

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 17, 2017
SUBJECT: 1226 Shore Rd mixed use office/retail/8 apartments

Introduction

1226 Shore Rd LLC is requesting Site Plan review of a mixed use office/retail/8 apartments building expansion located a 1226 Shore Rd. The application was deemed complete at the September 19th meeting and public hearing has been scheduled for this evening. 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 to the project.
- The Board should then open the public hearing.
- 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.

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 project redevelops an existing site with ground floor additions to an existing building and adding 2 floors to the base level. The existing parking lot will be doubled in size and a new 8 car parking garage will be constructed adjacent to the parking lot.

Building #2 located at the rear of the site was previously approved by the Planning Board as a garage/storage area. It is now proposed to be office space. The applicant is proposing to use this as personal office space which will not meet ADA requirements. The plans should include labels to make clear that this space will not be eligible for use by anyone else or

the application should be revised as needed to treat this as unrestricted office space.

2. Traffic Access and Parking

- a. Adequacy of Road System- The applicant calculated trip generation for the proposed project at 441 trips per day, and less than 100 trips during the am or pm peak hour. Shore Rd and the Route 77/Shore Rd/Scott Dyer Rd intersection are not high crash locations, based on the latest MDOT data.
- b. Access into the Site- Existing access points will be used.
- c. Internal Vehicular Circulation-The internal circulation will be 2 access points connecting the parking lot with the abutting road easement.

Along the west side of the property is an access easement held by the Town. Earlier this year (2017), the prior owner of the property contacted the town regarding road maintenance. In a review of the easement deed, Town Attorney Tom Leahy expressed concerns that the description of the easement was unclear. Town staff are recommending that the applicant's attorney and the town attorney review the existing deed and, if necessary, prepare a replacement deed to clearly identify the location of the easement, as well as any other issues that may be identified. If a mutually acceptable replacement easement is created, it will need to be accepted by the Town Council and the current property owner.

- d. Parking Layout and Design- The applicant has calculated parking based on 5,000 sq. ft. of first floor space broken into office, retail and residential hallway access space for a total of 22 spaces. The upper floors include 8 2-bedroom apartment for 14 spaces. An additional 5 spaces are required for office space in building #2. At the site walk, the use of basement space in building #1 was mentioned.

The plans also show 36 parking spaces (including the 8 space garage), however the applicant is requesting 2 shared spaces.

A 3-space parking lot is shown in front of the building on Shore Rd. New parking is not allowed within the front yard setback in the Town Center zone. While this parking area predates the Town Center requirement, it was originally approved only as 2 handicapped parking spaces (see attachment) and was allowed to

remain to accommodate patients visiting their doctor. Expanding the parking lot to 3 regular parking spaces is inconsistent with the Town Center requirements that prohibit parking in the front setback.

It is difficult at this time to determine specifically how many parking spaces are proposed and what the total number of parking spaces are required for compliance with Sec. 19-7-8, Off Street Parking. In order to completely capture what the Planning Board is considering for approval and clear direction for enforcement staff in the future, floor plans for the all levels of building #2 and the basement of building #1 should be provided. As discussed at the site walk, it may also be desirable for the applicant to apply for a small number of seats in the retail space now.

3. Pedestrian Circulation

The site fronts on the Town Center sidewalk that connects to the Shore Rd path. An existing sidewalk runs next to the road and creates a pedestrian connection to the rear of the property. A new 4' wide walkway will connect the Shore Rd sidewalk to the relocated front door.

4. Stormwater Management

The development will increase the impervious surface by 7,060 sq. ft., which is less than the 10,000 sq. ft. threshold that requires a pre/post development analysis. For the LID, the applicant is proposing to install a porous pavement parking lot. The Town Engineer continues to have concerns with the relationship of the back parking lot elevation with the first floor elevation of Building #2.

5. Erosion Control

An erosion and sediment control plan has been submitted by the applicant.

6. Utilities

The site is currently served by public sewer and applicant is evaluating if the existing systems will be sufficient for the proposed uses. There is capacity in the public sewer system to serve the project.

The applicant is working with the Portland Water District to install a new 2" domestic water line and 6" line for fire suppression.

Utility connections for the existing building will be utilized for the new construction.

Solid waste on the site will be stored in a 10' x 12' solid wood enclosure located at the rear of the site next to the parking lot and Building #2.

7. Shoreland Relationship

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

8. Landscaping and Buffering

The site is currently manicured lawn and statement trees, except for a naturally vegetated buffer strip of up to 50' in width on the east side of the property. The east property line abuts the Residence A District, and is subject to greater buffering standards. The applicant is proposing to leave the naturally vegetated area as is for the most part. Some trees will need to be removed to facilitate construction of the garage. The applicant is proposing to do selective thinning.

Under a prior owner, a description of "removal of diseased and dying" vegetation resulted in the removal of most of the vegetation in this buffer. In order to preserve the natural vegetation in this buffer area, staff recommends that trees larger than 4.5" caliper that will be removed be shown on the plan. Note 7 has been added to the plan, at the request of staff, to preserve existing vegetation in the buffer. The note should be revised to refer to a buffer area instead of a building envelope and the buffer area should be clearly defined and labeled on the plan.

A mix of ground shrubs, perennials and grasses are proposed along the foundation at the front of the building. A 36" existing oak tree located on the western front of the building is proposed to be preserved, but will require trimming as it currently arches over the 1 story structure. The preservation note should clarify that protective fencing be installed along the drip line of the tree, and that trimming be done in accordance with arboricultural standards.

At the rear of the parking lot, three deciduous ornamental trees are proposed in an area graded as a swale.

9. Exterior Lighting

The applicant has provided lighting fixture specifications and a photometric study that demonstrates that lighting levels at the property line will not exceed .5 footcandles.

10. Signs

The application includes information on lighting for a sign, located east of the front walkway. No information on the sign size, or materials is provided.

11. Noise

The applicant estimates that the residential uses will generate the loudest noise, which will not exceed 40 dBa at the property line.

12. Storage of Materials

Except for solid waste, no exterior storage is proposed.

13. Technical and Financial Capacity

The applicant has provided a letter from Camden National Bank as a financial reference.

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 1226 Shore Rd LLC for Site Plan review of a mixed use office/retail/8 apartments building expansion located a 1226 Shore Rd be tabled to the regular November 21, 2017 meeting of the Planning Board.

B. Motion for Approval

Findings of Fact

1. 1226 Shore Rd LLC is requesting Site Plan review of a mixed use office/retail/8 apartments building expansion located a 1226 Shore Rd, which requires review under Sec. 19-9, Site Plan Regulations.

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 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 1226 Shore Rd LLC for Site Plan review of a mixed use office/retail/8 apartments building expansion located a 1226 Shore Rd be approved, subject to the following conditions:

1. That the plans be revised to satisfy the concerns of the Town Engineer in his letter dated October 12, 2017.
2. That floor plans be provided for every floor of Building #2 and the basement of building #1.
3. That the plans be labeled that the office space in Building #2 shall only be available as personal office space for the owner;
4. That parking for the site be clarified as follows:
 - No more than 2 handicapped parking spaces shall be shown in the front parking area.
 - Total parking on the site shall be tabulated on a plan note that is consistent with what is shown on the plan.
 - Use of the garage space in Building #2 shall be made clear.
 - The parking calculation table should be expanded to show all building area by floor, use and parking requirement.
 - The applicant should consider providing for limited seating and required parking for the retail space;
5. The road easement should be reviewed for clarity in description of location. If the Town Attorney determines the description is unclear, the applicant and the town should attempt to correct the deed as needed and obtain necessary approvals;
6. Note 7 on sheet C-2 should be revised to refer to the buffer area and the buffer area should be delineated and labeled on the site plan;

7. The note regarding preservation of the 36" oak located on the western front of the property should be revised to specify that protection fencing be installed at the dripline of the tree and that tree trimming be done consistent with arboricultural standards;
8. That a complete set of plans and materials for the project be submitted to the town planner, which also satisfy the above conditions;
9. That there be no issuance of a building permit not alteration of the site until the above conditions have been satisfied and a performance guarantee has been provided to the town.