

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: December 20, 2011
SUBJECT: Rudy's Site Plan and Resource Protection Permit Review

Introduction

517 Ocean House LLC is requesting Site Plan Review and a Resource Protection Permit to construct an 80-seat restaurant and second 1,250 sq. ft. retail building, including 2,738 sq. ft. of wetland alteration to construct a sidewalk, in the Business A District located at 517 Ocean House Rd. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Board should begin by having the applicant summarize any changes made to the project.
- The Board should then open the public hearing, which has been advertised for this evening.
- At the close of the public hearing, the Board may begin discussion of the application.
- At the close of discussion, 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 Town Engineer's comments are attached.

A. Utilization of the Site

The applicant is proposing to tear down an existing building and build a new building in a portion of the site that is currently used for parking. Parking would then be shifted to the south, where it will be partially shielded from the abutting neighborhood by the new building. A second building is also proposed in an area currently used as a gravel parking lot.

The proposed development is predominantly located on portions of the lot that have been previously developed.

B. Traffic Access and Parking

1. Adequacy of Road System- Route 77 has excess capacity to absorb the traffic generated by the proposed uses.
2. Access into the Site- The proposed development includes an excessively large “curb cut” onto Route 77 and introduces access management principles on the site. A single 24’ wide (standard size), two way curb cut is proposed. The new driveway is located across from Broad Cove Rd, further enhancing safety by placing the driveway at an existing intersection rather than creating a new intersection.
3. Internal Vehicular Circulation- Internal circulation is 2 way circular movement in the parking lot around a double-loaded parking strip, butted on each end with a landscaped island.
4. Parking Layout and Design- The proposed parking layout includes parking spaces and parking aisles designed to the specifications of the Off-Street Parking requirements. A total of 39 parking spaces are provided and 31 are proposed. The paved parking lot provides all the required parking for Phase 1 and 2. Twenty percent of the required 31 spaces are compact, plus an additional 8 compact parking spaces are proposed. In accordance with the BA District Design requirements, no more than 10 parking spaces are proposed without a landscaped island.

C. Pedestrian Circulation

In accordance with the BA District Design requirements, a sidewalk is proposed along the frontage of the property with Route 77. Sidewalk connections to the front door of both buildings are proposed. At the southern end of the property, wetlands abut the right-of-way of Route 77 and will need to be altered to install the sidewalk.

The applicant has also volunteered to provide a pedestrian easement from the western end of the property to the parking lot for a greenbelt trail connection.

D. Stormwater Management

Stormwater will be directed to the southeastern corner of the site, where a rain garden will be constructed to filter stormwater before it enters an existing wetland. The applicant has submitted a stormwater study which concludes that “the project will have no significant adverse impacts on downstream properties as a result of stormwater.

E. Erosion Control

The applicant has proposed best practices for erosion control management, including the use of silt fencing and a sediment barrier, and permanent construction details such as installation of geotextile fabric and riprap.

F. Water Supply

The project includes 2 new 2" water lines, one to serve each building, plus a 6" water line to provide fire protection. The Planning Board may want to request that the applicant provide a letter from the Portland Water District has confirming that there is adequate water for the proposed use.

G. Sewage Disposal

There is an existing sewer line on the site that provides public sewer connections to the existing building and the building located at 2 Davis Point Lane. The Town hold a sewer easement for this which extends toward the Pond View Rd neighborhood. The applicant is proposing to relocate this sewer line to accommodate the new building placement. The Public Works Director, who also serves as the Sewer Superintendent, has coordinated the placement of the new sewer line with the applicant. A new sewer easement is needed for the new sewer line location, which has been submitted by the applicant and is under review by the Town Attorney.

H. Utilities

New utility connections are proposed for the new building location,

I. Water Quality Protection

No discharge of noxious chemicals is proposed.

J. Wastes

The plan includes the location of a dumpster at the rear of the parking lot, more than 100' from any residential zone line.

K. Shoreland Relationship

The property is not located in the Shoreland Zone.

L. Technical and Financial Capacity

The applicant has provided information regarding financial capacity and the qualifications of the technical team on this project.

M. Exterior Lighting

Revised footcandle lighting levels have been provided to demonstrate that the footcandle lighting level does not exceed .5 footcandles at the property line.

N. Landscaping and Buffering

A landscaping plan has been submitted which provides for landscaping at the property line and within the site, specifically in the parking lot. Six street trees are proposed between the sidewalk and Route 77 (not including 3 more trees at the parking lot entrance), which should punctuate the separation between pedestrians and vehicle traffic and begin to create a boulevard effect in this part of town.

Abutters have commented on the landscaping proposed north of the Phase 2 building. The applicant has doubled the number of evergreen trees proposed last month. In a forty foot long strip, 5 evergreens are proposed in a single staggered row, which equates to 8' on center. The attached description from the Arbor Day Foundation projects a 20' -25' spread at maturity.

O. Noise

The proposed use is not expected to generate noise levels in excess of those permitted.

P. Storage of Materials

No exterior storage of materials is proposed.

Resource Protection Permit, Sec. 19-8-3

1. Flow of surface/subsurface waters

The flow of surface waters will not be blocked.

2. Impound surface waters

No water will be impounded.

3. Increase surface waters

The applicant's engineer has confirmed that the project should not produce an increase in surface waters that will damage downstream properties.

4. Damage to spawning grounds

No spawning grounds have been identified and the site is already developed.

5. Support of structures

No undermining of structures is proposed.

6. Aquifer recharge/groundwater

No aquifers are located in the project area.

7. Coastal dunes

No work in coastal dunes or back dune areas is proposed.

8. Ecological/aesthetic values

The applicant will be installing a rain garden adjacent to the wetland that can be viewed from the sidewalk.

9. Wetland Buffer

No buffer is proposed as the only work in the wetland will be to install the required sidewalk.

10. Erosion Control

The applicant has submitted an Erosion Control plan that includes protection during construction and revegetation of disturbed areas upon completion of construction.

11. Wastewater discharge

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

No floodplains are located in the project area.

Motion for the Board to Consider

Findings of Fact

1. 517 Ocean House LLC is requesting Site Plan Review and a Resource Protection Permit to construct an 80-seat restaurant and second 1,250 sq. ft. retail building, including 2,738 sq. ft. of wetland alteration to construct a sidewalk, in the Business A District located at 517 Ocean House Rd, which requires review under Sec. 19-9, Site Plan Regulations and Sec. 19-8-3, Resource Protection Permit Regulations.
2. The Town Engineer has identified revisions needed to the plans.
3. The applicant will be relocating an existing sewer line and will also need to relocate the corresponding sewer easement.
4. The application substantially complies with Sec. 19-9, Site Plan Regulations.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 517 Ocean House LLC for Site Plan Review and a Resource Protection Permit to construct an 80-seat restaurant and second 1,250 sq. ft. retail building, including 2,738 sq. ft. of wetland alteration to construct a sidewalk, in the Business A District located at 517 Ocean House Rd be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated December 13, 2011;
2. That the applicant provide a letter from the Portland Water District confirming an adequate supply of water for the proposed project;

3. That the applicant provide a sewer easement in a form acceptable to the Town Attorney and all acceptable to the Town Manager; and
4. That there be no issuance of a building permit nor alteration of the site until the plans have been revised per the above conditions and submitted to the Town Planner for review and a performance guarantee has been provided in accordance with Sec. 19-9-4B(3).