

June 27, 2022

DeCarlo Brown
Land Use Planner
York Planning Department
186 York Street
York, Maine 03909

**RE: Peer Review Comment Response
Preliminary Plan Filing
66 Raydon Road, York, ME**

Dear DeCarlo:

We have reviewed the comments made by Christopher DiMatteo of Long Meadow Planning & Landscape Architecture, LLC in a Review Letter addressed to Dylan Smith, dated May 20, 2022. This is the second review letter for the proposed development at 66 Raydon Road Preliminary Plan filing provided by Mr. DiMatteo. His additional comments in respect to the original letter have been provided below each. Our responses to each comment presented in the letter, relative to each specific section, are as follows:

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.

The applicant is waiting for the Code Enforcement Officer to receive a legal opinion on if the front setback can be adjusted with a change to the property line boundary with the addition of a survey pin. See attached email from the Code Enforcement Office.

BAI: *No attachment provided. No response required.*

- 2. Route One Performance Standards (Sec. 6.3):** The proposed development is subject to Site Plan Review and Route One Use permit (Sec. 18.1), review and approved by the Planning Board. The latter requires conformance to all applicable revisions 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.

Applicant plans to submit as part of the final plan application.

BAI: *No response required.*

- 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 a 20-foot wide 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.

See comment #1 above.

BAI: *No response required.*

- 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 no trees within the bufferyard being preserved in the vicinity of the building's front entrance.

The applicant states there are no trees greater than 24" in diameter with the setbacks.

BAI: *As shown on the site plan, there is one tree greater than 24" in diameter along the limit of work line and one within the area of the building footprint. The applicant will work with the Planning Board regarding the removal of these trees.*

- 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.

The applicant states the comment will be considered.

BAI: *A waiver has been requested and included in the Final Plan application submittal.*

e. **6.3.18 Open Space:** See comment under Site Plan and Subdivision Regulations

BAI: No response required.

f. **6.3.21 Performance Guarantee for Required Improvements:** The applicant should plan to address in subsequent submittals, prior to final approval.

No additional information submitted.

BAI: No response required.

g. **6.3.22 Standards for Road, Driveway and Parking Area Construction:** No construction details have been provided.

Applicant plans to submit as part of the final plan application.

BAI: No response required.

h. **6.3.25 Calculation of Net Buildable Site Acreage:** It is not apparent that any calculations have been prepared.

The calculations provided in the response to comments memo don't appear to be by soil type. Provide the different soil types from the soil survey memo that was submitted and their respective areas and organize by the types listed in 6.3.25 at their allowed % and provide the total. (e.g. Brayton B soil type is a poorly drained soil...)

BAI: See revised table below for Net Buildable Acreage which has been included in the Final Plan Set.

Net Buildable Acreage	S.F.	Acres
Surface Waters	18628.8	0.427658402
Wetlands	63205	1.450987144
Total Site Area	354706	8.14
Total Lot Area	354706	
Total Area of Brayton PD (Poorly Drained)	31602.5	-(50%)
Total Area of Open Water (Very Poorly Drained)	47403.75	-(75%)
Total Remaining Land	275699.75 S.F.	

- 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.

The applicant has prepared a study of their existing facilities to provide a basis for the proposed parking for the Board to consider. This information still needs to be vetted by the project traffic engineer, peer-review engineer, and the Public Works Director.

BAI: No response 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.

An earlier review of traffic comments by Gorrill Palmer were provided to the applicant after the submission was received by the Town. The applicant should update the Board at the meeting as it related to the comments. Gorrill Palmer has reviewed the response to comments by the applicant concerning engineering related concerns (see attached) and has no additional comments at this point since the applicant plans to address them as part of their final plan application.

BAI: No response required.

- 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.

Applicant is requesting a waiver from the requirement of a wildlife habitat study and points out that the MDEP permit-by-rule application for activity within the vernal pool buffer has been accepted.

BAI: *No response required.*

5. **Sec. 6.3.3.33 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.

The applicant's recent cover letter provides the latest on the Public Works Director's review. Dean Lessard is waiting on the applicant's Traffic Engineer to resubmit traffic related information.

BAI: *The applicant discussed the traffic assessment with the DPW Director during a meeting held on June 21, 2022. During the meeting the DPW Director advised the applicant to perform live traffic counts at a comparable NE Rehab facility to supplement the traffic assessment prepared by McMahan Associates. McMahan Associates has scheduled these counts to be performed the week on June 27th. All compiled data will be forwarded to the respective Town officials for review once obtained.*

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.

The applicant states there are no trees greater than 24" in diameter with the setbacks.

BAI: *As shown on the site plan, there is one tree greater than 24" in diameter along the limit of work line and one within the area of the building footprint. The applicant will work with the Planning Board regarding the removal of these trees.*

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.*

Applicant will consider conservation in the final plan submission.

BAI: *No response required.*

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 Vernal 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.*

Applicant has received a permit-by-rule for permissible impact to the vernal pool 250-foot buffer.

BAI: *No response required.*

9. Site Design: *The proposed grading within the front bufferyard removes a substantial amount of existing vegetation that will 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.*

The applicant suggests the proposed stormwater trench is permitted under Sec. 5.2 footnote k, and indicates an alternative design would necessitate retaining walls taller than what is permitted. Code Enforcement and Planning staff should review the stormwater feature and determine it if conforms to the code. In addition, the applicant should consider a taller retaining wall (>4' ht.) on the building side of the front yard setback and a smaller one within the yard setback, terracing the slope that would result in less impact to the vegetated buffer.

BAI: *Noted.*

- 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.

A limit of work line has been added to the plan (does need to be adjusted in the vicinity of the wall closest to Raydon Road), however, no plan note is apparent.

BAI: *The limit of work line has been adjusted to conform with the location of the retaining wall. The limit of work line contains the annotated text "Limit of Work". Please advise on a note to be added.*

- 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.

Applicant plans to add additional information as part of the final plan submittal.

BAI: *No response required.*

Please contact our office with any questions regarding the responses to the comments provided by the Town's Consultant.

Sincerely,

Beals Associates, Inc.



Bryan Sutherlin
Project Manager



Benjamin Enos
Project Engineer

File No. C-1225

CC: J. Hilary Rockett, Jr. – JHR Development
Dylan Smith – Town of York
Todd P. Morey, P.E. – Beals Associates, Inc.