



SURVEYING ENGINEERING LAND PLANNING

Northeast Civil Solutions

INCORPORATED

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January 10, 2022

Mr. Dylan Smith, Planning Director
Planning Department
186 York Street
York, Maine 03909
(207)363-1000

**RE: Site Plan Review – Seasonal Employee Housing
1963 US Route 1 (Tax Map 1, Lot 4)**

Dear Mr. Smith:

This letter and the attached revised plan set are intended to address the comments received in the peer review letter from Long Meadow Planning & Landscape Architecture, LLC., dated December 15th, 2021, including our discussion at the Planning Board meeting held on December 23rd, 2021. Following each comment, we have provided a response in **Bold**.

COMPLETENESS REVIEW

The applicant has not addressed in writing each of the plan submittal requirements of Section 6.3 (preliminary) and Section 6.4 (Final). It is recommended that the applicant review these submittal items and identify those that are presumed not applicable to review with the Board. Waivers have been requested in writing, see under **WAIVERS** for a list. The following are outstanding submittal requirements for **Preliminary Plan**:

1. 6.3.7 A grading and landscape design plan which meets the requirements of §7.3. Though a grading and landscape plan have been submitted, the proposed grading design may not conform to Sec. 7.3.
The ordinance in section 7.3.1.D allows for a maximum slope of 20% while the grading around the proposed seasonal employee housing structure and detention pond utilizes a steeper slope in several areas. As discussed at the Planning Board meeting on December 23rd, 2021, the Board agreed that the proposed grading around the building is allowed due to the existing natural contours and building location, and to maintain the natural buffering between properties. The ordinance indicates in section 7.3.1.C an elevation change in excess of 10 feet is only allowed with the Board's consent. It was agreed that the proposed elevation changes around the building are acceptable due to the natural topography, building location and to minimize disturbance.

2. 6.3.8 Copy of Initial Assessment of traffic impacts... Nothing has been submitted. The applicant states that since this is an existing use with no expansion that this provision is not applicable.
We have contacted the Director of Public Works regarding the proposed build out of the seasonal employee housing structure in regards to section 6.3.8. We will forward the response of the Public Works to the Planning Director and we ask this section be a condition of approval as discussed at the December 23rd, 2021 Planning Board meeting.

As it relates to **Final Plan**:

3. 6.4.3.1 Public Water Supply - The servicing Water District must approve in writing all specifications for water supply system that appear on the plan. The applicant has received a capacity letter from the Water District, as required for Preliminary Plan, but no approval of the proposed water system. The letter dated 8/25/21 requests more information.
We met with the Water District and are working with them to ensure that the water service design meets their standards. We will forward the approval of the Water District to the Planning Director and we ask this section be a condition of approval as discussed at the December 23rd, 2021 Planning Board meeting.
4. 6.4.4.1 Public Sewage Disposal - The York Sewer District must approve all plans that will connect to the public sewer line and all sewer line extensions. This approval will cover issues of capacity as well as piping and pump station specifications. The applicant has received a capacity letter from the Sewer District (Ogunquit in this case) dated 5/19/21, as required for Preliminary Plan, but no approval of the proposed sewer system. The applicant states that this is an existing pump station that doesn't require any approval. It is recommended that the applicant receives written approval from the Ogunquit Sewer District for the new building connection.
The new building will utilize the same sewer pump station as currently located on site with no changes proposed to the pump station as the sewer demand is not anticipated to change. Additional information regarding the new sewer line location and existing sewer line location including the offsite easement has been added to the plans. We have contacted the Sewer District and will forward their approval to the Planning Director and we ask this section be a condition of approval as discussed at the December 23rd, 2021 Planning Board meeting.
5. 6.4.5 anticipates dated evidence that the applicant has submitted the application to various Town departments. It appears of the pertinent departments; Fire is the only department that has been contacted. Public Works and the Police departments should be contacted for comment.
We have contacted Public Works and the Police Department. We will forward all responses to the Planning Director and we ask this section be a condition of approval as discussed at the December 23rd, 2021 Planning Board meeting.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. 4.1.4 Use Regulations / Route One Districts. While Motels/Hotels are permitted in the RT 1-6 zoning district with a Route One Use Permit from the Planning Board, housing specifically for employees does not exist as a use in the Zoning Ordinance. Though assessed by the Town's Tax Assessor as a motel, the property has been used for housing seasonal employees. The Code Enforcement Officer has determined that the use is legally nonconforming (see attached letter), so the use can be maintained but not expanded. The maximum number of rooms permitted is 28. A condition of approval requiring a yearly affidavit on the use being exclusively for employee housing is recommended by Code Enforcement.
The proposed building will utilize 28 rooms, the same number of rooms as the previous building and what is currently allowed. A yearly affidavit requiring only seasonal employee housing can be submitted to the Code Enforcement before each work season.

2. 6.3 Performance Standards Applicable to all Non-Residential and Multi-family uses in the Route One-Zoning Districts. As noted above, the use for the proposed development is a nonconforming use to house seasonal employees. This use is more akin to boarding and motel/hotel use than it is to traditional residential housing. It is assumed for this review that the use is a nonresidential use and would be required to conform to applicable standards. The applicant has addressed conformance to these performance standards in the submitted narrative. The following are comments where there is a need for clarification and/or there may be an issue with conformance to some of the standards:
 - a) Bufferyards (6.3.9): The rear yard setback in the vicinity of the existing and proposed building should be developed to maintain existing vegetation and/or establish a vegetated buffer as required by this provision. The width of the bufferyard in the Route One-6 subdistrict is 20 feet for the side and rear. The current site design includes pavement in this area and there are no proposed plantings reflected on the Landscape Plan. The applicant is proposing to maintain the extents of the existing drive (that goes around the current building to be removed) that is as close as 6 feet to the property line. Though there is vegetation on the abutting property's side, the provision anticipates the bufferyard to be maintained on the applicant's property. The existing building is being removed from the bufferyard; its associated access pavement should also be removed.
The existing pavement that imposed into the 20' bufferyard is proposed to be removed and the revised pavement layout will provide a 20' buffer on the side and rear of the parcel. The proposed pavement design allows for more onsite parking if the

need ever arises in the future. The Landscape Plan was revised to include new trees between the proposed pavement and adjacent residential areas without any trees that would conflict with the possible future parking areas.

- b) Utilities (6.3.12.3): specifies that all electric, telephone, television, etc. are to be underground. There is an existing overhead line that services the property and existing building. The applicant is proposing to maintain the overhead electric utility and connection to the new building. The Board will need to determine if this is appropriate. Perhaps, at a minimum, the new service from the existing pole to the new building should be underground.
The existing overhead utilities are proposed to remain overhead due to the ledge outcrops and due to the existing pole location. This issue was discussed with the Board on December 23rd, 2021 and it was agreed that the overhead lines shall remain as proposed.
- c) Open Space (6.3.18): designation of open space is at the discretion of the Planning Board. Does the Board want to consider the reservation of open space on the property?
The reservation of open space on the property was not stated as a requirement by the Board.

SITE PLAN AND SUBDIVISION REGULATIONS

Site Design.

3. It is understood that the proposed building, to be used to house seasonal employees, will not incur the required parking for a hotel, though, there may be an opportunity in the future to utilize the building (with required approvals) as a motel/hotel which will require space for a parking lot. It is also understood that the area for future parking would be in the vicinity of the existing building. What is not understood is why the site design perpetuates the edge of existing pavement with the proposed 14-foot-wide drive and proposes trees within the area, presumably, to be used for future parking if needed. Considering the size of the lot it does not make sense to perpetuate nonresidential development towards the abutting residential properties (zoned RES-2), especially if it doesn't appear to be necessary.

With this said, the attached sketch suggests that the space for future parking is smaller than what is accommodated by the current site design. The applicant and Planning Board may want to consider this for the final plan.

Please refer to the earlier section: *Compliance with The Town's Ordinances, Zoning Ordinance, Number 2.a*.

4. Section 7.3 Preservation of the Natural and Historic Features. The proposed grading accommodates changes in grade in excess of 10 feet and slopes greater than 20% that is not permitted or discouraged. The applicant should

demonstrate to the Board the need for this and request in writing any necessary waivers.

Please refer to the earlier section: *Completeness Review, Number 1.*

Engineering Peer-review.

5. The following are comments from Gorrill Palmer:

We reviewed the following materials that were downloaded from the Applicant. We assume you will forward or incorporate these comments in your review comments.

- Pine Ledge Elevations, prepared by Soma, dated September 1, 2021
- 42200-1963 RTE 1 York 8-25-21rev per peer review comments, prepared by Northeast Civil Solutions, dated August 25, 2021
- Submission Binder, prepared by Northeast Civil Solutions, dated August 25, 2021

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:

1. The plan sheet 5/10 shows a pond berm elevation of 65.10, the Pond Detail sheet 8/10 shows a berm elevation of 64.7. The minimum berm elevation based upon the spillway analysis is 64.92. Revise the detail sheet to show a berm elevation of 65.10 as shown on sheet 5/10.
The correct berm elevation on the detail sheet 5/10 has been revised to reflect elevation 65.10.
2. The Performance guarantee amount appears reasonable. In accordance with Section 10.1 of the Site Plan and Subdivision Regulations, the Performance Guarantee should be 125% of the provided cost of \$29,925.83, or \$37,407.
The Applicant is aware that the performance guarantee should be 125% of the provided cost.

General Plan Comments:

6. The term used to describe the existing nonconforming use 'Seasonal Workforce Housing' may be confusing since the Town uses the term 'Workforce Housing' in various other ordinance provisions. It is recommended the term use here should be 'employee housing' or 'seasonal employee housing'.
The plans have been revised to reflect the term "Seasonal Employee Housing."
7. The Site Plan needs to document the total number of rooms in the building and describe the non-conforming status of the use of the building. Plan note #3 should read: *The existing use for the property is employee housing which has been determined to be a legally nonconforming use by the Code Enforcement*

Officer (10/22/2021). The maximum number of rooms permitted is 28. Prior to any change to the use of the property, approval by the Planning Board is required.

The site plan note has been changed accordingly.

8. The proposed vegetation line needs to reflect the grading plan. Please review and revise accordingly.
The proposed vegetation line has been reflected on the grading plan.
9. A signature block for Water and Sewer districts needs to be added to the Site Plan.
A signature block for both the Water and Sewer district has been added to the site plan.
10. Have all trees 24" dbh and greater been surveyed and identified on the plan?
All trees 24" dbh and greater were surveyed and have been identified on the appropriate plans.
11. The proposed water lines are shown going through existing trees. Is it possible to relocate the proposed lines?
Please refer to the revised site plan showing the revised location of the proposed waterline which no longer impacts the existing trees.
12. The location of the hydrant does not appear to conform to Fire Dept. note (J) where the hydrant needs to be within 50 feet of the FD sprinkler connection.
The proposed fire hydrant location has been revised to be within 50' of the sprinkler connection.
13. FD note (F) requiring access/fire lane around the entire building should be revised to reflect the correspondence between the applicant and the Fire Dept. requiring only one access.
FD note (F) has been revised accordingly.
14. There appears to be existing lighting symbols shown on the plan adjacent to the existing drive. The applicant should address this.
The existing lighting along the drive is proposed to remain in service and undisturbed as to maintain safety while entering and exiting the site. A note addressing the existing lighting has been added to the site plan.

General Comments:

15. Is the Fire Department aware of the gate along the driveway and do they have access?
The gate along the driveway no longer exists and has been removed from the current plans.
16. What is the status of the sign located at Route 1?

At this time, no changes are proposed to the sign located off of Route 1.

Thank you for your attention to this matter and we ask that you include this project on the agenda for the January 27, 2022 Planning Board meeting. In the meantime if you have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,
Northeast Civil Solutions Inc.

A handwritten signature in black ink, appearing to read "Brandon Binette".

Brandon Binette
Project Engineer

A handwritten signature in blue ink, appearing to read "William A. Gerrish".

William A. Gerrish, PE, PLS
Director of Engineering

CC: Jim Fisher, NCS President
Michael Ramsey, Owner