



## MEMO

**TO: Planning Board**  
**FROM: Dylan Smith, Town Planning Director**  
**DATE: July 10, 2017**  
**RE: Application Review — 441 and 445 Route 1**  
**Map & Lot: 0054-0010- B and 0054-0010-C**

### OVERVIEW

Wiggly Bridge Distillery is proposing to build a new storage building on Lot 0054-0010-C (445 Route 1). This building would be accessed solely from lot 0054-0010-B (441 Route 1). The applicant owns both parcels. The applicant would also like to replace the existing, approved but non-conforming shipping containers at the rear of 441 Route 1 with a new storage building.

### JURISDICTION

This is an amendment of an approved Site Plan/Route 1 use permit, so the change must be approved by the Planning Board. The process to handle revisions is contained in Site Plan and Subdivision Regulations §5.6. Scope of matters to be considered by the Board is limited by §5.6.3 to only those matters proposed to be changed however, consideration of the added building to lot 0054-0010-C needs to be taken into account therefore requiring a more thorough review of the application and the Route 1 performance standards (§6.3). The application was reviewed as a sketch plan back in March.

### RECOMMENDATIONS

1. Application Acceptance. This is an application for a revision to a Route One Use Permit, which requires the Board's approval. Jurisdiction is limited by §5.6.3 to only those matters proposed to be changed. The application does contain the requested wetlands functions analysis from the March meeting. The application appears complete for acceptance, however additional information will be needed for further consideration before approval (see below).
2. Public Hearing. Following the application acceptance vote or lack thereof, conduct a public hearing to identify any issues or concerns relevant to the application and decision-making process.

3. Substantive Review and Deliberation. I believe the relevant issues for the Planning Board as part of this application include:

A. **Use:** The proposed use is allowed in this zone.

B. **Setbacks:**

- **0054-0010-C:** The building as proposed appears to be in compliance with the Route 1-3 property line setbacks (see §5.2.4).
- **0054-0010-B:** The storage containers on the lot exist on a planning board approved plan and meet the definition of an accessory structure per our ordinance. They are located within the rear and side property line setbacks. They can be replaced by a new structure under the requirements of §17.2 of which sole discretion is given to the Code Enforcement Officer for interpreting the standards located in §17.2.1.2. This may be difficult in that the replacement building must be no closer to the property lines than the structures it is replacing and shall not be more than twice their size, and or any height issues that relates to the standards found therein.

C. **Bufferyards:**

- **0054-0010-C:** The proposed building is outside of the required bufferyards. The only disturbance to the bufferyard is the access point from the rear of 0054-0010-B, which is allowed.
- **0054-0010-B:** As discussed in setbacks above, the proposed building is a replacement of an existing structure. The new building must be no more non-conforming than existing conditions.

D. **Landscaping:** The applicant will need a waiver of the landscaping requirements. Due to the small nature of the project and the fact that it is shielded from Route One by existing buildings and grade changes, the waiver might be appropriate. However, review of the building design will be important as part of this decision. The board will need to discuss the appropriateness of this waiver when one is submitted.

E. **Parking:** No additional parking is proposed. While the new buildings do constitute an increase in storage space associated with the approved use, site demands will be changed minimally if at all. It is reasonable for the board to find that the existing parking is sufficient for the expanded use.

F. **Lighting:** No information has been provided on exterior lighting. The board should ask the applicant about their intentions for exterior lighting. If no exact

lighting specs are provided the board should have a note placed on the plan requiring all lighting to meet the standards of §6.3.6.

**G. Design standards:**

- The applicant should be bringing example exterior building materials to the meeting.
- The applicant has provided building specifications for the storage barn on lot 0054-0010-C. However, building materials are still not in compliance with §6.3.13.4. The Planning Board may consider waiver requests per §6.3.28 as well as the standards outlined in §6.3.13.4.

**H. Performance Guarantee and Financial capacity:** No information has been submitted in regards to a performance guarantee for site stabilization as required per Zoning §6.3.21 and Site/Sub §6.4.25, or financial capacity as required by Site/Sub §6.4.28. These can be waived and given the small scale of the project that would be reasonable.

**I. Historic and Archeological Resources:** The applicant has not submitted letters from the York Historic District Commission or the Maine Historic Preservation Commission as required by §6.3.14.B of the Site and Subdivision Regulations

**J. Fire review:** The fire department sees no issue with the proposed buildings.

**K. Wetlands:** The proposed building on 0054-0010-C is in a wet area and will require fill. It appears that this area of wetland might be manmade. If it is determined that this is not a manmade wetland the application would need to meet the requirements of §11. Based on the wetland analysis, and the requirements in §11.3.6, which states that, “none of the wetland’s values may exceed the average value for that function” and whereas sediment trapping is a measurement in the functional value index that exceeds (I believe) the average value; I therefore can’t see how this use/structure is in compliance. Perhaps the soil scientist can clarify this greater.

**L. Waivers:** Due to the small size of the project the applicant will need to request a series of waivers of the submission requirements. A full list of potential waivers is included below.

4. Decision: I do not recommend approval until the above information is clarified. The board also must consider the following before voting on this application:

- The board must approve the exterior building materials

- The following waivers must be submitted and granted:
  - Site and Subdivision:
    - §6.3.27 Drainage plan
    - §6.3.32 Soil survey
    - §6.4.6 Submission of landscaping plan
    - §6.4.15 Erosion control
    - §6.4.28 Financial Capacity
  - Zoning:
    - §6.3.7 Stormwater Plan
    - §6.3.10 Landscaping of Bufferyards
    - §6.3.13 Elevation drawings
    - §6.3.21 Performance Guarantee
  - Many of these waivers are redundant requirements between Zoning and the Site/Subdivision regulations. An Erosion Control waiver should be paired with a condition that the code office review proposed erosion control methods for compliance before a building permit is issued.
- Condition any approval such that a note requiring that all lighting be in compliance with §6.3.6 is added to the plans and or down shielded. However, I do think it important that any lights not negatively impact the abutting property.