

PEER REVIEW
LETTER

April 20, 2023

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

Application: Mixed Use Building — York Street 242, LLC.
242 York Street (Tax Map 50 Lot 114)

Site Plan and Subdivision Review

Review Status: Preliminary/Final Plan Application

Board members and Mr. Brown,

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

1. Application form dated 1/23/2023.
2. Submittal Packet: *Change of Use Application, York Street 242 LLC, Tax Map 50 Lot 114, 242 York Street, York, Maine 03909, Dated: February 17, 2023.* Prepared by Tidewater Engineering & Surveying Inc. (Includes architectural floor plans (dated 1/3/2023), property deed; submittal checklist, traffic assessment, requested waivers, correspondence with districts and departments, existing photos, and plans, etc..)
3. Survey: *Boundary & Existing Conditions Survey of Land Located at 242 York Street (Tax Map 50 Lot 114) York, Maine 03909.* Dated: March 28, 2023. Prepared by Tidewater Engineering & Surveying Inc.
4. Engineering Plans: *Proposed Site Plan of Land Located at 242 York Street (Tax Map 50 Lot 114) York, Maine 03909.* REV Date: March 28, 2023. Prepared by Tidewater Engineering & Surveying Inc.
5. Response to Comments: Includes three memorandums dated 1/5/2023 responding to comments from Long Meadow Planning & Landscape Architecture, Gorrill Palmer and Integrated Environmental Engineering, Inc.
6. Email from York Code Enforcement Office: *RE: Updated Digital PB Application 242 York St.* dated March 28, 2023. Opinion regarding parking within a private ROW.

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 proposal consists of converting an existing historic mixed-use building located at the center of York Village from boarding house and commercial uses to hotel/inn and residential dwellings, while maintaining commercial at the street-front and basement levels. Proposed change of use results in a new hotel/inn use and four new residential dwellings. The site is located in the York Village Center-1 (YVC-1) zoning district, with access to public water and sewer and is burdened by an access easement between York Street and the Town Library parcel. No significant site development is proposed.

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 preliminary application appears to be complete.
2. The proposed parking design has been revised to accommodate two ADA spaces, however, even with the allowed 50% reduction (Sec. 15.3.A) the number of spaces proposed does not support the required number of parking spaces.
3. The property is burdened by an access easement that includes parking within its limits. See email from Code Enforcement.

COMPLETENESS REVIEW

The applicant has submitted an application for Preliminary (6.3) and 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 and the following:

1. 6.4.3 The water supply system design contained in the Site Plan or Subdivision Plan shall be approved in writing by the appropriate agency or individual, and shall be submitted with the Final Plan. No approval has been submitted. Correspondence from the District's engineer has been submitted, however, no approval.
2. Section 6.4.4 The sewage disposal system design contained in the Site Plan or Subdivision Plan shall be properly endorsed and approved in writing by the appropriate agency. Although an email that expressed no concerns with capacity has been provided, no approval has been submitted.
3. Section 6.4.27 Findings of Fact, Conclusions of Law, and Decisions. It is stated that this is 'to be submitted', however no draft FOF has been received.

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. Section 4.1.2 Business, Village and General Districts. The proposed new uses; Inn and multi-family dwelling are permitted in the base zone. The new dwellings are subject to having no greater than 50% of a residential use on the street level of a mixed-use building. The new dwellings are not proposed on the street level. The proposed development appears to conform.
2. Non-residential Performance Standards (Sec. 6.1). The applicant has not provided specific information as to the conformance to these standards, however, due to the limited site work, not all standards apply. The applicant and Board should review prior to a final decision, and may want to consider the following:
 - a. Sec. 6.1.12.1 requires the Board to consider how the proposed building alterations will maintain or enhance the best architectural character of the property. The Board may want the applicant to elaborate on:
 - i. How Maine Historic Preservation comments will be adhered to; and
 - ii. Confirm that the following materials are not used: *vinyl siding, aluminum siding, Exterior Insulation and Finishing System ("EIFS"), foam or PVC materials.*
 - b. Sec. 6.1.14 Refuse and Recycling Facilities. The proposed plan depicts a 6-foot-high fence around the dumpster. The applicant should confirm that both refuse and recycling will be accommodated in this area. A detail should be provided on the plans.
3. ADA Accessibility Requirements. The existing storefront units do not have accessible entrances. The proposed renovations are changing the interior spaces of these units along with providing other changes to accommodate the proposed inn. This includes adding a new elevator to the building, however, it does not appear storefront units will have access. The applicant should consider providing access, and confirm with Code Enforcement that it is not required.
4. ADA Parking Requirements. The proposed development, per the parking calculations provided, requires a single ADA parking space. The plans depict a standard accessible space (5-foot-wide aisle) at the rear of the building when a van accessible space (8-foot-wide aisle) is required. In addition, the site plan does not show building entrances and of those, accessible building entrances. These should be depicted on the plan and demonstrate an accessible route to and from the parking and building. It is not clear from the architectural floor plans that the proposed ADA parking space is sited in the best location.

5. Parking Calculations. The plan includes calculations that result in requiring 28 parking spaces after applying the 50% reduction as allowed under Sec. 15.3.A of the Zoning Ordinance. Only 20 parking spaces, however, are provided.
 - a. The Code Enforcement Office provided an email that states that while the parking spaces on the north side of the building, located within an existing access easement/ROW, are not permitted as proposed parking. Since they are preexisting, however, their general use can continue. The Board and applicant may want clarification on if the parking can be used for those existing uses that are not proposed to change. See comment #9 for more.
 - b. The Board needs to determine if there is sufficient parking provided and would then consider granting a reduction as permitted under Sec. 15.3.E. The applicant provides a rationale for this reduction in the submitted application (page 4).

SITE PLAN AND SUBDIVISION REGULATIONS AND OTHER COMMENTS

6. Engineering-Peer Review. Gorrill Palmer reviewed the application and did not have any other general engineering comments as there is no apparent soil disturbance or exterior work. The following is the only outstanding comment:
 - a. *Regardless of the requirement for additional traffic study, the applicant is required to demonstrate that adequate sight distance is available at the site driveways. The applicant should submit an evaluation of required and available sight distances. Although the driveways are existing (i.e. not new), the uses are changing, which requires an evaluation of the sight distance.*Integrated Environmental Engineering reviewed the application for post-construction stormwater regulations and found that due to no site work or disturbance the development is exempt.
7. Lighting. The submittal states that existing building-mounted outdated lighting will be replaced and will be in compliance to Art. 10-H, but no details to review for compliance have been submitted.
8. Traffic. The Public Works Director has concurred with the traffic impact/trips assessment prepared by the applicant and will not require a traffic study.
9. Easements. The existing easement/ROW that appears to have an issue with accommodating parking for the site appears no longer to be used for the original intent; getting from York Street to the rear of the property. It is recommended that the two parties involved discuss dissolving the easement since it doesn't appear to be needed.

10. Public Access from York Street to the Public Library and parking. The site is currently used by the general public to get from York Street to the public parking and library parcel. This access does not appear to be formalized, or at least, recorded in an easement.

It may be prudent and appropriate to discuss the logistics for the public access as part of this application review. If there is nothing formalized (e.g. recorded) there should be a discussion of how the public access continues (presumably benefiting both parties) in perpetuity. Perhaps there is information from the past application reviews for the development of the library.

11. Standard Town Plan Notes. The final plans need to include standard plan notes that are applicable to the proposed development. In addition, plan note should reflect the minor subdivision that is created by the four new residential dwellings and Site Plan and Subdivision review required by Sec. 18.15.B (multi-family housing) of the Zoning Ordinance as the purpose of the application rather than a 'change of use' application.

WAIVER REQUESTS

The applicant is requesting the following waivers: (see page 32 of submittal for more details)

1. Section 6.3.7 – Grading and Landscape Design Plan.
2. Section 6.3.32 – High Intensity Soil Survey.
3. Section 6.4.6 – Landscaping Plan.
4. Section 6.4.15– Soil Erosion and Sedimentation Control Plan
5. Section 6.4.16– Stormwater Management Plan
6. Section 6.4.25 – Performance Guarantee

CONCLUSION

The application submitted, with the exception of written final approval by the water and sewer districts and proposed waivers, appears to be substantially complete. In addition to the comments above, there are a few of comments from Gorrill Palmer. The Board needs to determine if it wants to review the application as a combined Preliminary and Final review prior to accepting the application. There are several issues that the Board will need to discuss and determine if it wants an opportunity to see revised plans prior to considering an approval.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo