

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

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

Five board members present

City Planner Matthew Williams, Code Enforcement Officer Robert Grant, Deputy Code Enforcement Officer Bobbi, 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 No minutes ready to adopt.

Adoption of minutes

3.) Sketch Plan Review of a Major Use Site Plan and Major Subdivision Plan entitled W.L. Properties LLC for Applicant/Owner W.L Properties LLC. The proposal is to create a multi-family development with 150 units. The subject property is an approximately 121.8-acre lot located at the end of Eastward Lane (Tax Map 2, Lot 13) in the Commercial (C), Limited Residential (LR), and Resource Protection (RP) Zoning Districts.

W.L. Properties LLC

Williams mentioned that Sketch Plan means that no decisions are made tonight. DeLeo added that it is an overview of what the development is and there are no votes concerning this development tonight.

Shelly Lizotte (Civil Engineer at Artifex) was present representing the developer Scott Pelletier for W.L. Properties. She began by explaining the project and mentioned they were here a year ago with a preliminary plan and had to do some changes to avoid some wetlands and are back again with a Sketch Plan because so many things had changed. The differences were the elimination of a few of the laundry room spaces. Each one of these buildings will have Townhouse units with either 4, 6 or 8 units in one building. They would be accessed off a main drive with several smaller groups of buildings in smaller unit areas. They added a few units from their last proposal to bring it to 150. They would be built over a number of years. This will be public water and sewer. The roads are 22ft wide with shoulders and a 5ft concrete sidewalk on one side. Each of the buildings will have a sprinkler system and knock boxes. They are working on their DEP permit. They are back to reintroduce the project.

Chair DeLeo asked if the units were meant to be 2-bedroom, 1 bath units. Lizotte said yes, but some of the ones with walk out basements may be 3-bedrooms. DeLeo asked what the square footage would be. Lizotte said she thinks they would be about 1200sf for the 2-bedroom units and 200-300sf in the basement.

DeLeo asked about the water & sewer on Eastward Land and asked if it was still a challenge. Lizotte responded that it wasn't a challenge but it's a right of way, so the access

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

and the utilities were put in by the residences of Eastward Lane, so it's a matter of making sure everyone is aware of what's happening. Eastward Lane has changed hands recently and they discussed at the TRT meeting about who to contact but hasn't put that to the developer yet.

DeLeo asked to what extent if any would Eastward Lane be improved or maintained. Lizotte said the intention is to resurface the road and make necessary improvements to make it acceptable to the city. They do need to get into a maintenance agreement with the owners of the properties. The water and sewer do go up to the tennis center and beyond. That part of the road is on a right of way that is owned by a different property owner.

DeLeo asked about the mail building and school bus gathering spot for kids. He said someone needs to check with the post office and the school to make sure they'll be ok with going into the private property. Lizotte asked about what documentation she would need for the planning board. Williams responded to reach out to the superintendent, and they would be able to help. DeLeo said it would be best if the school bus could go up into the development rather than stopping on Route 1. Lizotte agreed and said it was a fair distance so they would want to have some kind of shelter anyway.

DeLeo said she mentioned some of the buildings would be laundry facilities. Lizotte said that it's a shared facility for each building except if it's a 4-unit building sometimes they are sharing one with an adjacent 6-unit building. They don't all have a laundry facility.

DeLeo asked if there were any open areas for recreation or building for meetings. Lizotte said there haven't been any discussions about that but certainly could be landscaped areas for those types of things, but no structures have been proposed for that.

DeLeo asked if there would be sidewalks throughout the development. Lizotte replied on the main road longer roads there will be sidewalks and curbed with concrete. The spare parking lots are wide enough, so they don't have to have sidewalks, and they are not super long. Lyles asked if there were sidewalks on Resort Way. Lizotte replied no, she didn't think so. And there are no sidewalks on Eastward Lane either. Williams said the developer could have a discussion with the owners near the end of Eastward Lane about pitching in for a sidewalk down to Route 1 if they repaired and maintained Eastward Lane. Lyles said a sidewalk down to get to Route 1 would certainly be called for especially if there are sidewalk through the development. Lizotte said there is a garage that will be used to store building materials during construction but could be used as a gathering place in the future.

Lyle said his biggest concern with this project is traffic circulation. Most of the traffic analysis had been done is reasonably close but not the same for the proposed number of units. He recommends that it should be done and looked at the upstream and downstream impact.

Lizotte said they researched the options and hit many dead ends. Williams added they (the developer) had looked into buying more land to create that extra access. Lyles said that

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

they should include that in the traffic analysis. Traffic study should include current counts. The build out goes to 2025 but should be a couple years down the line.

Hangge asked about the 8-unit buildings. Lizotte said there are some in the actual plan layout but not in a detail block, but she can add that to the plan.

Hangge asked if the units would be sprinkled. Lizotte replied yes. He then asked if the units were top and bottom. Lizotte replied yes, they were townhouse style.

Hangge mentioned the travel distance between hydrants. Canavan said they spoke about it in the TRT meeting and will correct the hydrants.

Lyles brought up the possibility of people accidentally going into the development and needing a turnaround. He suggested signage to let people know it was a dead end and thought the dumpster area made a good spot for a turnaround. Lizotte mentioned there thinking of putting in two or three a dumpster area at near the end at each of the cluster of buildings. She also mentioned there was a gravel access behind the bowling alley that could be made into a turnaround. DeLeo asked how many dumpsters there would be throughout the development. Lizotte responded that there would be at least two more added.

Chair DeLeo opened the public hearing at 5:59pm. No members of the public who wished to speak DeLeo closed the public hearing at 5:59pm.

**Public Hearing
Opened and Closed**

The Village Phase 2

4.) Final 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.

Steven Salsbury representing the owner gave an overview of the changes. They've updated the traffic report to reflect the correct number of units, the covetness on plan matches the application, lot numbers were changed to be in sequence.

Williams said there was a comment from the public about making sure the development knows where they have access to, so they are not cutting through people's yards. A note or a sign that lets people know.

Chair Deleo Opened the public hearing at 5:34pm

**Public Hearing
Opened**

Mr. Williams, a residence of Ellsworth came to let the Board know that the meeting was not broadcasted on Spectrum. Nate from IT said he forgot to press the button to turn on that broadcast. The meeting is available for live streaming on YouTube live, Facebook Live and there is a Zoom link on the city website.

Chair DeLeo closed the public hearing at 6:08pm

**Public Hearing
Closed**

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

Lyles made the motion to approve the final plan for the major subdivision entitled The Village Phase 2 for applicant/owner Village Way LLC. **The vote to accept the final plan of the Major Subdivision entitled The Village Phase II for Applicant/Owner Village Way, LLC as complete was UNANIMOUS (5-0).**

Motion PASSED

5.) Final Plan Review of a 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 applicant are Rene Courtemanche from Hedefine Engineering, Dan Black with development team, and Gabe Tomosolu architect. Courtemanche reviewed the changes from the last TRT meeting. They did not submit an updated plan but did make the minor changes. They know they still need to discuss a few things including sidewalk material and the comment about adding a right turn only sign. There were no layout changes or changes to the units.

Courtemanche mentioned one more update concerning the firetruck. They pulled the sidewalk back a few feet and removing the light to provide better traffic movement for the firetruck. There was further discussion on the right of way.

DeLeo asked for the square footage of the units. Tomosolo replied that the 2-bedroom units are roughly 1,000 square feet and the 3-bedroom units were roughly 1,200 square feet. The measured from the inside face of exterior walls so that's actual usable square footage.

DeLeo asked if Maine Housing was the last stop that would give them the final ok. Black said the last threshold would be the commercial bank because of the presale condition they would set on the units. DeLeo asked if they had other banks. Black replied that they've talked to several. DeLeo asked if the financing is contingent going to the city council to get TIF approval. Black replied yes. DeLeo asked if they said no if that would be the end of the project. Black said that if that happened then it would delay the project, but they would look into other financing.

There was then discussion on the water pressure and the impact the development may have on the existing system. Although water tests have been completed on the existing system and modeled, they decided to make a condition of approval. There was then discussion on the wordage of the condition. Williams recommended to include the wordage that if the water pressure were to significantly decrease that the City and the developer would look to resolve the issue. Canavan added that they should word it that if it negatively effects the system in any way for the development or the road of Beals Ave they shall be required to

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

rectify the issue to bring it back to current UPC to the 20psi and 500gal/minute. Hangge asked if the hydrants were going in first. He suggested that they test the furthest hydrant and get those water lines in first before they do anything else so they will know if they'll need booster pumps. Williams suggested the condition expire twelve months after project completion. Hangge asked if water lines were looped. Courtemanche said he didn't know. Hangge said there probably wouldn't be an issue if the line is looped, if not there may be issues. Canavan said he got confirmation from the Water Department Superintendent that the line is looped.

DeLeo asked about the entrance of Beal's Ave to High St and putting in a sidewalk. He said it would appropriate to have sidewalks within the development to get close to the trail and High St. Williams said he wouldn't require that right now, but the City may approach them in the future if sidewalks go down all Beals Ave in the future. There was further discussion on including sidewalks to the end of the property. The apron of the driveway could be used as a sidewalk, and it could be striped as a crosswalk. Lyles recommended adding a turnaround spot for anyone who accidentally goes into the development and include a sign.

DeLeo asked if anyone had a discussion with the school department. Black spoke with the superintendent and confirmed that the school bus would pick up at every front door. Courtemanche spoke with the post office about mail delivery and confirmed they would deliver at each unit.

DeLeo asked about the requested waiver to Ellsworth Lighting Standards. Courtemanche said that they are required to light the sidewalk to a certain level but not have any light spill across the property line. They had to put in a lot of bollard lights and a fence to get to those standards. They asked for the waiver to reduce the standard to a slightly lower foot candle to reduce the amount of bollard lights and fencing. Messer asked why there was such a spread between some of the lights, specifically at the snow storage area. Courtemanche responded that those were the light pole lights, the ones grouped closer are the bollard lights. Williams added that he spoke with the neighbor, and he preferred the original lighting plan with the bollards and fencing. Williams suggested doing every other bollard but continuous fence because the sidewalk would most likely not get much foot traffic.

DeLeo asked about the plan for snow removal at the entrance and how they would accommodate the neighbor's driveway being so close to theirs. Courtemanche mentioned the other side did not have a sidewalk or curb so the snow would naturally be pushed to that side. Black added there's probably a way to clear the snow that way but ultimately it would be up to the Homeowners Association to hire and maintain the property. They could look to address in the formation of the Homeowners Association. Messar asked if the roads meet City standards for the City to accept it in the future. Courtemanche replied that there was no intention to turn them over to the City.

The waiver request for site distance. It is greater than 205ft but less than the city standard of 250ft. They are requesting a waiver down to the State DOT standard of 205ft for that distance to the right. DeLeo asked what the site distance actually was. Williams responded

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

that it was visible until around 220ft. There was the idea of shifting the driveway but it did not change the site distance significantly, only about 4-feet. DeLeo asked Morabito to explain the difference between the State Standard and City Standard. Morabito responded that the State DOT standard is just a little bit less than that 10 mile per hour and is based on AASHTO Calculations and it is what they consider as minimum standards. DeLeo pointed out that the State Standard is based on calculations and the City standard is not. Morabito confirmed and noted that a lot of municipalities have that 10mph rule. DeLeo asked if the distances measured met the State Standard. Morabito replied in the affirmative. DeLeo asked about coming out onto High St. Morabito explained the State liked to see 100ft but this site had 80-85ft. She said to consider actual speeds and doesn't think anyone actually does 25mph because of the sharp turn and elevation. DeLeo noted that the Planning Board cannot take into account Beals Ave being closed off, and it was up to the City Council to determine if that road would be closed off or not.

Williams noted some suggestions from Police Department including that they were comfortable with the site distance but asked City Staff to communicate with DOT to remove the small tree landscaping that was at the end of their property that lines up with the driveway and potentially move the railroad signage to the other side of the right of way.

Chari DeLeo Opened the Public Hearing at 6:58pm

**Public Hearing
Opened**

John G resident of Beals Ave. Thanked the Planning Board and City Planning for the site visit. He's concerned there with the increase of traffic, that lack of decisions made before construction, potential negative effects of water pressure on Beals Ave, the accuracy of the traffic study, construction traffic and the effect on the road and if weight limits will be changed to accommodate. Is frustrated because of the lack of cut and dry answers. Member Rich asked about his issues with the water pressure. Mr. G replied that he his water pressure dropped sometimes. He said his neighbor had the sewer back up over the winter. DeLeo replied that there will be a provision for a condition for approval that they would have to fix the water pressure if they did not meet requirements.

Virginia Holden, resident of Beals Ave spoke to the beautiful, quiet, respected neighborhood. Raised concerns about the poor road conditions, there are no existing sidewalks, and water pressure is not consistent. Concerned the traffic will be backed up on Main Street a lot more if Beals Ave is shut off. Is concerned with the safety of the 3-way intersection (Beals Ave, Maine St. and Union St). They need more information and recommends that they sell the land so neither of them has to deal with it.

Alonda Carter, resident of Beals Ave. Brought up the traffic study, has concerned with accuracy. Mentioned the speed of motorists on Beals Ave. She read a letter she wrote that began with her request to be heard. There are already water pressure issues, sewer system failures, and the road is in disrepair. She thinks this project will destroy the dynamics of the neighborhood. She understands the needs for affordable housing but doesn't think the project this the right fit for their neighborhood for the following reasons: it's too large, the current infrastructure is already strained, the aesthetic of the development does not fit, will negatively alter the character of the neighborhood, will increase traffic, cause noise and privacy disruptions, and negatively impact property values. There are alternative options,

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

like making the property accessible from another location. She strongly urges the Planning Board reconsider the approval of this housing development in its current proposed location. DeLeo responded by asking to Morabito to explain the traffic study for clarification. Morabito explained that the traffic was done during peak season during the AM and PM peak hours.

John Partridge, resident of Beals Ave. Agrees with all the things he's heard tonight and says it's the sediment of what every resident on the street feels. He asked if they all received the letter from Carl Brooks. The Board responded in the affirmative. Reiterated the danger of traffic on Beals and offered alternative locations.

DeLeo asked Morabito to address the number of vehicles the development would generate on Beals Ave. Morabito responded that there were 264 one-way trip ends with would be 132 round trips per day. Peak hour trips would range from 16 to 22 one-way trips. DeLeo mentioned that the study was done when the development planned on 39 units, but they have changed to 36 units which would reduce that number by 20 tips. Morabito said that the existing trips at the PM Peak hours were 100 trips per hour. So, if that increased by 20 trips then it would be a 20% increase.

Mr. G returned to asked if anyone had addressed the railroad crossing and if the Sun Rise Trail was going to go on Beal or by the railroad. Williams replied that it had not been finalized but it would be the city trail that would extend, and it would run by the railroad not on Beals Ave.

Carl Brooks, resident of Beals Ave via Zoom had a number of comments. He said they'd asked for a number of things that they have been ignored on. He asked they've asked a fully qualified hydraulic engineer company come in and look at the line to see what would happen. He said the lines did loop around but the development could tie directly into High St. He stated that they had real problems with both water and sewer on Beals Ave. They presented this petition to the Planning Board to deny project on the following grounds: 1) Physical failure, there's an 80% probability that the project will fail financially, and the city will have to bail it out. They need to be aware that the owned home market in Ellsworth is saturated, 70% of the people here own their own homes and only 30% rent. From his research, it says that 30% is much smaller than the people really interested in renting places. It comes down to the potential market for this project is 280 families. Another issue is the number of waivers that would need for driveway. He says the traffic study is irrelevant because it is a Linear horizontal tabletop model, the problem is vertical on both ends of Beals Ave. There is no visibility of anyone making that turn and a very steep hill. The problem isn't the speed, it is the acceleration. He said from a safety standpoint there is no way they can waive enough to approve that driveway. He recommends going through Merrill Lane and suggests that the current property owner would be open to a right of way access and 2) Safety wise this project is irresponsible, and it has better alternatives. Doesn't understand the crosswalk because there are no sidewalks on Beals Ave so there's nowhere to go and thinks there is some misinformation around that.

Chair DeLeo closed Public Hearing at 7:37pm

**Public Hearing
Closed**

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

Williams brought up the material for the sidewalks and mentioned that the City's Ordinance says there's a preference for concrete sidewalks and the developer is asking for a waiver to do asphalt sidewalks. The City has plans to redo Beals Ave and put in sidewalks which would be concrete so staff would suggest the concrete sidewalks to remain the standard but the developer has requested asphalt. Black explained that it's a tight project and they would like to use asphalt as it is half the cost of a concrete sidewalk. DeLeo asked for a dollar figure. They did not have the numbers with them. Rich mentioned that it would be a private sidewalk. There was then discussion on why concrete sidewalks were preferred. Member Rich asked if the curbing would be concrete. Lyles asked for clarification on the ordinance. Williams responded that it is written as preferred but not required. Black reiterated that their intention is to turn the ownership of the roads to the Homeowners Association not the City. DeLeo responded that if the city is doing the plowing, they prefer concrete because they last longer and recommended going with concrete. Black replied that the sidewalk curb would be granite but are asking for the sidewalk to be asphalt. Williams asked if they would swap the granite and asphalt with all concrete. Black responded that it would ultimately be determined by budget but wanted to have the flexibility of options. Williams said that no waiver would be needed because its not a steadfast requirement.

Williams asked when the water tests would be performed. Courtemanche said its to be determined until they have a contractor selected. Hangge asked who had done the previous water test. Courtemanche replied that the water district provided pressures and Woodard & Curran did the models for theoretical pressures at the point. DeLeo asked how soon they would approach the Council for the TIF application. Black replied that they would be hoping to do that later this year in the fall. There was then discussion on whether the developer would do the water line and testing before getting the TIF. It was determined that the developer wouldn't put the line in before knowing if they got the TIF. There was then discussion on the wordage of the condition.

Vice-Chair Lyles motioned to grant the waiver from the lighting standards to decrease the number of 3ft bollard lights by half. Chair DeLeo seconded.
APPROVED (5-0)

Vice-Chair Lyles motioned to grant the waiver from the city standards for driveways site distance but to comply with the standards of DOT. Chair DeLeo seconded.
APPROVED (5-0)

Vice-Chair Lyles made the Motion to accept **Final Plan Review of a Major Use Site Development and Major Subdivision entitled Beals Ave Multi-Family Housing Development for Applicant/Owner LB Ellsworth, LLC with the following condition:** that the developer be required to perform a pressure and flow test at an on-site hydrant and hydrant on Beals Ave after the water extension has been constructed. This will afford the water district and/or their engineer an opportunity to review real world pressure data which can be evaluated to determine if the proposed development requires artificial mains to increase water pressure. These measures would be developed and coordinated with the Water Department and Fire Department for their approval

**Waiver for Lighting
Approved**

**Waiver for Site
Distance Approved**

**Beals Ave Multi-
Family Housing
Development**

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

during a future design construction phase. If the development water usage has an adverse effect on existing Beals Ave Residential Homes that reduces the minimum pressure requirement for use in their homes and fire protection, LB Ellsworth LLC will correct the problem in conjunction with the Ellsworth water Department and Ellsworth Fire Department. This condition will expire 12 months after final occupancy. Chair DeLeo seconded. **PASSED (5-0)**

6.) Staff Comments

Staff Comments

Williams said there are two seats up for renewal. He mentioned member Vice-Chair Lyles seat was about to expire and asked if he would be willing to renew his term. Lyles agreed in the affirmative. He mentioned Member Califano's seat up was up for renewal too and asked Califano if he would like to renew his term. Califano agreed in the affirmative. Williams then mentioned the Comprehensive Plan update presentation would be at next meeting. He then mentioned the Housing Study and that there was survey on the Comprehensive Plan website.

Hangge asked why they granted a waiver for the lighting when the lighting plan showed that the sidewalks are in compliance with the standard. Williams replied because that was true but because the lighting was so close to the neighbor's property that even if the fence was there then lighting may still shine through to his property.

There was a discussion on terms and promotions and who needed to be elevated.

Hangge asked about the letter submitted after a sewer test requiring insurance for sewer backups. Lyles explained there was an opt-in option for sewer back up insurance but whether it was required depended on the insurance company.

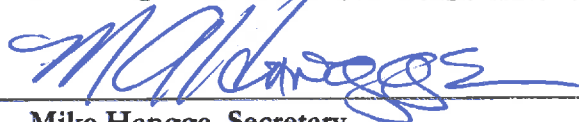
7.) Adjournment

**Vote to adjourn at
8:19 PM**

Chair DeLeo moved to adjourn. Member Messer seconded the motion. The vote to adjourn was UNANIMOUS (5-0).

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.*