

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

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

Five 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

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

Call to Order

2.) Adoption of Minutes from the May 1, 2024 Regular Meeting. PASSED (5-0)

Member Lyles moved to adopt the Minutes from the May 1, 2024 Regular Meeting. Member Rich seconded the motion. **The vote to adopt the Minutes from the May 1, 2024 Regular Meeting was UNANIMOUS (5-0).**

Adoption of minutes

ADOPTED

3.) Preliminary 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 a total of 150 units. The subject property is an approximately 121.8-acre parcel located at the end of Eastward Lane (Tax Map 22, Lot 13) in the Commercial (C), Limited Residential (LR), and Resource Protection (RP) Zoning Districts

W.L Properties LLC

Shelly Lizotte of Artifex representing Scott Pelletier of W.L. Properties LLC, started by giving an update. The plans have been refined since they last came to the planning board but has not made updates from the TRT meeting yet. Number of units have not changed, 27 buildings. It's more financially feasible to build in phases so they will be building in 3 or 4 phases. Roads, stormwater and clearing will be ongoing until all are completed. The DEP permit is 80% complete then will be submitted prior to Final Plan Review. Street names still need final approval, but the proposed names are on the plans. Some of the designs for the sewer need to be fully designed. There are two pump stations that need design. They still need confirmation of school bus pickups at the location they've identified. She has included a Fire Truck Turnaround Plan.

Lyles made **the MOTION to accept Fire Truck Turnaround Plan addition to the packet. Hangge seconded. Motion PASSED** unanimously (5-0)

Motion PASSED

The Board reviewed the Fire Truck Turnaround Plan. Comments included that the second 4-way intersection radius was tight. They need to see the truck coming into the intersection not just backing out. There was a request for a turning template the corner of Reese Way turning right and going left into Astrid Drive. The turnarounds are based using Ellsworth Fire Trucks. The turns must be unrestricted. Lizotte would rather increase the size of the radius than install mountable curbs and there I room to make them larger. There was a

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

discussion on removing a parking space to fit the turning template on Reese Way and Astrid. If the road is less than 150ft they can back in. If less than 150ft the truck would need to make a T-Turn. The waiver requested on page 5 regarding turn arounds may not be needed but would have to go through the Fire Department.

Vice-Chair Lyles noticed an error on Page 7 of the cover letter, mentioned presenting the project the June Meeting. He also asked if anything happened on the site that would invalidate the Watershed Resource Consultant's letter as it was dated over two years ago. There were no changes.

Lyles asked if the rentals would be market rate. Lizotte confirmed that they would be. Lyles and DeLeo discussed the number of potential kids and where the school bus pick up would be and if any alternatives. Lyles asked that it be resolved by the Final Review. DeLeo asked if they had talked to the post office yet. Lizotte replied that they had not yet. Lyles brought up the Blue Heron nesting area. Lizotte pointed out the area on the map and noted that they were a fair distance away. Lyles asked if there were any issues with homeless encampments in the area. Williams said no impact on the project going forward but if the crew sees an issue, they could call Ellsworth PD.

Lyles asked if the units were market rate. Lizotte confirmed they would be. Lyles asked if the school department had been contacted. Lizotte replied that she needed to send the superintendent the latest copy but has talked with her previously. Lyles recommended they resolve that by the Final. DeLeo asked if she had talked with the postmaster. Lizotte replied she had not yet. DeLeo suggested that it should be taken care of by the final.

Lyles began a discussion on the sidewalks in the development, noting that there were gaps between the end of sidewalk and street. Lizotte pointed out that the width of the road is the same, so there is room for people to walk but needed that room for the turning radius for the fire department. Crosswalk strips were recommended, and The Board asked that it be addressed for the Final Review. The school bus stops, sidewalks and school bus turns were brought up again and it was recommended that they figure out the school bus pickups with the school for the Final Review.

Lyles asked that the snow storage on Jasper be labelled. He then asked about the drainage for the wetlands on either side of Reese Way and Sumac. Lizotte said they were proposing a rock sandwich at both crossings and that it was on the drainage plan as part of the DEP permit. The Board requested a full-size set for the Final Review.

There was then a discussion on the adequate number of dumpsters for the development, and if the combination area of mailbox/dumpster area with no parking would create a lot of congestion. There was talk of adding more dumpster locations, at least two more and they could have more postal box locations spread out through the development if the post office will accommodate with freestanding metal units.

Lyles asked if the roads would be built all at once. Lizotte replied they would be built incrementally but ahead of each building.

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

DeLeo asked if the sidewalks were concrete. Lizotte replied that they were asphalt, and the curb would be concrete.

DeLeo asked about the evidence of financial capacity. Williams replied that it is still outstanding. Lizotte replied that the developer is working on phases. Williams added that the developer is aware of 33% completion within 3-years stipulation and is working with that information. The financial evidence would be for the whole project and has been verbally confirmed but no official letter yet.

DeLeo then asked how long the rental periods would be. Lizotte replied there was no intention of these being short term rentals, and they would be 1-year leases.

There was then a discussion on unit and building numbering and signage. There was concern that the street names, and the way the buildings were numbered would be confusing for 911 response. They had not been through the 911 process yet. The Board asked that the numbering be figured out for the Final Review.

DeLeo asked who had legal rights for road into the property and who would be responsible for maintenance. Lizotte replied that the development has an easement, and that the developer had spoken to the property owners but there was not written agreement yet. DeLeo asked that it be figured out for the Final Review.

Hangge asked that the firewall be labeled on the plan.

An error on the plan was pointed out. There were two Building Bs on Sumac Way. The error will be fixed for the Final Review. A typo on the survey plan was pointed out.

Chair DeLeo opened the Public Hearing at 6:38pm.

Abby Miller, School Board Member and Resident of Ellsworth spoke. Stated that she is expressing her own opinions, not that of the School Board. He is very excited for this project, Ellsworth needs housing. It is not a good plan for school buses. The radiuses are not big enough. Five 3-point turns are not safe nor is turning in snow storage areas. The plan needs to be adjusted for safety. She said some kids need to be picked up at their door by law. With 190 units half of the kids would not be of age to be picked up by themselves. Not sanitary to have pick up be next to a dumpster. She proposed to bring the roads around and mentioned that buses need clearance when turning, no signs, hydrants or people. She wants the development to go forward and wants the board to have a seat at the table. DeLeo asked if smaller vans would go to front doors. Miller replied that it depended but that kids under the age of 11 don't get dropped at bus stops alone for safety and smaller vans are not feasible for that many kids. Hangge asked if the school department had turning radius data to supply to the developer. Miller replied that it was not hard to find. Lizzotte replied that it would be nice to have that data because there are different kinds of buses.

**Public Hearing
OPENED**

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

DeLeo asked why didn't staff follow up with the school department. Williams replied once they had school bus pick up stuff that's usually what's required. Lyles asked if a school board member should be a part of the TRT review for large residential projects like this. Williams replied that they could. Member Messer asked if the school department had capacity. Miller answered they had some capacity but not enough and that the elementary/middle school was designed to be expanded in the future. They do expect a large influx of kids at once and are trying to obtain funding to rebuild HTCT but that goes back to the City Council to get an agreement for everybody to build and expand. She thinks Ellsworth is only going to get bigger and that they have a great school system. DeLeo asked what percentage of kids travel the bus vs dropped off. Miller said they needed to cover a lot of territory, and their buses don't get the amount of life out of them as they hoped. They encourage parents to drop off, but the parking lots are at capacity and that kids come from surrounding towns, not just Ellsworth.

Chair DeLeo closed the Public Hearing at 6:54pm.

**Public Hearing
CLOSED**

Staff Comments. Williams said there were a couple of notes for the Final Review including a sprinkler plan, hydrants updated, lighting plan and a larger drainage plan. Lyles reiterated that it would be a good idea to have a representative of the school for residential developments on the TRT review.

Vice-Chair Lyles moved to accept the **Preliminary Plan Review of a Major Use Site Plan entitled Main Street, LLC for Applicant/Owner Dustin Lawrence** as Complete. Member Messer seconded. **Motion PASSED unanimously (5-0).**

Motion PASSED

4.) Preliminary 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

Randy Bragg from Carpenter Associates represented Owner/Applicant Dustin Lawrence.

Chair DeLeo made the Motion to **Amend Item #4 on the agenda to update the lot numbers with the correct ones as follows: Tax Map 143 Lots 1,2 & 4.** Vice-Chair Lyles seconded the motion. **Motion PASSED unanimously (5-0).**

Motion PASSED

Bragg began by introducing the project as a building to house up to 5 trades-folks for storage and spillover. They expect them to use it to pick stuff up at the beginning of the day and drop stuff off at the end of the day. Building is a couple hundred feet off the main road. There is a shared restroom, and they plan to use existing services to minimize impact. The existing water line size is sufficient for the single bathroom. There will need to be a small pump station to lift the sewer to the manhole. They plan to use the existing gravity sewer line to the existing manhole in the road as a sleeve to push the force main through. They talked to the districts about that and they seem open to it so they don't have to disturb

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

the main road at all. They've made some modifications to the plans including the stormwater narrative. They nearly capture 100% of the impervious area. The site is small enough that they do not need a stormwater permit from the State but are following their rules. They sent over information on the firetruck turning template. There is an 80ft strip of pavement and they can make longer if needed. They provided 2-hr separations between units because they do not understand terms of allowance yet. They are planning on putting the sign in the existing sign structure but can move it to avoid confusion with lot numbers. Lighting will be wall packs on the building for the building and yard and have proposed a single light fixture at the entrance on Bangor Road for safety. They are undecided if they will go with heat pumps or propane. They've provided signage and fencing visuals. They have several identical buildings in Holden for reference.

Hangge asked about the deemed usage of the units. There was then a discussion on what would be allowed in the building and if there would be stipulations in the contract. There was concern about not having a sprinkler system especially when not knowing what would be in the units. The solution was to have stipulations in the contract or lease agreement pertaining to increased fire protection if needed or restricting what could be stored in the units.

Discussion moved to the shared facilities space and if they could add an exit door out the back so people could safely exit in the event of a fire. Bragg was unsure if the system would be a keypad or other.

They then discussed about having a committed-to use and that contractor storage was the committed-to use for this project. Bragg mentioned that there was enough space on the site for another unit and they tried to build the entrance to standard so it could take that traffic later. Lyles asked how wide the entrance road was. Bragg answered that the entrance is 24-feet paved. It was pointed out that the ordinance requires them to come back to planning board if there was a change in use.

The discussion then turned to traffic. Bragg said they expected most of the traffic at the beginning and end of the workday. Lyles pointed out that if true storage, then there wouldn't be trips every day. He thought the usage was too vague to have accurate traffic numbers and needed to be flushed out. They then discussed curb cuts and how the developer used the existing curb cuts to make it easier. Lyles brought up the site plan and asked if they were going to develop the thin lot. Bragg said that the intent was to sell the sliver of land to one of the adjacent lot owners to make it go away. They couldn't use it for anything unless they did a horseshoe drive. Deleo then brought up the curb cuts and it was asked if they could close off the extra gaps for safety. Bragg noted that there would be some trees but setback to keep visuals for traffic. Hangge brought up the size of trucks they expected to use the site and Bragg said they expected box trucks at most. DeLeo noted that the site distance to the south needed to be verified. He noted that on Page 2 of the application his math is different. It was decided that Bragg would submit the survey to the Assessor to update the Tax Map. There was a question on whether the gas tanks were still there or had been removed and the consensus was that they had been removed.

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

Chair DeLeo opened the Public Hearing at 7:28pm.

**Public Hearing
OPENED**

Judy Blood, resident of Ellsworth and neighbor to the project site asked about the runoff and rainwater as it abuts their field. Bragg explained the design; drip edge filter 4-5ft wide with drainpipe underneath to carry it to the south and away from the road. There would be no runoff from the property to the west. DeLeo mentioned that they are required to design it, so no water excess goes into the neighboring lots. Bragg pointed out the site plan and the contours, ditches that wrapped the building.

Blood asked who would clean the bathroom and the property or site. Bragg replied that the Lawrences were responsible. Blood then asked if there would be outside storage. Bragg replied the intention is for inside storage. Blood asked if overnight parking was allowed. Bragg replied no but commercial vehicles may be parked overnight. Blood asked if the lights were motion censored. Bragg replied that they were motion censored but also on a timer so they would not be on all night. Blood asked for more information on the landscaping and trees. Bragg replied that the street trees were large growth of 20-30ft in height with limbs high up for visibility along the front of the property. They had no intention of removing landscaping in front of their property and offered to have a further discussion about adding more plantings for their benefit.

Terry Young, Ellsworth Resident presented a letter from Shelly Freeman, Ellsworth Resident and neighbor to the project. City Planner Williams read the Letter. In the Letter Freeman expressed concern about the impact the project would have on the wildlife and the quality of life on her, her family and her neighbors and requested that the project not be approved.

Young spoke about her concerns with lighting and potential bright lights shining into her home. She is more concerned about adding more to the traffic and people's safety. She especially concerned with the safety of walkers/runners on Shore Road.

Miller presented her concerns about traffic safety and gave some history on the attempt to put in a traffic light in that area. She expressed concern for the safety of her school bus drivers. She strongly recommends putting in a traffic light or a round-a-bout. She thanked the Board and Staff for their time and effort and best intentions.

DeLeo commented that this project would have the least amount of traffic compared to the other projects and what used to be there. Messer agreed that they would not anticipate a large amount of new traffic. Blood commented that the road is very busy between 7:20am and 8am with traffic backed up 15+ cars. She went on to say the impact of the old gas station is not comparable as the traffic was way less then than it is now.

Chair DeLeo closed the public hearing at 7:50pm then opened the public hearing at 7:50pm.

**Public Hearing
CLOSED &
OPENED**

Young asked if construction could start before approval. Williams replied that building materials could be stored, and groundwork is allowed but not construction. If they did it would be a land use violation, and they could contact code. Young asked about the sign at

City of Ellsworth
Planning Board Regular Meeting Minutes
Wednesday, September 4, 2024 5:30 PM

the project. Williams replied they had already spoken to them about the sign and it would be taken down.

Chair DeLeo closed the Public Hearing at 7:51pm.

Williams mentioned the foot candle estimates were in the documentation and are dark sky compliant. Noted the checklist needed updating. Said they need the written responses to the letters for the Final Review.

Vice-chair Lyles made the Motion to accept the **Preliminary Plan Review of a Major Use Site Plan entitled Main Street, LLC for Applicant/Owner Dustin Lawrence as COMPLETE.** Lyles seconded. Motion PASSED (5-0)

Public Hearing
CLOSED

Motion PASSED

Staff Comments

5.) Staff Comments

Williams welcomed the Planning and Community Development Assistant Brittany Merrill to the team and her first official Planning Board Meeting. He then gave an update on the Housing Task Force and explained what their goals were. He then gave an update on the VPI (Village Partnership Initiative) project, noting that they had interviews with the two finalists. He talked about the TCP (Thriving Communities Program) project with DOT to look at the High St Corridor and gave a brief overview. Lastly, he noted that for the Comprehensive Plan the goal was to finish by the end of the year.

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
7:57 PM

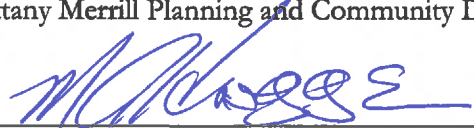
Minutes prepared by: Brittany Merrill Planning and Community Development Assistant

*Agendas and minutes
posted on the City of
Ellsworth's website:*

ellsworthmaine.gov

A video transcript of
this meeting is also
available on
YouTube.

Date


Mike Hangge Secretary
Ellsworth Planning Board

