to be built before they can move in. Black answered that they are using a modular process that will allow for overlapping so they are not waiting for people to be fully moved in before the next phase is built. They are able to keep the modular building process going off site and as people move in close on their financing, they are able to bring buildings in. Lyles asked what their timeline was. Black replied that they are seeking the board's approval to go forward with Maine Housing Approval. There are still hurdles to overcome, thought Maine Housing and the State Government to make sure it's a viable project. Lyles asked for a specific timeline. Courtemanche said they'd like to start in Spring of 2025 and they would work out the end date. Williams recommended that they planned on being done before planning board approval expired which is 3 years after approval. DeLeo asked for more explanation about the Maine Housing Affordable Homeownership Program. You're getting some money from them and they are saying at least 23 of those units have to sold to homeowners that make 120% AMI and have a max price of \$287k. You've proposed sale price between \$215k to \$ 328k. What is the 120% AMI. Black answered a family of four making 103K. DeLeo asked about the units being purchased through Manic Housing or reduced price, if someone who buys one of those units and decides to sell it, does the new buyer have to be under that 120% AMI? Black answered he would like to see and the program is intended for folks to accumulate wealth through real estate, so the deed restrictions are a 15-year period. So, if a homeowner buys and sells within that 15yr period, they have to sell to someone in that same income restrictions. The goal of the program is to attract and retain homeowners. DeLeo asked if the 15-year period starts over with each homeowner or is it cumulative. Black answered it is 15-year cumulative period. DeLeo asked if it was a

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restriction by Maine Housing. Black answered yes, it is their policy. Maine Housing provides us debt for construction and that debt is forgiven to us as the development entity when that unit is sold to someone who meets their restrictions. If they sold to someone who did not meet the restrictions, then they would be liable for the debt. DeLeo asked if they were specific on which units were qualified, 2-bedroom, or 3-bedroom. Black said there were no restrictions on type of unit but needed 23 units. There won't be any differentiation between the units regarding income limit restrictions.

Chair DeLeo brought up the letter from the water superintendent in regard to demand. Several Beals Ave residents and a city staff member mentioned their water pressure on Beals Ave was low. He said there are approximately 30 houses on Beals Ave, and you are adding 36 houses/units. His question is more for staff, because those statements were made two months ago, he is asking for better information from the water company about the water service. Williams said he said it would be sufficient and it might need a pump, but they would find that out during water testing but didn't think there would be an effect on the existing homes. DeLeo asked if it was a closed loop. Courtemanche mentioned the owners hired Woodard and Curran to run their water model and gave them a range of 57 – 63 psi. Then they ran a model based on those numbers as a pick off point. They feel confident they can deal with domestic on site if they have a big enough main on site and there would not be significant change to the existing houses on Beals Ave. When they get into design, they will look into that again. There may need to be sprinkler pumps inside the building but will look into that process after the planning board phase. DeLeo was still concerned. Williams said he could get Winslow to try and get that information for him. DeLeo brought up several people mentioned the pressure at the last meeting. Hangge referenced a previous project (Woodlawn Project) where they had enough for domestic but not enough for sprinkler or fire protection. He suggested dealing with elevations of the property and the buildings themselves that there would not be enough pressure for the sprinkler systems and asked if that was what he was saying. Courtemanche said it was preliminary information but felt confident they can get around 50psi at the highest building and that it's a good starting point but will need to get more feedback from the sprinkler designer. They can put a pump into the building (sprinkler riser room) if it's just a sprinkler problem. Hangge mentioned that the previous project plan could not go forward without proof of the water supply working correctly. It is upon them to provide proof. Black said they would include the information they got from Woodard and Curran and their modeling information and would include a plan. Hangge asked for a detail of the water supply of domestic and the sprinkler system, and if it was a two-line system or two valve system. Courtemanche says there is an individual domestic line to each unit and a separate line at the end of the first building and beginning of the second building there is a waterline with a gate valve as shown on C2. Hangge asked if they could provide a larger detail. Gabe Tomosulo the architect said the location where the valves come in is coordinated on Architecture Plans with the label sprinkler riser room.

DeLeo appreciated seeing in the homeowner declaration that it specifies that a unit owner can sublease or lease a unit for no less than 3 months, ruling out any short-term rentals in these units. Black added that this requires these units be the homeowner's primary residence.

DeLeo said they would need to double check with the school to see if the school bus would go into the development. He then brought up storm water discharge. He said at the Roads

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Committee meeting a couple of months ago and learned that many of the stormwater lines are broken or 50-70% full of gravel. He asked if this project tied into any city storm water lines. Williams replied not directly but will likely hit High St. Courtemanche said they meet city standards, because of the size of the development they had to look at pre- and post-development runoff to make sure they weren't sending more rate than what was happening before. He said there are three separate storm water treatment devices used to get both quality and quantity treatment. DeLeo brings up how horrendous storms have been recently and asks while it meets requirements does it meet the realistic storms they've been having. If it ties into the storm water line, the city or the developer needs to check to make sure the line is clean. Williams said they could check that and asked Black if they had to check rates on 50yr & 100yr storms for their DEP permits. Courtemanche responded said it was not a requirement, but the city had stricter storm water standards than the state. The City has accounted that they have to design to a typical 2-year and 25-year but those numbers are bigger than what a standard 2-year and 25-year storm actually are. Black said he met with the school superintendent, and they said they would plan to do two pick-ups within the development. DeLeo asked if they had talked to the post office. Courtemanche responded he talked to the post office, and they were ok with a group box or individual delivery and their plan is to go door to door delivery.

DeLoe asked Diane about her opinion of the TRT police commits to consider a no left turn sign out of development to pair with stop sign. Morabito did not think it was necessary because it's the logical way if someone's heading towards High St between High and Route 1 and take a right. If it's really busy people won't want to take a left there anyway. DeLeo agreed. Morabito said most people probably go down Main St anyway. Left turns onto High St are problematic so a sign would prevent that. DeLeo said if they made a no left turn it would require everybody to go down Beals. Morabito said if the street was dead ended, it would have the same affect.

DeLeo asked what the square footage of the units were. Black responded the gross floor area is just over 48,000 sq ft. Tomosulo answered the two bed units are roughly 1050sf across both floors with a 500sf footprint and the 3-bed are just about 1250sf with about a 750sf footprint. DeLeo asked if there was an open area for recreation. Courtemanche said there was no dedicated open space called that, but the layout took into consideration backyards for each unit to make sure there was ample room on an individual basis. There was a spot where there previously was planned another building with parking that had been taken out because it was a nice area. It's not dedicated open space, but they are trying to be conscious of areas that are nice and can be used by the community. Black added they are conscious that the property is in forest currently and they want to keep a tighter footprint to keep as much forest as possible while still providing needed housing to keep a balance.

DeLeo asked if all parking was on surface just outside the front of the building. No garages or central covered area. Courtemanche replied to the bulk of the parking is in front of the units but there is a small parking area to meet the parking requirements (2 spaces per unit). DeLeo asked if those parking spaces be dedicated to specific units. Black said that was their intention but ultimately it would be worked out by the Homeowners Association.

DeLeo asked if there were sidewalks. Williams replied yes, there are sidewalks at the break before the long drive before the houses start to Beals Ave. Hangge asked if there were one dumpster for all the units. Courtemanche responded it's one central location with four

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10yd dumpsters. Hangge asked if each individual sprinkler building room had a lock box on it. Canavan responded in the affirmative and, it's in the TRT notes and they spoke about the cabinets for the fire alarm system.

Chair DeLeo opened the public hearing at 6:43PM.

**Public Hearing
Opened**

Austin Treaver, Ellsworth Residence. Mentioned it was hard to hear in the back. He asked if there would a walking sidewalk connection from Beals to High and potentially to the Sunrise trail. Would there be any access to the Sunrise Trail. Williams responded there's no sidewalk from the development site to the Sun Rise Trail but if the Rail Trail is constructed and goes by that way it would be a short walk to the Sun Rise Trail via the Rail Trail. DeLeo mentioned it was a short distance even with Beals Ave open it would make sense to include a sidewalk from the development to the Sun Rise Trail.

Carl Brooks from Beals Ave called in via Zoom to say he disagrees with the traffic study and personally makes left turns onto High St. and has been made easier after the four lanes were added on High St. He is opposed to the trail and especially opposed to closing the High St connection. He says it's part of their culture, what they have and their advantage. To close that to make it a dead-end street would force them to drive an extra mile round and fight through the mess of the Main St traffic light. At the last meeting the residence of Beals submitted an extensive analysis of issues of this project most of which remain unanswered. He would like to bring up just two. The first item is unsafe entrance to Beal's Ave. Traffic entering high St cannot see a driveway until the top of the rise. Cars in the driveway cannot see cars on High St until it reaches the top of the rise. He is concerned that fires trucks would have to turn into one lane of the driveway. There is no room for such a maneuver on the piece of Beals Ave.

Brooks then on to say that the project is removing 4-acres of wetland that absorbs water. Side comment, you in making this decision you are going to have to live with the bad decisions have made by your predecessors. There will be a big enough surge to overflow the culvert on High St. He is concerned that school children will be at risk at the entrance of High St, or their parents will have cars waiting there. Tripling traffic on Beals Ave is a safety concern. It is a narrow street with no sidewalks that hosts elderly walkers and playing children. The opposition to the trail is that there is no access for places on High St or Beals Ave to that trail. The trail will be strictly a sidewalk from Main St to the down east trail. He goes on the recommend that the committee drive the intersection to see the lack of visibility. He mentions they have submitted five alternatives for the driveway. The second issue he addresses is the water and sewer loads. The Committee needs to require that a qualified engineering firm simulate to determine flow. Residents of Beals Ave have seen sewer backups and water pressure issues. He will submit a copy to include with the minutes. DeLeo responded that it was not up to the Planning Board to decide, it would be the City Council. Brooks responded that he understands the process to but the place it has become an issue is at the trail discussion. They pointed out that there's a much better solution in the High St sidewalk for the trail. The trail crossing up on the top will be subject to the same type of visibility problems to the driveway.

Jon Partridge Residence of Beals Ave said he agreed with what Carl said and said that street cannot handle the added traffic. If the project is going to go forward, they should have access to it out by Merrill's Furniture or look at Fair Grounds Rd. It's not that he's opposed

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to the project himself, it's the getting there and getting out. If it goes forward as proposed there will be some messes people aren't going to want to deal with, including local police and other officials. It's not the place to be extending Beals Ave.

William S Residence of Beals Ave said he recently heard about the project and understands you only have to notify within 250ft of the project. He said there are a several of things with the project that he questions. He asked if the board had an engineer from the city look at the plans. DeLeo said no, not at this point. S said he thinks the water quality that that have for drainage is not sufficient and they should be doing at least 100yr storm if not more especially because of climate change. He noticed they had a pump station and wanted to know if there were 2 or 1 pumps. Black replied 2. He asked who would be maintaining it. Black responded the HOA. He also questions how they determined how much water they needed for the development. Is it determined by bedrooms or bathrooms. Williams responded the standard rate is determined by bedrooms. Black responded they looked at fixture count and number of bedrooms and used state code. S asked if he had the gal per unit. DeLeo responded he thinks the total is 8700 gals. S replied that it seemed short to him. He said he saw in the regulations that they were using 39 but they were using 36. Black responded that they had originally planned on 39 but downsized to 36. S brought up the traffic count and wanted to know when it was taken. Black responded it was Summer of 2023 at peak summer conditions. S then asked if they took only 1 or 2 turns onto High St because of traffic. Black responded that there wasn't a high increase of traffic. They based the study on 39 units so there would be fewer trips than what was reported in the study. S said he was down at the intersection today and if three cars were taking a left hand turn the light changes and the rest of the people have to stay there. He believes that with more people that people will be backed up to the railroad tracks. So, if the count is correct there is going to be a mess on that light. He mentioned that getting onto High St from Beals is ridiculous and adding traffic is going to get it worse. He said a private engineer should be hired by the city to go over the plans thoroughly before they make any decisions.

Rosalini More Executive Director for Home Inc and Ellsworth Resident came to speak in support of the proposal of this project. She wanted to say that the state of Maine is in a housing crisis and the city of Ellsworth has a responsibility to try to combat that. She hopes that working through these steps will provide affordable housing options in a place that really needs it. More asked to consider this as a comment in support of this project and the positive work that it can do for this community.

Gerald Buyer Ellsworth Residence – Walks a lot on Beals St. He supports the project, not all the details but recognizes the need of housing in Ellsworth and the impact projects like this will have. Cautions against adding restrictions that would increase costs. He walks on Beals Ave and feel safe and thinks that street could handle more traffic. His experience is that people do turn onto Beals from High St.

John Partridge again – the talk of closing off Beals Ave, his experience is ambulances use Beals Ave a lot to get through traffic. It's important because it affects the High St traffic that is already too heavy.

Chair DeLeo closed the public hearing at 7:10 PM.

DeLeo wanted to let residents of Beals Ave know that this is a preliminary meeting to vote if they have all the informational material they need and there will be site meeting that the

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Closed**

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public is encouraged to attend and another final meeting to discuss the whole project to see if the planning board will approve the project.

Comments from Staff or applicant:

Williams mentioned with the site visit Ellsworth PD will join us and measure the site distance and get their feedback.

Vice-Chair Lyles made the Motion to accept Preliminary Plan Review as complete for a Major Use Site Development and Major Subdivision entitled Beals Avenue Multifamily Housing Development for applicant/owner LB Ellsworth. Proposal to build a 36-unit condominium development. Member Rich Seconded. Motion Passed (4-0)

Motion Passed

6. Preliminary Plan Review for a Revision to an Existing Subdivision entitled 59 Franklin for Applicant Cory Weigand and Owner 59 Franklin LLC. The Proposal is to construct an addition of four dwelling units on the lot with an existing structure subdivision. The subject property is an approximately 0.27acre lot (Tax Map 134, Lot 33) in the Downtown (DT) Zoning District.

59 Franklin

Weigand said we are adding a second story on the south wing. Four 1-bed, 1-bath unit. We updated after the TRT meeting to cover most of the issues. Still need to get updated water usages. He was unclear about the porch reference on Phase 3. Williams suggested it was a misunderstanding. On the second floor it looked like a porch. Weigand said it was a deck walkway that would be the main entrance to the new addition. He is hoping to not have to add sprinklers to the exterior of the building so the walkway is just under 4ft. The other item he questioned was that the waiver that had been revoked. He was confused as it was for Phase 2 and later including Phase 1. Their sprinkler company was able to draft a response and would like to retain the waiver for floor control valves on the existing building so the entire existing systems would not have to be redesigned. The building itself does not require control valves per NFPA. They would like to install the just the addition to comply with the local ordinance of the floor control valves. DeLeo asked if he had gotten a copy of the letter from the fire chief. Weigand said no he did not. He did not receive the letter from Fire & Life Safety Inspector Canavan that was sent to his sprinkler company. Williams mentioned regarding procedure there was a waiver for Chapter Four which is a fire ordinance, and the planning board does not grant the waivers through that fire ordinance. There is an appeals process in chapter four for the fire related decisions. Weigand said the sprinkler company is under the impression that the existing system does not need to be under that because it is an existing system fully compliant with the FPA to today's standards when it was installed. Williams responded that the fire ordinance does not fall under Chapter 56 and offered to talk about that process and walk him through it later. Hangge said he read the Fire Chief's letter and agreed to it other than that the waiver was granted by the planning board. It was a decision made by the fire department and would have to be revised through him and the planning board cannot act on the waiver. He understands his concerns, but they were under the impression that there would be no if few changes made to the existing sprinkler system. The waiver was granted on that basis. Looking at the

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drawings is shows that there is a dry system being added and sprinkler heads being added. When numerous heads are being added it must be reviewed by the Fire Marshal because it requires recalculations of the whole system. Therefore, the waiver should be rescinded. He suggests that they table the discussion until the Fire Chief gets back and can provide his input. Williams commented the condition for approval of Phase 2 was that the waiver was granted, and it was. All conditions have been met for Phase 2 for final. There have been no conditions applied to preliminary for Phase 3. He recommends that the sprinkler system company can confirm or deny that the new system will be put in place or get information from the Fire Marshal if this phase needs Fire Marshal review, then the Board could still vote on preliminary. Hangge said as far as he's concerned, he needs documentation that it has been looked at and whether it does or does not need to before he can vote on it. Williams responded that they don't deal with the waiver. DeLeo said that the preliminary said it needs to provide this information and the fire protection is messed up so how can they say it's complete. Williams responded that because it is a revision the check list is very short and doesn't include fire protection in it. However, because of the provisions in the ordinance, if you have found for safety you can find something in the minor subdivision requirements and require that from the applicant. Which could be completion of fire safety. Weigand replied that he has a sprinkler company to deal with and they have a contract and it's a certain amount of time before they can design the system. He said they've already confirmed with the size of piping already there it doesn't need to be rebuilt from ground up. And his estimate was based on a worst-case scenario if none of the heads lined up and everything had to be resprinkled head. Williams said if the board needs to request something from the applicant for preliminary from the applicant for fire protection is the letter from the water department saying adequate water supply for domestic and fire purposes. Weigand said they have that for previous Phrases and confirmation from the sprinkler company that it would not increase demand. Hangge said regarding Weigand's comment that control valves are not required by NFP is true, but they are required by the city of Ellsworth and that's why the city fire chief has written his letter to not grant the waiver. He is not going to speak for the fire chief when he's not here. Weigand said his sprinkler company said it was not insurmountable it just changes how they need to design the system. Hagge said that is correct it changes how it is piped and where the control valves go in the building. Williams and Hangge discussed the waiver and the conditions of phase 2 and phase 3. The waiver was granted for phase 1 and 2 now there's a new addition being proposed so the waiver needs to be resolved for final but not necessary to approve preliminary. DeLeo said that its prudent that anything that comes to the board from the fire department should come from the chief. He then asks parking. There are 9 spots reserved on Franklin and 3 parking places possible for snow storage. Asked if the parking spots are designated and what do those three tenants do for parking if those spots are used for snow. Maybe that's something for you and the tenants to figure out but it's something to consider. Weigand said it was brought up before and there's nothing they can do about it but thinks people would be happier to have a place to live in Ellsworth. DeLeo responded that it could create an issue for the city as people have to use public parking when they live in downtown areas. Williams mentioned there's nothing in the ordinances that says you can't do that, but his question would be "if a car is parked there, and snow does need to be moved how would you manage that?". Weigand said he has experience with managing parking before and suggested people would know ahead of time that cars would have to

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be moved. Williams suggested to put in the narrative about how the communication with the town would occur so the tenants would know when to move their cars for snow removal. DeLeo is concerned that the tenants would get their car towed if the town couldn't get in touch with the owner if their car needed to be moved. Williams stated they started implementing parking bans with snow events so that might solve some of the issues but recommends talking with public works and police to figure out the best strategy. Lyles mentioned the difference between weekend and week traffic and that the ordinances should be tightened up. DeLeo mentioned a letter from Franklin Savings and asked if an updated letter was needed. Weigand said it was for the entire project as it was one loan including the second floor. Williams asked if they could get an updated letter. Weigand agreed. DeLeo asked if there was a city review for the building to be structurally strong enough for the second floor. Weigand said they waited until the demolition and discovery to pursue this phase. They've found the entire roof structure is steel I-beams and they've found a 12-inch slab covering a portion of the building and where the garage bays are there is a solid foundation that goes down to a footer. So, a two-story structure isn't much of a load. Williams suggested getting a letter from his team to speak to that. Weigand asked if it was a requirement. Williams responded it could be but if you had your builder say it was safe that would be acceptable. Hangge suggested a few engineer/architects within walking distance and then asked if the front of the building was covered or just a walkway. Weigand responded it was a deck with an overhang on the roof that would partially cover it. Hangge said he assumed it would be sprinkled. Weigand responded some of the overhangs were over 4ft and they are trying to avoid having exterior sprinklers. Hangge said that 75ft with a dead end would be allowed with RFP 101. A stairway might be needed at the other end in the event of a fire so everyone can get out. He believes the travel distance increases when protected by a sprinkler system but suggested to do some research to determine if another stair way would be needed.

Chair DeLeo opened the public hearing at 7:44PM. No members of the public spoke. Chair DeLeo closed the public hearing at 7:44PM.

**Public Hearing
OPENED &
CLOSED**

Vice-Chair Lyles made the Motion to accept the Preliminary Plan Review as COMPLETE as Revision to Existing Subdivision entitled 59 Franklin for applicant Cory Weigand and Owner 59 Franklin LLC. Proposal is the construction of 4 additional dwelling units on the existing structure. Rich seconded. Motion PASSED (3-1).

Motion PASSED

7. Staff Comments

Staff Comments

The Board and Staff thanked Lori Roberts for her service and wished her a happy retirement. City Planner Williams shared that there is a Housing Preference Survey for the future land use for the Comprehensive Plan that is on the city website on the Comprehensive Plan Page and encourages people to fill it out. It goes through some of the suggested land use for the plans, including rural conservation zone, neighborhood transition zone, and a rural village nodal zone to support mixed used further out in rural areas. It's available for the public to take. Chair DeLeo asked Williams if they were planning on putting an ad out for the planning board position to replace Secretary Geel. Hangge

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asked if they had any applications for the Assistant City Planner position. Williams responded that they had received some applications.

7.) Adjournment

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

Vote to adjourn at
7:48 PM

Minutes prepared by: Brittany Merrill, Planning and Community Development Assistant

10/2/24
Date


Mike Hangge, 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.*

