

**City of Ellsworth  
Planning Board  
Minutes, June 1, 2005**

The meeting of the Ellsworth Planning Board was attended by regular members John Fink, Keith Smith, Robert King, Deborah Hogan-Albert, Steve Joy, alternate members Dwayne Patton and Gina Fuller. Also in attendance were City Planner Michele Gagnon and CEO Tom Fullam.

1. **ADOPTION OF MINUTES:** Deborah Hogan-Albert motioned to accept the minutes from the May 4, 2005 meeting, as written. Keith Smith seconded the motion. The motion passed with a vote of 5 members in favor (none were in opposition) and 2 members abstained.
  
2. **PUBLIC HEARING AND CONSIDERATION:** *Request of Robert Grant for a major subdivision final plan approval. The proposal is for an 18-lot subdivision entitled Maddocks Avenue Extension-Phase 4 on Map 43 Lot 8 consisting of 329 acres in the R-1 Zone.*

Stephen Salsbury and Mike Millet (Millet & Associates-stormwater management and erosion plan) represented Robert Grant. Mr. Salsbury indicated the project initially was for a 20-lot subdivision, which has been reduced to 18-lots. The net lot area calculations were provided. Mr. Salsbury indicated that the driveways for lots #9 and #10 will use the access off American Avenue (new street), and not off Maddocks Avenue.

John Fink asked for public comments.

Chris Osterbauer (who's property is) adjacent to the propose detention pond was concerned about how effective the ponds are, and questioned if his well could be affected by standing water within the ponds. Mr. Osterbauer felt that the amount of water runoff has increased.

Mike Millet described detention ponds and level spreaders to keep the level of water runoff the same or less than predevelopment conditions.

Steve Joy asked if the planning board could have a copy of the stormwater management plan to verify who will be responsible for maintenance of the stormwater infrastructure, should they fail.

Property owner, Wayne Rogers, wanted confirmation of where the water runoff would be discharged. Mr. Millet indicated that water runoff would go in the same direction that it does now, but will be directed to the ponds (decreasing the flow rate), then seep out under the stone (at a slower rate), and then dissipate over a period of 24-48 hours. Mr. Rogers was concerned that the detention ponds may be a hazard if they are not fenced in, and there exists a risk for children.

**Call to Order**

**Adoption of Minutes**

**Robert Grant 18-lot Major Subdivision Entitled Maddocks Avenue Extension Phase 4-Final Plan Review.**

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Property owner, Andrew Tiemann, asked if the property values would decrease due to the smell of stagnant water from the detention ponds and the additional water runoff to the adjacent properties that do not have good drainage now. John Fink indicated that the subdivision ordinance does not address property values and therefore, it is not something the Board can address. Mr. Fink also indicated that the testimony from Mr. Millet suggested this project will not result in any increased water runoff.

Chris Osterbauer asked what the impact would be on a drilled well and reiterate that the level of runoff has increased with this project overtime. Mr. Grant suggested that Mr. Osterbauer was not a property owner when the project started. Mr. Osterbauer indicated that he was a property owner before the road was completed and he is seeing more runoff since the development started. John Fink interrupted Mr. Osterbauer and suggested the runoff would be no greater than the predevelopment conditions once the project is completed and asked Mr. Millet if there would be blasting which could effect their wells. Mr. Millet explained that the detention ponds would not be blasted and that the surface water drains in a different manner than groundwater.

Steve Joy questioned if a detention pond is considered a structure, and if so, would the setbacks need to be met. It was determined that the pond met the set backs and the matter was dropped.

Margo Rogers (property owner) was concerned with the ponds and wetlands surrounding her property. John Fink reiterated that the ponds are located where the water runoff is currently traveling and there won't be more water runoff than predevelopment conditions, once the project is completed.

John Fink closed the public hearing.

John Fink went over subdivision submission requirements.

**Keith Smith motioned that in respect of the request of Robert Grant for a major subdivision final plan approval, the proposal is for an 18-lot subdivision entitled Maddocks Avenue Extension-Phase 4 on Map 43 Lot 8 consisting of 329 acres in the R-1 zone; the Board finds that the submission requirements have been met with the following conditions:**

- 1. The existing and proposed culverts and drainage ditches be shown on the final plan;**
- 2. The detention ponds and level spreaders be shown on the final plan;**
- 3. The contours be shown on the final plan;**
- 4. A copy of the homeowners association be given to the CEO; and**
- 5. Stormwater plan/lot numbering needs to coincide on the final plan.**

**Deborah Hogan-Albert seconded the motion. The motion passed with five members in favor (none were in opposed) and two abstained.**

**Robert Grant  
18-lot Major  
Subdivision  
Entitled Maddocks  
Avenue Extension  
Phase 4-Submission  
Requirements Met**

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John Fink went over the subdivision purposes and general standards.

**Deborah Hogan-Albert then motioned that in respect of the request of Robert Grant for a major subdivision final plan approval, the proposal is for an 18-lot subdivision entitled Maddocks Avenue Extension-Phase 4 on Map 43 Lot 8 consisting of 329 acres in the R-1 zone, the Board finds that the requirements have been met and grants approval with the following conditions:**

- 1. All the items mentioned in the preliminary approval have been met;**
- 2. Monuments set;**
- 3. Lots #9 and #10 have access restricted to American Avenue; and**
- 4. Homeowner’s association agreement to stipulate that they are responsible for the maintenance of the stormwater detention and drainage on the project.**

**Robert King seconded the motion. The motion passed with five members in favor and (none were in opposition) and two abstained.**

- 3. PUBLIC HEARING AND CONSIDERATION:** *Request of Tinker Hill, LLC for an amendment to a major subdivision/sketch plan review. The proposal is for a division of the remaining land of the Tinker Hill Subdivision on Tax Map 21 Lot 3 in the R-1 Zone.*

Gina Fuller recused herself due to conflict of interest.

Sam Coplon of Coplon & Associates represented Tinker Hill, LLC.

Mr. Coplon stated that the development is for the remaining land, approximately 29 acres, which will consist of 85 condominiums units and open space. He described the project as consisting of two to four residences per structure of which 21 will be on the riverfront. There will be 51 townhouses, 13 work-force housing units and one single-family 4-acre lot. Mr. Coplon explained that there will be common areas including a playground and a small field area. The proposed project will be serviced via Tinker Farm Way with several new roads accessing the proposed project, and will hook into the public sewer and water systems.

John Fink asked how the project meets the dimensional requirements of the R-1 zone. Sam Coplon indicated that they are applying under the “cluster subdivision.” Mr. Fink stated that a “cluster subdivision” is defined as “a” subdivision in which lot sizes are reduced below those normally required. Mr. Fink further questioned the application of the “cluster subdivision” stipulations because it is part of a “standard subdivision” and he indicated that the ordinance does not provide for mixed subdivisions.

Mr. Coplon argued that the “cluster subdivision” does not prohibit “standard” sized lots. Mr. Fink confirmed that if the applicant is using “standard” sized lots it would not be considered a “cluster subdivision” because the lots met the minimum lot size.

**Robert Grant  
18-lot Major  
Subdivision  
Entitled Maddocks  
Avenue Extension  
Phase 4-Approved**

**Tinker Hill, LLC  
Amendment to a  
Major  
Subdivision/Sketch  
Plan Review.**

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Steve Joy asked for the original plans of the Tinker Hill Subdivision plans. Gina Fuller provided the Board with a copy of the original subdivision.

Michele Gagnon asked the Board to revert back to the purpose/intent of a “cluster subdivision” and how this proposal is a perfect example of what a “cluster subdivision” is meant to be. John Fink reiterated that the definition of a “cluster subdivision” *is where “a” subdivision in which the lot sizes are reduced below those normally required* and this project is coming before the Board as a revision to an existing subdivision. Robert King indicated that it should come before the Board as a subdivision of the remaining property. Mr. Coplon asked the Board to look at the intent of the “cluster subdivision” and how it creates a mix of housing units, which this proposal does.

Keith Smith questioned the remaining land lot size and if it should read 29 or 27 acres.

John Fink asked if the original subdivision would share in the open space/common areas of the new subdivision. Dean Hoke indicated that the partners of Tinker Hill, LLC had not yet discussed if they would be participating in the common areas of the new project, but stated that they do have a deeded right-of-way to the 50 ft strip of land along the Union River.

Michele Gagnon indicated that near units 65, 66 and 67 there is a cemetery and state laws related to setbacks for cemeteries will need to be met.

John Fink asked for public comments.

Mark Honey, Ellsworth Historic Preservation Commission, indicated that his research reflected that Captain John Tinker, an American Revolutionary War veteran was buried in this cemetery. Mr. Honey read (Chapter 39. Historic Preservation Ordinance. Section 2.2- Definition of Historic Site.) *Any parcel of land of special significance in the history of the City and its inhabitants, or upon which a historic event has occurred, [and which has been designated as such in accordance with this Ordinance. The term “historic site” shall also include any improved parcel, or part thereof, on which is situated a historic landmark, and any abutting improved parcel, or part thereof, used as and constituting part of the premises on which the historic landmark is situated as may be designed in accordance with this ordinance.] Mr. Honey then went on to read that (3.3.1) Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Ellsworth and the nation, including sites and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American Heritage.* Mr. Honey indicated that the Commission feels that cemetery meets the intent, and respectfully asks that the Planning Board ensure that the proposed project will not intrude onto the cemetery, per Maine State Law. Mr. Honey gave the Board documentation on John Tinker and his Revolutionary War service. Steve Joy asked if there was physical evidence of the cemetery.

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Dean Hoke indicated that there is evidence of granite curb outline, but there are no headstones.

The Board duly noted the concern. No action was taken.

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- 4. PUBLIC HEARING AND CONSIDERATION:** *Request of City Planner, Michele Gagnon for proposed amendments to the City of Ellsworth Ordinance, Chapter 19-Land Use Ordinance.*

Michele Gagnon asked the Board to consider two changes to the land use ordinance:

- 1) Article 8 (Procedure of Amendments) Section 2b and 2c.
- 2) Article 7 (Conditional Use Plan Review) Section 7i.

**After discussion: Deborah Hogan-Albert motioned to table Item #1 until the July planning board meeting, for further review. Robert King seconded the motion. It passed with five members in favor (none in opposition) and two abstained.**

**John Fink motion to repeal Item #2 (Article two 7.71). Robert King seconded the motion. It passed with five members in favor (none were in opposition) and two abstained.**

- 5. PUBLIC HEARING AND CONSIDERATION:** *Request of Beechland Corporation for a major subdivision preliminary plan approval. The proposal is for a 7-lot subdivision entitled King Commercial Development located on Tax Map 16 Lots 7, 8 and 18 consisting of 37.64 acres in the C-2 and R-2 Zones.*

Robert King recused himself due to a personal conflict.

Ray Bolduc, WBRC Architects & Engineering, represented Beechland Corporation.

Mr. Bolduc indicated that the adjacent property was before the Board last month for an amended subdivision (previously owned by Nancy J. T. King and is now owned by Beechland Corporation), which is now incorporated to the Beechland Corporation's subdivision. Mr. Bolduc stated that the site improvements include: 1) 700 linear ft of paved roads, 2) storm drainage system within the roads, 3) sewer system consisting of both gravity fed and pump station, and 4) water main system with fire hydrants and a retention pond. The project will be utilizing the two existing curb cuts along High Street and Beechland Road.

**No Action  
Taken/Sketch  
Plan.**

**Amendments to  
Chapter 19-Land  
Use Ordinance.**

**Amendments to  
Chapter 19-Land  
Use Ordinance.  
Motion for:  
Item #1-Tabled  
Item #2-Repealed**

**Beechland  
Corporation 7-Lot  
Major Subdivision  
Preliminary Plan.**

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<sup>1</sup> Note that the Planning Board motioned to hear agenda item #4 after agenda item #7.

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Mr. Bolduc indicated that the project site stormwater management was currently under review with the DEP and the public sewer/water designs have been submitted to the City's Superintendents for their approvals, per letters attached to the application.

John Fink asked for public comment none were received.

John Fink went over submission requirements.

**John Fink motioned that in respect to the request of Beechland Corporation for a major subdivision preliminary plan approval, the proposal is for a 7-lot subdivision entitled King Commercial Development located on Tax Map 16 Lots, 7, 8 and 18 consisting of 37.64 acres in the C-2 and R-2 Zones, the Board finds that the submission requirements have been met. Deborah Hogan-Albert seconded the motion. It passed with five in favor (none were in opposition) and two abstained.**

**Beechland Corporation 7-Lot Major Subdivision Preliminary Plan Approval.**

**Keith Smith motioned to approve the preliminary plan. Deborah Hogan-Albert seconded the motion. It was approved with five members in favor (none were in opposition) and two abstained.**

**6. PUBLIC HEARING AND CONSIDERATION: *Request of Darling's Inc. for a major conditional use preliminary/final plan approval. The proposal is for a 24,172 sq ft retail building entitled Darling's Auto Mall located on Map 16 Lot 18 in the C-2 Zone.***

**Darling's Inc. Major Conditional Use Preliminary/Final Plan for a 24,172 sq ft Retail Building.**

Robert King recused himself due to a conflict of interest.

Ray Bolduc, WBRC Architects & Engineering, represented Darling's Inc.

Mr. Bolduc indicated that the site improvements will include: 1) a 25,000 sq ft single story building, 2) paved areas for parking spaces/display areas, 3) storm drain system, and 4) public sewer/water, and the letters from the superintendents are in the application. Mr. Bolduc stated that the SLODA has been filed and is being reviewed by DEP.

John Fink went over submission requirements.

John Fink asked for public comments and none were received.

**Keith Smith motioned that in respect to the request of Darling's Inc. for a major conditional use preliminary/final plan approval, the proposal is for a 24,172 sq ft retail building entitled Darling's Auto Mall located on Map 16 Lot 18 in the C-2 zone, the Board finds that the submission requirements have been met. Dwayne Patton seconded the motion. It passed with five members in favor (none were in opposition) and two abstained.**

**Darling's Inc. Major Conditional Use Preliminary/Final Plan Submission Requirements Met.**

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John Fink went over the review performance criteria and standards.

John Fink asked for public comments and none were received.

**Deborah Hogan-Albert motioned that in respect of the request of Darling's Inc. for a major conditional use preliminary/final plan approval, the proposal is for a 24,172 sq ft retail building entitled Darling's Auto Mall located on Map 16 Lot 18 in the C-2 zone, the Board finds this as an acceptable use, meets the requirements and grants approval. Steve Joy seconded the motion. It passed with five members in favor (none were in opposition) and two abstained.**

**Darling's Inc.  
Major Conditional  
Use Preliminary/  
Final Plan  
Approval.**

**7. PUBLIC HEARING AND CONSIDERATION: *Request of Cara Guerrieri and Francis Owen for a major conditional use preliminary/final plan approval. The proposal is for a 2,560 sq ft rental housing/office building entitled Carriage House – 64 Church Street located on Map 136 Lot 149 in the R-1A Zone.***

**Cara Guerrieri &  
Francis Owen  
Major Conditional  
Use Preliminary  
Plan for a 2,560 sq  
ft Rental Housing -  
Office Building**

Francis Owen represented Cara Guerrieri.

After discussion with the Board Mr. Owen retracted the proposal.

John Fink suggested that the Board now hear item #4 of the agenda

**8. ADJOURNMENT: Deborah Hogan-Albert motioned to adjourn and Robert King seconded. The motion passed with five members in favor (none were in opposition) and two abstained.**

**Adjournment**

\_\_\_\_\_ **Date**

\_\_\_\_\_ **Robert King, Secretary  
Ellsworth Planning Board**