



FUSS & O'NEILL

January 22, 2021

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

RE: Revised Response to Peer Review Letter Dated December 5, 2020  
Response to discussion at the Planning Board  
Garret Homes LLC, 317 US Route 1 York, Maine  
Fuss & O'Neill Reference No. 20200472.A10

Board Members and Mr. Smith:

The following is a response letter to the peer review comments received Saturday December 5, 2020 by email from Chris DiMatteo of Longmeadow Planning & Landscape Architecture, LLC on behalf of the Town of York and responses to a number of items discussed at the Planning Board Meeting on December 10, 2020. The first section is an overall summary update of actions taken and changes proposed by the Applicant.

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## Summary Of Major Actions And Applicant Proposed Changes

1. Driveway Shifted North:  
Since the Planning Board Meeting the Site design and all other designs have been updated to locate the access driveway across from the driveway to Park Place Commercial Center on the west side of Route 1.
2. Traffic Study:  
A full Traffic study per a scope discussed with Dean Lessard the Director of Public Works and addressing the items in the December 5, 2020 Review letter has been prepared.
3. Maine DOT Concurrence With Trip Generation And No Need For Traffic Movement Permit:  
At the request of Mr. Lessard, the Maine DOT was consulted on the Trip generation. At the same time they were asked if a Traffic Movement Permit would be necessary.
  - Maine DOT has concurred or agreed with the Trip Generation.
  - Maine DOT has stated a Traffic Movement Permit is not necessary.

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4. Building Elevations:

In response to concern of the aesthetic by a number of board members a review of the Building Elevations was performed with both Dylan Smith and Chris DiMatteo.

- O'Reilly Auto Parts
  - Entrance Treatment:

Changes in materials have been made to the Red area around the O'Reilly Auto Parts entrance to utilize Red Hardy Plank clapboards instead of Metal panels.
  - Route 1 Face:

Sections of Hardy Shake have been added to break up pattern and texture on the Route 1 face.
  - Main Colors:

The beige siding has been swapped out for a "Boothbay Blue"
  - Base treatment:

The O'Reilly Auto Parts brick treatment was changed to a stone treatment matching the Sherwin Williams Building.
  - Cupola and Dormers:

A cupola and dormers have been added to the roof to break up the lines and add interest.
- Sherwin Williams:
  - Colors:

The Sherwin Williams building main color will be a "Gray Slate"
  - Cupola:

A Cupola was added to the roof to add interest.



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## Applicant Proposed Reduction in Uses

Upon review of the Market, the Applicant has decided to eliminate the Lease Space and only build the O'Reilly Auto Parts and Sherwin Williams. This will have the following effects on the project.

1. Reduced parking requirement (see attached recalculation);
2. Reduced Trip Generation;
3. Left Turn Warrant further from being met;
4. Eliminate some impervious building coverage.

We look forward to discussing this with the Planning Board.

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## Revised Response to Peer Review

The comments from the Peer Review are restated in *bold italicized text*. The response will follow each comment in regular text.

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## Completeness Review

1. *Public Water Supply – The servicing Water District must approve in writing all specifications for the water supply system that appear on the plan. The letter dated 10/22/20 ensures sufficient capacity but does not approve the proposed water utility improvements. Written approval from the Water District that the final plans conform to their requirements is needed to comply with this provision. The 10/22/20 letter does not seem to provide the direction the applicant needs to accomplish this.*

The changes suggested in the Water District Review Letter have been made we are awaiting approval from the Water District. We expect that with the changes that were made we will receive the approval.



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2. Public Sewage Disposal – The York Sewer District must approve all plans that will connect to the public sewer line and all sewer line extensions. This approval will cover issues of capacity as well as piping and pump station specifications. Only a capacity letter has been submitted. In light of the Sewer District's reluctance to provide approvals prior to them issuing their own permits, perhaps the Board may want to consider a condition of approval for this item.

The Revised Utility Plan has been provided to the Sewer district with a request for input on the Connection to the Sewer Main in Green Acre Drive as well as recommendation of preferred pump type, grinder versus standard effluent pump. We are awaiting their response.

If the board can make the Sewer District approval of the sewer connection / pump station design a condition of approval; that would be preferred.

3. Cost Estimates for Public Improvements and 6.4.25 Type of Performance Guaranty. Though this is a Site Plan and not a Subdivision that typically includes a number of public improvements that are covered under a performance guaranty, the project includes a public sidewalk. This will require a construction cost estimate to be reviewed by the Peer-review Engineer and Town Staff and a performance guaranty to cover construction costs.

We will provide the Board an estimate of the cost for the construction for the public improvements and the cost of erosion control and re-establishment of vegetated stabilization once there is definitive direction on the public improvements that will be required.

4. Findings of Fact, Conclusions of Law, and Decisions. The applicant requested a template to use in preparing the required draft and I indicated that the template was being revised by the Board and staff.

We have received the Findings of Fact Template and will have provided a DRAFT ahead of the Planning Board Meeting on January 28<sup>th</sup>..



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5. *The applicant is responsible for obtaining all necessary approvals or permits required. Final approval of the Final Plan shall be granted upon determination that all required approvals and permits from agencies other than the Town of York have been obtained, and advisory opinions have been received per 6.4.5. The applicant has stated that: A Maine DEP Stormwater Law permit was previously received for the Hotel project that was proposed in 2018. This project will amend the permit for the new commercial proposal. The approved amendment from MDEP is required for Final Plan approval. Perhaps the Board will consider a condition of approval for this item*

The Amendment to the Site Law Permit is underway. When the permit is received we will provide it to the Town for its records.

The ME DEP Stormwater Law Permit as a condition of approval would be preferred.

A Maine DOT Traffic Movement Permit will not be required.

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## Compliance With The Town's Ordinance

### Zoning Ordinance

*The site is located in the Route One- 3 District and abuts at the rear of the property the Residential 1B District and the established Orchard Farm Road/Greenacre Drive residential neighborhood. Per Section 18.1, the proposed use is permitted with a Route One Use Permit when granted by the Planning Board.*

No comment. This is correct.



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*5.2 Schedule of Dimensional Regulations Footnotes: The proposed development is subject to a recent zoning amendment that prohibits particular stormwater features from being located within the yard setbacks. The footnote k reads:*

*Stormwater Management Facilities, as defined in this ordinance, shall be exempt from yard setbacks except for the following types of stormwater facilities:*

- *Stormwater wet ponds, detention ponds and basins, biofilters, retention ponds, catch basins, and drain manholes.*
- *Any above ground or above finished grade stormwater management facility structures that may include piping (including outfall pipes), concrete, riprap, or other similar constructed infrastructure intended to control stormwater runoff quantity or quality.*

*The applicant is proposing a stormwater feature, underdrained soil filter, within the Front Yard Setback that is not specifically listed in the above footnote. The Town will need to confirm that this particular stormwater feature is not subject to the new prohibition. Gorrill Palmer provides additional information on this matter in their comment #1 below under the Site Plan and Subdivision Regulations section.*

The previously proposed underdrain soil filter south of the driveway was rendered un-necessary by the revisions made addressing other comments.

The design does propose an underdrain soil filter within the front setback to north of the driveway. The underdrain soil filter to the north is partially in the setback and partially out of the setback.

Underdrained soil filters are not on the list of prohibited stormwater practices. Components of the underdrain soil filter like outlet structures can be considered part of the footnote k list.

Outlet pipe and structures have been moved out of the setback.

It should be noted that stormwater will need to flow to the low spot on any property. On this property it is the northern corner within the front setback adjacent to Route 1.

The employment of underdrain soil filters was discussed at the previous Planning Board meeting and there seemed to be consensus that they were allowed and that the intent of the ordinance had been met.



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*5.2.4 Route One Zoning Districts (Setbacks): The plans depict a side lot line setback in between the property's rear lot line. The portion of the rear boundary line of the property that lies west (left) of the existing residence (n/f Kettles) should be subject to the same 50-foot rear yard setback that is depicted along the portion of the rear boundary line that lies to either side. Currently it is depicted on the plan as having only a 30-foot setback.*

The 50-ft setback is shown on sheet CS-100 the area near the n/f Kettles property has been more clearly labeled however.

The CG (grading sheets) only depict the bufferyard setbacks.

6.3 Performance Standards Applicable to all Non-Residential and Multi-family uses in Route One- Zoning Districts. The applicant has addressed conformance to the performance standards in writing. The following are comments and/or request for clarification. Landscape Plan (6.3.10, 6.3.11):

1. *Landscape Plan (6.3.10, 6.3.11): This plan needs to be stamped by a Landscape Architect licensed in Maine. The total plant count should be reviewed as it relates to the total number of proposed trees and shrubs. It appears there are fewer plants depicted than what the table on the plan denotes. The plan should be reviewed, and the additional plants added to the plan. There are some gaps along the rear property line that can accommodate additional evergreens and deciduous trees.*

The Landscape Plan has been revised and stamped by the Landscape Architect.

The plant counts versus depiction on the plan versus the Town Route 1 Regulations has been confirmed.

2. *Utilities (6.3.12.3): specifies that all electric, telephone, television, etc. are to be underground. There is an existing overhead line that services the residential property to the rear of the property. Is this to remain above ground? Please provide a copy of the recorded easement for the noted utility easement shown on the Existing Conditions Plan to determine if it includes more than the overhead lines.*

The overhead line you are referring to was for the Mic Mac Hotel and the pool house. The abutting Greenacres Drive properties are served by utilities in the Greenacres Drive Right of Way.

3. *Buildings and Site Design Requirements (6.3.13): The applicant stated in their narrative that the proposed building is separated from U.S. Route 1 by a 50-foot-wide natural vegetated buffer. This is not the case and the proposed building is subject to the design requirements. The applicant, however, has provided architectural elevations that demonstrate compliance with the exception of building material (6.3.13.4). The applicant is proposing Hardyboard rather than wood clapboard. This is a widely used commercial product that the Board may have previously provided a waiver for on other commercial applications.*

A Waiver to 6.3.13.4 to request allowance of Hardy Plank Siding and Hardy Shingle siding has been provided as an attachment.

In the past this is a waiver that has been granted.

4. *Open Space (6.3.18): designation of open space is at the discretion of the Planning Board. Does the Board want the reservation of open space on the property?*

No Open Space is provide this is a site plan and that is typically a reservation made on subdivisions.

5. *Off Site Improvements (6.3.19): The proposed public sidewalk is an off-site improvement.*

The sidewalk was an off-site improvement previously mentioned, during the Hotel Planning Board hearings that would be required.

6. *Performance Guaranty (6.3.21): This will be required under Site Plan and Subdivision regulations to cover erosion and sedimentation control and stormwater features for the site, and under this provision to cover the proposed public sidewalk.*

A performance guarantee will be provided as required once the items to be included are solidified.



7. *Calculation of Net Buildable Site Acreage (6.3.25): Values for the areas of the various categories are provided, however, I have not found an exhibit or soils plan that the values used are based on. This would be helpful to determine if the coverage cited on the plan notes (Sht. CN-100) is accurate.*

Soils are depicted on the Drainage maps in the Drainage report. The calculations are accurate.

#### SITE PLAN AND SUBDIVISION REGULATIONS

*The following are comments from Gorrill Palmer:*

1. *In accordance with recently updated Zoning Ordinance Section 5.2 foot note k, certain stormwater management facilities are not allowed within yard setbacks. It is not clear to us whether an underdrained soil filter is included in the stormwater BMPs (Best Management Practices) that are listed as not exempt from this requirement. We did not find a definition for a biofilter in the ordinance. This BMP would come closest to an underdrained soil filter, but the definition could be debated. The Town should determine whether underdrained soil filters are included in the non-exempt stormwater BMP features listed in footnote k. If the stone check dams are proposed as permanent and are intended for stormwater treatment as noted in the stormwater report, they are not allowed within the front, side, or rear setbacks. Also, catch basins and storm drain manholes are not allowed within the front setback.*

As discussed above, underdrain soil filters are not on the list of prohibited structures. Underdrain soil filters are designed to be dry when it is not raining.

As also discussed above the outlet structures to the underdrain soil filters were relocated to comply.

2. *Some proposed storm drain piping has less than 2 feet of cover. Confirm that cover over the storm drain pipes is adequate.*

The design has been revised to maximize cover to the extent possible. No pipe has less than 2-ft of cover.

3. *Provide details for proposed sanitary sewer pump station.*

Details of the sanitary pump station will be provided in accordance with the requirements of the Sewer District.

The daily flow from the project is estimated to be 180 gpd, just over the flow from one bedroom. A pump akin to one used for a septic system is expected to be specified. We will have this sized and specified by a pump supplier and added to the plans.

4. *Provide sewer force main size.*

The Force main size has been provided as 3-inch. We are awaiting approval and input from the Sewer District.

5. *Piping at SMH 12 has 1.5 feet of cover. Pipe design shall be revised to provide adequate cover for frost protection.*

The Pipe cover has been revised to protect against frost.

6. *The stormwater report states that the 10-year storm drains from the two underdrained soil filters (USF), within 24 hours. The standard Maine DEP requirement is to have the water quality volume drain between 24 and 48 hours. Provide calculations showing that the WQV drains within the time specified by Maine DEP guidelines.*

Drain time calculations have been provided. Design revisions have been made as part of revisions made to address other comments, such as lining up the driveways.

7. *The minimum area required for USF #2 is reported as 938 sf in the stormwater report as opposed to the required area of 2,047 sf for the stated tributary area.*

USF #2 is now USF#1. The previously proposed USF # 1 has been eliminated.

The required area has been reviewed and updated as necessary.

8. *The filter layer gradation table is missing from Sheet CD-510.*

The filter layer gradation table has been provided.

9. *Note 10 on Sheet CD-510 is within the border of the plan sheet and is difficult to read.*

The note has been relocated in order to read easily.

10. *The treatment area for USF #1 listed on the WQ sheet seems to list the wrong developed area quantity.*

The originally proposed USF #1 has been eliminated.

11. *The 24-hour rainfall amounts for York County are slightly different than the values listed in Maine DEP Chapter 500.*

The Value used was from the Northeast Climate Center's Extreme Precipitation Table which is updated regularly. The values in Chapter 500 do not get updated and do not incorporate the effects of climate change.

If required the values can be changed to match Chapter 500.

Currently, the design currently still uses the more conservative Northeast Climate Center's Extreme Precipitation Table.

12. *A stage-storage table showing the WQ volume and stage should be provided.*

A stage Storage Table has been added.

13. *There are discrepancies in the elevations of the spillway and outlet grates between the plans, details, and HydroCad report.*

The plans and HydroCAD have been reviewed against one another and have been revised accordingly.

14. *The grate elevation for the outlet structure at USF #1 shown on Sheet CU-101 has two different callouts.*

The originally proposed USF #1 has been eliminated.

15. *Provide a barrier within the rip rap spillway to prevent flow through the rip rap at elevations below the stated crest elevation.*

A barrier has been provided within the rip rap spillways.

16. *Specify seeding for USF*

Seeding has been clearly specified for the USF's.

17. *Provide analysis of the emergency spillways at USF to demonstrate that there is one foot of freeboard between the 25-year flow over the spillway as the sole outlet and the top of berm.*

Analysis of the spill ways has been provided to show 1-ft freeboard during the 25-yr storm.

18. *The outlet structure detail on CD-503 is 2-feet square. The detail on CD-510 calls out a 15-inch standpipe. Please revise and clarify.*

The details has been reviewed and updated.

19. *Call out size of the outlet structure outlet pipe.*

The outlet pipe diameter will be called out.

20. *The erosion and sedimentation control narrative and details appear to meet the ordinance standards.*

No response required.

Traffic related comments:

21. *We primarily concur with the trip generation that was calculated and that it triggers the need for a full traffic impact study (TIS). We disagree with their conclusion that a full TIS is not needed. In our opinion a full TIS should be submitted.*

A Traffic Study has been prepared and provided. It addresses the scope discussed with Dean Lessard and the items in this review.

22. *The trip generation does not calculate any trips for the Hardware/Paint Store or the Variety Store for the Saturday Peak hour. These should be calculated and provided or estimated using a suitable methodology or assumptions. It should be noted that if the sum of all three uses for a Saturday (or any peak hour) are greater than 99 trip ends, this project will require a Maine DOT Traffic Movement Permit.*

The Calculations have been revised with a suitable methodology.

Maine DOT was consulted and concurs with the Trip Generation and the assertion that a Traffic Movement Permit is not required.

23. *We recommend that their driveway be aligned directly opposite the existing driveway on Route 1. The currently proposed off-set driveway location creates an overlapping left turn conflict between those vehicles on Route 1 turning into this site and those turning into the driveway on the opposite side of the street.*

The driveway has been relocated accordingly.

24. *A safety evaluation of Route 1 along the site frontage should be provided.*

A safety evaluation along Route 1 in front of the site has been performed and is part of the Traffic Study.

25. *The warrant for a left turn lane on Route 1 should be evaluated. If warranted, an existing center left turn lane located to the east of this site could be extended to in front of the proposed driveway.*

A left turn warrant evaluation has been performed. The Left Turn Lane is not warranted by the analysis.

26. *Pedestrian connection to proposed sidewalk. The current site design does not connect the proposed public sidewalk with the development's sidewalks that service the proposed buildings and parking. The Board should determine if a connection should be made.*

Pedestrian access to the site has been provided.



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*27. Access to parking space(s), specifically those opposite the dumpster enclosure located at the west end of the parking lot, seems to be marginal. It should be demonstrated that vehicles using these spaces can maneuver safely in and out of the stalls past the dumpster enclosure or perhaps remove the last parking space in this row.*

The parking in the area near the dumpster has been revised.

*28. Parking calculations and several other notes need to be updated (Sheet CN-100) to reflect the current proposed development. Owner and Applicant information should be reviewed for consistency. The Map and Lot information needs to be changed in the application and drawings to reflect the Parcel ID and not the Assessing ID.*

The notes have been reviewed and revised.

*29. The Board should discuss with the applicant the other agency approvals (Maine DEP and Maine DOT) and determine if they will accept these approvals as a condition of final Site Plan approval or will require the permits in-hand at the time of final approval.*

THE ME DEP Stormwater Law review is underway.

A ME DOT permit, is not required.

Conditional Approval is preferred.

We hope this response letter is helpful in further review of the application.

Sincerely,

Rick Lundborn, PE  
Senior Project Manager

RL/bh

c: File