

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: April 21, 2020
SUBJECT: 287 Ocean House Rd Site Plan

Introduction

Michael Friedland, dba Yam Yams LLC, is requesting site plan review to operate a retail lumber store with DIY classes in the existing 1,980 sq. ft. building located at 287 Ocean House Rd. The application will be reviewed for compliance with Sec. 19-9 Site Plan regulations and Sec. 19-9-4, Town Center Zoning District.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board open the meeting to public comment on the completeness of the application.
- The Board should make finding on completeness. If the application is deemed incomplete, board members should identify the information needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, substantive review may begin.
- The board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion, the Planning Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

The comments of the Town Engineer and the completeness checklist are attached. Below is a summary of possible incomplete items:

- b. Written description. The applicant has resubmitted an application for completeness and changes to the plans have been made since the first submission. Changes include a reduction in the proposed uses on the property. The application should provide a clear and complete statement of the activities that are now proposed on the property.
- g. Buildings. The property is located in the Town Center District and subject to both the site plan building requirements and the design requirements of the Town Center District. The most current submission includes multiple versions of building elevations which conflict with each other. For example,

signage is shown on elevation A1 and conflicts with building plan submission A.2. Multiple versions of the same plan will make eventual enforcement problematic.

Existing elevation conditions are not accurately labeled. For example, the north elevation of the building depicts 3 existing windows when the current building's north elevation has no windows but 1 door.



The Ocean House Rd elevation labels a new set of doors as an existing opening when the existing building has 3 windows which in fact are removed/replacing this opening. The correct labeling of existing and new openings is important because the applicant has requested that the Town Center District 50% window and openings requirement for the first floor be waived to avoid adding new openings to an existing building.

The building elevations lack exterior material labels. The roof slope is also not labeled. Each building elevation should also label which side of the building is presented.

Building plan A.4 indicates building footprint measurements from the interior walls. A plan should be submitted labeling the building footprint as measured from exterior walls. Ideally, this plan should show how the square footage of the building has been divided and align with the parking calculation submitted.

- p. Lighting. The applicant has provided additional information regarding lighting of signage, however, the lighting levels have not been added to the footcandle measurements of the lighting plan.

The applicant should also add all lighting locations to the site plan. At this time, most lighting is shown on the lighting plan and additional lighting is shown on the site plan. Lighting details are also included in both locations.

- n. Signs. As mentioned above, the wall signs should be added to the most current building elevations or added to the site plan.

Discussion

Beyond the level of completeness, (which can be discussed if the application is deemed complete), other possible items for discussion may include:

1. Building orientation. The applicant should also provide a written description of the how the Town Center Design standards, Sec. 19-6-4 (D)(3) a-g are met.

Under the Town Center Standards, the building must be oriented to the street and "the front facade shall include a distinctive entrance." The Ocean House Rd building elevation has 2 doors.

The Town Center design standards also require that "the side yard visible to the public should be designed to present a pleasing appearance to the pedestrian." This leads into a requirement (subsection c. Openings) that "the first floor front facade shall be constructed with an equal proportion of openings to wall space." This standard reflects the Town Center District purpose "to encourage an identifiable Town Center that includes ... an environment inviting to pedestrians..."

"Sec. 19-6-4(D)(3)(e) Openings. The relationship between doors and windows to exterior wall space of a building creates a rhythm or pattern."

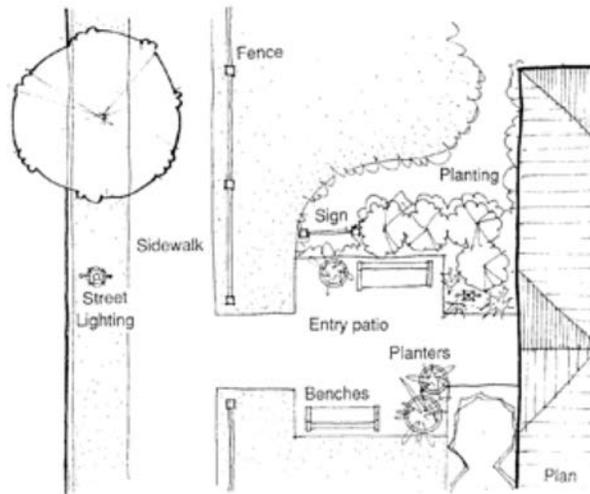
One of the most interesting features of the existing building is the mullioned front corner window. The applicant is proposing to replace the window with a new, more energy efficient window. The applicant should consider a window that retains the mullioned look, which is represented in several buildings in the town center, including buildings directly across from the property on Scott Dyer Rd.

2. Traffic access. The Board may want to consider if the Scott Dyer Rd access needs 3 lanes with paint markings.

The applicant is providing more parking than required by the proposed uses. There is a concrete island existing in front of the building that frames the parking area and provides some pedestrian circulation. The applicant is proposing to remove the concrete "wings" that frame the parking area to add more parking spaces. To promote better traffic movement management and retain this for pedestrian movement, as well as reduce applicant site costs, the Planning Board may want to discuss retaining the concrete "wings."

3. Landscaping. The applicant is proposing additional street trees along the Ocean House frontage, and proposed a tree species consistent with Appendix C of the Subdivision Ordinance. The Town experience with the 517 Ocean House LLC v. Town of Cape Elizabeth lawsuit is that the court did not find street trees sufficient to screen parking areas from the public road. Additional shrubs should be proposed in between the trees to provide an adequate buffer.

The Board may also want to consider if some plantings should be added to the front of the building consistent with Town Center front setback character requirements, Sec. 19-6-4 (D)(3)(g).



4. Lighting. In addition to updating the lighting plan, the Planning Board may want to discuss substituting the proposed lighting fixtures, especially the parking lot pole lighting and building lighting, with fixtures more compatible with the town center lighting. Parking lot lighting for Csalt, Ocean House Commons, Hill Way and other projects was adjusted to be compatible with the town center lighting.

The Planning Board may also want to discuss how this project complies with requirements for pedestrian sidewalks. Sec. 19-6-4 (D)(3)(g), Landscaping and Site Development, requires:

Landscaping and Site Development.

1. Front Setback. The land in the front yard setback is a transitional space between the public domain of the road right-of-way and the private structure and is a determining factor in the character and ambiance of the Town Center. This area shall be designated and landscaped to be pedestrian-friendly in scale access, lighting, and security. A sidewalk and other pedestrian pathways, such as to the building and to parking areas, shall be located between the road and the structure. The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians...

The site includes a new sidewalk on the Scott Dyer Rd frontage and a worn sidewalk on the Ocean House Rd frontage. The Planning Board has not required replacement of existing sidewalk for other Town Center projects. The Board may want to consider, however, supplementing the existing sidewalk with pedestrian lighting which is the standard design in the town center. The town will be constructing new sidewalk on the east side of Ocean House Rd extending from Cumberland Farms to the southerly Methodist Church driveway in the summer, 2020. This new sidewalk will include a 6' wide concrete sidewalk, separated from the road by a grassed esplanade that will include street trees and pedestrian lighting.

It should also be noted that the maximum lighting level of 0.5 footcandles appears to be exceeded at the southeast corner of the property.

5. Noise. The applicant has submitted a noise study based on the use of the following power tools onsite:
 - Panel Saw for cutting up to 4 ft by 8 ft sheets of plywood and composite board
 - 12-inch Wood Planer
 - 10-inch Compound Miter Saw
 - 10-inch Portable Table Saw

The application indicates that these power tools will only be used for DIY classes. The sound study is based on the use of the highest decibel tool to

demonstrate that the site plan decibel level limit will not be exceeded. The Board may want to require that only one power tool may be used at a time. The applicant has stated that DIY classes will only operate from 6pm - 9pm in the evening, when the retail store is closed.

The sound study also notes that the forklift may exceed decibel levels.

6. Lumber storage rack. The site plan includes construction of a lumber storage rack and the application should clarify that this outdoor storage is still proposed. No fencing is proposed around the rack.
7. VRAP. The applicant is pursuing a Phase 2 Environmental Site Assessment (ESA) which focuses on soil disturbance on the lot. It appears that the lumber storage rack will be placed on a concrete base with anchors embedded under the concrete. The applicant should confirm that this is included in the ESA or that the DEP has determined that it does not need to be included in the ESA.

Motions for the Boar to Consider

A. Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Michael Friedland, dba Yam Yams LLC, for site plan review to operate a retail lumber store with DIY classes in the existing 1,980 sq. ft. building located at 287 Ocean House Rd be deemed (complete/incomplete).

B. Motion for Public Hearing

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Michael Friedland, dba Yam Yams LLC, for site plan review to operate a retail lumber store with DIY classes in the existing 1,980 sq. ft. building located at 287 Ocean House Rd be tabled to the regular May 19, 2020 meeting at which time a public hearing will be held.

Site Plan Review Submission Checklist
[Section 19-9-4(c)]

Date: April 1, 2020

Project: 287 Ocean House Rd Site Plan

Applicant: Yam Yams LLC

- Y a. Evidence of right, title, and interest in the property
- P b. Written description
- Y c. Name of project/applicant
- Y d. Survey
- Y e. Existing conditions
- Y f. Topography
- P g. Buildings
- Y h. Traffic access and parking
- Y i. Stormwater
- Y j. Erosion
- Y k. Utilities
- Y l. Landscaping
- P m. Lighting
- P n. Signs
- Y o. Noise
- Y p. Exterior storage
- Y q. Financial and Technical Capability

Y Yes, complete

N	No, not complete
W	Waiver
P	Partially complete
N/A	Not applicable