

PEER REVIEW
LETTER

January 25, 2021

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

Application: Retail Shopping Center - Garrett Homes, LLC
317 U.S. Route 1 (Tax Map 59 Lot 4)

Site Plan Review

Review Status: Preliminary Application Accepted
(Revised Preliminary and Final Application included).

Board members and Mr. Smith,

The following application information has been provided for review:

1. Application Form, dated 7/21/20
2. Cover letter dated 10/5/2020 and 1/22/21 (includes waiver requests) from Rick Lundborn, PE, Fuss & O'Neill,
3. Application information other than plans, including: checklists, waiver requests, performance standards compliance; impact statements, traffic assessment, deed, letters to agencies and department heads, watershed map, Inland Fisheries & Wildlife maps, and scenic resources information. Prepared by Fuss & O'Neill, submitted 10/16/20.
4. Plan set entitled: *317 US Route 1, York, Maine Site Plans, October 5, 2020. Prepared for: Garrett Homes, LLC. Prepared by: Fuss & O'Neill (Revised plans submitted, dated 1/8/2021)*
5. Stormwater Management: *Stormwater Management Report, 317 US Route 1, York, ME 03909, Applicant & Owner Garrett Homes, LLC. October 5, 2020 (Revised January 8, 2021), Fuss & O'Neill.*
6. Architectural floor plans and elevations prepared by BKA Architects, dated 9/18/2020. (Revised drawings dated 1/14/2021)
7. Supplemental Information: Agency/Department Head Response Letters for: Sewer District, Water District, Fire Department, and Police Department.
8. Supplemental Information: *Traffic Study – 317 Route 1, Garret Homes LLC – Commercial Site Plan, York , Maine, January 2021 – Town of York ME Land Use Application. Fuss & O'Neill.*

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

PROJECT DESCRIPTION

The project site is where the former Mic Mac Motel was located, 317 U.S. Route 1, in the Route One-3 district. Kittery Indian, LLC is the owner and the applicant, Garrett Homes, LLC, is seeking to construct two commercial buildings, one 7,288 square feet and the other 5,512 square feet in size. Site improvements to include associated access, parking, public sidewalk, landscape buffers, exterior lighting, utilities and stormwater treatment. The Applicant is seeking to reduce the total number of required parking spaces.

COMPLETENESS REVIEW

(Planning Board accepted Preliminary Plan Application at the 12/10/2020 meeting)

The application is before the Planning Board as required by the Zoning Ordinance for Site Plan Review of non-residential development with more than 5,000 sf of floor space as well as pursuant to Article 4, Use Regulations where a Route One Use permit is required. The applicant has addressed in writing each of the preliminary plan submittal requirements of Section 6.3 and final plan, Section 6.4 of the Site Plan and Subdivision Regulations. Waivers are requested for 6.3.32 High Intensity Soil Survey. With the submittal of response letters from the Water and Sewer districts and Fire Department the **preliminary plan application** appears to be complete.

The following are items that appear to have not been sufficiently addressed and/or need clarification for consideration of a **final plan application**:

1. 6.4.3.1 Public Water Supply - The servicing Water District must approve in writing all specifications for 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 seem to provide the direction the applicant needs to accomplish this. **Applicant is working with District on approval.**
2. 6.4.4.1 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. **Applicant is working with the District and approval, though seeks this requirement to be a condition of final approval.**
3. 6.4.18 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. *The applicant plans to provide the information once there is definitive direction on the public improvements that will be required.*

4. 6.4.27 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. *A draft has been submitted.*
5. 5.4.8 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 Site Plan approval. Perhaps the Board will consider a condition of approval for this item. *The applicant is requesting the permit as a condition of approval.*

COMPLIANCE WITH THE TOWN'S ORDINANCES

(Applicant includes response comments in the 1/22/21 cover letter to the items outlined below)

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.

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 plans have been revised and the proposed stormwater on site are in conformance.*

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 plans have been revised.**

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

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 revised plan is stamped. There are still discrepancies in total quantities represented in the plant schedule versus the plant calculations table. There is an opportunity to fill in a gap of proposed evergreen trees at the rear property line, the westerly corner of the abutting property. In addition, there appears to be rip-rap proposed within and outside of the setback. Regarding the former, rip-rap is not permitted per 5.2-footnote k. Concerning the latter, consideration should be given to a vegetative substitute for rip-rap slopes, especially if these areas will be visible from the public way. The Planning Board should provide direction.**
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 applicant has confirmed that the abutting property is not serviced by this overhead line.**
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. **The applicant has submitted revised building elevations for the Board's review and written waivers for building materials and pedestrian access at the Route One façade. With regard to the latter, the revised building elevations have been revised to provide more variation in the façade's design and have provided each building direct pedestrian access from the main entrance to the public sidewalk along Route One. The applicant summarizes the changes at the start of the submitted cover letter. The Planning Board should determine if the changes meet their expectations as to the**

conformance to Section 6.3.13. Is there sufficient variation in the facades that will be visible from Route 1?

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? *The applicant is not planning to provide open space. It does not appear to be opportunities that would be appropriate.*
5. Off Site Improvements (6.3.19): The proposed public sidewalk is an off-site improvement. *Applicant concurs.*
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. *Applicant states that the information is planned to be submitted once 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. *Information is depicted on maps submitted as part of the Drainage Report.*

10-H.5 Standards for non-residential uses and multi-family dwellings. A Lighting Plan (CU-103) that includes photometrics and light spillage along property boundaries appears to be in compliance, while pole heights are taller than allowed. More information, however, is needed to determine if the proposed fixtures conform to the new ordinance. The applicant should review the new ordinance and submit the required information. *A photometrics plan has been submitted. Catalog cuts for the proposed fixtures should be provided and the applicant will need to demonstrate to the Planning Board that the proposed 20-foot high poles would better accomplish the purposes of this article per Section 10-H.5.e.2.*

Off-street Parking (Article 15). The applicant is requesting to reduce the number of off-street parking spaces required under 15.1.1.2.f (Retail, Wholesale or Service Establishment) from 64 to 45 spaces. The applicant makes reference to a waiver for this request; however, the Planning Board has the authority to reduce the number of required parking spaces under 15.1.1.4. A Traffic Impact Assessment has been prepared by Fuss & O'Neill that provides supporting information such as estimated trip generation for the specific types of retail establishments that are being proposed. When considering this information, the request appears to be reasonable and the conditions outlined in 15.1.1.4.c achievable. *The total number of parking spaces required has been recalculated to reflect the reduction in square area of business space proposed. See calculations applicant submitted 1/22/21)*

SITE PLAN AND SUBDIVISION REGULATIONS

Response to civil engineering related comments from Gorrill Palmer (GP) (1-20) have been addressed in the applicant's January 22, 2021 cover letter. GP's most current comments are at the end of this section.

Traffic related comments:

The following traffic related comments (previous review) from Gorrill Palmer (GP) are reflected in the applicant's response to comments (cover letter dated 1/22), however, GP was unable to review the traffic study report in the limited time that was provided. GP plans to review and make comments towards the end of the week.

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 that addresses Dean Lessard's specified scope. GP has not reviewed the report.
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 MaineDOT Traffic Movement Permit. The applicant has revised the calculations and MaineDOT has indicated that a TMP 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 applicant has revised the plans and the driveways are now aligned.
24. A safety evaluation of Route 1 along the site frontage should be provided. The applicant has included this in 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. The applicant has evaluated the warrant and has found the left turn lane is not warranted as indicated by the analysis. The Director of Public Works, however, did communicate by phone his recommendation for the extension of the center turn-lane that currently ends approximately 200 feet from the proposed entrance. This was communicated prior to the applicant proposing to reduce the scope of the proposed businesses.

Additional Comments

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. **The site design and plans have been revised to include pedestrian connections.**

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. **Parking layout 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*. **Plans have been 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 applicant has received a letter of concurrence from Maine DOT for the trip generation and also indicates that a Traffic Movement Permit will not be required. The applicant has met with the Maine DEP with regards to amending their application. The applicant's agent has indicated that since the proposed development is resulting in less stormwater than what the DEP previously approved, they do not anticipate any issues. The applicant is requesting the Planning Board to allow for a condition of approval to address this item.**

New Comments from Gorrill Palmer

We reviewed the following materials that were downloaded from the Design Engineer/Applicant. We have not fully reviewed the Traffic Study. Since the full traffic study was just submitted this past weekend, our goal is to get you review comments on the study towards the end of next week.

- Garrett Homes Building Elevations, prepared by BKA Architects, dated January 14, 2021
- Garrett Homes Site Plan, prepared by Fuss and O'Neill, dated January 8, 2021
- Garrett Homes Stormwater Management Report, prepared by Fuss and O'Neill, dated January 8, 2021
- Garrett Homes Traffic Study, prepared by Fuss and O'Neill, dated January 2021

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:

30. Upon discussions with the Town of York, the Zoning requirements contained in the footnotes to Schedule 5.2 do not apply to vegetated underdrained soil filters within yard setbacks. The Rip-Rap outlet apron of the underdrained soil filter is regulated by the footnote to Schedule 5.2 and should be moved from the side yard setback.
31. It appears that the stone check dams are proposed as temporary erosion and sedimentation control devices. Label the check dams as temporary if applicable. If the check dams are not temporary, adjust them to comply with the footnote to Schedule 5.2.

32. The sanitary sewer out of the each building will have approximately 3 to 3.5 feet of cover. We recommend that additional frost protection (insulation) be specified for the portion of the sewer above the frost line.
33. In accordance with MaineDEP Stormwater BMP Chapter 7.1, the surface area of the underdrained soil filter shall be 5% of the tributary impervious area and 2% of the tributary landscaped area. Based upon the reported tributary area, the minimum area of the filter should be approximately 2,355 sf. The provided area is 2,000 sf. Revise the pond to comply with the BMP.
34. It appears that storage within the soil of the soil filter was used in the pond routing calculations. BMP Chapter 7.1 requires providing the water quality volume above the surface of the soil filter. Provide a stage storage table that shows the required water quality volume a maximum of 18" above the soil filter surface.
35. The bottom of the pond without the filter soil should slope towards the filter to ensure drainage of the tributary runoff.
36. Provide a calculation with the emergency spillway as the sole outlet of the pond while providing one foot of freeboard to the top of the berm.
37. Provide a calculation showing that the water quality volume can be conveyed from the pond within 24-48 hours. If the soil filter is used as the outflow control, provide evidence of assumed flow rate.
38. The HydroCad model for the underdrained soil filter should be revised to show a 4" diameter underdrain as shown on the pond detail sheet. If the soil filter is used as an outlet control, the restriction to flow should start at the top surface of the soil, rather than at the base of the soil layer as submitted with the HydroCad model.

WAIVER REQUESTS

The applicant has submitted in writing the following waiver requests:

1. 6.3.32 A high intensity soil survey. The Planning Board has granted this type of request before. The request for this section appears to be reasonable when considering the site is on public sewer and water and soil information provided as part of the Stormwater Management Report appears to be adequate.

Per Section 6.3.28 of the Zoning Ordinance, the applicant is seeking a waiver for the following Route One District performance standards:

2. 6.3.13.3 If the site uses Route One as its access, all newly constructed buildings on site must show "best faces" toward Route One...A waiver is requested to allow the main entrances to the proposed buildings on site to be located on the building faces adjacent to the parking lot rather than the "best face" along Route 1.

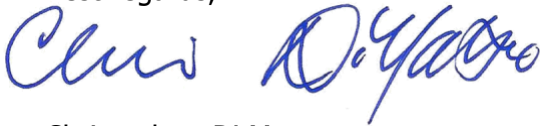
3. Section 6.3.13.4: All new construction shall have a building exterior that is either wood clapboard, wood shingle, stone or brick. A waiver is requested to allow the use of HardiePlank siding and shingles, a cementitious product, in place of the approved materials (wood clapboard, wood shingles, stone, or brick) for the exterior siding of the two proposed buildings. This material has been approved of in the past.

CONCLUSION

After the applicant and the Planning Board discuss the project changes and review comments from peer-review, staff, and board members, the Board may want to consider and act on the requested waivers. If the Board is inclined to consider a preliminary approval, they should condition it on addressing the issues raised prior to submitting their final plan application.

Feel free to contact me with questions.

Best regards,



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