

PEER REVIEW
LETTER

May 19, 2023

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: Revised Final Plan Application

Revisions and new comments in blue and **bold**.

Red text reflects comments from April's submittal.

Board members and Mr. Brown,

The following information has been provided for final plan review:

1. Application form dated 1/30/2023
2. Submittal Packet: *Final Plan Application "294 York Street" – York Maine, Prepared for Jefferson Homes, Inc.... January 2023* **[REV MAY]**. Prepared by Weger Associates Architects. (Includes architectural plans and elevations (Issue date 1/30/2023 **[5/10/23]**), property deed; master plan/landscape and lighting, checklist, traffic assessment, requested waivers, correspondence with districts and departments, condo documents, etc..)
3. Stormwater: *Site Plan Application Stormwater Management Plan; Jefferson Homes, Inc.... January 2023...* Prepared by Civil Consultants. (Included in item #2 above)
4. 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.
5. Engineering Plans: *Existing Conditions Plan and 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. Date 8/24/2022 (No REV dates). (Includes existing conditions, proposed site and subdivision plan (Rev Date: 1/31/23) **[5/19/23]**, construction details/plan notes (Rev Date: 1/31/23), sewer details, and maintenance plan) (Included in item #2 above).
6. Survey: *Boundary and Existing Conditions Survey, Map 50, Parcel 122, 294 York Street, York Maine.* Prepared by Kimball Survey & Design, Inc. Date 9/10/2022.
7. Response to Comments: Memorandums dated 3/20/2023 (Weger) and 3/22/2023 (Civil) responding to comments from Long Meadow Planning & Landscape Architecture.

8. Addendum Package, Bristol Ponte 2: 4/7/23 Final Plan Submission. Includes building colors, materials and typical roof shapes, materials and carpentry in the area. Also includes Project Staging & Timeline exhibit and narrative. (located at the end of the submittal)
9. Supplemental Information prepared by Civil Consultants; memorandum regarding conformance to Article 11 concerning wetland impact, and response to LMP&LA review letter from April.

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 2021. A similar proposal, with the aim to demolish the existing single-family residence and construct a three-story (over garage) building to accommodate 8 residential dwelling units and approximately 3,100 SF of nonresidential space on the first floor. Proposed parking spaces are planned as structured parking under the proposed building with a 24-foot-wide driveway access from York Street. The site is located in the York Village Center-1 (YVC-1) zoning district, with access to public water and sewer and a wetland located at the rear of the property.

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. This application is a redesign of the proposal that was denied by the Planning Board earlier last year. The site design locates the proposed smaller building closer to the westerly property line affording space for a driveway that conforms to code.
2. The preliminary application was approved in December of last year.
3. The final plan application appears to be substantially complete.
4. The proposed parking design has been revised to accommodate two ADA spaces for the two dedicated uses (non-residential space and an ADA accessible dwelling unit) and eliminating the need to share a single ADA parking space.
5. **The applicant is requesting the requirement for Financial Capacity (Sec. 1.2.10 and 6.4.28 Site/Subdv Regs) to be addressed post-approval at the pre-construction meeting.**
6. **The applicant is requesting that the proposed utility and access easements between BP-1 and BP-2 be executed post-approval. The proposed development's power source is a transformer on the BP-1 lot.**
7. **It appears that the applicant plans on using a PVC building material (white trim) which is explicitly prohibited in the YVC-1 and YVC-2 districts.**

COMPLETENESS REVIEW

The applicant has submitted an application for Preliminary (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. **Letter dated 3/21/23 has been submitted.**
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 with review comments has been provided, no approval has been submitted. **Letter dated 3/20/23 has been submitted.**

COMPLIANCE WITH THE TOWN'S ORDINANCES

ZONING ORDINANCE

1. Section 4.1.2 Business, Village and General Districts. The proposed uses, commercial, office and residential, are subject to this section and specific requirements, that includes having no greater than 50% of a residential use on the street level of a mixed-use building; no greater than 50% of office space on the same level and not occupy more 50% of the front half of the building; and commercial retail is no greater than 2,500 SF. The proposed development appears to conform to this.
2. Non-residential Performance Standards (Sec. 6.1). The applicant has provided information as to the conformance to these standards (Memorandum prepared by Civil Consultants). . The Board may want the applicant to elaborate on specific items for its consideration, as well as the following:
 - a. Sec. 6.1.12.1 requires the Board to consider how the proposed building enhances and compliments the York Village Center character by means of its architectural design. Though the response-to-comment memorandum references this comment to be addressed by the Architect, nothing specific was found in the submittal. The Board may want the applicant to elaborate on:
 - i. How the proposed building conforms to this provision; and **The Applicant references the same impact statement from the previous submission. There is additional images submitted for the Board's consideration. At the last meeting the applicant presented to the Planning Board information it requested, reflecting on how the proposed building conforms to Sec. 6.1.12.1.**
 - ii. Confirm that the following materials are not used: *vinyl siding, aluminum siding, Exterior Insulation and Finishing System ("EIFS"), foam or PVC materials.* **The applicant has implied these materials will not be used. The**

architectural plans reference 'composite trim' for the material proposed for building exterior trim and window treatment. This is not a PVC material. "White PVC" is a color listed for siding (Architectural Plan Sheet A-9). It was confirmed by the applicant that material proposed to be used for the siding is AZEK which is a PVC building material (see attached email). The Planning Board should review Section 6.1.12.1 and the preamble provision to the non-residential performance standards that the proposed development is subject to. There appears to be a conflict between the language used in Sec. 6.1 (*greatest extent practical*) and Sec. 6.1.12.1 (*expressly prohibited from building exteriors*). The Board may want to refer to Article 21 when considering conflicting provisions within the ordinance, essentially the more restrictive prevails.)

- b. Sec. 6.1.9 Explosive Materials does not appear to allow for the propane tanks at the proposed location, 10 feet from the property line. This provision calls for a 75-foot setback from property lines to above ground tanks that hold highly flammable or explosive materials and 40 feet for underground tanks.
 - i. The applicant has submitted information related to the NFPA required setbacks, however, the Town may very well have a more stringent requirement than the NFPA. The Code Enforcement Office should provide an interpretation as to the applicability of Sec. 6.1.9 and 1,000 gallon propane tanks. **Code Enforcement Office has commented, and this issue has been addressed.**
 - ii. Further consideration should be made to the location of the proposed fire pit as it relates to its proximity to the propane tanks. If the required setback should be confirmed and shown on the Site Plan along with the proposed fire pit as well. **The plans have been revised.**
 - c. View from the Street. It appears the garage entry is open to view from the street; with an atypically wide breach. At the last meeting with the Board, it appeared members were not concerned. This should be confirmed. **This was confirmed at the last meeting.**
3. Wetland impacts. It has been made clearer on Sheet L3 (Wetland Restoration/Sewer connection Plan) that the proposed impact(s) are required by the sewer line connections, which are permitted per Sec. 11.3.2 of the Zoning Ordinance.
 - a. Sheet L1 should be revised to remove the label that directs the replacement of the sewer lines in the wetland where the applicant has stated this work has been done already as part of Bristol Pointe 1. **The plans have been revised.**

- b. Any impacts associated with the construction of the retaining wall and/or the stormwater features/riprap are not permitted. Prior to final approval the applicant should demonstrate that the conditions per Sec. 11.4 will be met. **Applicant declined to include any additional information. The applicant has submitted a memorandum for the Board's and Staff's consideration. Article 11 anticipates the Planning Board to grant a wetland permit for proposed developments that incur wetland impacts and conform to Sec. 11.4. The Board should vote on this prior to final approval.**
 - c. Other than in the vicinity of the proposed impact, the new sewer line connection from SMH#2 that is in the wetland, should the proposed erosion control berm be located in the wetland? **It's not appropriate to have the silt fence installed in the wetland unless there is construction located in the wetland. The silt fence should be installed on the upland edge of the wetland with the exception of the small area that is being disturbed to install a sewer connection to the existing sewer manhole. This should be depicted on the plan along with the impact delineated with area quantified. The plans have been revised, no further comments.**
 - d. 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 this line is not clear on the plans. **No Limit of Work/Disturbance Line shown on the plan. The plans have been revised.**
4. ADA Parking Requirements. The proposed development plans provide for two van accessible spaces to accommodate the commercial/office space and the proposed ADA residential dwelling unit.
5. Parking Calculations. The plans have been revised to include information on the number of parking spaces required, how the values are arrived at and how the reductions are permitted under Sec. 15.2 in the Zoning Ordinance. The Site and Subdivision Plan has been revised to include this information as well.

SITE PLAN AND SUBDIVISION REGULATIONS AND OTHER COMMENTS

6. Stormwater and Engineering-Peer Review. Gorrill Palmer prepared a review of the final plan submittal, and is attached. Integrated Environmental Engineering has some follow-up comments which are also attached. **There are still some items that remain outstanding. See attached comments. The comments have been addressed. Proposed catch basin #3 has been removed per the request of Public Works (Integrated Environmental Engineering comments) and applicant's engineer confirms no increase to runoff to abutting property. (see attached email)**
7. Retaining Wall. The top and bottom of wall elevations have been added to the site plan and a railing is depicted.

8. Utility Easements. All areas where it is necessary to access/cross the abutting property (Bristol Pointe 1) for utility connections (e.g. electrical, sewer, storm drain, etc....) should be depicted on the plans as proposed easements. **The plans have not been revised. The applicant proposes to, *if needed*, prepare easements post approval and record them at the Registry of Deeds. A note (#32) on Sheet L1 has been added. The Board should determine if it concurs. Considering that the proposed development's power source is on an abutting lot, the easement(s) the request should be a condition of approval, perhaps executed prior to signing the final plans.**
9. Lighting. The submittal does not include any specific details on proposed fixtures that informs if the applicable codes are being met (Art. 10-H) , including mitigating glare and light trespassing from the garage. The image of the proposed fixture for above the garage entrances appears to have the bulb exposed and not a cut-off. **No catalog cuts/metrics of the specific proposed fixtures has been provided. Photographs of the planned fixture for above the garage has been submitted, and appears that it may be complaint. The Board should determine if it has sufficient information. The plans have been revised to include the catalog cuts. No further comments.**
10. Gross Floor Area limitation: The architect's Master Plan and the engineer's Site and Subdivision Plan have a discrepancy with regard to the how this requirement under Article 4 (see comment #1 above) is reflected on the plans.
 - a. Plan note #29 should be referencing (Article 4 Permitted Uses in YVC) no that more than 50% of the proposed office space occupies the front half of the first floor and residential not occupying more than 50% of the street level floor of the mixed-use building. The note should be revised to provide more clarity. These percentages are based on gross floor area, not street frontage. **The note has been revised.**
 - b. The Master Plan depicts a dimension line measuring the building's 'commercial frontage'. It's not apparent from the provisions under Article 4 that this is a requirement. The applicant should elaborate. **References to frontage remain. Applicant should explain.**
11. Traffic. The Public Works Director has concurred with the traffic impact/trips assessment prepared by the applicant and will not require a traffic study.
12. Landscaping Plan. Proposed vegetation for the area behind the building to be regraded should be reflected on the plan. It's currently labeled as natural vegetation. **No details to the type and method of revegetating this area has been provided with the exception of native grass. More information is necessary to ensure a successful outcome. Is the proposed native grass established by seed or by plants? If seed, what is the mix and manufacture, this would include the specie breakdown of seed and details on installation, method and time of year and best practices on establishment? If by plant, what is the**

species, size of pot/plug and quantity, and a detail on how that is planted and established. **The Master Plan prepared by the architect includes planting information. No further comments.**

NEW COMMENTS

13. Snow Removal and Trash/Recycling Pick-up: With review of the draft condo documents, it may be helpful to include specific language under Section 3.2 that highlights the association’s responsibility for removing snow from the driveway, ensuring public safety access, and the routine removal of trash and recycling through a contracted hauler. It should be clear in the condo docs that snow remove, and trash/recycling pick-up is a maintenance responsibility for the condo association.

WAIVER REQUESTS

The applicant is requesting the following waivers: (see Memorandums from Civil Consultants and Weger Architects) **(Items 1-3 have been granted at preliminary approval)**

1. Section 6.3.3.A.2 – (Existing Conditions Plan) elevation contours at 2’ intervals referenced to NGVD of 1929. Requesting to reference the NAVD 1988 instead.
2. Section 6.3.3.A.7 – Depicting areas of a high or seasonal high-water table on the existing conditions plan. [The submitted checklist states there is not high-water table, if this is the case, then this is not applicable, and no waiver is necessary].
3. Section 6.3.32 – High Intensity Soil Survey.
4. Section 6.4.1.7 – (hydrogeological assessment)

CONCLUSION

The final application submitted, with the exception of written final approval by the water and sewer districts, appears to be substantially complete, with consideration of the requested waiver. In addition to the comments above, there are a few of comments from Gorrill Palmer and Integrated Environmental Engineering that will need to be addressed. The Board should determine if it wants to have an opportunity to see revised plans prior to considering final approval. **The Board should review and determine if the additional information requested meets its expectations. The Board will need to determine if all outstanding items have been satisfactorily addressed for final approval and if those items that may still be outstanding can be addressed through a condition of approval.**

A revised draft Findings of Fact has been prepared and attached for the Board’s consideration prior to final approval. The applicant may want to review this as well.

Feel free to contact me with questions.

Best regards,



Christopher Di Matteo

Subject: Re: BP-2 Financial Capacity

Date: Wednesday, May 17, 2023 at 5:28:54 PM Eastern Daylight Time

From: Dave Lauze <DLauze@jeffersonhomesinc.com>

To: Christopher DiMatteo <cdimatteo@longmeadowpla.com>, Brud Weger <bweger1950@gmail.com>

CC: Chris DuPlantis <duplantis.chris@gmail.com>, DeCarlo Brown <dbrown@yorkmaine.org>

Azex Trim is not a vinyl and it's the same trim on building one. AZEK is used in alot projects around York that the PB has seen on other projects. I'm confused! Building 1 has AZEK. That's approved. ??

Get [Outlook for iOS](#)

From: Christopher DiMatteo <cdimatteo@longmeadowpla.com>

Sent: Wednesday, May 17, 2023 1:23:55 PM

To: Brud Weger <bweger1950@gmail.com>

Cc: Chris DuPlantis <duplantis.chris@gmail.com>; Dave Lauze <DLauze@jeffersonhomesinc.com>; DeCarlo Brown <dbrown@yorkmaine.org>

Subject: Re: BP-2 Financial Capacity

Hi Brud,

Yes. The zoning ordinance specifically prohibits the material used in the YVC-1 and 2 districts. See below.

6.1.12.1 YVC-1 and YVC-2 Non-residential Performance Standards The Planning Board shall give consideration to how any proposed project within the YVC-1 and YVC-2 districts enhances the traditional northern New England village character of the York Village Center Districts, in a manner consistent with the Comprehensive Plan. Proposed buildings or other structures must be designed and constructed so as to respect the historic architectural styles of existing buildings. All new buildings and major renovations will complement the best village and architectural character in terms of scale, proportion, building height, window size, roof pitch, and exterior building materials. For major renovations to existing buildings that trigger Planning Board Review per Article 18.15-E, the removal of distinctive materials or alteration of features that represent the best architectural character of a property shall be avoided. New buildings shall not diminish the prominence of existing church steeples or historic markers. **The following materials are expressly prohibited from building exteriors in YVC[1]1 and YVC-2: vinyl siding, aluminum siding, Exterior Insulation and Finishing System ("EIFS"), foam or PVC materials.** - AMENDED 05/21/2016

Chris

Christopher Di Matteo

LONG MEADOW

PLANNING & LANDSCAPE ARCHITECTURE, LLC

cdimatteo@longmeadowpla.com

207.604.4245

From: Brud Weger <bweger1950@gmail.com>

Date: Wednesday, May 17, 2023 at 1:15 PM

To: Christopher Di Matteo <cdimatteo@longmeadowpla.com>

Cc: Chris DuPlantis <duplantis.chris@gmail.com>, Dave Lauze <dave@jeffersonhomesinc.com>, DeCarlo Brown <dbrown@yorkmaine.org>

Subject: Re: BP-2 Financial Capacity

Chris....we presented PVC trim at last meeting.
Board was acquiescent.
Is there a problem with that?
Brud Weger

On Wed, May 17, 2023, 12:47 PM Christopher DiMatteo <cdimatteo@longmeadowpla.com> wrote:

Hi Chris,

In addition to below, can you confirm there is not any PVC building materials used in the proposed development?

I noticed that on the color exhibit provided the trim is referred to as 'white PVC'.

Also, is it possible to amend the draft condo docs to address snow removal of the driveway and trash/recycling for the development?

It is important to have it clear in the condo docs that:

1. It's the responsibility of the HOA, especially that the driveway needs to be routinely cleared for public safety access,
2. That maintenance fees will go to paying for contracted services for these items,

Thanks
Chris

Christopher Di Matteo
LONG MEADOW
PLANNING & LANDSCAPE ARCHITECTURE, LLC
cdimatteo@longmeadowpla.com
207.604.4245

From: Christopher Di Matteo <cdimatteo@longmeadowpla.com>

Date: Wednesday, May 17, 2023 at 9:18 AM

To: 'Chris Duplantis' <duplantis.chris@gmail.com>

Cc: DeCarlo Brown <dbrown@yorkmaine.org>

Subject: BP-2 Financial Capacity

Good morning Chris,

Reviewing the application for next week's meeting and I see that under financial capacity it is stated that it will be provided at the pre-construction meeting. However, there is not waiver request for this. Perhaps a bank letter was submitted and I missed it? What is the status of demonstrating financial capacity?

Thanks,

Chris

Christopher Di Matteo

LONG MEADOW

PLANNING & LANDSCAPE ARCHITECTURE, LLC

cdimatteo@longmeadowpla.com

207.604.4245

Subject: RE: BP-2 Stormwater

Date: Wednesday, May 17, 2023 at 10:33:16 AM Eastern Daylight Time

From: geoff@civcon.com <geoff@civcon.com>

To: Christopher DiMatteo <cdimatteo@longmeadowpla.com>

CC: William C Haskell <whaskell@gorrillpalmer.com>, James Attianese <jattianese@gorrillpalmer.com>, 'Kristie Rabasca' <krabasca@integratedenv.com>, DeCarlo Brown <dbrown@yorkmaine.org>

There will not be an increase in runoff. The catchbasin was placed to account for a pipe slope change. I dropped the new pipe outlet at the street to be able to eliminate the CB.

Geoff Aleva
CIVIL CONSULTANTS

From: Christopher DiMatteo <cdimatteo@longmeadowpla.com>

Sent: Wednesday, May 17, 2023 10:25 AM

To: geoff@civcon.com

Cc: William C Haskell <whaskell@gorrillpalmer.com>; James Attianese <jattianese@gorrillpalmer.com>; Kristie Rabasca <krabasca@integratedenv.com>; DeCarlo Brown <dbrown@yorkmaine.org>

Subject: BP-2 Stormwater

Hi Geoff,

With the removal of Catch Basin #3 can you confirm that there will not be an increase of runoff to the abutting property?

I recall that was the reason for the basin, no?

Chris

Christopher Di Matteo

LONG MEADOW

PLANNING & LANDSCAPE ARCHITECTURE, LLC

cdimatteo@longmeadowpla.com

207.604.4245

- (3) all fixtures located within such boundary line and serving only such Unit, and their water and waste connections,
 - (4) all items of equipment located within such boundary lines and serving only such Unit, and such equipment's water, waste, and electrical connections,
 - (5) heat pumps, exhaust fans, and the grills, registers, ventilation ducts, and related fixtures, and screens and storm windows, which serve only such Unit, whether or not any of the foregoing is located in any portion of the Common Elements,
 - (6) lighting devices (including by way of illustration and not limitation, lamps and bulbs which are surface mounted on, recessed in, or suspended from, ceilings, walls and partitions, within or around the perimeter of such Unit) serving only such Unit, whether or not such lighting devices are themselves located entirely within the boundary lines of such Unit,
 - (7) telephone, cablevision, and electrical outlets, wires, cables, conduits, circuits and related equipment which serve only such Unit and which are located entirely within the boundary lines of such Unit,
 - (8) surface mounted and recessed medicine cabinets including, by way of illustration and not limitation, all associated lighting fixtures and accessories, and
 - (9) any appliances and the portions of their water, waste, electrical and exhaust connections located within such boundary lines and serving only such Unit.
- C. Each Unit's identifying number is shown on the Plats and Plans.

Section 3.2. Maintenance Responsibilities For the Common Area.

The owners of all Units within the Building shall be collectively responsible for the **repairs, maintenance and replacement of those parts of the Building** which are not parts of any Unit, and for all hallways, porches, decks, door-stoops and other structures attached to or used by Unit owners in such Units. The owners of all Units within the Building shall be collectively responsible for the repairs, maintenance and replacement of the **grounds, garage area, landscaping and driveway**. The respective share for such maintenance shall be collected as a Common Expense from each such Unit owner. The size of each **residential Unit owner's** share shall be a percentage determined by a formula, the numerator being the number of square feet of liveable area (as determined by the Declarant) in the Unit, and the denominator shall be the number of square feet of liveable area in all residential Units plus one-half the

2. As to the ceiling. The planes formed by the Unit-side (lower) surface of the ceiling (or the roof rafters where roof rafters form all or a portion of the ceiling), the Unit to include the thickness of finish material such as drywall but excluding any beams which extend below the horizontal plane of the upper boundary of the Unit.

3. As to the Floor. The Unit-side (upper) surface of the structural wood floor or concrete slab, as the case may be, the Unit to include the thickness of the finish material such as underlayment and carpet, ceramic or resilient tile or hardwood;

4. As to the windows and surrounding area. The Unit-side (inner) surface of the sash of windows and skylights which are set in the exterior walls or ceilings of such Unit, the exterior surface of the panes of such windows and the Unit-side surface of window sills, moldings, trim, jams and mullions for such windows, the Unit to include the thickness of the finish material (that is, the windows are considered as part of the Unit); and

5. As to doors and surrounding area. The exterior surface of doors, and their sills and hardware, and the Unit-side (inner) surface of the door frames in which such doors are set, the Unit to include the thickness of the finish material (that is, the door and its hardware are considered as part of the Unit).

B. Things within the above boundaries which are not part of the Unit.

Each Unit consists of all portions of the Building within the aforesaid perimeter (horizontal and vertical) boundary lines, except the air space displaced by (i) structural members, load bearing partitions within or passing through such Unit which are deemed to be Common Elements: (ii) other Common Elements within such Unit including, without limitation, chutes, flues, ducts, wires, conduits and pipe-runs which serve more than one Unit and (iii) beams, if any, which extend below the horizontal plane of the upper boundary of the Unit.

By way of illustration, there is included within a Unit:

- (1) the air space enclosed by such boundary lines,
- (2) all non-load bearing partitions which are wholly contained within such boundary lines, including but not limited to, all doors, stairways, hardware, electrical outlets and wiring, telephone outlets and conduits and other equipment and devices in such partitions serving only such Unit,