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July 2, 2020

Planning Board
Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107

RE: ***Site Plan Review: 287 Ocean House Road (The Lumbery)***

Dear Board Members:

On behalf of Michael Friedland (dba Yam Yams, LLC), we are pleased to submit the application and plan sets for site plan approval of the property at 287 Ocean House Road. Located in the Town Center District, the approximate one-acre site is currently developed with an existing building and parking area. The building will be remodeled but will otherwise remain intact; there is no current proposal for expansion of the structure. The parking area has been reduced from its former use supporting a Cumberland Farms gas station and convenience store. The proposed use will be as a retail establishment ("The Lumbery") that specializes in locally and regionally sourced lumber products. Other retail items would also be offered for sale, and some of these items would be displayed in front of the store beneath the extended overhang. These items would typically be set out on the front sidewalk and would be removed on a daily basis for overnight storage within the store.

The site has been redesigned per standards of the Ordinance for allowed uses in the Town Center District. The building size and two points of access (from Ocean House Road and Scott Dyer Road) remain the same, a connecting sidewalk has been added from Ocean House Road to the building and parking area, landscaping has been augmented per Planning Board request, and three of the four existing light poles on the locus will be removed and their bases will be capped according to electrical BMPs. A VRAP request has been submitted to the DEP and its approval is pending; any excavation work, including removal of pavement, placing of sign posts, or installation of fence posts, will adhere to the prescribed directions outlined in the VRAP and EMP. Parking calculations are reflected in the Notes section of the Site and Layout plan.

The following is an overview of the site and building (referencing the design requirements in Chapter 19 of the Town of Cape Elizabeth Zoning Ordinance).

Overview

The Lumbery is a single-story renovation of an existing 1,980 sf gasoline station and convenience store to a locally sourced lumber retail store at 287 Ocean House Road in Cape Elizabeth, Maine.

The historical uses of this property include: a homestead from the late 1800's to 1970; Sun Oil Company (three bay service station and gasoline station) from 1970 – 1976; Webber Oil Company (gasoline station and convenience store) from 1977 – 1984; and Cumberland Farms (gasoline station and convenience store) from 1984 – 2014.

Using the zoning ordinance classifications, the project would be considered a conversion of an existing building or structure from a more intensive category (*Use Category 6. Gas Station and Repair Garages*) to a less intensive category (*Use Category 3. Personal Services and Village Retail Shops*).

Interior changes include overlaying existing trusses and perimeter walls, building new non-load bearing walls, building a raised work area, new electrical, and new plumbing at existing plumbing locations.

The intent of the work is to improve the existing condition and function of the existing building and to create an exterior façade that is compatible with neighboring buildings and town center design standards.

Design Requirements

(As required by Ch. 19 of Town of Cape Elizabeth Zoning Ordinance for exterior alterations to an existing structure. The intent is not that all buildings should look the same, but rather to encourage a mix of compatible styles, sizes, and characteristics.)

Building Footprint

The project is a single-story re-development of an existing site and building. The existing building has a footprint of less than 5,000 sq. ft. and no expansion is proposed. The existing building is currently oriented toward Ocean House Road and the design of the site and building enhances that orientation.

Scale

The existing building is a single-story structure that is compatible in relation to its surroundings and other structures in the district. The project will maintain the existing building scale and no expansion is proposed.

Height and Roof Pitch

The project will reduce the overall height of the existing structure by removing the existing decorative raised ridge assembly. The project proposes new asphalt shingles on the existing gable roof and a new dormer over the entrance doors that will match the existing roof pitch of 5:12, as allowed by the Design Requirements, Section E – c. of the Cape Elizabeth Zoning Ordinance: ***“...roofs shall have a minimum pitch of 4:12 or as matches the existing roof pitch.”***

Building and Parking Orientation

The existing building was designed with its primary orientation facing Ocean House Road. The project will maintain the existing building orientation and create a new dormer over the new entrance doors to create a clear and distinctive entrance. Internally, the raised “cutting room” at the northerly end of the

building will be limited to the occasional cutting of lumber and wood materials during business hours by store employees for retail customers purchasing lumber.

Openings

The Design Requirements, Section E – e. state that ***“Development in existing structures shall maintain the original rhythm and size of openings. The first floor front façade shall be constructed with equal proportion of openings to wall space.”*** The existing front façade has a single large opening on the left of the façade and three fake windows with shutters equally spaced to create an even and pleasing rhythm along the front of the façade (total of 29% openings to walls). The project will remove a single existing door and add large sliding glass doors and two (2) large windows to the front façade, greatly increasing the proportion of openings to wall space while maintaining the original rhythm of the existing structure. The door and windows will be equally spaced and centered on the facade to the right of the existing opening to maintain the original rhythm as noted. The new sliding door and integrated dormer will create a clear and distinctive entrance to the building, as well as provide clear wayfinding and circulation patterns for customers.

While the Scott Dyer side elevation of the building is not and has historically never been considered the “front façade”, we have added a large window centered on the building to create a more inviting appearance using the proportions of the existing window to create visual cohesiveness between the existing and the new.

Exterior Materials

The project will remove all existing weathered and peeling painted cedar shake shingle siding on three sides of the building and replace it with natural 6” hemlock shiplap siding with painted white trim, which is permitted in the Exterior Siding Materials section of the design requirements of the Zoning ordinance – ***“The use of wood shingles, wood clapboards, brick and stone is permitted”***. The back of the building is currently existing block wall, painted white. The project will keep the existing block wall and re-paint it white.

Landscaping and Site Development

See Site Plans for further information on Landscaping and Site Development. Architecturally, the project will construct a new dormer over the proposed sliding door entrance on the side of the structure facing the front yard setback to create a distinctive entrance for pedestrians in accordance with the Design Requirements Section E – g: ***“The side of the structure facing the front yard setback shall be designed with a distinctive entrance for pedestrians.”*** The paver-stone walkway has been added to the plan showing a pedestrian connection from the Ocean House Road public sidewalk to the site and building.

Off-site Improvements

The town has suggested that up to three street lights be added across the front of the site along Ocean House Road. These lights, while serving little to no practical purpose, are requested and acknowledged by the Board as being primarily for aesthetics.

While such lights would certainly improve the look of the roadway, and understanding that the Board can require things that are not specified in the Ordinance (i.e. other projects along Ocean House Road have included similar light poles in front of their sites), it is the magnitude of this requirement that is

causing undue hardship for the property owner. Requiring the installation of such poles, for instance (on projects where the site costs were well over \$1 million), is generally easier to work into a large construction budget than it is to work into the pro forma of a smaller project.

As a small business entrepreneur, Mr. Friedland wants to take an unutilized site that has been exceptionally unattractive for more than six years and turn it into a functioning retail business that primarily serves the people of Cape Elizabeth. Given that this type of off-site lighting is not a requirement per the ordinance, conditioning site plan approval upon an unforeseen and unreasonable expenditure of close to \$30,000 has huge ramifications on a very tight budget. It is easy to say “buyer beware” or “...he should have known...” when no one other than the property owner has a vested interest in the project. Spending someone else’s money is easy to do, particularly when doing so results in no direct benefit to the owner. While attempting to keep site work as simple as possible, Mr. Friedland has thus far agreed to the Board’s requests for building and site improvements that will, admittedly, benefit the site by making it more attractive. But needing to pay tens of thousands of dollars for off-site improvements that are not required for safety or security reasons, and which offer no direct benefit to the land owner, is an incredible hardship. However, Mr. Friedland would agree to contribute \$5000 toward a fund that the town can use for such lighting (or any other purpose). He does not mind assisting the town in this regard, but he simply requests that the light pole requirement be kept proportional to the size of the project. Given that any type of offsite work may not be completed concurrently with on-site remodeling and construction, we request that a Certificate of Occupancy for the building not be tied to the completion of off-site construction.

Conclusion

Michael Friedland would like to establish The Lumbery as a retail store that supports a need for products and services to be offered to the people of Cape Elizabeth. The store and site will not be used for a purpose other than retail sales and support, and any proposal for additional uses would necessitate future Board approval. We would like to meet with the Board at the next opportunity for site plan approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Letellier', written over a circular stamp or seal.

Travis Letellier, P.E.
Director of Engineering
Northeast Civil Solutions, Inc.