

MEMO



TO: Planning Board
FROM: Brendan J. H. Summerville, Town Planner
DATE: 5 January 2026
RE: Sketch Plan Application Review – 985 & 995 US Route 1
Map 94 Lot 75A and Map 30A Lots 18 & 29

OVERVIEW

This is a sketch plan review for a proposed redevelopment of 985 & 995 US Route 1, in which a large mixed-use building is proposed. This building would have 5,000ft² of restaurant space on the first floor, and 1,352ft² of living space, divided into four units, on the second floor. Although not applicable for a sketch plan hearing, the applicant is requesting waivers for §10-I.4.2.1 *District and Civic Space Standards* as it relates to the 60% frontage buildout, and §10-I.4.11.4 *Pedestrian Ways*.

APPLICABLE ZONING OVERLAYS

The parcel under review is subject to the following:

1. CD-4 Base Zone
2. Workforce Affordable Housing District
3. 2022 Future Land Use - Growth Zone

PUBLIC UTILITIES

The following public utilities are available to support the site:

- Water: Public water is accessible via a 16" main beneath Route 1.
- Sewer: N/A
- Storm Sewer: This site is not included within the MS4.
- Fire Hydrants: Two (2) fire hydrants are located within 100 ft of the property.

JURISDICTION

This is an application for a sketch/conceptual plan, which (Site/Sub §5.2) permits the Board to ask questions and make suggestions to be incorporated by the applicant into the formal application. The applicant shall obtain no vested rights by submittal or reviewing a sketch plan. Jurisdiction is limited by (Site/Sub §5.2) as well as (§7.6, and §18-A.5-A of the York Zoning Ordinance).

REVIEW

1. **Application Acceptance**. Staff have reviewed all application materials and believe there is enough information to review the application as a sketch/conceptual plan.
2. **Public Hearing**. Following the application acceptance vote or lack thereof, conduct the public hearing to identify any issues or concerns relevant to the decision-making process. The Board, at its discretion, can allow a public hearing for a sketch and or conceptual plan.
3. **Substantive Review and Deliberation**. Following a review of the materials submitted, staff has identified the following relevant issues for the Planning Board to discuss as part of this application:
 - A. Wetlands and Shoreland** – There appear to be no issues with this proposal as it relates to shoreland or wetland areas, but staff wished to highlight this item as it deals with sensitive resources. This site contains a large wetland and is located within the mixed-use shoreland overlay zone. With respect to the former, a 75ft wetland setback is included, and all development is to take place outside of that setback. The shoreland zone is marked at 250ft from the upland edge of the same wetland and contains the bulk of the proposed building and driveways. Located outside of both the wetland and shoreland setbacks is the proposed septic field to the North of the development, in accordance with §8.3.9.2a.
 - The mixed-use shoreland zone permits up to 70% lot coverage, whereas the CD-4 zone permits up to 80% lot coverage, of which the latter is included on the plan set. It is unclear at this time whether 70% or 80% would be more applicable to the project, but this is unlikely to be any issue of significance as the total lot coverage for the proposal is estimated to be 18% (see sheet SK1).
 - B. Dimensional Regulations** – The proposed development meets the setback standards put forth in §10-I.4.2.1, although staff is unclear on this with respect to the lot perimeter of the site. The applicant has elected to place the building at the maximum allowable front setback of 20ft due to the building's proximity to Route 1, which is permitted in these regulations. There was some concern with the proposed stormwater structure within the front setback, however, the restriction of

stormwater structures in the front setback does not apply to Greenway District zones.

A differentiating feature of the greenway district is a change in how block size is calculated, where other ordinances measure the area of the property, the character districts measure the lot perimeter. Staff estimate the perimeter of the site to be 2,700ft (under the 3,000ft maximum), but it would be best if the applicant could verify this number and include the block perimeter in the zoning information in the plan notes. Lastly, staff has some concern with respect to parking spaces being within the second layer of the site, which is not permitted. Staff recommend that the applicant also verify the placement of the parking spaces with respect to the layers of the property as established by the Greenway District.

C. Greenway District Design Standards: Staff have found that much of the building design conforms to the standards from §10-I.4.2.1, with a few exceptions. §10-I.4.2.1 *Lot/Building Site Occupation* states that the maximum allowable width for the CD-4 zone is 100ft, while in *Building Standards (continued)* there may be a permitted exception. Any façade greater than 100ft in width must be differentiated so that it appears to be comprised of two or more adjacent buildings, so were the design to appear as two buildings sharing one party wall, then the maximum width may not be applicable. Staff recommend that the applicant verify the total width of the building so that the Planning Board may make a determination as to how this is applied.

Second, the Streets & Streetscreens portion of §10-I.4.2.1 specifies that the parking area shall be screened from the frontage. Screening does appear to be included along the back and sides of the lot, but it is unclear if that is continued on the entryway to the parking lot. Staff recommend that the applicant specify whether the screening does extend to this point, and if it may be on the same plan as the related building façade (as required in Screen & Streetscreen Additional Standards).

Third, staff recommend that the applicant provide calculations for the façade buildout and façade glazing. This is particularly necessary as the façade in Greenway Zones is any side which is visible from the frontage. While staff estimates these to be within spec for the ordinance, it would behoove the applicant to include these items to prove compliance.

D. Traffic – All site plans and subdivisions are required under §6.3.8 are required to submit an initial assessment of traffic impacts to the Public Works Director for review. However, as this proposal contains more than 40 parking spaces, it triggers §6.3.33 which calls for a traffic impact analysis to be made by a registered professional engineer. It may be best for the applicant to request a waiver for §6.3.8 and only perform the impact analysis in its place.

E. Parking: Parking on the provided plan was calculated by using §15.1.1.2 and the applicant is proposing a total of 58 spaces. Parking totals for the Greenway District are found in §10-I.4.8.2, but CD-4 parking totals for commercial uses other than lodging are deferred to the Planning Board. Thus, the board shall determine whether this is an appropriate amount of parking spaces for the proposed uses. Lastly, staff question whether the parking spaces for the dwelling units will be reserved for the residents, and if so, if those could be marked as such in a plan note.

F. Stormwater – As stated in the applicant’s narrative, as this site will disturb more than one (1) acre of land, it shall comply with Maine DEP requirements for basic and general standards. These standards include erosion and sedimentation controls in addition to post-construction stormwater management. All figures proposed in the stormwater management plan and detailed erosion control plan shall be submitted to the Town and will be reviewed by the town’s third-party environmental engineer for compliance with Federal, State, and local regulations. See Site/Sub §6.3.27, §6.4.15, §6.4.16, §9.8, and §9.9, and §9.10.

G. Other items of concern for full application: The applicant should review §6.3 and §6.4 of the Site and Subdivision regulations for full submittal requirements. The following are some areas in the regulations that may be of concern even at this stage in the process.

- Landscaping:** The applicant has included a drawing which shows some of the proposed landscaping, but not a dedicated landscaping plan. While landscaping within the Greenway District is not regulated, a landscaping plan is required per §6.3.7 and §6.4.6 of the Site Plan & Subdivision Regulations.

- b) **ADA Compliance:** It is unclear from this sketch plan whether additional measures (such as an elevator) will be included for residents who require assisted access to the second floor.
- c) **Workforce Affordable Housing:** Per §10-I.4.15., any proposed development that consists of 10 or more dwelling units shall include at least ten percent of the total number of dwelling units within the development as workforce affordable housing. As the ten-unit threshold is not met, this development is not subject to this requirement. In a meeting with the applicant, it was indicated that these would be utilized for employee housing. In future submissions, staff ask that applicant elaborate on this possibility, and what agreements would be in place for residents.
- d) **Offsite Improvements:** In a meeting with staff, the applicant indicated that a sidewalk could be included along Route-1, but questioned whether the Town would be more amenable to a buffered sidewalk or one along the road itself. Staff recommend in this instance that a buffered sidewalk be constructed, to make for a more walkable environment. Additionally, it was noted that additional paving may be done on Rogers Road to extend the paved edge to the driveway leading out of the site. In future submissions, staff ask that both of these improvements be included in the plans, and to verify compliance with the Town Engineer.
- e) **State and Federal Permits:** The applicants will need to show that they have received all relevant state and federal permits for the proposed work or that no such permitting is required.
- f) **Timeline/Phasing:** The applicant will need to provide an estimated timeline for construction and any proposed phasing of the development per Site/Sub §7.30.
- g) **Performance Guarantee and Financial Capacity:** In future applications, the applicant shall submit documentation proving their financial capacity to undertake the project (Site/Sub §6.4.28). An irrevocable letter of credit from the applicant's financial institution shall suffice for this project. Performance guarantees for proposed offsite improvements, construction erosion controls, and/or site restoration shall be based on an estimate from the applicant's engineer and then verified by the town.