

PEER REVIEW
LETTER

June 30, 2022

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

Application: Bristol Pointe Phase 2 — Jefferson Homes, Inc.
294 York Street (Tax Map 115 Lot 233)

Site Plan and Subdivision Review

Review Status: New Final Plan Application

Board members and Mr. Smith,

The following information has been provided for final plan review:

1. Application form dated 2/1/2021
2. Submittal Packet: *Final Site Plan Application "294 York Street" – York Maine, Jefferson Homes, Inc.... May 2022*. Prepared by Weger Associates Architects. (Includes architectural plans and elevations, property deed; master plan/landscape and lighting, requested waivers, utilities correspondence, draft condo documents, draft Findings of Fact, etc..)
3. Submittal Checklist: *Article 6.4 Submissions for Final Plan – Mixed Use Development 294 Street, York Maine, Site Plan Application*. Prepared by Civil Consultants. (Included in item #2 above)
4. Response to Performance Standards: Memorandum regarding *Section 6.1 – Performance Standards...* Prepared by Civil Consultants. (Included in item #2 above)
5. Stormwater: *Site Plan Application, Stormwater Management Plan, "Jefferson Homes, Inc" – York Maine, Jefferson Homes, Inc.... May 2022*. Prepared by Civil Consultants. (Included in item #2 above)
6. Engineering Plans. *Existing Conditions Plan, Proposed Conditions Plan, Bristol Pointe #2 Tax Map 115 Lot 233, 294 York Street, York Maine. Prepared for Bristol Pointe, LLC*. Prepared

by Civil Consultants. REV Date 5/11/2022. (Includes existing conditions, proposed site plan, construction details and maintenance plan) (Included in item #2 above)

With review of the above information and the Town's Zoning ordinance and the Site Plan and Subdivision regulations, and in collaboration with peer-review engineer Gorrill Palmer, I offer the following comments on compliance with the Town's ordinances.

PROJECT DESCRIPTION

The 0.54 acre project site is located next door to the Bristol Pointe mixed-use building (#298) that the Planning Board approved in July of last year. A similar proposal, with the aim to demolish the existing single-family residence and construct a three-story building to accommodate 12 residential dwelling units and approximately 3,300 SF of nonresidential space on the first floor. Proposed parking spaces are planned as structured parking under the proposed building with a wide turning access planned at the rear of the property, accommodated by a proposed wetland fill. The site is located in the York Village Center-1 (YVC-1) zoning district, with access to public water and sewer.

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 review of the creation of three or more dwelling units (subdivision). The following is a summary of the review comments:

1. The application was granted preliminary approval in March 2022.
2. The application appears to be complete for final plan review.
3. Wetland disturbance. The plans depict an erosion control berm in the wetland. This method of erosion control is likely to be comparable to fill, which is not permitted. The plans should be revised.
4. Driveway width. The driveway proposed requires a waiver for its width. Gorrill Palmer does not support the waiver and Dean Lessard has not yet commented.

COMPLETENESS REVIEW

The applicant has submitted an application for Final (6.4) review and appears to include all of the required submittal requirements, with the exception of those that are part of requested waivers.

The application appears to be complete.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. Minimum Floor Area (Sec. 5.3.3). A note on the Site/Subdivision Plan should be provided to assure that all residential dwellings have a minimum of 600 square feet of internal habitable floor space, as required by the Zoning Ordinance.

2. Non-residential Performance Standards (Sec. 6.1). The applicant has prepared a memorandum that describes conformance to the standards. The Board may want the applicant to elaborate on specific items for the Board's consideration. Sec. 6.1.12.1 requires the Board to consider how the proposed building enhances and complements the York Village Center character by means of its architectural design.
3. Proposed wetland impacts. It was discussed at Preliminary Plan review that the applicant needed to revise the site design to remove stormwater features from within the wetland since there is no accommodation in Article XI for disturbing wetlands as part of the proposed development. As the Board may recall, the provision reads:
*11.3.2 Utility, Driveway and Road Crossings. **Crossing** of wetlands for utilities, driveways or roads may be permitted provided impacts are minimized and conditions specified in section 11.4 of this ordinance are adhered to. (Emphasis added)*
The proposed stormwater structures have been removed, however, the plan set includes measures (Sheet L3) to restore impacted wetlands. If this is required for utility work (existing sewer line runs through the wetland) then the 'Wetland Restoration Sequence' on L3 needs to be revised to clarify the proposed area of work. It should be clear that the construction related to the retaining wall and stormwater outlets is not permitted to disturb the existing wetlands. The limit of work line should reflect this, currently not indicating that the sewer lines are to be worked on.
4. ADA Parking Requirements. The proposed development plans provide for a single van accessible space to accommodate the commercial/office space. There likely should be an additional space required for the proposed ADA residential dwelling unit, yielding a total of two accessible spaces. Discussions with Alpha One indicate that when there are more than one dedicated use, as in the case here (commercial/office public accommodation and ADA residential dwelling) the minimum number of accessible spaces is required for each use.
5. Driveway width waiver requested.: The Board needs to consider the requested waiver to reduce the driveway entrance width to the development from the required 24 feet minimum to 14 feet.
6. Average Grade Bldg. Height: The project Land Surveyor needs to prepare an exhibit and certify the building height as anticipated by the Zoning Ordinance and required under Sec. 5.1.9.A. No certification has been submitted.

SITE PLAN AND SUBDIVISION REGULATIONS AND OTHER COMMENTS

7. Stormwater and Engineering-Peer Review. Gorrill Palmer prepared a review of the current submittal, and is attached.

8. Sidewalk Design. It appears the new sidewalk depicted on the plans includes a tip-down into York Street. Without a crosswalk or need to access parking, this does not seem to make sense. Has the Department of Public Works approved this?
9. Vehicle access and maneuverability. It appears that the accommodation for the wetland creates an encroachment of the retaining wall into the 24-foot-wide travel lane accessing the garage entrance. This will force exiting vehicles to use the on-coming travel way that may cause unintended conflicts.
10. Condominium Documents. Draft documents have been submitted, however, there appears to be missing references to snow removal and solid waste/recycling hauling. Section 4.2. Limited Common Elements and Section 4.3 Parking Spaces should be revised to reflect the expectations that a certain number of spaces are to be designated residential vs. commercial/office and that the elevator will be used by the public visiting the commercial/office spaces.
11. Emergency Door is depicted on the Site Plan (Sheet L1) that requires a set of stairs that occupies two parking spaces. The plan will need to be revised to maintain the total number of parking spaces.
12. The Site Plan (title should include 'Subdivision') needs to be revised to reflect the limit of work for the sewer line and not inadvertently misconstrue that the wetland behind the proposed retaining wall is included in the limit of work.
13. Wetland impact proposed for the sewer utility work needs to be quantified and demonstrate it is less than 4300 SF, per Sec. 11.4.3. The applicant needs to demonstrate compliance with required conditions of Article XI, Section 11.4.
14. The electrical transformer. There is no transformer shown on the civil plans (Sheet L1) and the location of the proposed transformer shown on the architect's A-6 plan (alongside the Bristol Pointe 1 transformer on Bristol Pointe 2 property) appears not coincide with what is shown on Sheet L1.

WAIVER REQUESTS

The applicant is requesting the following waivers: (see Memorandums from Civil Consultants and Weger Architects)

1. Section 6.3.3.A.7 – Depicting areas of a high or seasonal high-water table on the existing conditions plan. (granted at Preliminary approval)
2. Section 6.3.32 – High Intensity Soil Survey (granted at Preliminary approval)
3. **Section 8.2.6.3 – Access Width min. 24 feet / max. 36 feet.** (needs consideration – see preliminary application submission for request)
4. **Section 6.4.17 – Hydrological assessment** (requested with the final application)
5. **Section 6.4.20 – Use of the NGVD of 1929** (requested with the final application)

6. **Section 8.2.6.2 – Access Width min. 15 feet /max. 30 feet.** (not requested but appears to be pertinent)

CONCLUSION

The final application submitted appears to be substantially complete, however, there still remains issues that will require revised plans if the Board concurs with the above and attached comments. Comment from the Public Works Director that the 14-foot-wide driveway is satisfactory should be sought prior to granting the waiver. The Board should determine if it wants to have an opportunity to see revised plans prior to considering final approval.

Feel free to contact me with questions.

Best regards,

A handwritten signature in blue ink that reads "Chris Di Matteo". The signature is fluid and cursive.

Christopher Di Matteo
Licensed Landscape Architect
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207.604.4245

Subject: 3281.22 Bristol Pointe 2 - Peer Review Comments
Date: Thursday, June 30, 2022 at 8:39:28 AM Eastern Daylight Time
From: Will Haskell <whaskell@gorrillpalmer.com>
To: DeCarlo Brown <dbrown@yorkmaine.org>, Christopher DiMatteo <cdimatteo@longmeadowpla.com>
CC: Randy Dunton <rdunton@gorrillpalmer.com>, James Attianese <jattianese@gorrillpalmer.com>
Attachments: image001.png

Good Morning DeCarlo and Chris,

We reviewed the following materials that were downloaded from the Applicant. We assume that you will forward our comments to the Applicant/Design Engineer or incorporate them into your comments.

- Bristol Pointe 2 Final Planning Board Application, prepared by Weger/Banow Architects, dated 6-21-22

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 retaining wall is shown at the edge of the wetland in several locations which will result in temporary wetland impacts given the gravel base that extends from the face of the wall for 6". The impacts from the wall construction are not allowable under Article XI of the Zoning Ordinance. The wetland impact anticipated for the sanitary sewer construction should be noted on the plans.
2. The Applicant noted that a Permit By Rule application will be submitted to MDEP for the sewer installation within the wetland. A copy of the permit application should be provided to the Town. Receipt of the permit should be a Condition of Approval.
3. There are still concerns about grading between the driveway and the Minetta parcel. The Applicant stated that the elevation difference is one foot. The elevation difference appears to be at least 1.5 feet for the proposed 59 and 60 contours from the top of curb to the existing grade. The typical curb detail shows a 7.5" curb reveal with a 3:1 shoulder slope which will not work in this area. In addition, the sideslope required for grading would direct stormwater runoff towards the abutting property.
4. The stormdrain outlet pipes appear to conflict with the proposed retaining wall. Provide details for the wall construction where the storm drains cross under/through the retaining wall.
5. It appears that electric service to Bristol Pointe 2 will be provided from the transformer located on the Bristol Pointe 1 site. Provide an easement for the electric service from Bristol Pointe 1. Also, show how telephone/cable service will be provided to Bristol Pointe 2.

Traffic Comments based upon Applicant's response to previous comments.

6. It is our opinion that the proposed narrow driveway may cause safety issues and impact the flow of traffic on York Street. The Town will have the final recommendation on whether the driveway width waiver is granted. GP does not support granting the waiver.
7. Driveway entrance width and radii – It is our concern that the entrance width and radii are not appropriate to accommodate an entering and exiting vehicle at the same time and may result in impacts to traffic flow on York Street. The Town will have the final recommendation on whether the driveway width waiver is granted. GP does not support granting the waiver.

8. Clear Zone – The Applicant should provide for the file, the supporting documentation identifying what the clear zone distance is and how it was calculated, and then show that measurement on the plans measured from the edge line of York Street. The response provided addresses sight distance and not clear zone. The underlying concern is a deadly fixed object (the wall), and not sight distance. The comment is still outstanding and has not been addressed.

Thank you,

William C. Haskell | Principal



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