

York Planning Board Meeting
Thursday, September 8, 2022; 7:00 P.M.
York Public Library

Call to Order; Roll Call; Determination of Quorum; Appointment of Alternates

Chair Wayne Boardman called the meeting to order at 7:00 P.M. A quorum was determined with five people voting: Wayne Boardman, Vice-chair Kathleen Kluger, Board Secretary Peter Smith, Ian Shaw, and alternate Brian Trafton, who was appointed as a voting member. (Gerry Runte was not present.) Alternate David Woods, II, was also present. (He recused himself during the Wiggly Bridge hearing.) Land Use Planner DeCarlo Brown represented Town Hall staff. Chris Di Matteo was the peer reviewer. Patience Horton took Minutes working remotely from Town Hall Streams. Votes were taken via roll call.

Field Changes

There were no field changes.

Public Forum

No one came forward to speak.

Application Review

**Wiggly Bridge Distillery Barrel Houses, 441 & 445 U.S. Route 1
Map 0054 Lots 0010-B, 0010-C, owned by Woods Family, Inc.**

The application is an amendment to a previously-approved plan for the construction of two 36' x 76' barrel houses used for product storage, expansion of the existing building with associated grading, and stormwater components.

David Woods, Wiggly Bridge Distillery
David Woods, II, Wiggly Bridge Distillery
James Lowery, Fuss & O'Neill

David Woods, II, had a conflict of interest in this application and recused himself. He attended the hearing as an applicant.

- Motion: Kathleen Kluger moved to honor the recusal request of Dave Woods, II, for tonight's application of Wiggly Bridge Distillery. Ian Shaw seconded the motion. There was no further discussion. By roll call, the motion passed 5-0.

Chris Di Matteo described this as an application with several outstanding items. The Board considered treating this as a sketch review and first looked at the waiver requests.

DeCarlo Brown noted that there is pertinent information shared between the boundary survey and the Existing Conditions Plan. That is why there is a waiver request for a portion of the boundary survey.

A waiver request was also made for the high intensity soil survey, but there are specific MS4 engineering requirements that must be considered before the waiver can be given.

- Motion: Kathleen Kluger moved to accept the application for Woods Family, Inc., 441 & 445 U.S. Route 1, York, Maine, Tax Map 54, Lots 10-B and 10-C, as complete for preliminary review. Ian Shaw seconded the motion. There was no further discussion. By roll call, the motion passed 5-0.
- Motion: Kathleen Kluger moved to open the public hearing for Wiggly Bridge Distillery Barrel Houses, Woods Family, Inc., 441 & 445 U.S. Route 1, Tax Map 54, Lots 10-B and 10-C. Ian Shaw seconded the motion. There was no further discussion. By roll call, the motion passed 5-0.

Abutter **Allie Manieri** is concerned about the proposed barrel house that will sit close to her property line.

- 1) The erosion control silt fence is very close to her property line.
- 2) Minutes from the July 13, 2017, Planning Board/Wiggly Bridge hearing state that the soil scientist who evaluated the land at that time rendered the plot unbuildable due to the function of sediment trapping that measured above average.
- 3) Ordinance 6.1.9 addresses safety concerns for flammable alcohol and gases stored in tanks near property lines like hers. The U.S. Department of Transportation finds certain alcohol products flammable.

Chair Wayne Boardman closed the public hearing without objection.

James Lowery said that the erosion control silt fence is at least 25' from the property line. DeCarlo Brown said the extent to which the product is considered flammable will be decided by Code Enforcement. CEO will also rule on the regulation of the wooden barrels in terms of fire safety.

There is an issue with the increase of non-conformity for the setback of the principal building. The Board discussed evaluation of a temporary building that has been taken down and requested a new Existing Conditions Plan along with a supplemental plan showing "credit" derived from removal of the temporary building.

A site walk was planned for Wednesday, September 21, at 10:30 A.M.

- Motion: Kathleen Kluger moved to continue the application Wiggly Bridge Distillery Barrel Houses, Woods Family, Inc., 441 & 445 U.S. Route 1, Tax Map 54, Lots 10-B and 10-C to date certain of October 13. Brian Trafton seconded the motion.

In discussion, Wayne Boardman requested that to save time, all questions will be asked and answered with staff before the next hearing.

By roll call, the motion passed 5-0.

Findings of Fact, Conclusions of Law, and Decisions
Planning Board, Town of York, Maine
Regarding the application for Viewpoint Hotel
Tax Map 0025, Lots 0193-A, 0201, 0202, 0203, 0204, 0219, 0220, 0221, 0222 & 0223
Applicant: 229 Nubble Road, LLC

- Motion: Kathleen Kluger moved to authorize the Chair to sign the amended Findings of Fact, Conclusions of Law, and Decisions regarding the application for Viewpoint Hotel amended site plan, Tax Map 25, Lot 193-A. Applicant is 229 Nubble Road LLC. Ian Shaw seconded the motion. There was no further discussion. By roll call, the motion passed 5-0.

Discussion—Comprehensive Plan next steps

Kathleen Kluger reported that the Steering Committee met the prior Tuesday. They discussed how they will inform the public of the November 8 vote. They decided against drop-in sessions at the library. They will have a booth at Harvestfest and a mailing.

Discussion—Findings of Fact: review and refine template

The template was not changed. This discussion was about the Planning Board’s final review process as advised by Town Attorney, Mary Costigan. During final review, the Chair will ask for the Board members’ satisfaction with the Findings item-by-item. The criterium is whether or not individual items are fully addressed before the motion for approval or denial is made.

Discussion—2023 Potential ordinances amendments

In general, the subject of potential ordinance amendments will wait until there is a workshop facilitated by Dylan Smith. DeCarlo Brown said that timeline regulations for applicants’ submission of supplementary application materials are not adequate for staff and must be adjusted.

Minutes

There were no Minutes to review. Site walk Minutes are separate from Meeting Minutes.

Other Business

There was no other business.

Adjourn

At 10:15, Kathleen Kluger moved to adjourn.

Respectfully submitted,
Patience G. Horton

Next meeting: September 22, 2022