



FUSS & O'NEILL

August 8, 2022

Mr. Dylan Smith, Planning Director
Town of York
186 York Street
York, ME 03909

RE: Wiggly Bridge Distillery, Distillery and Storage Building Additions
441 & 445 US Route 1, York, Maine
Tax Map 54, Lots 10-B and 10-C
Reference No. 20210083.A10

Dear Mr. Smith,

Fuss & O'Neill, on behalf of Woods Family, Inc. and Wiggly Bridge Distillery, has prepared the following materials to supplement the Amended Site Plan application submitted for Town review on July 27, 2022 to include the necessary materials outlined in Section 6.4 Submissions for Final Plan that were not previously provided.

- Updated Checklist for Site Plan Approval
- Updated Waiver Requests
- Email correspondence from York Water District, dated July 28, 2022
- Cost estimate for site work and erosion control
- Draft Findings of Fact

We look forward to presenting the proposed plans for the site to the York Planning Board at their August 25, 2022 meeting. Should you need any additional information or have any questions, please contact me at 207-363-0669, ext. 2315 or jlowery@fando.com

5 Fletcher Street, Suite 1
Kennebunk, ME 04043
207.363.0669

www.fando.com

California

Connecticut

Maine

Massachusetts

New Hampshire

Rhode Island

Vermont

Sincerely,

James Lowery, P.E.
Senior Project Manager

cc: David Woods

Submission Checklist

Wiggly Bridge Distillery
 Checklist for Site Plan Approval ~ Town of York
 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
6.3 SUBMISSIONS FOR PRELIMINARY PLAN		
6.3.1 Reserved		
6.3.2 A boundary survey of the entire property	See Attached Boundary Plan	
A. distances, deflection angles, curve radii, arc lengths, control angles, monument locations and other necessary survey data	See Attached Boundary Plan	
B. the names of all abutters, including map and lot numbers	See waiver request and Existing Conditions Plan	
C. roads, rights-of-way, and intersections within 50' of the lot	See waiver request and Existing Conditions Plan	
D. location and nature of easements of record, deed restrictions, and covenants	See waiver request and Existing Conditions Plan	
E. references to deeds, earlier surveys, prior approvals, and other pertinent information as determined by the survey	See waiver request and Existing Conditions Plan	
F. locus map sufficient to orient the Board as to the location of the property within the Town	See waiver request and Existing Conditions Plan	
6.3.3 An existing conditions plan depicting conditions on the property in its pre-application condition	See Plan CS-001	
A. Physical environment on the property	✓	
1. size and road frontage of the property;	✓	
2. elevation contours at 2' intervals referenced to NGVD of 1929;	Waiver requested to utilize NAVD88	
3. surface waters and wetlands;	✓	
4. vegetation in general, specifically noting any trees larger than 24" in diameter at breast height;	✓	
5. ledge outcroppings;	None	
6. land deemed not suitable for development per §7.4.1;	✓	
7. areas with a high water table or seasonal high water table as defined in §7.4.2.	None	
8. description of stormwater effecting the property	✓	
9. description of existing drainage on downstream lots	✓	
B. Existing development and improvements on the property	✓	
C. approximate location of property boundaries, buildings, wells, septic systems, wetlands, surface waters, driveways, roads and intersections within 100' of the property.	✓	
D. Regulatory constraints affecting the property,	✓	
1. Town boundaries	✓	
2. base zoning districts, and boundaries if applicable	✓	
3. overlay zoning districts and boundaries,	✓	

Wiggly Bridge Distillery
 Checklist for Site Plan Approval ~ Town of York
 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
as applicable		
4. regulatory boundaries from other Town, state or federal laws	✓	
5. setback requirements applicable to the property	✓	
6.3.4 The location of all natural features or site elements to be preserved shall be depicted on the plan.	✓	
6.3.5 Impact statement a. water supply for domestic consumption; b. water supply for fire protection; c. wastewater treatment and disposal; d. police, fire and ambulance services; e. stormwater management, with particular attention to watersheds that experience flooding at this time; f. transportation systems, focusing especially on anticipated traffic impacts on the street network near the project; g. on-site parking, and potential for off-site parking impacts; h. water quality; i. environmental quality; j. historic and archeological resources; k. anticipated fiscal impacts on the Town and district capital and operating budgets; l. scale of the project in terms of the expected number of residents, number of employees, size of buildings, and amount of impervious surface; m. for applications with residential uses, address impacts on public school enrollment and bussing; and n. for applications with residential uses, address impacts on public recreation facilities and services.	✓	
6.3.6 A plan showing the proposed development	✓	
6.3.7 A grading and landscape design plan which meets the requirements of §7.3.	Grading, Landscaping & Erosion Control Plan provided. Refer to waiver requested for cut/fill calculation.	
6.3.8 Initial Assessment of traffic impacts, where required per Zoning Article 15-A,	Refer to Waiver Requests	
6.3.9 A copy of the deed from which the survey was based	✓	
6.3.10 Proof of ownership or if the developer is not the owner of the property, evidence of the developer's right, title or interest to the property	✓	
6.3.11 easements, rights-of-way, or other encumbrances currently affecting the property	✓	

Wiggly Bridge Distillery
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 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
6.3.12 Phosphorous Pollution	The project is not located within the watershed of a Great Pond	
6.3.13 Scenic Resources	The project is not located in an area that would negatively impact any scenic resources of the Town.	
6.3.14 Historic and archaeological resources	✓	
A. The applicant shall identify any of the following on the property or within 500' of the property: 1. Local Historic Districts or Landmarks; 2. National Historic Districts; 3. Properties listed on the National Register of Historic Places; and 4. Cemeteries or family burial plots.	✓	
B. The application shall include written documentation from the York Historic District Commission (HDC) and the Maine Historic Preservation Commission regarding the presence of any known or suspected historic resources on the property	Refer to Waiver Requests	
6.3.15 Provide a map of sufficient scale to identify the location of the applicant's property with respect to watersheds in the Town.	✓	
6.3.16 Undeveloped Habitat Blocks, High Value Plant and Animal Habitats, and Focus Areas of Ecological Significance	✓	
6.3.17 Locations, widths, and names of any existing, filed or proposed streets or rights-of-way which are adjacent to the parcel	✓	
6.3.18 Reserved		
6.3.19 Proposed lot lines with approximate dimensions and approximate area of net developable acreage	No proposed lot lines	
6.3.20 All parcels of land proposed to be dedicated to public use shall be depicted on the plan.	No proposed public use.	
6.3.21 Reserved		
6.3.22 100-year flood elevation shall be delineated on the plan	Property is not within 100-year floodplain	
6.3.23 Reserved		
6.3.24 Indication of the type of sewage disposal to be used in the subdivision	Project is not a subdivision	
6.3.24.1 <i>Public Sewage Disposal</i>	Project is not a subdivision	
6.3.24.2 <i>Private Sewage Disposal</i>	Project is not a subdivision	
6.3.24.3 For subdivisions, a minimum of one acceptable test pit must be shown on each proposed lot,	Project is not a subdivision	
6.3.25 Indication of the type of water supply system(s)	Refer to Waiver Requests	
6.3.25.1 <i>Public Water</i>	✓	

Wiggly Bridge Distillery
 Checklist for Site Plan Approval ~ Town of York
 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
6.3.25.2 <i>Wells</i>	None	
6.3.26 A letter from the Fire Chief is required.	✓	
6.3.27 A sketch and narrative description prepared by a professional engineer, of the proposed stormwater drainage plan shall be submitted.	✓	
6.3.28 The location and size of existing and proposed sewers and water mains, culverts, bridges and drainage ways	✓	
6.3.29 Temporary markers adequate to enable staff or the Board to locate readily and appraise the basic layout in the field	✓	
6.3.30 Sight distances for all new streets including driveways for commercial establishments	No new streets or entrances proposed	
6.3.31 Reserved		
6.3.32 A high intensity soil survey signed and sealed by a Maine Certified Soil Scientist	Refer to Waiver Requests	
6.3.33 For subdivisions or site plans involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis	The proposed plan does not involve more than 40 parking spaces or 400 vehicle trips per day	
6.3.34 All requests for waivers from strict compliance with any of these regulations shall be submitted in writing	Refer to Waiver Requests	
6.3.35 The Planning Board review fee, based on the fee schedule in Section 2.3.1 shall be submitted.	✓	
6.4 SUBMISSIONS FOR FINAL PLAN		
6.4.1 All information presented on the Preliminary Plan and any amendments or conditions requested or required by the Board must appear on the Final Plan.	✓	
6.4.2 An internal survey of the proposed development	✓	
6.4.3 Water supply system design contained in the subdivision plan shall be approved in writing by the appropriate agency or individual,	The project is not a subdivision	
6.4.3.1 <i>Public Water Supply</i>	✓	
6.4.3.2 <i>Private Wells</i>	None	
6.4.3.3 <i>Central Water Supply</i>	None	
6.4.4 Sewage disposal system design contained in the subdivision plan shall be properly endorsed and approved in writing	The project is not a subdivision	
6.4.4.1 <i>Public Sewage Disposal</i>	✓	
6.4.4.2 <i>Private Sewage Disposal</i>	None	
6.4.4.3 <i>Engineered Septic System</i>	None	
6.4.5 Developer shall submit dated evidence that they have submitted copies of the approved Preliminary Plan and any other relevant materials to the Superintendent of Public Works, School	Letters to individual Town departments have been requested, responses will be provided upon receipt	

Wiggly Bridge Distillery
 Checklist for Site Plan Approval ~ Town of York
 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
Superintendent, Police Chief and Fire		
6.4.6 A landscaping plan meeting the standards of Section 7.17	✓	
6.4.7 Location and dimensions of all proposed development improvements	✓	
6.4.8 Reserved		
6.4.9 Plan shall contain sufficient data to allow the location, bearing and length of every street, lot line, and boundary line to be readily determined and be reproduced upon the ground.	✓	
6.4.10 All public open space for which offers of cession are made by the developer and those spaces to which title is reserved by the developer, or areas which are to be commonly held by a condominium or owner's association	No public open space is proposed to be offered	
6.4.11 Written offers of cession to the municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which those areas to which title is reserved by the developer	No offers of cession are proposed	
6.4.12 Written evidence that the municipal officers are satisfied with the legal sufficiency of the document referred to in Section 6.4.11	No offers of cession are proposed	
6.4.13 The locations of permanent reference monuments	✓	
6.4.14 Detailed drawings showing the specifications for the street and storm drainage design	No streets are proposed	
6.4.14.1 Plan view of all proposed roadways within 300 feet of any proposed intersections.	No streets are proposed	
6.4.14.2 Cross sections of streets every 50 feet along the entire street	No streets are proposed	
6.4.14.3 longitudinal profile along the roadway center line	No streets are proposed	
6.4.14.4 Date, scale and magnetic or true north point	No streets are proposed	
6.4.14.5 Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs	No streets are proposed	
6.4.14.6 Type, size, location, material, profile and cross-section of all existing and proposed drainage structures	No streets are proposed	
6.4.14.7 Complete curve data shall be indicated for all horizontal and vertical curves.	No streets are proposed	
6.4.14.8 Turning radii at all intersections.	No streets are proposed	
6.4.14.9 Centerline gradients.	No streets are proposed	
6.4.14.10 Locations of all existing and proposed overhead and underground utilities,	No streets are proposed	

Wiggly Bridge Distillery
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 July 27, 2022, updated August 5, 2022

SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
6.4.14.11 Anticipated beginning and end dates of each major phase of street construction	No streets are proposed	
6.4.14.12 Street numbers of the lots, laid out in accordance with the street plan of the Town of York	No streets are proposed	
6.4.14.13 Location of all street name signs and traffic signs	No streets are proposed	
6.4.14.14 The location and design of all driveways (that portion within the right-of-way only), and related plan notes, to reflect the requirements of §9.5.12.	No streets are proposed	
6.4.15 Soil Erosion and Sedimentation Control Plan.	✓	
6.4.15.1 site plan must show the areas which will be disturbed by construction	✓	
6.4.15.2 location of all temporary erosion controls	✓	
6.4.15.3 erosion control notes which specify temporary and permanent stabilization measures for exposed soil	✓	
6.4.15.4 schedule and procedure for installation, inspection, and maintenance	✓	
6.4.15.5 Details must be submitted for all permanent and temporary erosion control measures	✓	
6.4.16 Stormwater Management Plan	✓	
6.4.16.1 drainage plan shall include sufficient detail to insure that the drainage system be properly constructed and to allow technical evaluation of adequacy.	✓	
6.4.16.2 developer must submit a statement from a Professional Engineer which describes the measures taken for control of erosion, drainage, and sedimentation and which certifies that the proposed development will not create erosion, ponding, or flooding,	✓	
6.4.17 Hydrogeologic Assessment	Site is served by public sewer	
6.4.17.1 high intensity soil survey map meeting the standards of Article 6.3.32.	Site is served by public sewer	
6.4.17.2 depth to the water table	Site is served by public sewer	
6.4.17.3 Drainage conditions throughout the subdivision.	Site is served by public sewer	
6.4.17.4 Data on the existing ground water quality	Site is served by public sewer	
6.4.17.5 effect of the subdivision on ground water resources	Site is served by public sewer	
6.4.17.6 subsurface wastewater disposal	Site is served by public	

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SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
systems	sewer	
6.4.18 List of construction items with cost estimates for all public improvements	✓	
6.4.19 Copy of covenants and deed restrictions intended to cover all of part of the tract	None proposed	
6.4.20 Show 2 foot contour lines of both existing and proposed topography in relation to the NGVD of 1929	Waiver requested to utilize NAVD88	
6.4.21 Elevation view drawings.	✓	
6.4.22 Signature block for the signatures of the Planning Board upon approval.	✓	
6.4.23 Requests for waivers shall be submitted in writing	Refer to Waiver Requests	
6.4.24 Elevation drawings for each side of each non-residential building if the building is either new or is to be altered pursuant to this application.	✓	
6.4.25 Identification of the type and amount of the required performance guarantee.	Refer to Waiver Requests	
6.4.26 The Board shall require submittal of all information necessary to determine compliance with other codes.	To be provided, upon request	
6.4.27 Findings of Fact, Conclusions of Law, and Decisions.	✓	
A. The document shall begin with a header	✓	
B. The document shall provide a compilation of relevant facts pertaining to the application in a section titled Findings of Fact. 1. street address of the property or properties; 2. property ownership, as indicated on the application form and deed; 3. other parties to the application; 4. description of the existing use or uses of the property; 5. description of the proposed use or uses of the property, and the nature of the application; 6. base zoning district in which the property is located; 7. overlay zoning district(s) in which the property is wholly or partially located; 8. other relevant regulatory districts in which the property is wholly or partially located 9. comprehensive list of materials submitted by the applicant as part of the application; 10. date or dates on which the Board met to consider the application; 11. date or dates on which the Board conducted a public hearing on the application; and 12. a brief description of the substantive materials and testimony received at the public	✓	

Wiggly Bridge Distillery
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SUBMITTAL REQUIREMENT	APPLICANT RESPONSE	STAFF RESPONSE
hearing.		
C. The document shall provide a compilation of legal findings pertaining to the application in a section titled Conclusions of Law	✓	
D. The document shall provide a list of decisions made by the Planning Board regarding the application, to be documented in a section titled Decisions	To be provided	
6.4.28 Financial Capacity.	Refer to Waiver Requests	

Waiver Requests

**Woods Family Inc.
441 & 445 US Route 1, York, ME
Tax Map 54, Lots 10-B & 10-C**

**Waiver Requests
July 27, 2022, updated August 5, 2022**

**Site Plan and Subdivision Regulations
Submission Requirements**

The following summarizes the requests for waivers of submittal requirements for the subject project, per the requirements in Articles 6.3 and 6.4 of the Town of York Site and Subdivision Regulations:

Section 6.3.2.B, 6.3.2.C, 6.3.2.D, 6.3.2.E, & 6.3.2.F: Boundary Survey

A boundary survey for the property was previously prepared and included with the application materials. All of the plan elements noted in Sections 6.3.2 are not included on the Boundary Survey but have been added to the Existing Conditions Plan (CS-001) included in the Site Plan set. As such, we are requesting a waiver of the plan elements required to be shown on the Boundary Survey.

Section 6.3.3.A.2 & 6.4.20: Elevation Contours referenced to NGVD 1929:

The topographic survey of the property was performed referencing NAVD 1988 as noted on the Existing Conditions Plan. As such we are requesting a waiver to show contour elevations at 2-ft intervals referenced to NGVD 1929.

6.3.7: Grading and Landscaping Plan meeting the requirements of Section 7.3:

The grading associated with the proposed site improvements is minimal and it is not expected that an inordinate amount of earthen material will be required to be brought onto or removed from the site. As such, we are requesting a waiver of Section 7.3.1.A.1 to estimate the net volume of cut and fill material required.

6.3.8: Initial Assessment of Traffic Impacts:

The nature of the proposed site improvements (no expansion of production or retail services) is not anticipated to cause an increase in the amount of traffic entering and exiting the facility or parking required for the distillery. However, a review of the proposed plan has been requested from the York Public Works Director, via email. We have not received a written response at this time. As such, we are requesting a waiver of an assessment of traffic impacts and review by the Public Works Director.

6.3.14.B: Documentation from York Historic District Commission & Maine Historic Preservation Commission:

Site Plan approvals for the current development of the property have not identified the presence of known or suspected historic or archeological resources. Letters to both entities have been emailed requesting their review of the project location. As such, we are requesting a waiver from the written documentation from the YHDC and MHPC at this time and will provide any follow-up correspondence to the Town upon receipt.

6.3.25: Documentation from York Water District:

No changes to the existing water service are proposed by the applicant and it is not anticipated that the proposed plans will significantly impact the water usage of the site. However, a review of the proposed plan has been requested from the York Water District, via email. We have not received a written response at this time. As such, we are requesting a waiver from the written documentation from the YWD at this time and will provide any follow-up correspondence to the Town upon receipt.

6.3.29: Temporary Markers of the Site layout

The proposed building addition and barrel storage buildings are not marked on-site at this time. If the Planning Board determines that a Site Walk is warranted for the project, the applicant will ensure any proposed improvements are adequately marked on the ground prior to the Site Walk. As such, we are requesting a waiver demonstrating these features are currently in place.

Section 6.3.32: High Intensity Soil Survey:

The proposed project does not include any sub-surface wastewater disposal systems and the applicant/owner does not anticipate encountering a high-water table condition in the areas of proposed construction based on his knowledge of the property. As such, we are requesting a waiver of the requirement to prepare a High-Intensity Soil Survey.

Section 6.4.25: Identification of the type and amount of performance guarantee:

No public improvements are proposed with the project and the overall cost of site work, including pertinent erosion and sediment control measures, is minimal. As such, we are requesting a waiver of the requirement to provide a performance guarantee.

Section 6.4.28: Financial Capacity:

The project will be self-financed by the applicant. Given the minimal costs for site work, as outlined in the cost estimate provided, we are requesting a waiver of the submission requirement to provide proof of financial capacity.

Cost Estimate

COST ESTIMATE		DATE PREPARED: 07/29/2022			
PROJECT: Wiggly Bridge Distillery		BASIS:			
LOCATION: York, ME		ESTIMATOR: JA	CHECKED BY: JL		
DESCRIPTION: Base Construction Estimate		JOB NO.	20210083.A10		
ITEM #	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<u>SITE EROSION & SEDIMENT CONTROL / REVEGETATION</u>					
	Double SILT FENCE	LF	708	\$3.00	\$2,124.00
	LOAM AND SEED + FERTILIZER	SF	23,000	\$0.46	\$10,580.00
<u>EARTHWORK</u>					
	CRUSHED GRAVEL (24")	CY	140	\$16.00	\$2,240.00
<u>RAIN GARDEN</u>					
	OVERFLOW STRUCTURE	EA	1	\$1,250.00	\$1,250.00
	12" UNDERDRAIN BACKFILL MEDOT ITEM #703.21	CY	65	\$18.00	\$1,170.00
	3" OF 3/8" PEA GRAVEL	CY	16	\$28.00	\$448.00
	12" SOIL FILTER	CY	65	\$50.00	\$3,250.00
	12" Flared End Section	EA	1	\$340.88	\$340.88
	12" STORMWATER TRENCH	LF	24	\$59.43	\$1,426.30
	EXCAVATION	LF	24	\$8.68	\$208.29
	BEDDING	LF	24	\$11.00	\$264.11
	BACKFILL	LF	24	\$21.53	\$516.62
	DRAINAGE PIPE - 12" HDPE	LF	24	\$18.22	\$437.28
				SUBTOTAL	\$22,829.18
MINOR ITEMS ALLOWANCE (10%)				10%	\$2,282.92
				SUBTOTAL	\$25,112.10
MOBILIZATION AND PROJECT CLOSEOUT				10.0%	\$2,511.21
				SUBTOTAL	\$27,623.31
CONTINGENCY (Site Sub 10.1 = 15%)				15%	\$4,143.50
				TOTAL CONSTRUCTION COST	\$31,766.81

York Water District Correspondence

James Lowery

From: Don Neumann <dneumann@yorkwaterdistrict.org>
Sent: Thursday, July 28, 2022 1:36 PM
To: James Lowery
Cc: info@wigglybridgedistillery.com; Tom Chase; (dwoods@wfi.bz)
Subject: Re: [External] RE: Wiggly Bridge Distillery

Jamie

YWD will have no issues serving this addition to Wiggly Bridge Distillery. there is currently a 5/8" meter. If the owner desired additional volume a larger meter may help.

Please contact me with any questions

if you need this on letterhead, i will forward on Monday

sorry for the delay

Don Neumann
Superintendent
York Water District
207-451-8106

From: Don Neumann <dneumann@yorkwaterdistrict.org>
Sent: Thursday, July 28, 2022 10:30:07 AM
To: James Lowery <jlowery@fando.com>
Cc: info@wigglybridgedistillery.com <Info@WigglyBridgeDistillery.com>; Tom Chase <tchase@yorkwaterdistrict.org>; (dwoods@wfi.bz) <dwoods@wfi.bz>
Subject: Re: [External] RE: Wiggly Bridge Distillery

ok
thank you

Don Neumann
Superintendent
York Water District
207-451-8106

From: James Lowery <jlowery@fando.com>
Sent: Thursday, July 28, 2022 9:56:22 AM
To: Don Neumann <dneumann@yorkwaterdistrict.org>
Cc: info@wigglybridgedistillery.com <Info@WigglyBridgeDistillery.com>; Tom Chase <tchase@yorkwaterdistrict.org>; (dwoods@wfi.bz) <dwoods@wfi.bz>
Subject: RE: [External] RE: Wiggly Bridge Distillery

No, the barrel storage barns do not have either domestic or fire protection water service extended to them.

James Lowery, PE
Senior Project Manager

Fuss & O'Neill, Inc. | jlowery@fando.com
207.363.0669 x2315 | cell: 207.641.3386

www.fando.com | [Instagram](#) | [vimeo](#) | [facebook](#) | [linkedin](#)

From: Don Neumann <dneumann@yorkwaterdistrict.org>
Sent: Thursday, July 28, 2022 9:41 AM
To: James Lowery <jlowery@fando.com>
Cc: info@wigglybridgedistillery.com; Tom Chase <tchase@yorkwaterdistrict.org>
Subject: [External] RE: Wiggly Bridge Distillery

Jamie

Can you confirm if the barrel barns will require a fire service?



Don Neumann

[York Water District](#)

Superintendent

(207) 363-2265 Office

(207) 451-8106 Cell

dneumann@yorkwaterdistrict.org

86 Woodbridge Road

York, Maine 03909

From: James Lowery <jlowery@fando.com>
Sent: Wednesday, July 27, 2022 10:46 AM
To: Don Neumann <dneumann@yorkwaterdistrict.org>
Cc: info@wigglybridgedistillery.com
Subject: Wiggly Bridge Distillery

Good morning Don,

Please see the attached ability-to-serve request for the additional development of the Wiggly Bridge Distillery site on Rt One in York. I have attached the letter, location map, and Overall Site Plan for the proposed improvements.

Please let me know if you have any questions about the project.

Thanks,
Jamie



James Lowery, PE

Senior Project Manager

Fuss & O'Neill, Inc. | jlowery@fando.com

800.286.2469 x2315 | [cell: 207.641.3386](tel:207.641.3386)

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Findings of Fact

**Findings of Fact, Conclusions of Law, & Decisions
Planning Board, Town of York, Maine
August 5th, 2022**

**Regarding an application by
Woods Family, Inc
Tax Map 54 Lot 10-C & Lot 10-B
Wiggly Bridge Distillery
441 & 445 Route 1
York, ME 03909**

FINDINGS OF FACT

Street address

441 U.S. Route 1
445 U.S. Route 1

Property ownership

Woods Family, Inc.

Other parties to the application

This section is not applicable.

Description of the existing use(s) of the property

Wiggly Bridge Distillery – Small batch distilling and tasting bar.

Description of the proposed use(s) of the property, and the nature of the application

There is no proposed change of use for the property. This application is for construction of two barrel houses for product storage, an expansion of the existing building and associate grading and stormwater components. All proposed work will support the existing use of the property.

Base zoning district

Route 1 - 3

Overlay zoning district(s)

Elderly Congregate Zone
Home Occupation Zone 3
Workforce Affordable Housing Overlay District

Other relevant regulatory districts

No Discharge Firearms Safety Zone
MS4 Urbanized Area
York National Historic District

Comprehensive list of materials submitted by the applicant as part of the application

Materials submitted by the applicant as part of the application;

Sketch Plan Review – 04/08/2022
Full and Half Size Plan Sets
Morton Building Info
Narrative Letter
Waiver Request
Drainage Memo
Deed

Preliminary Site Plan Application – 07/27/2022
Plan Set
Planning Board Application
USGS Map
Deed
Proof of Right, Title, Interest
Boundary Survey
Previously Approved Plans
Wavier Requests
Impact Statement
Architectural Plans
York Departmental Correspondence
Watershed Map
Maine Department of Inland Fisheries and Wildlife Maps
Stormwater Management Report
Erosion Control Plan

Final Site Plan Application – 08/08/2022
Updated Waiver Request Document
Email correspondence from York Water District
Cost Estimate
Draft Findings of Fact

Date(s) on which the Board met to consider the application

(TBD) Sketch Plan – *Date*
(TBD) Preliminary Plan – *Date*
(TBD) Final Plan – *Date*

Date(s) on which the Board conducted a public hearing on the application

(TBD) Sketch Pan – *Date*
(TBD) Preliminary Plan – *Date*
(TBD) Final Plan – *Date*

Brief description of the substantive materials and testimony received at the public hearing

This is a *brief* description of the substantive materials and testimony received at the public hearing

Example:

(TBD) *Date*
(TBD) There was no public testimony.

(TBD) *Date*

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CONCLUSIONS OF LAW

Planning Board Jurisdiction

The planning board has jurisdiction over the project under the following statutes, ordinances and regulations:

*Town of York Zoning Ordinance
Site Plan and Subdivision Regulations*

Planning Board Approval Criteria

Under each section comment as to how these criteria are met as they relate to your project. If they do not relate, respond “Not applicable”

Pollution

The development will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, the availability of streams for disposal of effluents, and applicable state and local health and water resource rules and regulations;

The proposed project does not propose any improvements to the site that are within the 100-year floodplain, impacts to wetlands, on-site wastewater disposal, or other conditions that will have an undue impact on the environment.

Sufficient Water

The development has sufficient water available for the reasonably foreseeable needs of the development;

The proposed barrel houses will not have water services. The proposed building addition will include a kitchen to replace the concession trailer, but no increase in production volume is proposed. As such any changes to the existing water usage will not be significant. The York Water District has provided correspondence that they do not have any issues providing service to the building addition.

Municipal Water Supply

The development will not cause an unreasonable burden of an existing water supply, if one is to be utilized;

The proposed barrel houses will not have water services. The proposed building addition will include a kitchen to replace the concession trailer, but no increase in production volume is proposed. As such any changes to the existing water usage will not be significant. The York Water District has indicated that they do not have any issues providing service to the building addition.

Erosion

The development will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;

An erosion control plan has been prepared and submitted for Town review. Erosion control measures and details are also shown on the plans.

Traffic

The development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed, and if the proposed development requires driveways or entrances onto a state or state-aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23 §754, the Maine Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 §704 and any rules adopted under that section;

The existing entrance to the site will not be changed by the proposed plan. No additional traffic is anticipated to be generated by the project.

Sewage Disposal

The development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

The proposed barrel houses will not have sewer services. The proposed building addition will include a kitchen to replace the concession trailer, but no increase in production volume is proposed. As such any changes to the existing sewer discharge will not be significant. The York Sewer District has indicated that they have already issued a permit for the proposed kitchen that will be part of the building addition.

Municipal Solid Waste Disposal

The development will not cause an unreasonable burden on the Town's ability to dispose of solid waste if municipal services are to be utilized;

The proposed barrel houses and building addition will not cause any significant increases in solid waste generated from the site.

Aesthetic, Cultural and Natural Values

The development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fishers and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

A review of data maps provided by the Beginning with Habitat (BWH) service that included aquatic species, compiled habitats, focus areas, other important wildlife habitat, rare wildlife plants communities, and underdeveloped habitat blocks was provided for Town review. No impact to significant wildlife habitat is anticipated.

The project area is not located within a historical district or shown to be within an area of known archeological resources; therefore, no impact to historic or archeological resources is anticipated.

Conformity with Local Ordinances and Plans

The development is in conformance with these Regulations, Zoning and other Town land use codes, and the Comprehensive Plan. In making this determination, the Planning Board is authorized to interpret these Ordinances and Plans.

The application and proposed plans have been reviewed by Town of York staff and have been determined to comply with Local Zoning and Site Plan regulations.

Technical and Financial Capacity

The developer has adequate financial and technical capacity to meet the required standards;

The applicant has been utilizing the property for small-batch distilling for a number of years and has demonstrated the technical and financial capacity to undertake a project of this magnitude.

Surface Waters

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed development will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

The project is not located within the watershed of a pond or lake or located within 250 feet of a freshwater wetland, great pond or river, as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B

Ground Water

The development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The site is served by public water and sewer services and no wells or on-site wastewater disposal systems are proposed.

Flood Areas

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board will determine whether the development is in a flood-prone area. If the development, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundaries within the development. The proposed plan must include a condition of approval requiring that principal structures in the development will be constructed with their lowest floor, including the basement, at least two feet above the 100-year flood elevation.

The proposed site improvements are not located within the 100-year floodplain.

Freshwater Wetlands

All freshwater wetlands within the proposed development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Wetlands within the site are indicated on the Site Plans provided for Town review.

River, Stream or Brook

Any river, stream or brook within or abutting the proposed development has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38 §480-B.9.

No river, streams, or brooks are located on within or abutting the proposed development.

Stormwater

The proposed development will provide for adequate stormwater management.

The application materials include design and calculations to demonstrate that adequate provisions for stormwater management are proposed.

Spaghetti Lots Prohibited

If any lots in a proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38 §480-B, none of the lots created within the subdivision have a lot-depth-to-shore frontage ratio greater than 5 to 1.

No additional lots are proposed to be created.

Lake Phosphorous Concentration

The long-term cumulative effects of the proposed development will not unreasonably increase a great pond’s phosphorous concentration during the construction phase and life of the proposed development.

The project is not located within the watershed of a great pond.

Impact on Adjoining Municipality

For any proposed development that crosses municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

The project is entirely located within the Town of York and does not abut any other municipalities.

DECISIONS

Application Acceptance Date

List the date on which the application was reviewed and found by a vote of the Board to be substantively complete and was accepted for review

Waiver(s) Granted

List each waiver granted, specifying the exact section waived, the date of each decision, and the rationale for each waiver. If no waivers were granted, respond “No waivers granted”

(TBD) *Date of meeting* - Waiver approved to

Decision(s) voted on by Planning Board

List each decision on which the Board voted during the review process which relates to interpretation or application of the codes.

(TBD) *Date of meeting* – The Planning Board voted to

Preliminary Plan Approval Date

List the date on which the application received preliminary approval, if required, along with a description of direction provided to the applicant for changes required at final submittal.

Final Plan Approval Date

List the date on which the application received final approval.

Conditions of Final Approval

List all conditions precedent or subsequent imposed by the Board

Expiration Date (if conditions are not satisfied)

List the date on which a conditional final approval will expire if the conditions precedent are not satisfied.

Date

Chair, Planning Board