

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

Regarding an application for

Woodstone at York Village Amended Plan
(formerly McIntire Woods Subdivision)

Tax Map 91 Lot 9

Applicant
JHR Development, LLC

Findings of Fact

Street address:

Woodstone Drive (142 York Street)

Property ownership:

JHR Development LLC

Other parties to the application:

None

Description of the existing use(s) of the property:

Vacant.

Description of the proposed use(s) of the property and the nature of the application:

The applicant is requesting approval to amend the previously approved Site Plan and Subdivision McIntire Woods, with a new street connecting York Street with Raydon Road. The amendment does not change the 115 dwelling units or any alignments to the roadways or property lines or condominium envelopes. The proposed changes include: 1) a reduction of a planned triplex to a duplex; 2) an increase to a single-family unit to a duplex; 3) removal of workforce housing designation of unit B1 and designate unit C8B in its place; 4) York Street entrance sign and landscape design; 5) changes to the sewer main and pump station design and engineering; and 6) change in ownership of sewer main from private to public.

Base zoning district:

General-3 Zoning District

Overlay zoning district(s):

Limited Residential Shoreland Overlay District

Other relevant regulatory districts:

MS4 Urbanized Area

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

Materials submitted for the October 27, 2022 Planning Board Meeting:

1. Application form dated 10/10/2022.
2. Cover Letter dated 10/11/2022, RE: Application for Site Plan Amendment , Woodstone at York Village, 142 York Street by Bryan Sutherlin and Benjamin Enos, with Beals Associates, Inc. (Includes application submittal information)
3. Previously Approved Plan set entitled: McIntire Woods, 142 York Street, York, Maine 03909... August 23, 2019. Prepared by Walsh Engineering Associates, Inc.
4. Plan set entitled: Amended Permitting Documents for Woodstone At York Village Residential Development, 142 York Street, York, Maine, Issued: October 11, 2022. Prepared by Beals Associates, Inc.
5. Plans entitled: Woodstone At York Village Condominium – Entry Sign & Landscape, 142 York Street, York, Maine, October 11, 2022. (Plan and Section) Prepared by Scott Strynar Landscape Architect, LLC.
6. Revised Landscape Plans entitled: Amended Landscaping Plan (Sheet 1 Of 5) Woodstone At York Village 142 York Street, York, Maine, October 14, 2022. (L1.1A) Prepared by Scott Strynar Landscape Architect, LLC.

Materials submitted for the December 1, 2022 Planning Board Meeting:

7. Plan set entitled: *Amended Permitting Documents for Woodstone At York Village Residential Development, 142 York Street, York, Maine, Issued: October 11, 2022.* Prepared by Beals Associates, Inc. REV Date 11/14/2022.
8. Response to Comments: *RE: Peer Review Comment Response, Application for Site Plan Amendment , Woodstone at York Village, 142 York Street* by Bryan Sutherlin and Benjamin Enos, with Beals Associates, Inc. dated 10/27/2022.
9. Cover Letter dated 11/14/2022, *RE: Application for Site Plan Amendment Revision, Woodstone at York Village, 142 York Street* by Bryan Sutherlin and Benjamin Enos, with Beals Associates, Inc.
10. Response to Comments: *RE: Peer Review Comment Response, Application for Site Plan Amendment , Woodstone at York Village, 142 York Street* by Bryan Sutherlin and Benjamin Enos, with Beals Associates, Inc. dated 11/22/2022.

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

Preliminary and Final Plan: 10/27/2022 (Not Heard) and 12/1/2022

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

12/1/2022.

Brief description of substantive materials and testimony received at the public hearing:

No public testimony provided.

List of public comment via letters and email.

None

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

1. Peer-review letters prepared by Long Meadow Planning & Landscape Architecture, LLC (includes reviews by Gorrill Palmer peer-review engineer) dated 10/20/2022 and 11/22/2022.

Conclusions of Law

Planning Board Jurisdiction

Statutes:

None

Ordinances:

York Zoning Ordinance, Section 18.15.B.1.D

Site Plan and Subdivision Regulations:

Section 1.2 and all other applicable provisions related to Major Site Plan Application

Permits Required:

None by the Planning Board

Planning Board Approval Criteria

(Site Plan and Subdivision Regulations Article 1 Section 2)

Pollution:

The development will not result in undue water or air pollution. The onsite stormwater management BMPs will treat the developed area and the site is serviced by public water and sewer.

Sufficient Water:

The site is serviced by public water.

Municipal Water Supply:

The site is serviced by the York Water District, and they have provided written assurance that they have sufficient capacity to serve the site.

Erosion:

The site design has been planned and designed, and peer-reviewed, by licensed professionals who have experience and training in erosion control and stormwater management. An Erosion & Sediment Control plan has been included in the submittal.

Traffic:

The proposed amendment will not have adverse effect on the existing traffic, and a traffic assessment has been prepared and reviewed by the Town's Peer-review Engineer and the Director of Public Works.

Sewage Disposal:

The development will provide for adequate sewage waste disposal. The York Sewer District has confirmed that they have the capacity to collect and treat the flow generated from the proposed development.

Municipal Solid Waste Disposal:

All construction waste and that is 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 proposed amendment does not have an undue adverse effect on any scenic or natural beauty of the area, aesthetics or historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

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 applicant has engaged with a professional engineer to provide technical assistance and has shown financial capacity through past development projects and has submitted a letter from a financial institution to the Town.

Surface Waters:

Not applicable. The proposed amendment is not within the shoreland zone.

Ground Water:

The development, serviced by public water and sewer and includes measures to treat stormwater run-off, will not, alone or in conjunction with existing activities, 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 the development portion of the property is not in a flood-prone area.

Freshwater Wetlands:

All freshwater wetlands within the proposed development have been identified on maps submitted as part of the application.

River, Stream or Brook:

Not applicable

Stormwater:

The proposed amendment will continue to provide for adequate stormwater management. A completed stormwater management system has been designed for the proposed development. The system will collect, treat, and properly discharge all ground level and roof stormwater runoff.

Spaghetti Lots Prohibited:

Not applicable.

Lake Phosphorous Concentration:

Not applicable.

Impact on Adjoining Municipality:

Not applicable.

Decisions

Date Application Accepted as Complete for Review:

December 1, 2022

Waiver(s) Granted:

None

Decision(s) voted on by Planning Board:

(From the 12/1/2022 minutes)

Motion: to accept the application for Woodstone at York Village, JHR Development, LLC, 142 York Street, Tax Map 91, Lot 9, as complete for review as an amendment to a previously approved plan. The motion passed 5-0.

Motion: to grant final approval to the amendments to the plan Woodstone at York Village, JHR Development, LLC, 142 York Street, Tax Map 91, Lot 9, with the following conditions of approval... The motion passed 5-0.

Final Plan Approval Date:

December 1, 2022

Conditions for Final Approval:

1. Prior to signing the Finding of Fact, the applicant will make changes to the plan and submit them to Planning Department for approval.
2. All changes made tonight will be made on the final plan prior to the Board’s signing the plan.
3. Any outstanding fees to the Town of York will be made prior to the signing of the Findings of Fact.

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.”

Chair, Planning Board

Date