

PEER REVIEW
LETTER

February 17, 2023

York Planning Board
DeCarlo Brown, Land Use Planner
Town of York
186 York Street
York, Maine 03909

Application: Wiggly Bridge Distillery Barrell Houses— Woods Family Inc.
441 & 445 Us Route 1 (Tax Map 54 Lots 10B & 10C)

Amended Site Plan Review – Preliminary and Final

Review Status: Revised Application

Board members and Mr. Brown,

The following information has been provided for preliminary and final plan review:

(New submittal items are listed in red)

1. Application form dated 7/27/2022
2. Project Narrative and associated application information entitled: *Planning Board Permit Application, Wiggly Bridge Distillery, 441 U.S. Route 1, York, Maine 03909, Applicant Woods Family Inc...* dated July 27, 2022 and includes; location, soils and FEMA maps, copy of the boundary survey, previously approved plan, deeds, abutter's list, check lists, agency and department head letters, stormwater management report, architectural drawings, and waiver requests. Prepared by Fuss & O'Neill.
3. Engineering Plan set entitled: *Wiggly Bridge Distillery, 441 U.S. Route 1, York, Maine, Site Plans, July 27, 2022*. Prepared by Fuss & O'Neill. (Rev. plans dated February 6, 2023).
4. Response to Comments: *RE: Wiggly Bridge Distillery Barrell Houses, 441 & 445 U.S. Route 1 (Tax Map 54 Lots 10B & 10C), York, Maine, Fuss & O'Neill Reference No. 20210083.A10* dated September 26, 2022, December 20, 2022 and supplemental updated comments dated January 9, 2023).

5. Compliance Narrative for Section 6.3. Non-Residential Performance Standards prepared by Fuss & O'Neill dated September 26, 2022. (Rev. February 6, 2023)
6. Stormwater Management Report prepared by Fuss & O'Neill dated September 26, 2022. (Rev. December 20, 2022 and February 6, 2023)
7. Supplemental Information and Cover letter: *RE: Wiggly Bridge Distillery Barrell Houses, 441 & 445 U.S. Route 1 (Tax Map 54 Lots 10B & 10C), York, Maine, Fuss & O'Neill Reference No. 20210083.A10* dated February 6, 2023. (Includes response to comments, revised Sec. 6.3 Performance standards narrative; financial institute letter; traffic assessment; recent correspondence to Districts and Public Works; etc..)
8. Architectural Floor Plans entitled: *Wiggly Bridge Distillery, 441 US RT1 York, ME 03909*, prepared by Lindsey Architects, dated February 3, 2023. (A-100, A-101, and A-102).
9. Architectural Building Plans entitled: *Wiggly Bridge Distillery, Post Frame Building Package – Circle B Barn Co. Final Drawings*. Prepared by Energy Panel Structures, Rev. date 1/31/2023.

With review of the above information and the Town's Zoning ordinance and the Site Plan and Subdivision regulations, and in collaboration with civil engineers Gorrill Palmer and Integrated Environmental Engineering, Inc. for post-construction stormwater regulations, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The site is located in the Route One -3 (RT 1-3) zoning district and consists of two separate lots. The Wiggly Bridge Distilleries, LLC lot, 441 Route 1, includes the main building where the applicant is requesting to construct a 1,685 SF addition at the rear and easterly side of the building. The abutting lot to the south, owned David and Judy Brown, 445 Route 1, where the applicant is requesting to construct two barrel houses totaling 5,662 SF in building footprint. The gravel access driveway is planned to be extended to service the new buildings, no proposed connections to utilities is proposed.

REVIEW SUMMARY/HIGHLIGHTS

The application is before the Planning Board as required by the Zoning Ordinance (Sec. 18.15) for review of non-residential development (site plan) and amended previously approved plan. The following is a summary of the review comments:

1. The applicant received approval by the Appeals Board for the proposed building addition (Lot 10-B) to encroach the reduced setback by 2 feet.
2. The preliminary application review was continued.

3. The final application appears to be substantially complete with consideration of waivers.
4. Comments from Gorrill Palmer and Environmental Engineering, Inc. have been satisfactorily addressed as of the last submittal.

COMPLETENESS REVIEW

The applicant has submitted checklists for submittal information required by final Plan Review; Section 6.4 (Site/Subd Regs). Board accepted the application for preliminary review at the 9/8/22 meeting. The following is the status of information that has not been submitted or in need of clarification:

1. 6.4.17.1 A high intensity soil survey map meeting the standards of Article 6.3.32. The applicant is requesting a **waiver**.
2. 6.4.25 Identification of the type and amount of the required performance guarantee. A **waiver** has been requested.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

[Comments that have been addressed have been removed from this current review letter, as a result the numbering is no longer the same.]

1. Route One District -3 (Sec. 4.1.4). In 2014 it appears from the previously approved plans submitted; the main building (441 US Route 1) was approved for a change of use from a hardware store to a distillery. In 2017 it appears from the other previously approved plan submitted that a storage building (the existing barrel house) within a lease area on the abutting lot (behind the main building) was approved.
 - a) In 2014 the primary use category used was *Manufacturing* under Industrial and *Store for Sale of Merchandise* and *Restaurants* under Commercial. Since then the Ordinance has been amended to add *Artisanal Food and/or Beverage Facility* to the commercial use categories, which includes distilleries. The use category in the RT 1-3 district cannot exceed 2,500 SF of gross floor area for the retail component. The plan should be updated to reflect this more applicable category use. The applicant should clarify if the 500 SF for the retail component reflected on the 2014 approved plan remains unchanged. **The applicant confirms that the retail component remains at 500 SF. In consultation with Code Enforcement, it is anticipated that the final plans will include an updated use category (*Artisanal Food and/or Beverage Facility*) for the existing building located on Lot 10-B [REVIEW LTR 2]. The applicant does not agree that the use for the property should be revised to adhere to the current zoning and states since the use is not changing the previously approved uses of**

Manufacturing and Retail Store and Tasting Room. The proposed addition is an expansion of use, as defined in Article Two – Definitions. The expansion is in part what triggers a Route One Use Permit, Sec. 18.1.1. The review is based on the current ordinance which includes a use category (*Artisanal Food and/or Beverage Facility*) that was created for uses such as what is currently established on the lot. It is not clear why the Board would not have the plans and ultimate approval reflect the current ordinance [REVIEW LTR 3]. **The applicant explained that the required maximum number of gallons (50k/year) produced by an Artisanal Food and/or Beverage Facility was too restrictive, and the Board appeared to indicate that the 2014 approved use can stand.**

2. Non-residential Performance Standards (Sec. 6.3). The applicant has not prepared a narrative for the Board to consider standards are addressed. It would be helpful for the applicant to review the standards and determine how the proposed development conforms and provide waiver requests for those provisions the application and plans do not meet. The following are pertinent provisions that appear to be applicable:
 - a) 6.3.21 Performance Guarantee for Required Improvements. The applicant has not addressed this provision that appears to be applicable to the proposed development. **The applicant states that a waiver has been requested, however, it is not evident from review of the submittal information [REVIEW LTR 2]. The applicant has requested a waiver from Site/Sub regs Sec. 6.4.25, not from any of the performance standards under the Zoning Ordinance’s Sec. 6.3 [REVIEW LTR 3]. The applicant has requested a waiver.**

SITE PLAN AND SUBDIVISION REGULATIONS

NEW COMMENTS (1/19/2023)

3. Architectural plans for the renovations to the ‘Barn’ include square footages and areas that do not coincide with those areas reflected as part of the permitted uses/activities for required parking, Sheet CS101.
 - a) The floor plans depict areas for ‘dining areas’, assuming associated with the ‘tasting area’, that results in almost twice the 500 SF referenced on the plans and approved for in 2014.
 - b) The plans also depict sales area, presumably for the ‘retail store’ use, that results in more than three times the 500 SF referenced on the plans and approved for in 2014.

The applicant should elaborate on these discrepancies which effect the total amount of parking required. **A revised floor plan (dated 2/3/2023) has been submitted and parking calculations revised.**

4. Parking lease on Lot 10-Z (YCRD BK 9801 PG 267). The lease specifies that parking is to be ancillary only to Lot 10-B. The notes referencing the leased parking on sheets CS-100 and CS-101 should reflect this. The deed for Lot 10-Z should also be referenced since it actually contains the updated lease (since both original parties were no longer current). **The plan note has been updated to reference the current Lot 10-Z deed.**
5. Architectural plans regarding the front of the building differ from proposed plans. This needs to correspond. This would include the proposed landscape and ramp, and a better representation of the new stairs. **The site plan has been revised; however, no planting is depicted on the plan in the vicinity of the proposed ramp. The Board should determine whether plantings in this vicinity of the property are to the greatest practical extent per Sec. 6.3.9.3 of the York Zoning Ordinance.**

NEW COMMENTS (2/17/2023)

6. Required Parking. The proposed development has incurred an increase to the total required parking spaces, from 12 to 33. Along with the 8 parking spaces on Lot 10-B and the 5 leased spaces on Lot 10-Z, an additional 3 parking spaces are proposed on Lot 10-C, while the remaining 17 parking spaces are proposed as shared spaces on Lot 10-Z.
 - a) It's not clear if the applicant, as suggested in the revised narrative for Section 6.3. Non-Residential Performance Standards, is seeking a waiver from Sec. 6.3.2.2 and conforming (to the greatest practical extent) to the standard under Sec. 5.2.4 of the York Zoning Ordinance. The applicant should clarify.
 - b) Shared parking, under the revised narrative for 6.3, is proposed by the applicant off site on the adjacent Lot-10-Z where the existing parking lease is located. A letter/email from the property owner (WCD LLC) has been submitted that expresses support for the proposed shared parking spaces and indicates, due to the different nature of the businesses, the parking spaces are currently be shared as a matter of practice. To demonstrate compliance to Sec. 15.1.1.5, it would be prudent from the Town's perspective to have an agreement more formal than the email submitted, more along the lines of the existing lease. Information as to business hours and a scaled plan exhibit that demonstrates the number of parking spaces identified is also important. It is not clear from scaling off the current plans how 17 parking spaces are accommodated.
 - c) The off-site parking proposed is subject to approval by the Planning Board per Sec. 15.1.1.6. The Board should review this section and make a determination.

- d) ADA handicap parking requires one (1) space per 24 parking spaces. The property currently includes one ADA space that can accommodate an accessible van. An additional ADA parking space is required, at a minimum one that can accommodate a passenger vehicle. It is recommended that the current parking in front of the Barn is restriped to accommodate the required two ADA spaces.
 - e) Parking setback from property lines. Concerning the three new parking spaces proposed on Lot 10-C adjacent to the existing barrel house, the applicant is seeking a waiver from Sec. 15.1.2.4 where a 10-foot setback from a property line for all parking areas is required. The Planning Board does not have authority to grant a waiver for this standard. There appears to be space on the Lot 10-C to provide alternative parking space layout and maintain the required setback; the vicinity of the new access drive and storage/propane tanks to be removed is one opportunity.
 - f) The plan notes on Sheet CS-101 pertaining to parking includes a footnote concerning the breakdown of the total 33 spaces provided. This note should be revised to provide more clarity. There are only 11 spaces proposed for 'on-site', not 13; six in the front of the building, two in the back, and three on Lot 10-C. It should also be clarified that five spaces are on Lot 10-Z as part of a long-term lease and 17 spaces are located on Lot 10-Z as part of a shared parking agreement. The latter should be also noted on the plan in a similar manner as the five leased parking spaces are.
 - g) Consideration should be given to clarify the plan note of Sheet CS-100 pertaining to the leased parking on Lot 10-Z as to not confuse it with the proposed and existing leased land on Lot 10-C. Perhaps 'LEASED PARKING' rather than 'LEASED LAND' might help. In addition, the reference to 'access parking' should be changed to 'required parking'.
7. Owners of Record. It should be clear on the final plans and findings of fact that the application includes two owners of record, as shown on Sheet CS-100, deeds and the tax assessors records. On the current title sheet and in the draft Findings of Fact references Woods Family Inc as the owner. Wiggly Bridge Distilleries, LLC (Lot 10-B) and David C. & Judy A. Woods (Lot 10-C) are the property owners of record.

WAIVER REQUESTS

Waivers for the following provisions (Site and Subdivision Regulations) are requested. The Board should review the application for the rationale provided for each request. (list reflects the updated requests dated 8/5/2022 and updated information submitted 2/6/2023)

1. 6.3.2 A Boundary survey of the entire property... Items B through F.
2. 6.3.3 A.2 elevation contours at 2' intervals referenced to NGVD of 1929. (the reference to NGVD 1929)

3. 6.3.7 A grading and landscape design plan which meets the requirements of §7.3.
 4. 6.3.8 Initial Assessment of Traffic Impacts.
 5. 6.3.14.B Letters from York Historic District Commission and Maine Historic Preservation Commission.
 6. 6.3.25.1 Written statement from the York Water District.
 7. 6.3.29 Temporary Markers of site layout.
 8. 6.3.32 A high intensity soil survey signed and sealed by a Maine Certified Soil Scientist, indicating the suitability of soil conditions for the uses proposed shall be submitted.
 9. 6.4.17.1 A high intensity soil survey map meeting the standards of Article 6.3.32.
 10. 6.4.20 The Final Plan shall show 2 foot contour lines of both existing and proposed topography in relation to the NGVD of 1929. (the reference to NGVD 1929)
 11. 6.4.25 Identification of the type and amount of performance guarantee.
 12. 6.4.28 Financial Capacity.
- Zoning Ordinance
13. 6.3.2.2 (?) Parking
 14. 6.3.21 Performance Guarantee.

CONCLUSION

The revised application information submitted addresses many of the previous comments and the final plan application portion of the submittal appears to be complete. Additional comments concerning the new parking needs, should be addressed, however, the stormwater and engineering aspects of the application are in order. The Board will need to complete its preliminary application review before considering final review and approval.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo

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