

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: May 19, 2015  
SUBJECT: Tamaro Landscaping/Summer Oven Site Plan

### Introduction

Nick Tamaro, Jen Feeney, and Sheldon Goldman are requesting Site Plan Review of the Tamaro Landscaping (5,137 sq. ft)/Summer Oven 30-seat restaurant/Retail (4,416 sq ft.) mixed use site located at 539-541 Ocean House Rd. The site received site plan approval in 1988 and this application replaces the earlier approval. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations, and Sec. 19-6-5, BA District Design Requirements.

### Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The Board should begin by having the applicant summarize the project.
- The Board should then make a determination of 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 discussion may begin.
- The Board has scheduled a public hearing for this evening in the event the application is deemed complete.
- At the close of the public hearing, the Board may begin discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

### Summary of Completeness

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

No items appear incomplete. The applicant has requested a waiver from providing a pre and post stormwater study, and a photometric study of lighting levels.

Site Plan Review Standards

Below is a summary of application compliance with the Site Plan standards, Sec. 19-9-5.

A. Utilization of the Site

The existing site is developed and the applicant is proposing multiple changes within the context of a developed site.

B. Traffic Access and Parking

1. Adequacy of Road System- Based on the traffic assessment submitted by the applicant, Ocean House Rd has significant excess capacity and the proposed uses will not cause Route 77 to reach capacity.
2. Access into the Site- The proposed access points have in excess of 50' of sight distance in both directions on Ocean House Rd. The applicant will close the southerly driveway and open a driveway on the northerly side of the property to serve the landscaping business. The middle driveway will be reconfigured to access Ocean House Rd at a 90 degree angle.
3. Internal Vehicular Circulation-The interior circulation will focus on separating the restaurant/retail and landscaping traffic.
4. Parking Layout and Design- The applicant is removing parking and paved area in front of building #4. Two existing greenhouses, a shed and shipping container will be removed. The following uses are proposed:

Landscaping (comprises building #1, #2, #3, 9 employees)	5,137 sq. ft.	11 spaces
Restaurant (2,729 sq. ft. includes 4 employees)	30 seats	12 spaces
Retail (2,713 sq. ft., 2 employees)		11 spaces
greenhouse (2,103 sq. ft.)		?
TOTAL parking required	34 spaces plus greenhouse	
TOTAL parking proposed	38 spaces	

In addition, 6 oversized spaces are designated for landscaping equipment parking. Eleven spaces plus the equipment parking are segregated from the rest of the site with pipe gates, leaving 26 spaces in close proximity to the retail and restaurant uses.

C. Pedestrian Circulation

The applicant will install a 5' wide gravel path along the frontage of Ocean House Rd. The path is located within the road right-of-way but is not a surface typically maintained by the Public Works Department. The Planning Board should consider adding a note to the plan that the Town of Cape Elizabeth will not be responsible for maintenance of the path.

The plan includes pathway connections to the front of the "Summer Oven" and to the proposed front patio.

D. Stormwater Management

The proposal will result in a net decrease in impervious area when the southerly driveway is removed and loamed and seeded. The open ditch located parallel to Ocean House Rd will be replaced with a drainage pipe and catch basin. The Town Engineer is recommending that site changes be made to reduce the flow of stormwater from the site across the path.

E. Erosion Control

The site is predominantly developed and the applicant is proposing to remove impervious surface and revegetate areas. Erosion control measures, including a stabilized construction entrance for the new driveway, silt fence and catch basin protection are proposed, mostly located along the frontage of Ocean House Rd.

F. Water Supply

The applicant has provided a letter from the Portland Water District based on last year's site usage proposal. A letter confirming adequate water supply for the proposed uses, including a full-service 30 seat restaurant should be provided and necessary upgrades should be undertaken.

G. Sewage Disposal

The application includes installation of a new septic system which the Code Enforcement finds sufficient.

H. Utilities

Existing buildings are served by utilities that will continue to be used.

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 building #4. Screening for the sides of the dumpster may be appropriate.

K. Shoreland Relationship

The property is not located in the Shoreland Zone.

L. Technical and Financial Capacity

The Town Manager recommends that financial capacity is available and the applicants have asserted that they have experience with the businesses proposed.

M. Exterior Lighting

No change to the existing lighting on the site is proposed.

N. Landscaping and Buffering

The applicant will be extending fencing on the southerly boundary and installing a new fence along the northeasterly side property line to buffer the new driveway from abutting properties. In addition, red maples and ornamental grasses are proposed adjacent to the fence. The proposed trees are sized at 1 1/2 inches in caliper at time of planting and the standard size for trees is 2 1/2 inches in caliper.

Proposed around the patio are 2 sides of rosa rugosa and one side of rock wall. Along the westerly property boundary line an existing line of trees will be supplemented with 3 red maples. The applicant may want to consider planting 3 evergreens to be consistent with the existing tree line.

O. Noise

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

P. Storage of Materials

The landscaping business includes outside storage, mostly located along the back property line. One of the applicants owns the adjacent property and some of the storage is on that property. The adjacent lot also is densely wooded and the approved building envelope for the lot is not located on the BA district side of the lot.

BA District Design Requirements

a. Footprint

No footprint additions are proposed, unless you include the proposed patio, which is currently paved for parking.

b. Scale

No new building construction is proposed.

c. Height and Roof Pitch

No changes to existing roof lines are proposed.

d. Building and Parking Orientation

Parking currently located in the front yard will be removed and replaced with loam and seed and a patio. Parking is located to the side and rear of Building #4. The door of the "Summer Oven" restaurant is located on the facade of Building #4 facing Ocean House Rd.

A pedestrian path is located along the frontage of Ocean House Rd and includes path connections to the patio and Building #4.

e. Openings.

No new building construction is proposed, however, the exterior of Building #4 will be changed to add windows and doors.

f. Exterior Materials

Except for building #4, no changes to existing buildings (to remain) are proposed. Building #4 has a painted red metal siding. Changes to the building will continue this exterior material use.

g. Landscaping and Site Development

The front yard setback will be improved in appearance with the elimination of a driveway and parking lot. A utility driveway will be added to the northern end of the Ocean House frontage. A fence and planted strip including red maples and ornamental grasses will be installed along the property line adjacent to the driveway. The fence and plantings will begin to replace a row of evergreen trees that will be removed to install the driveway and which do not provide buffering at ground level.

The front parking lot will be removed, loamed and seeded and include a patio framed by rosa rugosa and a stone wall.

Parking is located in small lots around the site. Behind building #4, 11 parking spaces are located in a row separated by a dumpster. A landscaped island to be planted with a tree is needed in this location to comply with the parking lot standard.

Buffering along the southern property line includes extension of an existing fence line and supplementing a tree line.

Motion for the Board to Consider

**A. Motion for Completeness**

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Nick Tammaro, Jen Feeney, and Sheldon Goldman for Site Plan Review of the Tammaro Landscaping (5,137 sq. ft)/Summer Oven 30-seat restaurant/Retail (4,416 sq ft.) mixed use site located at 539-541 Ocean House Rd be deemed (complete/incomplete).

**B. Motion for Approval**

Findings of Fact

1. Nick Tammaro, Jen Feeney, and Sheldon Goldman are requesting Site Plan Review of the Tammaro Landscaping (5,137 sq. ft)/Summer Oven 30-seat restaurant/Retail (4,416 sq ft.) mixed use site located at 539-541 Ocean House Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. Several revisions to the submitted plans are needed to bring them into compliance with the town Site Plan and BA District design requirements.
3. With the revisions described in the conditions of approval, 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 Nick Tammaro, Jen Feeney, and Sheldon Goldman for Site Plan Review of the Tammaro Landscaping (5,137 sq. ft)/Summer Oven 30-seat restaurant/Retail (4,416 sq ft.) mixed use site located at 539-541 Ocean House Rd be approved, subject to the following conditions:

1. That the plans be revised as described in paragraph 4, 5, and 6 of the Town Engineer's letter dated May 12, 2015;
2. That the parking calculation be revised to include the greenhouse and adequate parking for all proposed uses on the site be provided;
3. That the applicant provide a letter from the Portland Water District confirming that adequate water will be available for all proposed uses on the site and that any necessary upgrade to water lines be installed.
4. That the west side of the dumpster be screened;
5. That the proposed maple trees be a minimum of 2" to 2 1/2" in caliper at time of planting;
6. That there be no alteration of the site nor issuance of a building permit until the plans are revised to satisfy the above conditions and submitted to the Town Planner.
7. That prior to any alteration of the site, a performance guarantee be posted for the proposed improvements, the amount of which is reviewed by the Town Engineer, the form of which is reviewed by the Town Attorney and all subject to the approval of the Town Manager.

