

1. Planning Board Meeting Materials 2022-02-23

Documents:

[2023-02-23 PLANNING BOARD AGENDA.PDF](#)

[BOILER PLATE PLAN NOTES-SPR_SUB_DRAFT_2021-8-4.DOC](#)



**Public Hearing Notice
York Planning Board
Thursday, February 23, 2023
7:00 PM**

The York Planning Board will hold a remote meeting on Thursday, February 23, 2023, at 7:00 p.m. This meeting will take place using Zoom.

Virtual meetings are allowed pursuant to 1 M.R.S. § 403-B and per adoption of the “Remote Participation Policy” by the York Board of Selectmen on October 18, 2021.

Allow your computer to install the free Zoom app to get the best meeting experience.

ZOOM MEETING INSTRUCTIONS

When: Feb 23, 2023 07:00 PM Eastern Time (US and Canada)

Topic: Planning Board Meeting 02-23-2023

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86167577490>

Or One tap mobile :

US: +13017158592,,86167577490# or +13052241968,,86167577490#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847

Webinar ID: 861 6757 7490

International numbers available: <https://us02web.zoom.us/j/86167577490>

To view and listen to the meeting live you may also go to the Town of York’s homepage or to the following URL on your computer or device: https://townhallstreams.com/towns/york_meetings if there is not a meeting already in progress.

Plans and agenda items can be found with the Planning Department at York Town Hall, and on the York Planning Board’s webpage under “Recent Agendas, Minutes and Meeting Materials.” Public comments may be taken for each item on the agenda during the estimated allotted time. Written comments should be submitted to the Planning Board via mail or emailed to dbrown@yorkmaine.org well in advance of the meeting.

All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.

AGENDA

1. **Call to Order; Determination of Quorum; Appointment of Alternates**
2. **Public Forum**
3. **Field Changes**
4. **Public Hearing – Stormwater Management**
5. **Application Reviews**

- A. York, Maine Town Hall Expansion, 186 York St
Map/Lot 0109-0056 and 0109-0056-A owned by Town of York
(Site-Plan – Preliminary/Final) Application is to renovate and expand the existing Town Hall. Site improvements include reconfiguring the building entrance, adding performance stage and improving Site drainage. A generator transformer, and HVAC units will be located behind the existing garage.
- B. Southern Maine Lobster Company, 1021 U.S. Route 1
Map/Lot 0134-0103 owned by Gardener S. Tobey, Jr.
(Amendment - Final) Application is an amendment to a previously approved site-plan to include an 2,088 sf addition to an existing facility.
- C. Wiggly Bridge, 441 & 445 U.S. Route 1
Map/Lot: 0054-0010-B, 0054-0010-C; Owner: Woods Family Inc.
(Amendment - Final) Application is an amendment to a previously approved plan to construct two 36' x 76' barrel houses used for product storage, expansion of the existing building with associated grading and stormwater components.
- D. 192 York St Residential Conversion, 192 York St
Map/Lot 0050-0043 owned by 192 York Street LLC
(Site-Plan – Preliminary/Final) Application is to convert an existing second floor office to residential apartment.
- E. Gulf Hill Subdivision Amendment, 1780 US Route 1
Map/Lot 0100-0027 owned by DLJ Corp.
(Amendment - Final) Application is a revision to a subdivision/Site-Plan for grading changes to Zoe's Way.

6. **Minutes**
7. **Other Business**
8. **Adjourn**

All meetings shall be adjourned no later than 10:30 PM, unless extended by unanimous consent of the Board.

Generic Plan Notes

Application Acceptance. The plan was initially accepted for review by the Planning Board on __ (date) __. The regulations in effect as of this date shall apply.

Zoning. The property is located in the following base zone(s): _____. (Portions of the property are / All of the property is) located in the following overlay zone(s): _____

Use. The existing use of the property is _____. The proposed use of the property is _____.

Supplemental Plans. The following are the titles and most recent dates of revision for each page of the plan set: _____.

Waivers. The Planning Board granted the following waivers: _____.

Amendments. Any amendment of this plan shall require prior approval of the Planning Board. Except as noted under "Field Changes" amendments require formal application to the Board, per §5.6 of the Town's Site and Subdivision Regulations.

Field Changes. During construction, the applicant may propose field changes necessary to correct minor construction-related errors on the design plans or to account for unexpected site conditions. Field changes shall be prepared in writing and certified by the applicant's professional engineer (where appropriate), and shall be presented to the Planning Board. Field changes shall be limited to changes that do not materially alter the visual appearance of the project (such as but not limited to building design, landscape design, outdoor lighting, etc.) and that do not materially alter the approved design of the project (such as but not limited to layout, traffic circulation, stormwater drainage, etc.). The Board shall consider the field change during "Field Changes" at its next meeting, and shall either accept or reject it. Construction must comply with the decision of the Board. Work based on a field change that is denied shall be removed.

Deed Restrictions. The following deed restrictions are established pursuant to this approval, and shall be incorporated in the deed of each parcel:

Covenants. Covenants dated ____ are considered part of this approval by reference.

Easements. The following easements are established pursuant to this plat:

Off-Site Improvements. The following off-site improvements are required in conjunction with this application: (list, along with deadlines, triggering events, special circumstances, etc.)

Blasting. Blasting shall be performed by a Maine-licensed blasting contractor in accordance with applicable State requirements. Blasting activities shall be conducted in

accordance with the Town Noise Ordinance. A minimum of three days prior to blasting, the Police Department, Fire Department and all abutters to this project shall be notified.

Topsoil. No topsoil shall be removed from this site.

Construction Debris. No construction or demolition debris, stumps, or other wastes generated during site work or building construction shall be disposed of on-site.

Flood-Prone Lots. On lots wholly or partially within a Special Flood Hazard Area, all structures shall be constructed in accordance with Article VI of York's Floodplain Management Ordinance. All such requirements shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The conditions shall clearly articulate that the Town may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board as part of the approval process. *(For subdivisions only, insert the following as the second sentence: "Further, all principal structures in the development shall be constructed with their lowest floor, including the basement, at least 2 feet above the 100-year flood elevation.")*

Expiration of Approval. Per Site Plan & Subdivision Regulation §5.5.5, this approval shall expire after three years if the developer has not commenced substantial construction of required improvements. Grading and earthmoving alone shall not constitute substantial construction. Substantial construction shall not be deemed to have taken place until the applicant has constructed improvements that use 25% of the materials needed for required public improvements. In the event the approval expires, the Planning Board shall place a notice in the Registry of Deeds to that effect.

Restrictions Within A Protective Well Radius. Within the designated protective radius around each well there shall be no septic systems, underground storage tanks or roads.

Restrictions Within A Septic or Back-up Septic Area. Areas reserved for septic system use on each lot shall not be used for any building, construction, or other land use that is incompatible with the septic system function.

Performance Guarantee. Prior to the issuance of a building permit. The developer shall provide the Town of York a Performance Guarantee.

Pre-Construction Meeting. No construction shall commence until a pre-construction meeting is held between Town staff, the Town's inspection engineer, the developer, representatives of each design professional who certified any of the plans, and the contractor. Prior to scheduling this meeting, the applicant shall:

- provide to the Town four plan sets, as approved and recorded at the York County Registry of Deeds;

- provide evidence that any trees to be protected on the site have been marked by the landscape architect; and
- have paid the Performance Guarantee and or an Inspection Fee.
- have paid any outstanding fees incurred during the review process

Building Permits. Building permits shall be issued in accordance with the following:

- a. No permit shall be issued until a project pre-construction meeting has occurred.
- b. Building permits shall be issued subject to the Town's standard erosion and sedimentation control requirements.
- c. When lot lines are to be changed or new lots created no permit shall be issued until the Surveyor provides a Certificate of Monument Installation verifying that all survey monumentation shown on the plan has been installed.
- d. No permit shall be issued until the applicant provides documentation of the commitment from a financial institution to provide funds to complete the project.

Private Fire Hydrants. The property owner(s) shall be responsible for payment of water service costs for each fire hydrant on private property. In the event that required water charges are not paid, the Town shall lien each affected property to ensure continued operation of each hydrant. The Town shall charge each property owner their respective share of the costs, plus a 25% penalty to help cover administrative costs.

Archeological Findings. If, during excavations, any archeological findings are uncovered, all work shall stop and the State Archeologist be consulted, and may commence again only after conservation of the resources is addressed to the satisfaction of the State Archeologist.

Occupancy Permits. The applicant shall be required to provide to the CEO and Planning Board a *Certification of Completion* from each State-licensed design professional (Professional Engineer, Architect, Landscape Architect) who certified any design-component of this plan set (*identify each here in the final version of the plan note*). (Another equally-qualified licensed professional may provide the Certification if so authorized by the Planning Board.) The Certification shall be a report that states whether or not the project has been built in full compliance with the approved plans, and identifies any areas where the actual construction deviates from the approved plans. Each design professional shall attest only to those aspects of the plan for which they are responsible for the design (for example, the Professional Engineer attests only to engineering-related issues, the Architect attests only to architectural issues, and so forth). This Certification shall be certified by stamp and signature of the professional. As the Town is relying on the State licensed professionals to self-police their projects, any misrepresentation in a Certification shall be reported by the Planning Board to the relevant State licensing board.

- Final Occupancy Permit. In order for a Final Occupancy Permit to be issued, the Certification of Completion must indicate each design professional's evaluation that

the project has been completed in full compliance with the approved plans, and the CEO and/or Town's inspection engineer must concur.

- Non-Compliant Projects. In the event there are differences in the completed project and the approved plans, the Certification of Completion shall indicate each point of difference. In this event, the Planning Board shall evaluate the significance of the difference, and if the changes are acceptable to the Board, may provide written authorization to the CEO to issue a Final Occupancy Permit. If the changes are not acceptable to the Board, the Board shall decide how to resolve the matter.
- Temporary Occupancy Permit. In the event the applicant seeks to obtain a Temporary Occupancy Permit prior to completion of all work, each design professional may submit an Interim Certification of Completion which evaluates compliance of work completed to date, identifies work remaining, and addresses means of ensuring timely completion. The CEO may issue a Temporary Occupancy Permit only when all work to date has been certified as fully compliant, and remaining incomplete work will not adversely affect public health or safety. The Temporary Occupancy Permit shall be issued for a period not exceeding 6 months. The CEO shall not grant any extensions or issue such Permits for longer duration without express authorization of the Planning Board.
- Occupancy Permits Relating to Road Construction. In addition to general standards relating to a Occupancy Permits, no Temporary or Permanent Occupancy Permit shall be issued for development on a lot accessing a new road until the road has been completed through base paving, and construction to that point has been inspected and approved by the Town's inspection engineer and the Design Engineer has provided an Interim Certification of Completion.

Signed Plans. A copy of the signed plans will be kept on-site until an occupancy permit is issued/road work is completed.

Maintenance of Stormwater Facilities: It shall be the responsibility of the property owner, or drainage easement holder if applicable, to inspect and maintain all stormwater management facilities on the property.

Compliance Requirements for Stormwater Management. Any person or project subject to the Post Construction Stormwater Management Ordinance shall comply with all applicable sections within said ordinance

Notes Unique to Site Plans

Replacement of Plantings. Required plantings that die shall be replaced within one growing season.

Hours of Operation. Hours of operation must be in compliance with the Town Noise Ordinance.

Exterior Lighting. All exterior lighting shall be directed and shielded to prevent glare on nearby lots and streets.

As-Built Plan. An as-built plan showing the footprint of the buildings, paved surfaces and the locations of all utilities on the property shall be provided to the CEO prior to the issuance of the Occupancy Permit. The as-built plan shall be submitted in paper form, and in a digital format that can be converted to the Town's GIS software.

Notes Unique to Subdivisions

Infrastructure Maintenance. The owner of each lot will pay an equal 1/Xth share of the cost of infrastructure maintenance. This shall include the following: (road maintenance, until such time as the road is accepted by the Town) (perpetual maintenance of the drainage system) (other...)

High Water Table Areas. Any construction within the areas identified on the plan as having high water tables may require special construction practices to prevent future water damage.

Sale of Lots. No lot may be sold until the required infrastructure improvements are constructed or a performance guarantee for completion of construction is provided to the Town.

Subdivision Phasing. List out/specify?

Subdivision Roads. Approval of this Subdivision Plan does not guarantee that the Town will accept ownership of the roads in the future. Town acceptance of roads is regulated by the Town's Public Road Acceptance Ordinance and is always subject to final action of the voters.

As-Built Plan. An as-built plan showing the location of all newly constructed or modified roads, utilities, and drainage systems shall be provided to the CEO prior to the issuance of the Occupancy Permit. The as-built plan shall be submitted in paper form, and in a digital format that can be converted to the Town's GIS software.

Short term Residential Rental. Prohibit?