

PEER REVIEW
LETTER

February 18, 2022
(REVISED)

York Planning Board
Dylan Smith, Planning Director
Town of York
186 York Street
York, Maine 03909

Application: Brookside Landing – 1400 Group, LLC
317 U.S. Route 1 (Tax Map 97 Lot 20)

Amended Site Plan Review

Review Status: New application.

Board members and Mr. Smith,

The following application information has been provided for review:

1. Application form, unsigned and not dated.
2. Cover Letter dated 2/9/2022, *RE: Preliminary Site Plan for Brookside Landing – 1400 US Route 1 Phase II – York, ME*, by Lee Allen, PE with Colby Company Engineering, LLC.
3. Engineer Plan set entitled: *Brookside Landing, 1400 U.S. Route One- York, Maine, Storage Garage, December 1, 2021*. Prepared by Colby Company Engineering, LLC, dated 2/9/2022.
4. Proposed amended Architectural Plans entitled: *Shoreline Construction, Inc., Garage/Shop, 1400 US Route 1, Cape Neddick, ME 03902*. Dated 11/9/2021.
5. Response to Comments: *RE: Review of Submitted Amended Site Plan*; by Lee Allen, PE with Colby Company Engineering, LLC, dated 1/31/2022.
6. Supplemental Letter: *RE: 1400 US Route 1 - Brookside Landing – Garage*, by Lee Allen, PE with Colby Company Engineering, LLC, dated 2/16/2022.

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, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

1400 Group LLC was granted Site Plan approval to construct two mixed-use buildings and associated parking on 4/26/2018. The site is located in the Route One-5 zoning district and includes Freeman Brook and its associated Shoreland Stream Protection setback and buffer. The applicant is proposing a new commercial garage (1400 SF footprint) for storage at the rear of the existing development, that is in lieu of the previously approved single-family residence. Limited site improvements to include associated access, paving, and stormwater treatment. Sewer or water service to the new building is not proposed.

REVIEW SUMMARY/HIGHLIGHTS

The application is before the Planning Board as required by sections 18.15.B.1.D of the Zoning Ordinance and 5.6.5 of the Site Plan and Subdivision Regulations. With the site located in the Route One District, the applicant will need the Board to approve a Route One Use permit. The following is a summary of the review comments:

1. The applicant is seeking both preliminary and final plan review simultaneously and the application appears to substantially complete.
2. The proposed new garage/shop is subject to the design standards in 6.3 Performance Standards; however, the applicant is seeking a waiver.
3. Planning Staff and the applicant confirmed with Code Enforcement that the proposed garage can be permitted under Sec. 4.1.4, Route One-5 District as a new principal structure and use on the property.

COMPLETENESS REVIEW

Since this is a plan amendment that has a narrower scope as it relates to what was originally approved, not all the submittal requirements may be applicable. The applicant has submitted much of the previous 2018 submission. Listed below are submittal requirements (6.3 and 6.4) that appear to be applicable, with their status, however, the Board may identify pertinent requirements that I have not listed below and can discuss with the applicant at the meeting.

1. 6.4.7 A plan showing the location and dimensions of all proposed development improvements and alterations. **The applicant has submitted plans.**
2. 6.3.8 Initial assessment of traffic impacts, where required per Zoning Article 15-A. There appears to be no correspondence to the DPW. The applicant states there was a traffic study submitted as part of the prior approval and maintains that traffic trips would be decreasing with the elimination of the residential dwelling. Contacting Dean Lessard to confirm nothing needs to be submitted nor reviewed is recommended.

3. 6.4.24 Elevation drawings for each side of each non-residential building if the building is either new or is to be altered pursuant to this application. **The applicant has submitted plans.**
4. 6.3.26 A letter from the Fire Chief is required. **The applicant has submitted information.** See email dated 1/27/22 that has been submitted.
5. 6.4.27 Findings of Fact, Conclusions of Law, and Decisions. A draft has not been submitted. Applicant requests this requirement as a condition of approval.
6. Architectural Plans as required by Sec. 6.3.13 (Zoning Ord.) Buildings and Site Design Requirements. **The applicant has submitted renderings, floor plans and building elevations.**
7. Previously approved Plan per Section 5.6.2 (Site Subdv Regs). Signed plans have not been submitted, though the final plans provided by the applicant have been posted to the Town's website along with a signed Findings of Fact.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

The site is located in the Route One- 5 District. The applicant currently occupies a portion of Building #1 as an office for Shoreline Construction, Inc. Confirmed by the Code Enforcement office, the current commercial office use, previously approved by the Planning Board, was issued a building permit for the office space. The new use, *storage/shop garage*, is proposed as a new additional principal commercial (construction-trade related) use associated for Shoreline Construction, Inc.

The Code Enforcement Office confirmed that Shoreline Construction, Inc. can have more than one commercial use on the property. The new garage is proposed as having the Commercial Use Category: *Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment – With Less than 2,500 square feet of floor space. Route One Use Permit from Planning Board required.*

The proposed storage and shop that is associated with the above use category is permitted as long as the total floor space is less than 2,500 square feet. The proposed garage, with a 1,400 SF footprint, is stated by the applicant has having a total floor area 2,388 SF for both first floor and loft. The definition of Gross Floor Area, per Article Two of the Zoning Ordinance, is measured from the exterior faces of the walls. It's not clear the architectural floor plans submitted demonstrate the total floor area is less than 2,500 SF. It is recommended that prior to issuing a building permit, the total gross floor area is confirmed to not exceed what is required.

6.3 Performance Standards Applicable to all Non-Residential and Multi-family uses in the Route One-Zoning Districts. The applicant has addressed conformance to the performance standards in writing. The following are comments and/or request for clarification

- 1) Buildings and Site Design Requirements (6.3.13): The proposed building is subject to the design requirements. The applicant has submitted architectural elevations, however, is requesting a waiver from using the required building materials.
- 2) Parking requirements. It is stated that 6 parking spaces is planned for in front of the garage doors. Typically required parking is accommodated by dedicated parking stalls. *Plumbing, Electrical or Carpentry Shop or Other Similar Service or Repair Establishment* is not specifically identified in Article 15 (Parking) of the Zoning Ordinance, and in the absence of a definition of the use category, it is not clear if parking is required. The previously approved parking does not include and spaces in excess of what is required.

As permitted by Section 15.1.1.3, the Planning Board determines the number of required parking for these situations. The Board should review and determine if they need any additional information to make a final decision.

- 3) Calculation of Net Buildable Site Acreage (6.3.25): The calculations appear to have been updated with the amended plan's proposed development. Revised calculations should be provided for staff review. It is recommended that the calculations include all the information to follow along with the math. Including the total lot size and the specific deductions per Sec. 6.3.25 would help demonstrate how the Net Buildable Site Acreage value was arrived at.

SITE PLAN AND SUBDIVISION REGULATIONS

- 4) Engineering Peer-review. Gorrill Palmer is in receipt of the plans and stormwater report and are satisfied with the plan's compliance to stormwater and erosion control measures. See attached email.
- 5) A plan note should be added to describe the changes to the approved plan and the title of the plans should reflect that this is an amendment; e.g. *Site Plan Amendment, Brookside Landing, 1400 U.S. Route 1, York, Maine*. It recommended that all the plans that have been revised should include in their title blocks the suggested title change, not just the title sheet of the plan set.
- 6) The plans should reflect all the same information on the previously approved plans unless they are no longer pertinent. For example, parking calculations for the entire site are missing along with building uses. Along with adding it to the final site plan, it should be updated to reflect the amendment.
- 7) The plan notes should be reviewed to check on what may no longer be pertinent, e.g. plan note #1 refers to the single-family dwelling previously approved.
- 8) The previous approval was technically a subdivision, in that there was the creation of 2 or more dwellings within a 5-year period. A note on the plan should be provided that states this and a

recording block should be added to the *Amended Site Plan* and recorded at the York County Registry of Deeds.

- 9) With the removal of the single-family dwelling, there is not density requirement since the dwellings that were approved are permitted per Sec. 5.4.8 of the Zoning Ordinance. A note on the plan should reflect this is the case for the property and the four (4) dwelling units previously approved.

WAIVER REQUESTS

1. Sec. 6.3.13 (YZO) Buildings and Site Design Requirements, Subsection 4, Exterior building materials. The use of vinyl siding in lieu of either wood clapboard, wood shingle, stone or brick.
2. Sec. 5.3 Two Step Process (Does not appear to be needed since the amendment is not a major subdivision).

CONCLUSION

The application appears to be somewhat narrow in scope and other than mostly housekeeping items, the amendment looks to be in compliance with the zoning ordinance. The Planning Board should determine if it needs any additional information to consider final approval.

Feel free to contact me with questions.

Best regards,



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