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# LONG MEADOW PLANNING & LANDSCAPE ARCHITECTURE, LLC

## COMPLIANCE REVIEW LETTER

January 2, 2026

York Planning Board  
Brendan Summerville, Town Planner  
Town of York  
186 York Street  
York, Maine 03909

Application: Electric Light Company Building Addition — BKR, LLC

1 Morgan Way, Cape Neddick (Tax Map 99 Lot 44)

### **Site Plan Review**

Review Status: Final Application

Comments in **green** are current.

(Comments in **blue** are from 10/16/25).

(Comments in **red** are from 7/3/25 and the original review is from 9/19/2024)

Board members and Mr. Summerville,

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

1. Application form dated 1/30/2024.
2. Application submittal information: *Electric Light Company preliminary Site Plan Application Plan, 1 Morgan Way, Cape Neddick, York, ME..* Prepared by Tim DeCoteau. Includes preliminary submittal checklist, performance standard (Sec. 6.1) compliance; traffic impact assessment; deed; stormwater report, site and building plans; photometrics plan, landscape plan; correspondence with agencies and town departments; and other information.
3. Plan set entitled: *Electric Light Company, Inc., 1 Morgan Way, Cape Neddick, Maine 03902, Preliminary & Final Plan.* Prepared by Attar Engineering, Inc. Revision date 7/24/2024. **Revision date 1/6/2025. Revision date 9/5/2025. Revision date 10/23/2025 and 11/26/25.**
4. Response to Comments to review letter dated September 19, 2024. Prepared by Tim DeCoteau.
5. **Stormwater Management Plan, prepared by ATTAR Engineering, Inc. dated 1/6/2025. Revised 11/26/25.**
6. **Waiver Requests dated 2/28/2025 and 9/5/2025.**
7. **Final Submission 6.4 Checklist, Draft Findings of Fact, and financial capacity letter.**

With review of the above information and the Town's Zoning ordinance and the Site Plan and Subdivision regulations, I offer the following comments on compliance with the Town's ordinances.

### **PROJECT DESCRIPTION**

The 8.2± acre parcel includes an existing building that is being used by Electric Light Company, a business that installs and services traffic signals. It's vehicles, equipment, and materials are housed in the existing building and outside in a large yard/gravel area. The applicant is seeking approval to construct a 6,000 SF single story addition to house the vehicle fleet. The site is located in the General Development -2 (GEN-2) zoning district, and the Shoreland Overlay District (Limited Residential) with no access to public water or sewer.

### **REVIEW SUMMARY/HIGHLIGHTS**

The application is before the Planning Board as required by the Zoning Ordinance (Sec. 18.15) for review of a non-residential development (site plan) that includes greater than 5,000 SF of gross floor area. The following is a summary of the review comments:

1. The preliminary application appears to be complete for review considering the requested waiver. **The Board accepted the application at the September meeting in 2024. The final application appears to be complete.**
2. More information and/or clarification of the actual existing and proposed use would be helpful. The parking and traffic calculations/assessment are based on warehousing/industrial use. The described existing use (*installs and services traffic signals*) is stated in the correspondence) is more akin to a service business than an industrial manufacturing or warehousing; **The Planning Board, perhaps with review by the Code Enforcement Officer, need to make a determination on what the use category should be. Determination was made at the last meeting.**
3. It is stated that the existing business is not expanding, the addition is only to house the existing vehicle fleet, so that they are response ready 24hrs a day. The applicant should explain the need for additional parking. It appears that a portion of a required vegetated buffer along the abutting residential property is being removed for the additional parking. **The Planning Board needs to determine if this appropriate or not. The Board approved the preliminary plan at the October meeting.**
4. The proposed landscaped buffer along the above-mentioned abutting property is not entirely the 20-wide buffer that is required (Sec. 6.1.8.3 YZO), otherwise a written waiver is required. **A waiver is requested (see Ex. 15 (last page) of application submittal). Board granted waiver at the October meeting.**
5. The proposed stormwater management development that includes new clearing and grading may not be permissible in the Shoreland Overlay District since, per Sec. 8.3.3 YZO, clearing within the 75-foot buffer (Sec. 8.3.3.2) and elsewhere in the overlay zone (Sec. 8.3.3.3). It does not appear from Sec. 8.2.1.B that the current/proposed use is permitted in the Limited

Residential subdistrict. The Planning Board, perhaps with review by the Code Enforcement Officer, need to make a determination.

6. Demonstration of total impervious surface ratio and coverage is not entirely clear and needs further clarity and information. The plans have been revised. The additional calculations, however, (Plan Note 5 on sheet 2) are not clear. (see comment 2.b below).
7. It appears the limit of disturbance shown on the plans is not supported by the proposed grading in the area to the left of the proposed level spreader and existing septic field up to the abutting property line. The applicant should evaluate if this much clearing is necessary and submit revised drawings. Plans have been revised.

### **COMPLETENESS REVIEW**

The applicant has submitted a checklist for submittal information required by Preliminary Plan Review Section 6.3 (Site/Subd Regs) and has requested a single waiver request: **The Board accepted the application at the September meeting in 2024. The Board continued the preliminary application and indicated it would consider final application with preliminary at a subsequent meeting.**

1. 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. A waiver is requested.

Final Plan Review (Sec.6.4) (Applicant has provided a check list, see PDF page 106 in recent submittal)

2. 6.4.18 A list of construction items with cost estimates for all public improvements proposed by the developer shall be submitted. Not provided. The applicant states this is not applicable, however, the Town, at a minimum, looks for estimate to cover erosion and sedimentation control and stabilization of the site. **No waiver requested.** An estimate has been submitted, see PDF page 40 of the submittal. The estimate should be reviewed by the town's peer-review engineer and the final guarantee amount needs to be 125% of the estimate.
3. 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. A waiver is requested.
4. 6.4.25 Identification of the type and amount of the required performance guarantee. Not provided. **No waiver requested.** This has been identified in the checklist, see PDF page 35 of the submittal.
5. 6.4.17 A hydrogeologic assessment must be submitted when the Site Plan or Subdivision Plan is... A waiver is requested (PDF page 39)
6. not served by public sewer

The Board approved the preliminary plan at the October meeting. With consideration of the requested waivers it appears the final application is complete.

## **COMPLIANCE WITH THE TOWN'S ORDINANCES**

### **ZONING ORDINANCE**

1. **GEN-2 (Sec. 4.1.2).** The current and proposed use is identified as industrial. The applicant has based calculations for parking traffic impact on warehousing/industrial use. The described existing use by the Electric Light Company (*installs and services traffic signals* is stated in the correspondence) seems to be more akin to a service business than an industrial manufacturing or warehousing. It's assumed the business assembles lighting and signal parts and installs them for municipalities and also service and repairs the signals. This type of business appears to be less than a manufacturer, but more like a commercial business. Under the Commercial Use Category *Service Businesses and Plumbing, Electrical or Carpentry Shop or Other Similar Service*... might be a category that could accommodate the existing and proposed use. The applicant and Planning Board should discuss and determine the best use category. [The cover sheet of the engineering plans needs to be corrected and strike 'wood manufacturing and fabrication' under use.] **The applicant feels the Industrial Use Category, specifically 'wood manufacturing and fabrication' is more aligned with the proposed use because the business serves municipalities rather than the general public.** Article 4 does not make this distinction. The use, per the ordinance, should be more aligned with the activity(s) rather than the clientele. The services listed on business's website appear to be more aligned with electrical or construction than with Industrial and manufacturing, especially wood fabrication. In the absence of a previously approved site plan that ties the current business with 'wood manufacturing and fabrication', it seems prudent for the Board to make a determination as to the most appropriate use category for the current business as part of this site plan review and approval. At the last meeting the Board concurred with the applicant to maintain the Industrial Use Category / wood manufacturing and fabrication.

2. **Dimensional Requirements (Sec. 5.2.4).**

- a. The proposed stormwater design includes features, basin, piping and rip-rap, within the front yard setback. This is not permissible per footnote 'k' under the Schedule of Dimensional Regulations. **The applicant states that the proposed stormwater features located within the setback conform to Sec. 5.2.4 footnote k (below), however, the ordinance explicitly states otherwise.**

*Stormwater Management Facilities, as defined in this ordinance, shall be exempt from yard setbacks except for the following types of stormwater facilities:*

- ii *Stormwater wet ponds, detention ponds, basins, and retention ponds.*
- ii *Any above ground or above finished grade stormwater management facility structures that may include piping (including outfall pipes), concrete, riprap, or other similar constructed infrastructure intended to control stormwater runoff quantity or quality. - AMENDED*

*05/17/2008, 11/03/2020, 05/22/2021*

The proposed culvert daylights with riprap in the setback. The plan details support this. This does not appear to be permitted; the plans should be revised. The 12" dia. Drainage pipe has been relocated; however, the building underdrain pipe remains daylighting within the setback. The applicant should consider relocating to the end of the proposed building in the vicinity of another proposed foundation drain proposed for the existing building. Plans have been revised.

- b. In the GEN-2 zone there is a requirement not to exceed 25% impervious surface ratio for the lot. [and 20% for the area within the Shoreland Overlay Zone subdistrict Limited Residential per Article 8]. The plans (Sheet 2, Site Plan) appear to only include the buildings in the coverage calculations. See the Definitions section of the Zoning Ordinance for more information on calculating 'Impervious Surface Ratio'. The applicant has revised the plan, however, the calculations, (Plan Note 5 on sheet 2) reflect only gravel area for coverage (under 'PRP. SHORELAND..') and the note below states 'no additional impervious area' in the shoreland zone. The plans reflect approximately half the existing building within the shoreland zone, but the area doesn't appear to be reflected in the shoreland calculations. The riprap associated with the stormwater pond should be reflected in the total coverage amounts. The Applicant should confirm and revise accordingly. This has not been addressed. The plans reflect no changes.
- c. In addition, when considering the additional clearing within the shoreland zone (the area left of the proposed level spreader and existing septic field, in that the proposed veg line and limit of disturbance are not reflective of the proposed grading) calculations for all clearings should be denoted on the plan and demonstrated that it conforms to the maximum 25% under Sec. 8.3.3.3 YZO. This does not appear to be addressed. A plan note should state that the total existing and proposed cleared area does not exceed 25% of the total area of the shoreland zone portion of the lot. The note should include the math demonstrating that the standard is met.
- d. The applicant should ensure there is no other alternative in grading in this vicinity, where the ordinance anticipates natural contours should be followed as closely as possible and limit large cuts or fills; Sec. 8.3.2.2 YZO. The Board approved the preliminary plan at the October meeting.

3. Non-residential Performance Standards (Sec. 6.1). The applicant has provided a narrative addressing these standards in writing, some items may need more information. The applicant and Planning Board should review these standards and determine if have been met; specifically Sec. 6.1.8 Setbacks and Screening and Sec. 6.1.10 Preservation of Landscape.

- a. Sec. 6.1.8.3 anticipates screening at least 20 feet in depth, though the planted buffer proposed is less than 10 feet wide per the Landscape Plan, located along the abutting property line to the northwest. [Note that the limits of pavement differ between the landscape plan and the site plan, this should be rectified.]. A waiver is requested (see Ex. 15 (last page PDF page 105) of application submittal). The Board needs to vote on this waiver prior to final approval. There was discussion of additional plantings on the abutter's side of the property line. There does not seem to be anything reflected on the plans. The applicant should update the Board on this. The waiver was granted.
- b. The site design includes a new five car parking lot on the northwesterly side of the existing building. The associated clearing and grading for this results in the loss of a natural vegetated buffer between the non-residential use and the abutting residential use. Though the applicant has proposed a landscaped vegetated and fenced buffer, perhaps the applicant should confirm the need for the parking spaces in this vicinity and/or determine if the extent of the proposed paving is necessary. With regard to the latter, the proposed parking affords a 50-foot aisle when only 24 feet is required. The applicant states that the new parking is needed to separate office workers and visitors from the garage side of the facility. The Board should determine if this need is commensurable to the proposed clearing and the waiver request. There appears to be space to provide the necessary parking with safe connections elsewhere on the site. The Board discussed alternatives at the previous meeting, and it seemed there was support for the proposed site design.

4. Shoreland Overlay District (Article 8). The proposed stormwater management development includes new clearing and grading within the Shoreland Overlay District's 75-foot buffer which is not permitted per Sec. 8.3.3; see clearing under Sec. 8.3.3.2 and Sec. 8.3.3.3 for aggregate clearing greater than 25% of the shoreland lot area. The latter should be demonstrated. It does not appear from Sec. 8.2.1.B that the current/proposed use is permitted in the Limited Residential subdistrict, so the associated stormwater improvements wouldn't be as well, as required under Sec. 8.3.3.2. The plans have been revised, and the stormwater basin is no longer in the 75-foot principal setback and buffer. The applicant states that the proposed stormwater pond is permitted under the Miscellaneous Use Category; 'Filling or Other Earthmoving activities. As the name implies, this is more like an activity than a land use, however, perhaps the Town has applied it in this manner. Code Enforcement has no issue with the use category being used.

- a. There was discussion regarding reducing the size of the existing gravel parking area located within the shoreland zone since some of that area used by parked vehicles will be provided under cover in the proposed garage. The plans do not reflect this. The applicant should consider removing existing gravel parking located in the setbacks.

#### SITE PLAN AND SUBDIVISION REGULATIONS

There are standards that are applicable to the proposed development that In the meantime the following may want to be looked at earlier than later.

5. Peer-review Engineering related comments: Gorrill Palmer and Integrated Environmental Engineering have reviewed the application and plans, and their comments are attached [Gorrill Palmer's is forthcoming]. **Comments from Gorrill Palmer and Integrated Environmental Engineering are forthcoming.** Their comments are attached. Gorrill Palmer's is attached and Integrated Environmental Engineering has no further comment.

### **WAIVER REQUESTS**

The applicant has provided a list as part of the application of all requested waivers from submittal requirements. The list should include any standard/provision requirements if there to be any.

**The applicant has provided written waiver requests, see Exhibit 15 (at the end of the recent pdf submittal PDF pages 103-105).** The applicant has requested two waivers in the submittal, PDF page 36 and 39.

### **CONCLUSION**

The application submittal does appear to be complete for preliminary review, however, there are a number of potential issues that need to be addressed related to the site design and demonstrating conformance to performance and shoreland overlay standards. **The Board should finish the preliminary review prior to moving on the considering the final plan application, which with some minor exceptions, seems to be mostly complete.** With consideration of requested waivers the final application appears to be complete and with consideration of the comments above and from peer-reviews, perhaps addressed through conditional of approvals if the Board finds the application ready for final approval.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo,  
Principal

## Engineering Review Memorandum

**To:** Brendan Summerville, Town Planner  
**From:** Will Haskell, PE, Gorrill Palmer  
**Date:** December 17, 2025  
**Subject:** Site Plan Application  
**Project:** Electric Light Company Building Addition (GP JN 3281.49)  
**Location:** 1 Morgan Way, Cape Neddick, ME  
**Applicant:** Giri York Union Property, Inc.

Brendan,

Gorrill Palmer reviewed the following materials that were downloaded from the Applicant. We assume that you will forward our comments to the Applicant/Design Engineer or incorporate into your review comments.

1. Final Plan Submission – Electric Light Building Addition, dated December, 2025, by Attar Engineering, Inc.
2. Civil Plan Set (including 9 sheets), latest revision dated November 26, 2025, by Attar Engineering, Inc.

We have reviewed the materials for conformance with the technical engineering portions of the Town of York Ordinance and generally accepted civil engineering standards and offer the following comments.

**Stormwater:**

1. All previous stormwater comments have been addressed, no further comments.

**General:**

2. The southwestern corner of the proposed building has a spot grade at elevation 162.00. 10 feet across the gravel path is a 160 contour. This would create a 20% cross slope across the accessway which is now called out as "10.0' Fire Lane". Add spot grades along the outer perimeter of the 10-foot access path or provide a typical accessway cross slope.

Please let us know if you want to review and discuss any of the comments.

Sincerely,  
Gorrill-Palmer



William C. Haskell, PE  
Municipal Operations Leader, New England



Ben Nault, EI  
Design Engineer

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STRUCTURAL



FALL PROTECTION  
SAFETY



TRANSPORTATION



SITE DESIGN



SURVEY



WATER  
RESOURCES



TECHNOLOGY  
& INNOVATION