

COMPLIANCE
REVIEW LETTER

June 3, 2022 (Revised)

York Planning Board
DeCarlo Brown, Land Use Planner
Town of York
186 York Street
York, Maine 03909

Application: Restaurant & Apt. Building — Andrew Wang & Wendy Chan
985-995 U.S. Route 1 (Tax Map 94 Lot 75A; Map 30A Lot 18) and
170 Rogers Road (Tax Map 30A Lot 29)

Site Plan and Subdivision/Route One Use Permit Review

Review Status: New Sketch Plan Application

Board members and Mr. Brown,

The following information has been provided for preliminary and final plan review:

1. Application form dated 3/15/2022
2. Project Narrative entitled 985-995 *US Route 1 Restaurant & Apartment Building, Sketch/Concept Plan Application, May 2022*, and associated application material, prepared by Civil Consultants.
3. Plan entitled: *Proposed Site Plan, TAX MAP 94 LOT 75A AND TAX MAP 30A LOT 18, 985 & 995 U.S. Route 1, York Maine, 03909*. Prepared for Andrew Q. Wang. Prepared by Civil Consultants, 5/4/2022
4. Architectural Elevations: *Project: Green Leaves Restaurant, 985 & 995 U.S. Route 1, York Maine*, Prepared by BE Batson Design, 5/7/2021

With review of the above information and the Town's Zoning ordinance and the Site Plan and Subdivision regulations, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The 6.50± acre site is vacant and is situated at the corner of U.S. Route 1 and Rogers Road, with wetlands and residential homes abutting the rear of the property. The applicant is seeking to construct a new mixed-use building (6,350± SF footprint) with a 125-seat restaurant on the first floor and four 2-bedroom apartments on the second floor, with separate access to Route 1 and Rogers Road. The site is located in the Route One -2 (RT 1-2) zoning district, with access to public water. A new private septic system is planned.

REVIEW SUMMARY/HIGHLIGHTS

The application is before the Planning Board as required by the Zoning Ordinance (Sec. 4.3 and Sec. 18.15.B.1.A) for review of non-residential development (site plan) and review of the creation of three or more dwelling units (subdivision). The following is a summary of the review comments:

1. The application appears to be complete for sketch plan review.
2. The proposed development exceeds the threshold for a traffic study. Applicant has submitted an assessment to the Director of Public Works to initiate the process.
3. The application is subject to a Route One Use permit. The applicant in subsequent submittals will need to address the performance standards in Sec. 6.3 in the Zoning Ordinance.

COMPLETENESS REVIEW

The applicant submitted an existing conditions/boundary survey, a sketch plan, and soils information, and appears to be in line with what is anticipated by Section 6.1 (Site/Subd Regs) and by Sec. 18-A-.5.A (Zoning Ord.). As such it appears the **Sketch Plan application is complete.**

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. Route One -2 (Sec. 4.1.4). Under the Commercial Use Category Service Restaurants with less than 5,000 SF of floor space are permitted with a Route One Use Permit by the Planning Board. The application and plans reference a proposed building footprint of approximately 6,352 SF, with 1,000 SF of storage (for residential?). The stated 5,352 SF of restaurant space needs to be reduced to conform to the ordinance and verified with Code Enforcement as to the separation of uses on the first floor.
2. Dimensional Requirements- Building Height (Sec. 5.2.4). The building height for the R 1-2 Zone is 35 feet. The applicant will need to demonstrate conformance with drawings that satisfy Sec. 5.1.9.

3. Dimensional Requirements- Footnote k (Sec. 5.2). The applicant should review this requirement as it relates to stormwater outfalls in the front yard setback and confirm compliance.
4. Net buildable Site Area/Impervious Surface Ratio. As outlined in the ordinance, these requirements will need to be demonstrated with calculations and plans.
5. Density (Sec. 5.4). The density provision limits one dwelling per acre. The total site area, including wetlands, supports the proposed four dwelling units.
 - a. Suitable land, as referenced in Sec. 5.4.5 only excludes coastal waters, while the Site Plan and Subdivision Regulations are more restrictive as to net residential acreage.
 - b. Sec. 5.4.13 is not applicable in this case since apartments above a business in the Route One-2 district requires both public water and sewer.
6. Non-residential Performance Standards (Sec. 6.3). The applicant will need to review these standards and address in writing those that apply to the proposed non-residential use in the subsequent application. The applicant and Planning Board should review these standards and discuss expectations for those that the Board sees as especially pertinent or those that the applicant is interested in requesting a waiver for. Important standards to discuss early might include bufferyards and associated landscaping required by this standard (6.3.10) as well landscaping required for parking areas (6.3.11). In addition to Sec. 6.3, Sec. 6.5 thru 6.7 will need to be addressed as well.
7. Lighting. A photometrics plan and clear understanding on conformance with the lighting standards will be important earlier than later with having residential properties adjacent to the site.

SITE PLAN AND SUBDIVISION REGULATIONS

The applicant with their subsequent application will need to address those standards that are applicable to the proposed development, including articles 7 through 9. In the meantime the following may want to be looked at earlier than later.

8. Traffic. The applicant has reached out to Public Works, and the Board will be receiving comments in the future. The Board and applicant, however, may want to explore the site design using the Route 1/Rogers Rd intersection for proposed restaurant use than the residential use. The intersection would likely be more effective at managing the higher volume than the current location of the restaurant driveway.
9. Net Developable Acreage. As mentioned above, Sec. 3.1.10, that includes deductions in Sec. 7.4, should be calculated and provided on the plans demonstrating the site can support the proposed dwelling units.

WAIVER REQUESTS

The applicant is indicating a waiver request for high intensity soil survey, and should provide a comprehensive list as part of the subsequent plan application of all other waivers from submittal and standard/provision requirements.

CONCLUSION

The Sketch Plan application submitted is complete enough to enable a discussion between the applicant and the Planning Board. With consideration of the comments above and other comments and questions from Board members and the applicant, the Board should provide the applicant with its expectations for the subsequent application.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo