

PEER REVIEW
LETTER

April 8, 2022

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

Application: Northeast Rehabilitation Hospital — JHR Development, LLC
66 Raydon Road (Tax Map 91 Lot 9-X)

Site Plan Review

Review Status: New Preliminary Plan Application

Board members and Mr. Smith,

The following information has been provided for preliminary plan review:

1. Application form dated 1/26/2022
2. Project Submittal Booklet entitled *Preliminary Plan Review, Article 4.3.D, Article 6.3 of the Zoning Ordinance, Section 6.3 of the Site Plan Subdivision Regulations. Town of York Planning Board. March 2022*, 66 Raydon Road, York, Maine. Prepared for JHR Development. Prepared by Beals Associates, Inc.
3. Plan set entitled: *Preliminary Plans for Northeast Rehabilitation Hospital, 66 Raydon Road, York, Maine, Original Issue Date: March 10, 2022, Revised: March 30, 2022*. Prepared by Beals Associates, Inc.

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

The undeveloped 8-1/2± acre project site is located within the Route One -3 base zone, with a portion lying within the Mixed-use Shoreland Overlay District. There are wetlands located to the far southwest portion of the property and a significant vernal pool located in the northeast half of the property. There is access to public water and sewer. The proposal is to construct a 22k± SF medical office building with access to Raydon road, approximately 500 feet from US Route 1.

REVIEW SUMMARY/HIGHLIGHTS

The application is before the Planning Board as required by the Zoning Ordinance (Sec. 4.3 and Sec. 18.15) for review of non-residential development (site plan) and a Route One Use Permit. The following is a summary of the review comments:

1. The application appears to be substantially complete for preliminary plan review (considering a requested waiver and with the exception of some outstanding information).
2. Required Parking. The proposed development does not provide for the required parking identified under Sec. 15.1.1.2, *Offices, professional and public buildings.*
3. A great deal of clearing within the existing vegetated front bufferyard is proposed.
4. Route One Use Permit. Review under Sec. 18.1 and adherence to Route One Performance Standards under Sec. 6.3 is required.

COMPLETENESS REVIEW

The applicant has submitted a sketch of the proposed site design and building that is anticipated by Section 6.3 of the Site Plan and Subdivision Regulations and appears, with consideration of the requested waiver for Sec. 6.3.3 (A) (2) Contours (providing topographic information for the development portion of the site only), the preliminary plan application is substantially complete with the exception of:

1. Section 6.3.3 (A) (2) vegetation in general, specifically noting any trees larger than 24" in diameter at breast height. Though there are some trees included on sheet C121, this does not meet the intent of the submittal requirement. The Existing Conditions Survey does not include existing trees larger than 24" in diameter at breast height. A wavier has not been requested.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. Schedule of Dimensional Regulations – Route One Zoning Districts (Sec. 5.2.4). Proposed parking is identified in the applicant's narrative as being located to the rear and side of the building. The plan depicts, however, parking located within the 50-foot Front setback which is not permitted per Sec. 5.2.4 (Footnote 'g'). The parking lot will need to be revised.
2. Route One Performance Standards (Sec. 6.3). The proposed development is subject to Site Plan Review and a Route One Use permit (Sec. 18.1), review and approved by the Planning Board. The latter requires conformance to all applicable provisions under Sec. 6.3. The

applicant has not provided anything in writing as to conformance to these standards. No waivers have been requested. The following are areas for discussion:

- a. 6.3.6 Glare/Lighting: Though the applicant states in the narrative that they plan to utilize lighting fixtures that will not contribute to glare, no lighting details have been submitted. Along with addressing this Section, the applicant will need to address the requirements outlined under Article 10-H Outdoor Lighting.
- b. 6.3.9 Bufferyards: A 35-foot wide front bufferyard is depicted on the plan (C120) and is required for the Raydon Road frontage in the Route One-3 district. The dimension changes, however, to 20 feet wide side bufferyard just before the southerly located entrance drive. It is not apparent why this is the case. The bufferyard is based on the respective setback yard, which is a front yard setback along the entire length of Raydon Road. The plans should be revised.
- c. 6.3.10 Landscaping of Bufferyards: Some of the trees designated as existing trees to be preserved do not appear to be likely candidates for tree saves when considering proposed grading and excavation. The Board may want to consider the condition of existing trees as they relate to an effective bufferyard during a site visit. Existing trees greater than 24" in diameter were not surveyed as required. With this information provided on the grading plan there may be opportunities through site design to preserve mature overstory trees that are worth saving. There are not trees within the bufferyard being preserved in the vicinity of the building's front entrance.
- d. 6.3.11 Landscaping Requirements for Parking Areas: The applicant should determine if it cannot provide applicable standards and request a waiver for those standards. Consideration should be given to additional planting to screen the parking from the street, perhaps with decreasing the paving in the island adjacent to ADA parking and expanding the planting alongside the entrance drive rather than the lawn that is proposed.
- e. 6.3.18 Open Space: see comment under Site Plan and Subdivision Regulations.
- f. 6.3.21 Performance Guarantee for Required Improvements: The applicant should plan to address in subsequent submittals, prior to final approval.
- g. 6.3.22 Standards for Road, Driveway and Parking Area Construction: No construction details have been provided.
- h. 6.3.25 Calculation of Net Buildable Site Acreage: It is not apparent that any calculations have been prepared.

3. Min. off-street parking requirements (Sec. 15.1.1.2). The proposed development provides for approximately 54% of the required parking. Sec.15.1.1.2.g *Offices, professional and public buildings*, which appears to be applicable to parking related to the proposed Medical Facility, requires 1 space per 200 SF gross leasable area. The applicant calculates this to be 115 parking spaces, and only provides for 49. The applicant requests the Planning Board to reduce the number or required parking spaces per 15.1.1.4 since a Medical Facility is not explicitly listed on Sec. 15.1.1.2. It is recommended that the applicant provide Peer-review Engineer, Staff and the Board information from the project Traffic Engineer and data from ITE to support the proposed number of parking spaces provided per Sec. 15.1.1.3, which is required prior to considering a reduction. The Board should also review the provision for reducing required parking as outlined in 15.1.1.4 and determine if an assessment outlined in subsection b will be required.

SITE PLAN AND SUBDIVISION REGULATIONS

The applicant should review the regulations and address those provisions that apply and provide a written waiver request and rationale for those that cannot be met. **Gorrill Palmer's peer-engineering-review is attached**, traffic will be forthcoming and will be provided to the applicant when it is available. Below are some comments related to some of these regulations.

4. Sec. 6.3.16 Plant and Wildlife Habitat Analysis and Management Report. *While the property does not fall within an Undeveloped Habitat Block of 500+ acres in size, it does coincide with habitat identified as being of high value, which does require a habitat analysis by a wildlife biologist with a prepared report that includes recommendations with respect to the design of the development proposal in order to maximize the habitat values following development. See attached annotated Beginning with Habitat Map.* This was a comment from the review letter provided in September of last year for the applicant's sketch plan application. The applicant has submitted a Permit-by-rule application for impacts to the 250-foot Critical Terrestrial Habitat around a significant vernal pool.

Input from a wildlife biologist could provide valuable insight for the applicant and future owners on the best management practices to have in place for the remaining portion of the property.
5. Sec. 6.3.33 Traffic Assessment. The applicant has submitted a traffic assessment. Comments from the peer-review engineer or the Public Works Director will be forthcoming but are not available at this time.
6. Sec. 7.3 Protection of Natural and Historic Features. *The site is currently forested and may have mature trees that are important/significant to preserve. Sec. 6.3.3.A.4 requires*

identification of trees 24" dbh and greater as part of the survey. This should not be waived in the area of the proposed development so it can be help inform the grading and site design. Sec. 7.3 anticipates maintaining existing vegetation as much as possible and to limit the amount of earthwork and change in grade. Considering the high value habitat associated with adjacent significant vernal pool, the uplands around the development site may be important to preserve when possible. This was a comment from the review letter provided in September of last year for the applicant's sketch plan application. The applicant has not submitted the information anticipated by Sec. 6.3.3.A.4 and has not requested a waiver.

The identification of mature trees within and straddling the proposed development area should be survey located and added to the existing conditions plan and the grading and landscape plans, where such information would be most useful in understanding the impacts and informing site design.

7. Open Space/Conservation land. *The majority of the property appears to contain important habitat for the significant vernal pool on site and the adjacent riparian habitats off site. The applicant and the Planning Board may want to discuss opportunities to preserve this portion of the site and to maintain it as conservation for its ecological value. Section 7.3 in the Site Plan and Subdivision Regulations and Sec. 6.3.18 of the Zoning Ordinance, along with Maine DEP Rules Chapter 335 (Significant Wildlife Habitat), encourage maximizing plant and animal habitat where possible.* This was a comment from the review letter provided in September of last year for the applicant's sketch plan application. The applicant should be encouraged to place the remaining land not being developed in conservation or formally maintain it as such, so that the high value habitat will not be further degraded in the future.
8. NRPA Maine DEP Permit-by-Rule. The applicant states the proposed development conforms to the State's NRPA rules and requirements, including that no less than 75% of the Critical Terrestrial Habitat within the 250-foot area around the significant Verbal Pool remains. The plan references 75.02% of this area remains. This should be vetted and ensure that it reflects both proposed and existing cleared areas, such as the adjacent parking and Raydon Road. Consultation with Maine DEP sooner than later would be prudent, and the Board may want to consider having the state permit in hand prior to considering preliminary plan approval.
9. Site Design: The proposed grading within the font bufferyard removes a substantial amount of existing vegetation that will have a significant impact to the current wooded character along Raydon Road. The stormwater infiltration trench does not appear to be permitted per Sec. 5.2 footnote k of the Zoning Ordinance, where ... *concrete, riprap, or other similar constructed infrastructure intended to control stormwater runoff quantity or quality* are not

exempt from the yard setbacks. The applicant should consider a retaining wall(s) closer to the building to reduce the proposed clearing.

10. Disturbance within the Vernal Pool Critical Terrestrial Habitat (CTH) Area. The applicant has submitted an NRPA Permit-by-rule application to the Maine DEP. The proposed retaining wall appears to be close or within the CTH that was conveyed to the Maine DEP. The applicant should review and revise the plans to demonstrate that proposed development and associated clearing and excavation is outside the area that is designated as the remaining CTH area for the adjacent significant vernal pool. A note on the plan should be provided to make it clear that all construction activity is prohibited from this area.
11. Additional Plan Information: Top of wall elevations and associated grading and limits of disturbance should be added to the grading plan to aid in understanding the development impacts/clearing to the site, along with proposed contours in the parking lot. In addition, construction details typical of commercial site development should be provided and added to the plan set.

WAIVER REQUESTS

The applicant has requested the following waiver for submittal requirements under Site Plan and Subdivision Regulations:

1. Sec. 6.3.3 (A) (2) Contours (providing topographic information for the development portion of the site only)

CONCLUSION

The preliminary application submitted is substantially, however, there are some outstanding submittal items that will require consideration for a waiver. With consideration of the comments above and other comments and questions from Board members, the Board should determine if a site visit is warranted or if it wants to see any comments it concurs with addressed prior to preliminary approval.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo
Licensed Landscape Architect
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207.604.4245

Subject: 3281.29 Raydon Rd - Technical Peer Review Comments
Date: Friday, April 8, 2022 at 11:13:40 AM Eastern Daylight Time
From: Will Haskell <whaskell@gorrillpalmer.com>
To: dbrown <dbrown@yorkmaine.org>, Christopher DiMatteo <cdimatteo@longmeadowpla.com>
CC: Dylan Smith <dsmith@yorkmaine.org>, James Attianese <jattianese@gorrillpalmer.com>, Randy Dunton <rdunton@gorrillpalmer.com>
Attachments: image001.png

Hi DeCarlo,

We reviewed the following materials that were downloaded from the Applicant.

- Raydon Road -Preliminary Plan Application Book, prepared by Beals Associates, dated March, 2022
- Raydon Road Preliminary Plan set, prepared by Beals Associates, dated March 30, 2022

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. Plan C120 – The southerly accessible spaces are labelled van accessible. The accessible lane width does not meet the required ADA width for van access.
2. Plan C140 – There appears to be missing proposed contours in the parking lot and around the perimeter of the parking lot to tie into existing grades.
3. Plans L1.0 & C140 – There appears to be a retaining wall shown along the southerly side of the parking lot. Additional grading and details for the retaining wall shall be provided.
4. The landscape plantings shown on L1.0 is different than what is shown on the Context Plan and Site Plan. Update plans as required for consistency.
5. Show the sight distance for the access drives on the plan sheet. The reported sight distance of 200 feet for the southerly access drive appears suspect. Please verify that the sight distance is correct. Is clearing of vegetation proposed? If so, this should be shown on the plan.
6. As part of the final plan, add signage and pavement arrows to direct traffic at the two entrances.
7. The project appears to disturb over 1 acre and to result in greater than 1 acre of impervious area. Provide the disturbed area and impervious area quantities with the final plan submission.
8. If the disturbed area is greater than 1 acre, a MDEP stormwater permit by rule will be required. If the impervious area is greater than 1 acre a MDEP Stormwater application addressing Basic and General Standards will be required.
9. The application includes test pit information in the vicinity of proposed stormwater systems. These test pit locations should be shown on the Grading & Drainage plan.
10. The final plan should include a stormwater management plan that complies with MDEP Chapter 500 including Appendix D, and applicable separation to seasonal high water and bedrock. The stormwater report that was included did not include HydroCAD calculations, therefore, a full review was not completed.
11. No details were submitted with the plans, therefore, we cannot fully review the proposed stormwater system design. It appears that stormwater infiltration is proposed.
12. Plan detail sheets will be reviewed for the final plan submission, no details were submitted as part of the preliminary plan submission.
13. Infiltration trench details and calculations are required before we can provide final review

comments on the stormwater system. The infiltration trench is labeled as 2 feet deep. Consider providing a section of trench or a drywell catch basin that extends below frost depth to allow infiltration in frozen ground conditions. Infiltration system shall be designed in accordance with Maine DEP best management practices, which may require a restrictive layer to reduce the infiltration rate.

14. Will the building have footing drains? If so, the footing drain and outfall location should be shown on the plans.
15. Confirm that building foundation footings will not extend over the side setback line at the northerly end of the building.
16. Confirm that storm drainage piping and manholes at northerly end of the building will not conflict with proposed landscaping.
17. The applicant is requesting a waiver for the number of parking spaces. The ordinance does not provide parking guidance for a medical use building. The building footprint is approximately 23,000 sf. Using the professional and public building parking ratio of 1 space per 200 sf, equates to about 115 parking spaces. The applicant is requesting a waiver to reduce the parking to 48 parking spaces (note that the plans and application narrative are not consistent on proposed parking spaces – plan says 48 provided, narrative says 49 provided), based on the proposed tenant’s anticipated market demand. While the waiver request seems reasonable, we recommend that the design engineer provide more backup for the requested reduction. They could provide parking space counts for other similar facilities operated by the tenant, and/or refer to ITE Parking Generation.
18. The applicant is requesting a waiver for Section 6.3.3(A)(2) – Contours – This waiver is requesting to not have to provide contours referenced to NAVD88 for the portion of the property not being developed. The applicant has provided contours for the developed portion of the site. GP has no technical concerns with this waiver request.
19. We have assumed that the York Sewer District will review the proposed sanitary pump station and the forcemain in Raydon Road.
20. Traffic peer review comments will be submitted under separate cover.

Thank you,

William C. Haskell | Principal



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