

PEER REVIEW  
LETTER

January 22, 2021

York Planning Board  
Dylan Smith, Planning Director  
Town of York  
186 York Street  
York, Maine 03909

Application: Long Sands Village; James M. Paolini  
(Tax Map 44 Lot 38)

**Site Plan and Subdivision Review – Elderly Housing**

Review Status: Continued for Preliminary Plan review.

Board members and Mr. Smith,

The following application information has been provided for review:

1. Application Submission book entitled: *Preliminary/Final Site Plan Application, York Maine, Prepared for James Paolini, 40 Godfrey Cove Rd., York, Maine 03909, September 2020.* prepared by Civil Consultants.
2. Plan set entitled: *Site Plan, Long Sands Village Elderly Housing Development; 122 Long Sands Road (Map 120, Lot 139) York Maine. Prepared for James Paolini, 40 Godfrey Cove Rd., York, Maine 03909, September 2020.* prepared by Civil Consultants. Date 9/25/2020. (REV. Date: 1/14/21)
3. Stormwater Management book entitled: *Preliminary/Final Site Plan Application, Stormwater Management Plan, York Maine, Prepared for James Paolini, 40 Godfrey Cove Rd., York, Maine 03909, September 2020 (Revised January 2021).* prepared by Civil Consultants.
4. Responses to Comments Civil Consultants Memorandum, dated 1/14/21

With review of the above information and the Town's Zoning ordinance and the Site Plan and Subdivision regulations, and in collaboration with civil engineers Gorrill Palmer, I offer the following comments on compliance with the Town's ordinances.

## **PROJECT DESCRIPTION**

The project site is located at 122 Long Sands Road (Tax Map 100 Lot 27). The property lies within the Residential 1B Zoning District and has frontage and vehicular access to both Long Sands Road and Fernald Avenue. The site is currently developed with a single-family building and pool that abuts single family residences and is across the street from a commercial development at 127 Long Sands Road.

The proposal is to construct 10 Elderly Housing units with associated parking, maintaining vehicular access to both abutting streets, Long Sands Road providing access to two of the 10 proposed dwellings. The project includes new utilities for public water and sewer, and underground power.

## **COMPLETENESS REVIEW**

(Planning Board accepted Preliminary Plan Application at the 12/17/2020 meeting)

The applicant has submitted a list of information required under Section 6.3 Submissions\* for Preliminary Plan. With review of the most recent application submittal, it appears the preliminary plan application is complete.

*\*as well as for 6.4 but this review will focus on preliminary first.*

## **COMPLIANCE WITH THE TOWN'S ORDINANCES**

(The applicant has provided written responses to the following comments in their submitted 1/14/21 Memorandum)

### **ZONING ORDINANCE**

The following are comments on the submitted memo that describes the project's conformance to Section 7.8 Elderly Housing Standards:

#### **7.8.1.4 Density:**

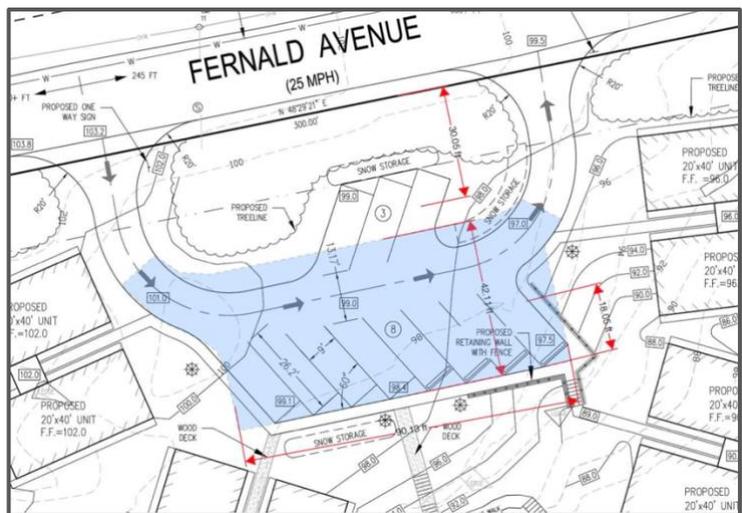
1. The total number of allowed dwelling units is arrived by two determinations: the building type (7.8.1.4.c) and the net developable acreage (3.1.10/7.4 of Site Plan/Subdv. Regs.) The former appeared to be individual structures connected by an enclosed breeze way when staff initially reviewed the plans 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. **Though the Code Enforcement Office has stated that proposed buildings are considered single structures (with two units), the applicant and the Planning Board, after having the opportunity to visit the site, may want to consider a different building design that would afford a smaller overall development footprint. More traditional duplexes and multi-**

family buildings, and perhaps adding to the existing building, would provide similar density in less overall space. This space may allow a more effective buffer and transition between the established single-family neighborhood and the higher-density use proposed.

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. **The Board should make a determination.**

### 7.8.2.3 Buffers and Landscaping

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. **The plans have been revised to include the information.**
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. **See response to comment 9 below.**
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).



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. **The Planning Board, now having visited the site, should determine if simply preserving the existing vegetation within the setbacks along with the limited new landscape plantings proposed is sufficient to adequately screen or buffer the proposed development from adjacent properties.**
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. **It appears from the site walk that the existing vegetation along the perimeter of the site is somewhat sparse and may require additional plantings with fencing in some locations (especially along Fernald Avenue) to be an effective buffer.**
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. **The plans have been revised.**
9. The Landscape Plan (Sheet LP3) provides some proposed plantings, however, there are more opportunities to adequately screen the proposed parking areas. **The Planning Board should consider the comments above and their observations from the site visit and determine if there are more planting/screening opportunities. Regardless of the size of the development, the proposed parking, per 7.8.2.3.1, needs to be adequately screened from adjacent properties. This presumably includes across the street along Fernald Avenue. It appears from the landscape plan that there is more opportunity for a greater intensity of planting that would address the provision.**

**The applicant refers to providing a type of planting that is characteristic of the existing residential homes along Fernald Ave. This does not seem appropriate since the primary objective of the landscape plantings along the perimeter of the property is to mitigate the visual effect of the proposed development. The proposed development may be a residential use; however, it is at a far greater intensity than the surrounding single family neighborhood. An appropriate styled fence together with plantings (flowering perennials, etc) along Fernald Road would likely be the most effective way to screen the parking and some of the development from public view.**

#### Engineering Peer-Review

The applicant addressed comments from Gorrill Palmer to date and have no further comments with the exception of the following:

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. **Gorrill Palmer** has provided the following comment:

*We reviewed the following materials that were downloaded from the Design Engineer/Applicant. We assume you will forward our comments to the Design Engineer/Applicant.*

- *Long Sands Village Stormwater, prepared by Civil Consultants, dated January 2021*
- *Response to Comments, prepared by Civil Consultants, dated 1/14/21*
- *Long Sands Village Plan Set, prepared by Civil Consultants, dated 1/14/21*

*We have reviewed the materials for conformance with the technical engineering portions of the Town of York Ordinance and generally accepted civil engineering standards and offer the following comments:*

1. *Subsequent to a site visit on January 11, 2021 the stormwater design was revised by the Design Engineer/Applicant to limit the flow of stormwater runoff from the project site to the abutting parcel. The runoff to the abutting parcel has been reduced from predevelopment levels and the total runoff to Long Sands Road has been reduced from predevelopment levels. The stormwater management design appears to satisfy the Town of York stormwater requirements.*
2. *The new layout has a level lip spreader that disperses runoff back to sheet flow towards the sidewalk. The stormwater model calculations show that the overall flow to Long Sands Road has been reduced from pre levels. Our understanding is that the issue of runoff flowing across the sidewalk is an existing condition. We understand that Geoff Aleva has discussed the runoff issue with Public Works. The proposed improvements may not resolve the issue but it should not make it worse either.*

### General Comments

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? **The method** for solid waste/recycling disposal should be determined prior to final approval and if a private hauler is required, such services should be clearly identified in the development's association legal documents.

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. **Though there is a note on the utilities plan that states the transformer will be screened, the landscape plan does not reflect that. Perhaps the landscape plan should include items on the plan, such as a transformer, that are necessary to be screened.**

Additional Comments (new):

13. Comprehensive Plan policy and objectives for this area. With review of the Town's Comprehensive Plan (CP) for this portion of town (Land Use Area #11) it appears there is a discrepancy with the zoning. The CP includes objectives for the predominantly single family use in the area to be protected as such. Plan Recommendation #1 reads (page 130 of Volume I):

*Establish the area as a protected residential zoning district. Only single family housing and Class 1 home occupations should be allowed. Density should remain moderate.*

Per Section 7.1, Site Plan and Subdivision Regulations, the Planning Board is required to consider conformance with the Comprehensive Plan. The applicant should address conformance and the Board should discuss how the proposed development conforms Article 7. Section 1.29 authorizes the Planning Board to interpret ordinances and the Comprehensive Plan.

14. The Planning Board may want to consider the CP Land Use objective referenced above in the context of comments already made regarding the development footprint and impact of the proposal and to what level of design changes and mitigation is required for the proposed development to appropriately fit within the character of the neighborhood.
15. At the site visit, the Board was able to see the encroachment of the abutting property's (Map 44/Lot77) driveway on the site. It was discussed that the application is a good opportunity for this issue to be addressed, perhaps through an easement. The Planning Board should direct the applicant as to their expectation, perhaps to be addressed prior to final approval.
16. It appears the applicant has revised the grading (Sheet L1) to accommodate a level spreader to address stormwater flow from the site. The plan depicts the proposed grading without any change in the *existing treeline*. This is also true in the area southwest of the existing building. The tree line on the plan should reflect the proposed condition. Considering the amount of clearing and/or disturbance to the existing vegetation for the level spreader and

clearing and/or disturbance to the existing vegetation from the new level spreader and associated swale in the proximity of the abutting residence, additional screening should be considered, especially in the vicinity of the decks proposed at the rear of the new units

## **WAIVER REQUESTS**

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.*

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.

## **CONCLUSION**

The Planning Board should discuss their observations from the site walk and how they may or may not be reflected in the application or peer-review. The Board should also direct the applicant as to what should be addressed in a revised preliminary 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.

Feel free to contact me with questions.

Best regards,



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