

***Findings of Fact, Conclusions of Law, & Decisions***  
***Planning Board, Town of York, Maine***

*Regarding an application for*

**Work Force Affordable Housing Phase II**

*Tax Map 59 Lot 21 & 21-A*

*Applicant*

**York Housing Authority**

***Findings of Fact***

***Street address:***  
296 US Route 1

***Property ownership:***  
Moorehouse Place, LLC

***Other parties to the application:***  
None

***Description of the existing use(s) of the property:***  
Workforce affordable housing

***Description of the proposed use(s) of the property and the nature of the application:***  
An amended Site Plan and Subdivision application for the creation of 43 additional Workforce Affordable Housing dwelling units for a total of 85 (42 in the previous Phase I and 43 in this Phase II). An additional multi-unit building, similar to the current one, is planned with an additional 68 proposed parking spaces resulting in a total of 136 spaces.

***Base zoning district:***  
Route One -2 (RT 1-2)

***Overlay zoning district(s):***  
Workforce Affordable Housing Overlay District (Art 10-F).

***Other relevant regulatory districts:***  
None

***List of materials submitted at each stage of the application process:***

Sketch Plan materials submitted for the October 13, 2022 Planning Board Meeting:

1. Application form dated 9/21/2022

2. Submission entitled *Sketch Plan Review For York Housing Authority, Workforce Affordable Housing, Amended Site Plan (Phase II), 296 US Route 1, York, Maine*, includes cover letter, Project Data Summary and Project Description narrative, prepared by Altus Engineering, Inc, dated 9/23/2022.
3. Previously Approved Plan set entitled: *York Housing Authority, Workforce Affordable Housing, Phase I & II, Map 59 Lots 21 & 21-A, 296 US Route 1, York, Maine 03909, Site Plan Review*, and associated application material, prepared by Altus Engineering, Inc, dated 3/16/2021
4. Plans entitled: *York Housing Authority, Workforce Affordable Housing, Amended Site Plan (Phase II), Map 59 Lot 21, 296 US Route 1, York, Maine 03909, Site Plan Sketch Plan Review* and associated application material, prepared by Altus Engineering, Inc, dated 9/23/2022.
5. Architectural Rendering: *Workforce Housing Facility, York, Maine, January 6, 2020 (Perspective and Exterior View)*. Prepared by THA Architects, LLC.

Preliminary/final Plan materials (additional and/or revised) submitted for the December 1, 2022 Planning Board Meeting:

6. Submission entitled *Preliminary and Final Plan Review For York Housing Authority, Workforce Affordable Housing, Amended Site Plan (Phase II), 296 US Route 1, York, Maine*, includes cover letter, Project Data Summary and Project Description narrative, prepared by Altus Engineering, Inc, dated 11/9/2022.
7. Previously Approved Plan set entitled: *York Housing Authority, Workforce Affordable Housing, Phase I & II, Map 59 Lots 21 & 21-A, 296 US Route 1, York, Maine 03909, Site Plan Review*, and associated application material, prepared by Altus Engineering, Inc, dated 3/16/2021
8. Plans entitled: *York Housing Authority, Workforce Affordable Housing, Amended Site Plan (Phase II), Map 59 Lot 21, 296 US Route 1, York, Maine 03909, Site Plan Approval*, prepared by Altus Engineering, Inc, issue date: 11/7/2022.
9. Stormwater Information. *Drainage Analysis to the Town of York For York Housing Authority, Workforce Affordable Housing, Amended Site Plan (Phase II) 296 US Route 1, York, Maine, November 2022...*
10. Response to Comment Memo. *Subject: Moorehouse Place – Phase II, Tax Map 59, Lot 21; 296 US Route 1, Altus Project No. 4966.2*, prepared by Altus Engineering, Inc, dated 12/1/2022.

***Date(s) on which the Board met to consider the application:***

*Sketch Plan:* October 13, 2022

*Site Visit:* November?, 2022

*Preliminary/Final Plan: December 1, 2022*

***Date(s) on which the Board conducted a public hearing on the application:***

*Sketch Plan October 13, 2022*

*Preliminary/Final Plan: December 1, 2022*

***Brief description of substantive materials and testimony received at the public hearing:  
(no public testimony provided at the 10/13/22 meeting)***

*(testimony from 12/1/22 meeting minutes)*

• **Larry Burke, River Bend Road.**

1. would like to see a better job of making the proposed landscaping more robust.

***List of staff and peer-review reports and Town Attorney legal opinions.***

1. Peer-review letter prepared by Ransom Consulting, Inc., dated 12/1/2022.
2. Post-Construction Stormwater Inspection review letter prepared by Environmental Engineering, Inc., dated 11/21/2022.
3. Peer-review letter prepared by Long Meadow Planning & Landscape Architecture, LLC, dated 10/06/2022 and 11/22/2022.

***Conclusions of Law***

***Planning Board Jurisdiction***

***Statutes:***

Title 30-M.R.S.A. § 4403 - §4404

***Ordinances:***

York Zoning Ordinance, Section 10-F and all other applicable provisions related to a Workforce Affordable Housing Application.

***Site Plan and Subdivision Regulations:***

Section 1.2 and all other applicable provisions related to Major Subdivision Application

***Permits Required:***

None issued by the Planning Board

**Planning Board Approval Criteria**  
(Site Plan and Subdivision Regulations Article 1 Section 2)

***Pollution:***

The proposed residential development, serviced by public water and sewer and subject to an approved stormwater management plan, will not result in undue water or air pollution.

***Sufficient Water:***

Serviced by public water.

***Municipal Water Supply:***

The York Water District has provided a letter, dated September 28, 2022, identifying the fact that the District will have no issues serving this project based on the proposed improvements.

***Erosion:***

The project has been planned and designed by professionals who have experience and training in erosion control and stormwater management, requiring erosion control both during and after construction. The drainage plan analysis states that they will control erosion both during and after construction.

***Traffic:***

The applicant has engaged a traffic engineer as part of Phase I to prepare an assessment/study that has been peer-reviewed and evaluated by the Director of Public Works, concluding the proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads.

***Sewage Disposal:***

The site is serviced by public sewer. The development will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services. The York Sewer District has reviewed the design and confirmed that they have the capacity to collect and treat the flow generated from the project

***Municipal Solid Waste Disposal:***

All construction waste and that generated by the premises will be the responsibility of the property owner. All routine solid waste from the development will be disposed of by contracted haulers at licensed facilities, having no burden on the Town's solid waste program.

***Aesthetic, Cultural and Natural Values:***

The development is not in the vicinity of any scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline, and thus will not have an undue adverse effect.

***Conformity with Local Ordinances and Plans:***

The Planning Board finds the application to be in conformance with municipal zoning, land use codes and the Comprehensive Plan. In making this determination, the Planning Board is authorized to interpret these Ordinances and Plans.

***Technical and Financial Capacity:***

The developer has adequate financial and technical capacity to meet the required standards.

***Surface Waters:***

Not applicable. No surface waters on site

***Ground Water:***

The site is serviced by public sewer and water and development is subject to a stormwater management plan that applies best management practices that will control, treat and filter stormwater runoff without impact to the ground water, as such, the development will not adversely affect the quality or quantity of groundwater.

***Flood Areas:***

Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the Planning Board has determined that the project is not within a 100-year floodplain.

***Freshwater Wetlands:***

All freshwater wetlands within the proposed development have been identified on maps submitted as part of the application, regardless of their size. No direct impacts to wetlands are proposed.

***River, Stream or Brook:***

Not applicable. No such features are located on site.

***Stormwater:***

The Maine Department of Environmental Protection has approved the Stormwater Law Permit, License #L-288808- NJ-A-N, for the project. The proposed development will provide for adequate stormwater management. The proposed on-site FocalPoint™, Cultec Subsurface Stormwater Galleries, Grass Underdrain Soil Filter and Rain Drip Edge Filter will slow the release of stormwater discharge from the site during the 2-, 10-, 25-, 50- and 100-year storm events. The abutter to the north, Maine Department of Transportation has agreed to accept the increased volume, see R.C.R.D. Book 18276 Page 40, recorded on June 16, 2020 for "Agreement between the Maine Department of Transportation and York Housing Authority Regarding a Stormwater Drainage Connection".

***Spaghetti Lots Prohibited:***

Not applicable.

***Lake Phosphorous Concentration:***

Not applicable.

***Impact on Adjoining Municipality:***

Not applicable.

## ***Decisions***

***Date Application Accepted as Complete for Review:***

Acceptance of the application was on December 1, 2022.

***Waiver(s) Granted:***

Site Plan and Subdivision Regulations

Sections: 5.3.1; 6.3.3.A.2; 6.3.3.5; 6.3.35; 6.4.3.1; 6.4.4.1; and 7.3.1.a

York Zoning Ordinance

Section: 10-H.5.e;

***Decision(s) voted on by Planning Board:***

*(from 12/1/22 meeting minutes)*

Motion: To waive the preliminary two-step process for Workforce Affordable Housing Phase II York Housing Authority, 296 US Route 1, Moorehouse Way, Tax Map 59, Lot 21. The motion passed 3-0.

Motion: To accept the waiver for 6.3.3.a.2, the existing conditions plan, for Workforce Affordable Housing, York Housing Authority, to waive elevation contours at 2-foot intervals referenced to NGBD of 1929, requesting reference the NGBD of 1988, instead. The motion passed 3-0

Motion: To grant a waiver request for Workforce Affordable Housing, York Housing Authority, Section 6.3.3.5, Planning Board Review Fee. The Housing Authority is exempt from the fee with previous regulatory review. The motion passed 3-0.

Motion: To waive the written waiver requirement [Sec. 6.3.35] for Workforce Affordable Housing, York Housing Authority, 296 York Street. The motion passed 3-0

Motion: To waive 6.4.3.1, public water supply. (The Water District must approve in writing all specifications for the water supply system that appear on the plan.) The motion passed 3-0.

Motion: To waive 6.4.4.1, public sewage disposal, for the Workforce Affordable project. (The Sewer District must approve all plans to connect the public sewer line and all line extension. This approval will cover issues of capacity, as well as piping and pump station specifications.) The motion passed 3-0.

Motion: To accept Workforce Affordable Housing for completeness review, 296 US Route 1, Tax Map 59, Lot 21. The motion passed 3-0

Motion: To waive 10-H.5.e, exterior lighting poles, for Workforce Affordable Housing, York Housing Authority, 296 US Route 1, Moorehouse Way. The motion passed 3-0.

Motion: To waive 7.3.1.a, the cut and fill analysis for Workforce Affordable Housing, York Housing Authority, 296 US Route 1, Moorehouse Way. The motion passed 3-0.

Motion: To approve the Workforce Affordable Housing, York Housing Authority, 296 US Route 1, Moorehouse Way, Tax Map 59, Lot 21, amended Site Plan and Subdivision with the following conditions... The motion passed 3-0

***Preliminary and Final Plan Application Approval Date:***  
December 1, 2022

***Conditions for Final Approval:***

- 1) Approval with signature from Public Works for a traffic study
- 2) Approval of the as-built plan that supports the final coverage and pervious surface calculations.
- 3) Condition to add official documentation to satisfy 10-F.6, outdoor lighting
- 4) Condition to address 7.3.1.b. Slopes will be no greater than 20%.
- 5) Wavier of 7.4.1.5. Exclusion of 20% slope calculations from lot size calculations
- 6) The condition that a plan note will be added to address the single-family dwelling unit at the front of the property on Route 1.
- 7) The condition that a third-party engineer will review and approve Ransom’s previously stated concerns.

***Expiration Date (if conditions are not satisfied):***

*“A conditional approval shall be valid for a period of 60 days from the date on which the vote was taken. If the applicant fails to satisfy all conditions precedent within this timeframe, the board may vote to deny without prejudice. Both of these standards shall be expressly stated in the findings of fact.”*

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*Chair, Planning Board*

\_\_\_\_\_  
*Date*