

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: May 19, 2020
SUBJECT: 287 Ocean House Rd Village Retail Site Plan

Introduction

Michael Friedland, dba Yam Yams LLC, is requesting site plan review to operate a village 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. Regulations.

Procedure

- The Board should begin by having the applicant summarize changes made to the application since the last meeting.
- The Board may open the public hearing which has been scheduled for this evening.
- The Board may engage in substantive review at any time.
- The Board should decide if a site walk will be scheduled.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

Site Plan Review Standards

Below is a summary of application compliance with the Site Plan standards, Sec. 19-9-5. The comments of the Town Engineer are attached.

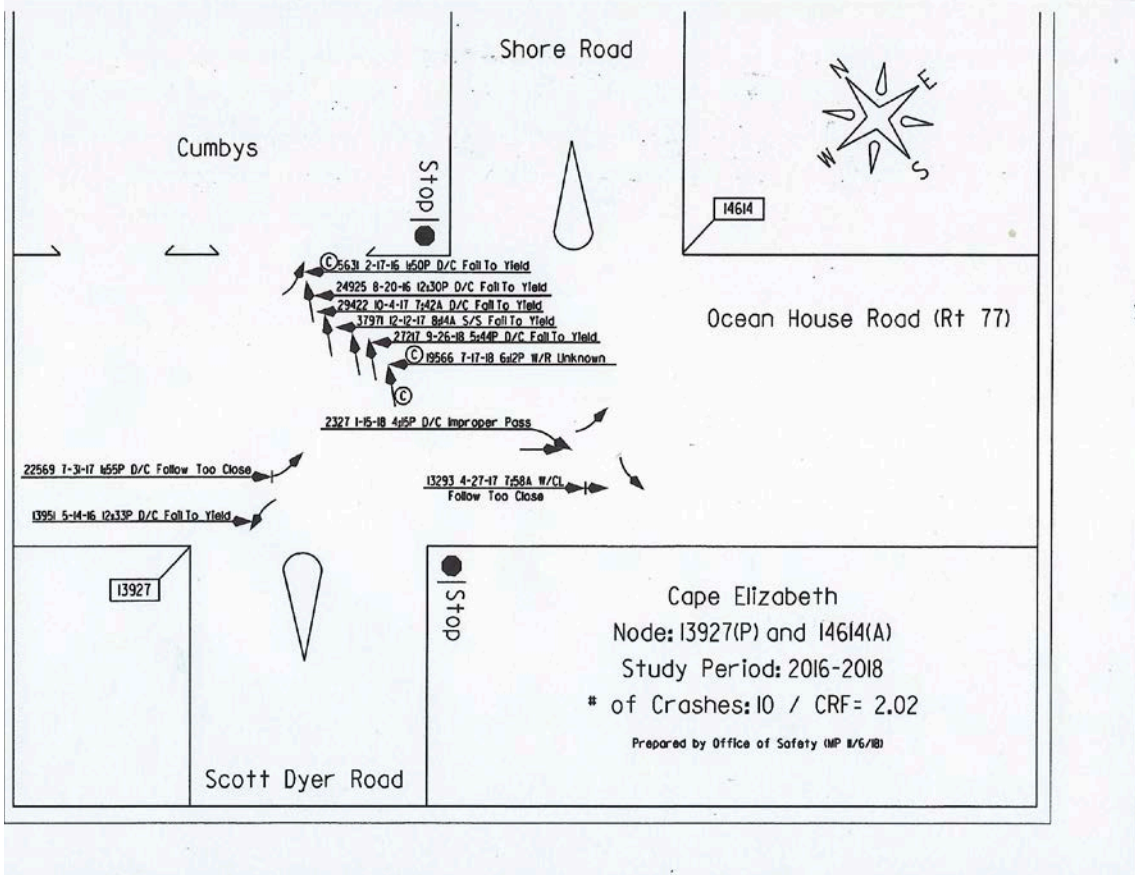
1. Utilization of the Site

The proposal redevelops an existing developed site where site plans were approved by the Planning Board in the 1980's and 1990's. A paved portion of the site will be replaced with a lawn area in much of the front yard setback. Existing drainage patterns will be maintained. The applicant has stated that the site will be used for village retail and related DIY classes, which will only be held when the retail store has closed. Power tools will only be used as part of the DIY classes.

The prior use of the site was a gas station and a remnant of that use is potential soil contamination. The applicant is working with the Maine Department of Environmental Protection (DEP) under the VRAP program to obtain 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. DEP approval should also be obtained prior to the issuance of any permit for the site.

2. Traffic Access and Parking

- a. Adequacy of Road System- The applicant has submitted a Traffic Assessment prepared by William Bray of Traffic Solutions. The project will add 2-4 trips to the adjacent Ocean House Rd/Shore Rd/Scott Dyer Rd intersection during the weekday peak hour and up to 14 trips during the Saturday peak hour. These trips will be added to an intersection that has been designated by the Maine Department of Transportation (MDOT) as a High Crash Location (HCL) for the 2016-2018 reporting period. Below is the drawing produced by MDOT depicting the crash history.



The report recommends that "Additional study of the intersection is recommended to establish what level of mitigation is appropriate in reducing the higher than expected number of left-turn crashes in the intersection."

The most recent Town Council policy on this intersection may be derived from the 2019 Comprehensive Plan adopted by the Town Council. Recommendation #20 states:

Improve safety of the Route 77/Shore Rd/Scott Dyer Rd intersection, utilizing strategies including but not limited to traffic calming, demand management (high school senior start times), new technologies and intersection design changes.

The Planning Board may want the applicant to propose mitigation for the increased traffic it will contribute to the intersection.

- b. Access into the Site- Existing access points will be used.

- c. Internal Vehicular Circulation- The last site plan approval for the site included gas pump dispenser islands and a canopy. With these features removed, the traffic circulation on the site has changed. The application is proposing to remove paved areas and direct traffic linearly from the two access points along the frontage of the existing building.
- d. Parking Layout and Design- The existing building has 1,980 sq. ft. (measured from exterior walls as required by ordinance). The applicant has provided the following parking calculation. (The total amount of office space has been increased by 156 sq. ft to equalize proposed uses to square footage and 1 parking space added)

Use	Sq ft	Parking required
Village Retail	1,324	5
Class	400	3
Office	256 (100 +156)	4
TOTAL	1980	12

The applicant is proposing a mix of uses that require 12 parking spaces. Twenty-two parking spaces are proposed.

The applicant is proposing to remove the concrete "wings" that frame the parking area in front of the building 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. Pedestrian Circulation

The applicant has added a striped walkway across the north side of the parking lot. This connects to a "proposed 5' wide pedestrian path (flush, paved) which does not appear to include pedestrian markings.

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.

4. Stormwater Management

The applicant estimates that the site has an existing impervious surface of 25,100 sq. ft. The proposed plan will decrease impervious surface by 35% (8,900 sq. ft.) for a new total of 16,200 sq. ft. The decrease is due to removal of paved areas in the front yard setback which will be replaced with lawn area. No parking or other active uses are proposed in the lawn area.

The same general drainage pattern is preserved on the site. The applicant is providing some stormwater treatment by directing stormwater flows to the northern portion of the site into a forested area.

5. Erosion Control

An Erosion and Sedimentation Plan has been submitted that utilizes silt fencing to control erosion.

6. Utilities

The site will generally utilize existing utility connections to the building, including water, sanitary waste connection and electricity.

No dumpster is shown on the site plan and the applicant has stated that solid waste will be stored inside the building.

7. Shoreland Relationship

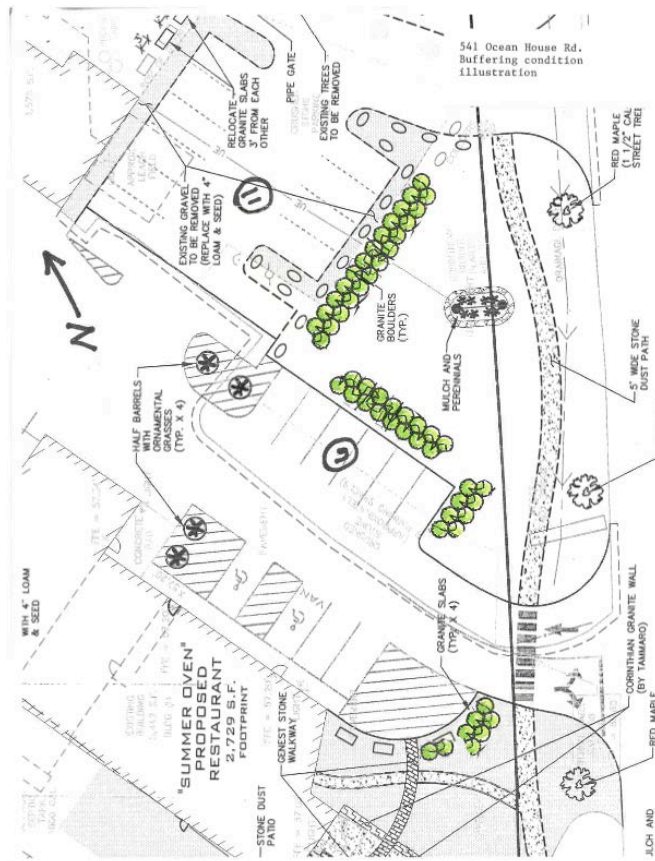
The property is not located in the Shoreland Overlay Performance District.

8. Landscaping and Buffering

The site and immediately surrounding road right-of-way includes several trees and mature shrubs. A preservation plan for existing vegetation should be provided to protect vegetation during construction.

The applicant proposes to keep existing plantings and add 5 black tupelo trees (species approved by the Tree Warden).

In 2015, the Planning Board approved a site plan for the reuse of a developed site located at 541 Ocean House Rd. The approval was appealed and the court remanded the approval back to the Planning Board twice. One of the court's concerns was the lack of parking lot buffering. The Planning Board was able to finally end the appeal by adding a requirement that a row of shrubs be planted between the road and the parking lot to screen the view of the parking lot. Town staff prepared the plan below to facilitate the Planning Board's response to the court.



Northeast Civil Solutions is familiar with the specifics of the site as it prepared the site plan approved by the Planning Board which was subsequently appealed.

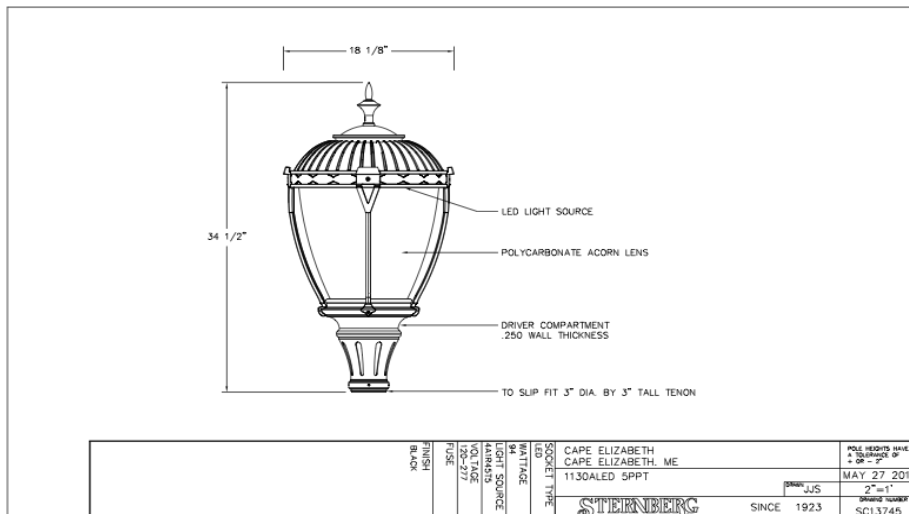
The image below is clipped from the last page of the applicant's most recent submission. The Planning Board may want to require that the existing landscaping be supplemented with new plantings to provide a continuous buffer of the parking lot.



9. Exterior Lighting

The lighting plan indicates that the 0.5 maximum footcandle lighting level is exceeded at the southwest and northeast corner. The applicant has reported that the sign lighting is not expected to exceed .5 footcandles.

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. Below is the town center lighting spec.



Lighting of the west side of the Ocean House Rd sidewalk is also discussed above under pedestrian circulation.

10. Signs

From the applicant's letter dated April 3, 2020:

- **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.**

The applicant has also provided images of proposed signage that suggest wood materials, however, no labels are provided.

11. 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 and the applicant has provided additional information that the electric forklift, suggested by the sound engineer to not exceed decibel levels, will be used.

Specifications for the wall mounted dust collection system has been provided. The specifications indicate the decibel level is less than 70 decibels. It may be reasonably assumed that maximum commercial decibel levels of 65/55 will not be exceeded at the property line, however the Planning Board may want to require that the dust collection not be operated when a power tool is in use.

12. Storage of Materials

A lumber rack is proposed with no fencing. No other exterior storage is proposed.

13. Technical and Financial Capacity

The applicant has submitted a letter from Biddeford savings to demonstrate financial capability.

Town Center Design Standards

The site is located in the Town Center District and the proposed project must also comply with the following Town Center Design Requirements.

The applicant has submitted elevations of all building sides. The Ocean House Rd facade should be correctly labeled.

- a. Footprint. The existing building footprint is 1,980 sq. ft., which is less than the 5,000 sq. ft. maximum. No building footprint is proposed. The building is oriented toward Ocean House Rd.
- b. Scale. No change to the scale of the building is proposed.
- c. Height and Roof Pitch. An existing ridge cap is proposed to be removed and information on the roof pitch with the cap has not been provided. The cap may enhance the visual appearance of the roof pitch.

The finished building height to the top of the roof is 18' 8" with a pitch of 5:12. The minimum required roof pitch is 7:12.

- d. Building and Parking Orientation. The Town Center design standards require that the building be oriented toward the street (rather than toward a parking lot, for example). Both the site design and the building design combine to create orientation. While existing parking in front of the building is not ideal, the applicant has removed paved area and created a lawn in the front yard setback.

The proposed Ocean House Rd building facade keeps elements of the current building and adds a new door/window combination. The old/new combination does not appear to relate in a cohesive design. The window in the middle of the facade appears to be included to improve the

openings/wall ratio. The applicant should explain the design concept for this facade.

The building elevations include two doors on the Ocean House Rd facade. Sec. 19-6-4(D)(3)(d) states "The front facade shall include a distinctive entrance." The Planning Board may want to discuss how 2 separate proposed doors meets this standard. Side yards visible to the public "should also be designed to present a pleasing appearance to the pedestrian." The Board may also want to review the Scott Dyer Rd facade which is in close proximity to a sidewalk.

- e. Openings. Subsection C requires 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..." The application notes that the Ocean House Rd facade window to wall ratio is 50%. The applicant should provide the back-up calculations.

The Ocean House Rd facade, based on the plans provided, is 8.875' high x 65.875' long for a total of 582 sq. ft. The applicant has based the ratio calculation on 560 sq. ft. Estimating openings from plans provided, it appears that the front facade windows to openings ratio is in the range of 39%. The Board may also want to discuss the ratio of openings to wall space on the Scott Dyer Rd facade.

"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.

Below are pictures of buildings in the immediate vicinity of 287 Ocean House Rd that demonstrate common use of mullioned windows.





- f. Exterior Materials. The elevations have labeled exterior materials to be 6" hemlock shiplap siding and asphalt roof shingles.

Motion for the Board to Consider

A. Motion to Table

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 1,324 sq. ft. village retail lumber store, 400 sq. ft. DIY classes and 256 sq. ft. of office in the existing 1,980 sq. ft. building located at 287 Ocean House Rd be tabled to the regular June 16, 2020 meeting of the Planning Board.

B. Motion for Approval

Findings of Fact

1. Michael Friedland, dba Yam Yams LLC, is requesting site plan review to operate a 1,324 sq. ft. village retail lumber store, 400 sq. ft. DIY classes and 256 sq. ft. of office in the existing 1,980 sq. ft. building located at 287 Ocean House Rd, which requires review under Sec. 19-9, Site Plan Regulations. The following findings are subject to the applicant satisfying all conditions on the approval.
2. The plan for the development (reflects/ does not reflect) the natural capabilities of the site to support development.
3. Access to the development (will/ will not) be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site (will/ will not) be safe. Parking (will/ will not) be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan (does/ does not) provide for a system of pedestrian ways within the development.
5. The plan (does/ does not) provide for adequate collection and discharge of stormwater.
6. The development (will/ will not) cause soil erosion, based on the erosion plan submitted.
7. The development (will/ will not) be provided with an adequate quantity and quality of potable water.

8. The development (will/will not) provide for adequate sewage disposal.
9. The development (will/will not) be provided with access to utilities.
10. The development (will/will not) locate, store or discharge materials harmful to surface or ground waters.
11. The development (will/will not) provide for adequate disposal of solid wastes.
12. The development (will/will not) adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
14. The development (will/will not) provide for adequate exterior lighting without excessive illumination.
15. The development (will/will not) provide a vegetative buffer throughout and around the site and screening as needed.
16. The development (will/will not) substantially increase noise levels and cause human discomfort.
17. Storage of exterior materials on the site that may be visible to the public (will/will not) be screened by fencing or landscaping.
18. The site and building design (complies/does not comply) with the Town Center Design requirements.

THEREFORE 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 1,324 sq. ft. village retail lumber store, 400 sq. ft. DIY classes and 256 sq. ft. of office in the existing 1,980 sq. ft. building located at 287 Ocean House Rd be approved, subject to the following conditions:

1. That the plans be revised to address the concerns of the Town Engineer in his letter dated 5-13-2020;

2. That the applicant obtain DEP VRAP Phase II Environmental Site Assessment (ESA) approval for all proposed improvements to the site, including installation of the lumber rack;
3. That the applicant provide a plan for mitigation of the project traffic added to the Ocean House Rd/Scott Dyer Rd/Shore Rd intersection. Based on the mitigation proposed, any approval required from other entities, such as the Maine Department of Transportation and the Cape Elizabeth Town Council, must also be obtained.
4. That the existing concrete parking "wings" existing in front of the building be retained to manage vehicular movements, protect pedestrian circulation and promote compliance with the Town Center design requirements relating to the front setback site improvements;
5. That the applicant install town center compatible pedestrian lighting in the grassed esplanade along the Ocean House frontage of the property;
6. That there be no outside storage of materials except for the lumber rack, nor storage containers unless they are shown on the approved site plan;
7. That the landscape plan be revised to show a continuous shrub and tree buffer of the parking lot from the public road;
8. That a preservation plan for the existing vegetation to be preserved be added to the plans;
9. That the lighting plan be revised so that lighting levels do not exceed 0.5 footcandles at the property line;
10. That the pole and building mounted lighting fixtures be replaced with fixtures compatible with the town center lighting fixtures;
11. That a note be added to the plan: No more than 1 power tool may be operated at one time and no power tools may be operated when the dust collection system is in operation;
12. That the existing roof cap design be added to the new building elevations;
13. That calculations for the openings/wall ratio for the Ocean House Rd facade be provided. If the ratio is less than 50%, provide revised elevations for Planning Board review;

14. That the windows on the Ocean House Rd and Scott Dyer Rd facades include mullions of the same pattern and scale as the existing south corner window;
15. That there be no interior use or occupancy of the building without compliance with all building and fire codes as determined by the Code Enforcement Officer and the Fire Chief;
16. That there be no alterations to the site, nor building or any other local permit issued until the plans and materials have been revised to address the above conditions and a complete set of project plans are submitted to the town planner.