



SURVEYING ENGINEERING LAND PLANNING

# *Northeast Civil Solutions*

INCORPORATED

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April 3, 2020

Maureen O'Meara, Town Planner  
Cape Elizabeth Town Office  
320 Ocean House Road  
Cape Elizabeth, ME 04107

**RE: Site Plan Review Application, 287 Ocean House Road  
Yam Yams, LLC**

Dear Ms. O'Meara;

On February 24, 2020 the Town of Cape Elizabeth Planning Board deemed the application to be incomplete. This submission aims to address the inadequacies and also address comments received by you and the peer review engineer. Below is a summary of the changes and additions to the application that should complete the application.

Following the summary of revisions, a response **in bold**, is provided after each town and peer review comment.

### **Summary of site revisions:**

- The most up to date site layout is now depicted on the plans.
- The site plan no longer proposes the use of food trucks or a weekly farmers market, all associated standards no longer apply to this application. In addition, there are no longer plans for live bands or concerts.
- The storage container behind the main building is no longer proposed.
- Curbing has been eliminated to promote sheet flow of stormwater over the grassed area which provides a low impact development means of treating stormwater.
- The class size will be limited to 5 participants and one instructor at a time.
- No outdoor storage of waste is proposed, fencing has been removed from the site plan.

### **Town Planner Comments:**

- Existing conditions. The existing conditions plan should be updated to show the actual surface materials on adjacent sidewalks, which are a combination of asphalt and concrete, as well as location, width, curbing, etc.  
**The existing conditions plan has been updated to reflect the most up to date information. A supplementary survey was conducted by NCS in order to update the plan.**

- Buildings. Total building square footage sizes must be measured from exterior walls.  
**The building elevation plans show the dimensions from the exterior of the wall.**
- Elevations of the proposed storage building are not provided. All building elevations should include exterior materials labeled, as well as roof pitch. The total area of the first floor front facade should be provided, as well as the total area of openings (windows and doors) on the first floor front facade, to demonstrate that 50% of the area is openings. If the outdoor storage structure is anchored to the ground, that detail should be provided and then coordinated with the VRAP requirements.  
**The storage container building is no longer proposed as part of this application.**
- Traffic. Location of loading and unloading areas should be identified. Calculation of parking for classes may need further detail on the frequency of classes and number of students.  
**A traffic assessment has been prepared by Traffic Solutions and is attached to this supplemental submission.**
- Calculation of parking for the food truck appears to be based on seating at the picnic tables. The expected number of seats at each picnic table and the size of the picnic table should be specified.  
**Food trucks are no longer a proposed use for the site plan application. The comment is no longer applicable.**
- The number of anticipated trips based on the proposed uses should be provided. Based on information provided on the Site and Layout Plan, retail sales, contractor's office, restaurant (food truck), farm market, classes, and potentially musical entertainment will all be operating on the site at the same time. For this reason, and due to the location of the site immediately adjacent to a High Crash Location intersection (HCL), Ocean House Rd/Scott Dyer Rd/Shore Rd, a traffic study may be needed to estimate traffic to be generated by the proposed development, as well as assessing impacts on adjacent roadways.  
**The traffic assessment summarizes the anticipated trips by each use now proposed.**
- Stormwater. A Low Impact development (LID) feature should be included in the design to treat stormwater.  
**A stormwater memo has been prepared for this site that details the LID treatment features.**
- Utilities. The location of existing sanitary sewer and proposed utilities should be shown on the site. Ability to serve letters should be provided as the proposed use of the property as a contractor's workshop may have unique electrical demands. The proposed restaurant (food truck) and entertainment uses may have unique water supply and sanitary sewer demands.  
**Ability to serve letters have been secured and are attached to this submission and the existing sanitary line is now correctly shown on the site plan.**

- Lighting. The applicant notes that the proposed sign will be "lightly" lit but that lighting is not included on the lighting analysis.  
**The sign is proposed to be lightly lit from above. A sign detail has been added to the plan and a cut sheet of the solar powered light fixture is attached to this submission. The level of lighting for this purpose will have very little to no effect on the lumen levels on the ground and are not modeled on the lighting plan.**
- Signs. Proposed signs should be shown with dimensions and materials labeled. Also, it appears that approximately 124 sq. ft. - 148 sq. ft. of signage is proposed and total site signage is limited to 75 sq. ft by the Sign Ordinance.  
**4 signs are proposed on the site. Two double sided hanging signs, both 3 feet by 3 feet (9 sf each side, 36 sf total), will be located by each drive entrance and two additional signs, both 4 feet by 4 feet (16 sf each, 32 sf total), will hang on the building. The total square footage of all signs with this proposal is 68 square feet.**
- Noise. Estimated decibel levels for the proposed uses have not been provided.  
**A noise study has been completed by Bodwell EnviroAcoustics, LLC and is attached to this submission.**
- Tree planting. Maples are proposed and should be replaced with a tree species from Appendix C in the Subdivision Ordinance.  
**The proposed trees have been replaced with a variety that is specified in the ordinance.**
- VRAP report. The property has received a Voluntary Response Action Program (VRAP) No Further Action Assurance Letter based on several conditions, including:  
Redevelopment of the site that will involve the demolition of the onsite building, *excavation of soils, and/or construction of new onsite structures* will require an Environmental Management Plan ("EMP") be submitted to the Department for approval prior to the commencement of any of these activities. *(emphasis added)*  
The site plan includes an outdoor materials storage structure which needs to be anchored to the ground, footings for the gate/fencing, lighting and tree planting, all of which are likely to require excavation of soils.  
**Rich Campbell of Campbell Environmental Group has completed an environmental management plan, see attached report, for the property for the boards review. The plan will be submitted to the VRAP for approval prior to construction commencing on the site.**

**Peer Review Comments (Stephen D. Harding, P.E., Town Engineer, Sebago Technics, Inc.)**

1. The applicant is proposing to develop a 0.93-acre parcel in the Town Center that formerly was a site for a convenience store/gas station. The applicant is proposing to rehabilitate the existing structure on the site to create a hardware/lumber retail facility with office space and an area for classes. A 260 square foot storage container is proposed to be added to the west (i.e., behind) the existing structure and a 208 square

foot covered outdoor material storage rack is proposed to be added to the north of the main structure. A food truck is also proposed to be included in the site plan and there are references in the submitted materials for a farmers' market that would operate once a week for a period of 3 hours and for potential concerts to be held at the site.

The former gas station canopy has been removed from the site and the applicant proposes to regrade and resurface a portion of the former impervious pavement footprint on the site to create 22 parking spaces to serve the various proposed uses. The result will be a reduction in the impervious surface on the site.

**Noted. The proposal no longer includes the storage container or the food trucks.**

2. We understand that the Board will be conducting a completeness review for this project at their upcoming meeting. Many of our following comments should be considered beyond the completeness level and have been provided here to facilitate future submissions and reviews of the project. It should be noted that additional submitted information may result in additional review comments.

**Noted.**

3. The proposed development will require that a letter of sanitary sewer capacity be received from the Town Engineer in order to confirm that the Town's collection and treatment system has capacity to receive and properly treat the additional sanitary sewer flow from this new development. We have been coordinating with the applicant's designer and attached is a February 10, 2020 letter from Northeast Civil Solutions' Brandon Binette which describes the proposed uses and the estimated daily flow to be generated from the development based on the flow rates established from the Maine Subsurface Wastewater Disposal Rules. Using this letter, we will coordinate with the Portland Water District (PWD) to request a capacity determination of the treatment plant.

In past requests, the PWD has indicated that there is ample capacity at the treatment plant to treat additional flow and, given the modest flow anticipated to be generated from this development, we anticipate that the PWD will again indicate that the treatment plant has capacity to treat the additional flow projected to be generated from this development. We will provide a confirmation letter to the Town upon receipt of the PWD's determination.

**An ability to serve letter was obtained and is attached to this submission.**

4. The February 10, 2020 letter discussing the anticipated sanitary sewer flow from the development indicates that the food trucks will be entirely self-contained and require no other utilities or a connection to the public sewer. Therefore, no grease trap provisions are required. A note summarizing that situation should be added to the Site & Layout Plan to document those conditions in the Planning Board's approval of this project

**No food trucks are proposed at this time and the ability to serve letter from the PWD is attached to this submission.**

5. In follow up email correspondence on February 11th with Brandon Binette of Northeast Civil Solutions, it was discussed that sanitary facilities for the concert events would be arranged beforehand and that it is assumed that restroom facilities would be addressed by either a restroom trailer or portable toilets and that the public would not have access to the hardware/lumber store restroom during these events. The Planning Board should review with the applicant the process for how concerts would be allowed on site and notes should be added to the Site & Layout Plan regarding those stipulations along with how sanitary sewer services would be provided including the restriction on the use of the public sanitary system by the public during concert events.

**Concerts are no longer part of this proposal.**

6. The submitted Boundary and Existing Conditions Survey plan does not reflect changes that the Town has undertaken since the plan was prepared. Specifically, the Town has replaced a section of bituminous walk with a new concrete sidewalk and added an area of patio pavers northwesterly of the Scott Dyer Road intersection with Ocean House Road (Route 77) as well as installed granite curb along Scott Dyer Road. The existing conditions plan should be updated to reflect the current conditions. The Town should also receive a pedestrian easement for the section of the sidewalk along Scott Dyer Road that is currently located on the applicant's property. This easement would formally allow the public to utilize the walk and the give the Town the rights to maintain and improve the sidewalk. The limits of the easement should be added to the Site & Layout Plan for future reference.

**An updated on the ground survey was completed and is reflected in the revised site plans.**

7. There is a "unknown" manhole to the north of the main building labeled on the Site & Layout Plan and a 4-inch steel pipe that connects the building to the manhole. The specific use of the pipe and the manhole should be identified to determine if these items serve a useful purpose or if the manhole and pipe should be abandoned or removed as part of the site plan approval process.

**The pipe has an unknown use and will be left in place as part of this submission.**

8. The Site & Layout Plan indicates that a new and existing stockade fence and gated area will be established to the northwest of the main building for trash and recycle trailers. As this area is relatively large and connects to the proposed storage area, the Planning Board should review with the applicant as to the planned operations and sizes of the trash and recycle containers as it does not appear that the gate opening would allow for mechanical equipment access to the entire area. The proposed fence should be extended to fully enclose these operations.

The gate opening on the Site & Layout Plan should also be dimensioned and coordinated with the Gate detail on the Construction Details drawing to indicate whether a double or single gate is proposed for the trash and recycle materials enclosure area.

**Trash and recycling will be stored on the inside of the building and will be brought to a local disposal/recycling area to dispose of the material on a regular interval. The fence and gate are no longer proposed as part of this project.**

9. There is an area shown for the approximate location of the proposed food truck within the former footprint of the gas station pump circulation area. This area and the surrounding paved areas formerly used to access the gas station facilities will be loamed and seeded for grass growth. A detail or note as to the depth of the loam and the proposed seed mix should be added to the plans.

It also appears that the food truck and perhaps the farmer's market vehicles are proposed to drive over the curb and park on the grassed surface which under wet conditions will not support the vehicular use resulting in rutting and poor grass conditions. The Site & Layout Plan should indicate a pad area for the food truck to park on and hard surface paths for the food truck customers to access the food truck area which will not damage the proposed grass surfaces. The Planning Board should also review with the applicant the proposed farmers' market operations so that parking spaces proposed for other on-site uses are not compromised. Notes regarding the farmers' market operations should also be added to the Site & Layout Plan.

**Food trucks and a farmer's market are no longer part of this site plan proposal.**

10. The cover letter submitted with the package indicates that lighting around the parking area is proposed in addition to new wall pack mounted lighting on the building. The location and description of the parking lot lighting should be added to the plan set as well as details for light pole bases and trenching for electrical conduits.

**Proposed lighting will utilize existing light pole bases to reduce the amount of soil disturbance. An updated lighting plan attached to this submission outlines this. No additional trenching will be needed as the electrical conduits and lines are already in place. An updated lighting plan reflects the use of the existing light pole bases.**

11. The submission package includes a February 22, 2016 letter to Jim Hwang from the Maine Department of Environmental Protection (DEP) with regards to the property's involvement in the DEP's Voluntary Response Action Program (VRAP) and stipulations for future development on the site. The package also included emails between the applicant and the DEP that indicate that "provided that no soils are disturbed or removed from the site, you would not be required to conduct a Phase II ESA at this time". It does appear that some soil disturbance will occur with the proposed site activities, however, so it would seem prudent for the applicant to provide the DEP with the proposed plan and confirm that no further steps are required to remain in compliance with the VRAP approval which is a significant benefit to the applicant from a liability perspective.

**As noted above Mr. Friedland is working with Rich Campbell of Campbell Environmental Group to update the VRAP. An Environmental Management Plan is attached for review.**

12. The Site & Layout Plan and the Construction Details drawing should indicate if the Cape Cod berm-style curb will consist of Hot Mix Asphalt or slip form concrete.

**Curbing is no longer proposed. This will allow sheet flow of stormwater to drain across the grassed areas of the site promoting infiltration and filtering particulates. This will act as a LID stormwater treatment along with the extensive reduction in**

**impervious area on the site. Curb stops are proposed to prevent driving onto grassed areas.**

13. The Site & Layout Plan and the Erosion Control Notes and Construction Details drawing indicate that five Hedge Maple trees are proposed to be planted along the Ocean House Road and Scott Dyer Road intersection frontage. In our coordination on other Town projects with the Town of Cape Elizabeth Tree Warden, Todd Robbins, the Hedge Maple species was not included on the list of currently permissible street trees. The designer should coordinate with the Tree Warden to determine if Hedge Maple trees are allowed to be used and, if not, work with the Tree Warden to select a tree species that would be acceptable.

**Hedge maples are no longer proposed, a tree species that is specified in the ordinance is now proposed on the site plan.**

14. The designer has indicated that the impervious surfaces of the site will be reduced by approximately 8,900 square feet from the former 25,100+/- square foot coverage on the site which represents a 35 percent decrease in impervious surface area on the site. No stormwater calculations have been provided as the surface runoff from the site will be reduced along with the reduction in impervious surfaces. Technically, the applicant is still required by the ordinance to incorporate a Low Impact Development (LID) practice into the Site Plan for the project. It would seem that the LID requirement could be met by altering the proposed grading of the pavement surface in the northerly portion of the developed area to promote sheet flow into the undeveloped natural buffer area in the northern area of the property rather than directly toward Ocean House Road through the paved driveway connection.

**Curbing is no longer proposed. This will allow sheet flow of stormwater to drain across the grassed areas of the site promoting infiltration and filtering particulates. This will act as a LID stormwater treatment along with the extensive reduction in impervious area on the site.**

If you have any additional questions or comments regarding the site plan, please don't hesitate to reach out to discuss.

Sincerely,  
Northeast Civil Solutions, Inc.



Travis Letellier, P.E.  
Director of Engineering

CC: Jim Fisher, President, NCS  
Michael Friedland, Applicant/Owner