

CIVIL CONSULTANTS MEMORANDUM

TO:	Town of York Planning Staff	FROM:	Geoffrey R. Aleva, P.E.	DATE:	1-14/21
SUBJECT:	Site Plan and Subdivision Review – Elderly Housing - Review comment / response				
PROJECT:	Long Sands Village; James M. Paolini (Tax Map 44 Lot 38) (cc 1931400)				

Following please find CIVIL CONSULTANTS's responses to the memorandum from

COMMENT	RESPONSE
<u>COMPLIANCE WITH THE TOWN'S ORDINANCES</u>	
ZONING ORDINANCE	
The following are comments on the submitted memo that describes the project's conformance to Section 7.8 Elderly Housing Standards:	
<u>7.8.1.4 Density:</u>	
1. The total number of allowed dwelling units is arrived by two determinations: the building type (7.8.1.4.c) and the net developable acreage (3.1.10/7.4 of Site Plan/Subdv. Regs.) The former appeared to be individual structures connected by an enclosed breeze way when staff initially reviewed the plans and requested an opinion from the Code Enforcement Office. Code staff sees the attached structures as one since the attached area is enclosed and to be heated.	<i>Not an issue, resolved prior to sketch submission.</i>
2. With regard to Section 3.1.10, the Planning Board should review and discuss their expectation on subsection 2) other areas of rights-of-way and access and determine if the vehicular and pedestrian access on the site should be deducted. It appears it is applicable. I believe in past subdivisions the land area occupied by access, such as a drive in a condominium development, was deducted.	<i>The ordinance does not indicate that this area is to be removed from development area. It is our opinion that it not required to be removed from the density calculations.</i>
<u>7.8.2.3 Buffers and Landscaping</u>	
3. 6.3.3.A.4 vegetation in general, specifically noting any trees larger than 24" in diameter at breast height. The Existing Conditions Plan does include this information now; however, it is more useful if included in the base plan information for the site plan, grading plan and landscape buffer plan. Having this information on these plans, especially the grading plan, aids in preserving large trees on the site.	<i>Reviewers comments are noted, the updated plans indicate the location of trees and the treatment of trees. Some trees will be removed and others protected. Trees adjacent to the developed area will be removed.</i>



COMMENT	RESPONSE
<p>4. A 30-foot-wide buffer yard is required for developments of 15 or more Elderly Housing dwelling units. The proposed site design includes proposed parking and buildings within this location; the rear portion of the property that has been designated as such along Fernald Road (allowed since the proposed number of dwellings is less than 15). After a site visit the Board may want to consider how the buffer proposed along Fernald Road would perform.</p>	<p><i>It is important to realize that this development does not meet the unit number requirement for this buffer.</i></p> <p><i>The proposed design incorporates additional plantings above what is required.</i></p> <p><i>The existing mature trees that have been preserved along Fernald Ave (sections C, D & E, as shown on sheet LP2) meet or exceed the Town LUO Requirements (Section 7.8.2.3.4) for preservation of existing trees within the rear landscape buffer yard. Existing mature trees within 30 feet of the property line along Fernald Ave have been preserved unless removal was necessary to create the access drive. Town of York LUO Section 7.8.2.3.3. "The first 30 feet of the side or rear yard, measured from the property line, shall be retained in its natural vegetated state to the maximum extent possible to provide a visual screen between the abutting lot and the project." In my opinion, the existing vegetation has been preserved to the maximum extent possible. This portion of the property currently consists of mature canopy trees with lawn beneath. Additional vegetation has been added to increase the planted visual screen buffer along Fernald Ave and to fit in character with the existing residential neighborhood</i></p>
<p>5. An alternative to the three parking spaces in the buffer yard and to the less efficiently spaced angled parking proposed, is a small row of ten perpendicular spaces. This alternative would only require a 42-foot swath rather than the proposed 58 feet resulting in only a net loss of one parking space, leaving more than 30 feet of buffer area undisturbed adjacent to an important area that needs to be effectively screened (See image to the right).</p>	<p><i>The access drive and parking at an angle are the result of a "One-way" vehicular circulation pattern which is common practice here in the State of Maine. The "three parking spaces" noted by the peer reviewer are located in what currently is lawn, no existing trees or vegetation will need to be removed in order to create the three parking spaces.</i></p> <p><i>Additional plantings have been added between the parking spaces and Fernald Ave to provide for an effective visual screen to the neighbors on Fernald Ave</i></p>
<p>6. The Landscape Plan includes an assessment and tally of existing and proposed trees and shrubs as it relates to the required buffer yard point system. A reference to trees over 6" in caliper to determine eligibility to count as a mature existing tree in the buffer yard seems inappropriate. The 35-foot height referenced in the zoning would be more appropriate to use along with ultimately a site visit by the Planning Board to determine the adequacy of the mature and proposed plantings as effective buffers.</p>	<p><i>The ordinance does not indicate guidance on what is to be considered a mature tree. A 35 ft height requirements also does not appear to be appropriate. There are many tree species that do not reach that height when mature. We feel that we have accurately indicated the zoning requirement.</i></p> <p><i>The existing buffer yards meet or exceed the tree count "plant units" required for this development per Section 7.8.2.3.4 of the LUO. There are many existing trees less than 6 inches in caliper within the buffer yards, which were not included in our buffer yard calculations. The LUO Section 7.8.2.3.4.a states tree measurements in both "inch caliper" & "height at maturity". In my opinion using a 6" inch caliper or greater standard for measuring trees is acceptable for this project. Although I do not agree with the tree height in the comment, all trees measured and included in the existing tree buffer</i></p>



	<i>calculations are equal to or greater than 35 feet in height.</i>
COMMENT	RESPONSE
7. A combination of fencing and plantings may want to be considered within portions of the buffer yards to aid in maximizing the screening effectiveness of the buffer.	<i>The parking area is located central to the site with buildings surrounding it. The buildings themselves will provide “screening” from the parking area to the neighbors on the north and south sides of the site. Trees have been added between the buildings to provide a continuous internal visual screen from the parking area to both direct abutters. The external visual buffer plantings proposed on sheet LP3 fit in character with the neighborhood and will help to provide a more natural looking screen. The visual screening plantings along Fernald Ave preserve the existing mature trees and we are proposing planting understory trees and shrubs like Dogwood & Lilacs, which are plantings that are present on neighboring residential properties. With a 30-foot change in elevation between Fernald Ave and Long Sands Road, it is my opinion that a 6ft tall fence would be ineffective at creating a visual screen between this development and the direct abutters to the north and south. Evergreen plantings have been added to provide visual screens that will grow and develop into a more effective visual screen in the future.</i>
8. It appears the 100-foot sections depicted on the plan, used to demonstrate the total number of plant units, overlap between side yards and rear yard. Perhaps an alternative to be considered is to calculate the total distance for each of the three buffer yards in a manner that there is no overlap, so that it is clear that trees are only counted once.	<i>: The overlap of buffer yards at the northern and western corners of the property where identified at the onset and the tree counts along Fernald Ave were the priority. Trees located in buffer yards C & E where not counted in buffer yards B & F. In effect, buffer yards B & F depict tree counts for only 70 feet of the existing 100ft buffer yard. Both buffer yards B & F (at 70 feet in length) are more than double what is required in the Land Use Ordinance Section 7.8.2.3.</i>
9. The Landscape Plan (Sheet LP3) provides some proposed plantings, however, there are more opportunities to adequately screen the proposed parking areas.	<i>The parking area is located inside a half circle of buildings with trees and shrubs placed between the buildings. These solid structures themselves will screen the parking from the northern and southern abutters. The view to the parking area from Fernald Ave will be screened with the trees and shrubs planted beneath the existing trees that are being preserved. This type of planting fits in character with the existing residential homes on Fernald Ave. We welcome input from the Planning Board with regard to buffer plantings along Fernald Ave.</i>
<u>Engineering Peer-Review</u>	
The applicant addressed comments from Gorrill Palmer to date and have not further comments with the exception of the following:	<i>No response required at this time.</i>



COMMENT	RESPONSE
10. The issue of controlling runoff onto the Long Sands Road sidewalk, which may be impacted by the new ordinance requirements, should be addressed by the applicant.	<i>We have reached out to the Public Works director for any additional comments. There have been none. We have made changes to the plans to reflect additional stormwater controls for the easterly abutter. The plans indicate a berm to direct flow away from the abutter. This flow is then directed to a level lip spreader before discharge to long sand road following existing drainage paths. These changes were made to address abutter and planning board comments.</i>
<u>General Comments</u>	
11. The applicant has expressed plans to utilize town services for solid waste/recycling disposal. Is this typical for a property such as a condominium development such as this?	<i>Yes, If not a private collection service will be used. No dumpsters are proposed. Individual totes will be utilized.</i>
12. The applicant has stated the transformer will be screened. Revised plans should demonstrate this. In addition, the location of the transformer and the placement of a utility pole providing for the new service should be reviewed as it relates to the mature trees in the buffer yard. It appears from the existing conditions plan that there is a large Pine Tree in the vicinity. Moving the pole and the transformer as far away as possible would benefit the health of the tree.	<i>Location will be reviewed and additional screening will be provided as needed. The intent is to bring the electric service to the site near the existing overhead wires, reducing the impact to adjacent trees.</i>
<u>WAIVER REQUESTS</u>	
<i>Section 8.1.3 (Site Plan and Subdivision Regulations) Where a lot has frontage on two or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and lesser potential for hazards to traffic and pedestrians. In general, all new driveways should access from the new subdivision street, rather than an existing street, so as to minimize curb cuts on the more heavily traveled street.</i>	
The Director of Public Works should provide comments as to the reasonableness of the request. In some respect this provision, that focuses on impacts to traffic, is at odds with other provisions that focus on impacts to the neighborhood. The Board will need to determine if what is requested is reasonable.	<i>The Director of Public Works responded and indicated that there are no objections to the waiver request. Please refer to the email provided to Town Staff.</i>
<u>CONCLUSION</u>	
The submitted preliminary application is substantially complete. The Planning Board should determine if a site walk will be required prior to preliminary approval. The Board should also direct the applicant as to what should be addressed in a revised preliminary	<i>A site walk has been conducted.</i>



plan. Or, if the Board is inclined to do so, grant conditional preliminary approval and direct the applicant as to their expectations for the Final Application.	

J:\aaa\2019\1931400\PLANNING-BOARD\20201214-REVIEW-COMMENTS\20210104- Response Memo.docx

