

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: June 16, 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 1,324 sq. ft. village retail lumber store, 256 sq. ft. office, and 400 sq. ft. institutional use for 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. 19-6-4, 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 engage in substantive review at any time.
- 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 Monday - Saturday, 6p.m. to 9 p.m. (Site and Layout Plan). Power tools will only be used as part of the DIY classes.

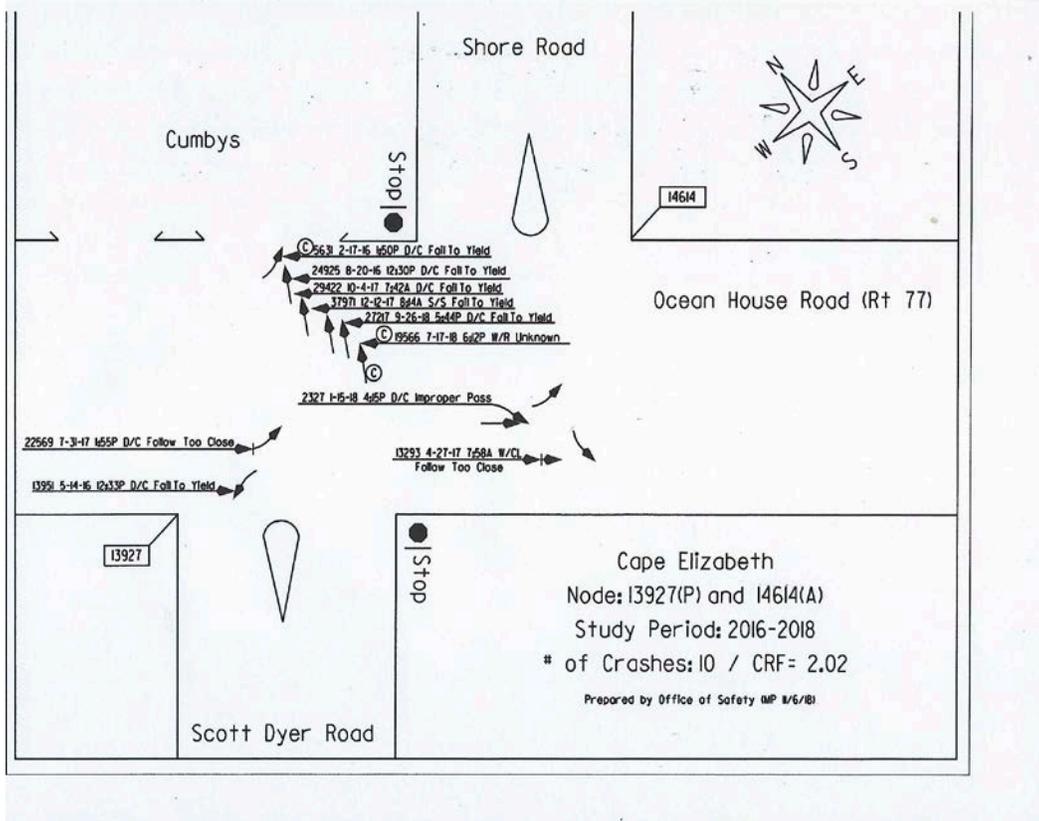
The Code Enforcement Officer is concerned that the frequency of DIY classes and the construction of a stand alone room goes beyond the intensity of an accessory use to the retail operation. For this reason, the use is proposed to be considered an "institutional use."(Sec. 19-6-4 (B)(3)(i).

This category of use may have building code implications. The Planning Board may also want to consider how this use may morph over time and any corresponding restrictions.

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. 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 Traffic Solutions 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.

Both the applicant's traffic engineer and the Town Engineer have recommended that existing shrubbery be trimmed to improve sight

distance from the Scott Dyer Rd exit looking west toward the Route 77 intersection.

The Planning Board may want to require that the applicant add a note to the site plan that the applicant will trim vegetation to improve site distance and indicate where vegetation will be trimmed.

- 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 following parking calculation should represent the parking required based on proposed uses in accordance with Sec. 19-7-8, Off Street Parking.

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

The Planning Board may want to require that the above table be added to the site plan to make clear what the approval will include.

The applicant is proposing a mix of uses that require 12 parking spaces. Twenty-two parking spaces are proposed, including 1 handicapped space on the south side of the building.

The northerly parking "wing" and planting area in front of the building will be removed and the southerly parking wing will be reduced in size.

3. Pedestrian Circulation

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.

As requested by the Planning Board, below is a summary of projects in the Town Center that have been required to install sidewalk as part of Site Plan Review.

Date	Project	Address	New sidewalk	Pedestrian Lighting
2019	Ocean House Common	326 Ocean House Rd	Y	Y
2016	Cape Chiropractic	12 Hill Way	Y	N
2012	Csalt Market	349 Ocean House Rd	Y	Y
2007	Jonesy's Convenience Site Plan	298 Ocean House Rd	Y	N
2006	Cape Elizabeth Land Trust	330 Ocean House Rd	Y	N
2003	Johnson site plan	1231 Shore Rd	Y	N
2004	1226 Shore Rd	1226 Shore Rd	Y	N
2002	Community Center	343 Ocean House Rd	Y	Y

The "segment 1" Town Center sidewalk (located on east side of Ocean House Rd from the Methodist Church to Cumberland Farms), for which construction is scheduled to start July 7th, includes pedestrian lights every 65'. Using the same spacing, three pedestrian lights could illuminate the developed frontage on Ocean House Rd for this site. (See sketch on page 8)

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 include several trees and mature shrubs.

A preservation plan for existing vegetation should be provided to protect vegetation during construction. Preservation plans typically restrict disturbance of roots within the dripline of the tree and prohibit storage of any materials within the dripline of the tree.

The applicant proposes to keep existing plantings and add a mix of black tupelo trees (species approved by the Tree Warden) and dogwood shrubs. A note should be added to the plan that planting species may be substituted with the permission of the tree warden or town planner.

The Planning Board may want to clarify that the lawn area will not be used for display.

9. Exterior Lighting

The applicant has revised the lighting plan so that lighting levels do not exceed .5 footcandles at the property line.

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.**

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 (miter saw) to demonstrate that the site plan decibel level limit will not be exceeded. 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 concludes that the miter saw will not exceed 55 decibels at the property line. The wall mounted dust collection system, with an interior filter bag that is not vented to the outside, should not increase decibel levels at the property line.

The applicant has committed to using an electric forklift, suggested by the sound engineer to not exceed decibel levels.

12. Storage of Materials

A lumber rack is proposed with no fencing. The applicant is proposing to display sale items outdoors, but not to leave them overnight.

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.

- 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 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.

Sec. 19-6-4(D)(3)(d) states "The front facade shall include a distinctive entrance." The proposed Ocean House Rd building facade keeps elements of the current building. The existing door has been replaced with a single distinctive front entrance. Windows that complement the rhythm of the existing windows and the new entrance are proposed.

- 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

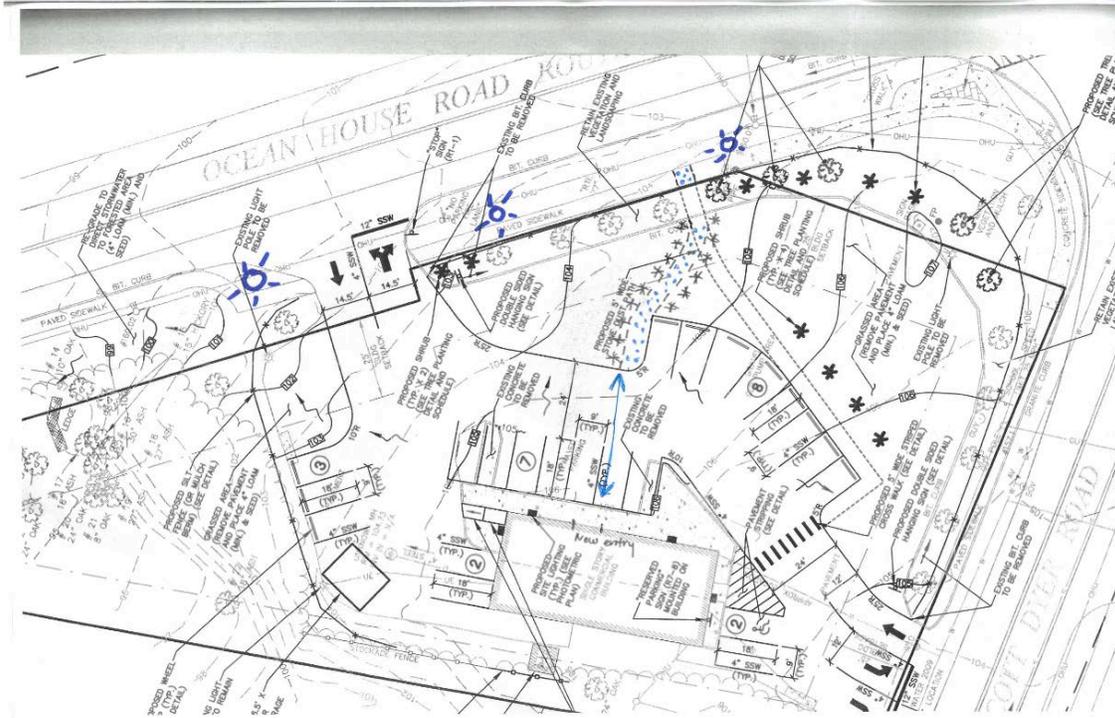
pedestrians..." The application notes that the Ocean House Rd facade window to wall ratio is 50%. The applicant should provide the back-up calculations.

The Board may also want to discuss the ratio of openings to wall space on the Scott Dyer Rd facade.

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

Front setback. The applicant has added a stone dust path that extends from Route 77, across the lawn, along the parking area to the south end. The proposed path is approximately 130' long. The Town Engineer, as well as other town staff, have observed that stone dust is problematic to maintain. The applicant may want to create a paver path similar to the one installed just north of the site.

The applicant may also want to reconsider the location and length of the proposed path. The sketch below shows an alternative path location connecting to the parking lot across from the front door of the building. This path is approximately 70' long. The reduced length may subsidize the increased cost of using pavers instead of stone dust. In order to enhance the path, the sides can be backfilled and planted with shallow rooted shrubs or perennials. The alternative design also reduces the opportunity to expand the proposed parking area into the proposed lawn area.



Parking lot. The applicant has made significant changes to the existing conditions on the site that bring the parking lot closer to compliance with the expectations for a parking lot in the Town Center.

Buffering. The applicant is using existing vegetation to buffer the property on the east and north sides of the building. On the Ocean House Rd side, additional shrubs and trees are proposed to buffer the view of the parking lot from the road. existing vegetation provides a buffer of the parking lot from Scott Dyer Rd.

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. institutional use for 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 Planning Board held a workshop on January 7, 2020, meetings on February 24, 2020 (application deemed incomplete), April 21, 2020 (application deemed complete), May 19, 2020 (public hearing held) and June 16, 2020. A site visit was conducted on May 26, 2020 at 6 p.m.
3. The plan for the development (reflects/ does not reflect) the natural capabilities of the site to support development.
4. 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.
5. The plan (does/does not) provide for a system of pedestrian ways within the development.
6. The plan (does/does not) provide for adequate collection and discharge of stormwater.
7. The development (will/will not) cause soil erosion, based on the erosion plan submitted.
8. The development (will/will not) be provided with an adequate quantity and quality of potable water.
9. The development (will/will not) provide for adequate sewage disposal.
10. The development (will/will not) be provided with access to utilities.
11. The development (will/will not) locate, store or discharge materials harmful to surface or ground waters.
12. The development (will/will not) provide for adequate disposal of solid wastes.

13. The development (will/will not) adversely affect the water quality or shoreline of any adjacent water body.
14. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
15. The development (will/will not) provide for adequate exterior lighting without excessive illumination.
16. The development (will/will not) provide a vegetative buffer throughout and around the site and screening as needed.
17. The development (will/will not) substantially increase noise levels and cause human discomfort.
18. Storage of exterior materials on the site that may be visible to the public (will/will not) be screened by fencing or landscaping.
19. 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 6-8-2020;
2. That, notwithstanding Sec. 19-6-4 (E) (2) Site Plan Review (conversion), there shall be no change of use for the institutional use (400 sq. ft.) without obtaining approval for a site plan amendment from the Planning Board;
3. That the parking chart included in this memo be added to the site plan;
4. That the applicant obtain DEP VRAP Phase II Environmental Site Assessment (ESA) approval for all proposed improvements to the site. Nothing shall be permitted to penetrate or remove the existing asphalt that is not included in the VRAP approval;
5. That the applicant provide a plan for mitigation of the project traffic added to the Ocean House Rd/Scott Dyer Rd/Shore Rd intersection.

11. That there be no outside storage of materials except for the lumber rack, nor any storage containers unless they are shown on the approved site plan. Outside display of materials are only allowed on the concrete walkway in front of the building. Display materials shall be placed to preserve appropriate accessibility into the building and shall be removed when the retail store is closed for the day;
12. 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;
13. 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.