

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: November 20, 2018
SUBJECT: 1226 Shore Rd Site Plan Amendment

Introduction

Pat Tinsman is requesting amendments to the previously approved site plan for 1226 Shore Rd to clarify demolition of existing kitchens and revise square footage calculations for building B. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Board should begin by having the applicant introduce the amendments.
- The Board should then open the meeting to public comment on completeness.
- The Board should then make a finding 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 review may begin.
- The Board should decide if a site walk and/or public hearing will be held.
- At the close of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Status of project

The Planning Board approved a mixed use project on this site on October 17, 2017 with 9 conditions. As plans were revised to satisfy the conditions of approval, town staff determined that revising the plans to satisfy the conditions resulted in conflicts with the original approval. Staff recommended that the applicant return to the Planning Board for amendments (see attached letter). The intent is for the plans to be revised and the approval amended so that legal action will not be needed.

Summary of Completeness

The completeness checklist is attached. Items where information has been submitted as part of the original site plan approval and which do not apply to

the requested amendments are indicated as "not applicable" (N/A). No items have been identified as incomplete.

Discussion

Beyond the level of completeness, the Planning Board may want to note the following:

1. Exhibit A plans. The 11 x 17 plans labeled Exhibit A show a reduced illustration of the site and calculation of parking requirements. Unfortunately, the reduced site plan is inconsistent with the approved site plan. For this reason, staff recommends that this Exhibit be withdrawn from consideration. The necessary parking calculations can be found on the site plan.
2. Parking calculation. With the revised building calculations for Building B, a total of 1,192 sq. ft. of office space requires 6 parking spaces rather than the original 5 approved. The original approval included 5 shared parking spaces. Staff recommends that the Planning Board consider granting approval for 6 shared parking spaces to correct the deficiency without requiring redesign of the parking areas.
3. Original approval conditions. Most of the conditions on the original approval are satisfied or on the way. Staff is working with the applicant to finish addressing the original conditions of approval, with hope that can be done prior to the December 18th meeting.

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 Pat Tinsman for amendments to the previously approved site plan for 1226 Shore Rd to clarify demolition of existing kitchens and revise square footage calculations for building B be deemed (complete/incomplete).

B. Motion to Table/Schedule Public Hearing

BE IT ORDERED that the above application be tabled to the December 18, 2018 meeting, at which time a public hearing will be held.

Site Plan Review Submission Checklist
[Section 19-9-4(c)]

Date: November 20, 2018

Project: 1226 Shore Rd Site Plan Amendments

Applicant: Pat Tinsman

- N/A a. Evidence of right, title, and interest in the property
- Y b. Written description
- Y c. Name of project/applicant
- Y d. Survey
- N/A e. Existing conditions
- N/A f. Topography
- Y g. Buildings
- Y h. Traffic access and parking
- N/A i. Stormwater
- N/A j. Erosion
- N/A k. Utilities
- N/A l. Landscaping
- N/A m. Lighting
- N/A n. Signs
- N/A o. Noise
- N/A p. Exterior storage
- N/A q. Financial and Technical Capability

Y Yes, complete

N	No, not complete
W	Waiver
P	Partially complete
N/A	Not applicable

October 20, 2017

Stephen Bushey
Stantec
482 Payne Rd
Scarborough, Maine 04074

Re: 1226 Shore Rd Site Plan

Dear Mr. Bushey:

At the October 17, 2017 meeting, the Cape Elizabeth Planning Board approved the following findings of fact and motion:

Findings of Fact

1. 1226 Shore Rd LLC is requesting Site Plan review of a mixed use office/restaurant/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 the natural capabilities of the site to support development.
3. Access to the development will be on roads with adequate capacity to support the traffic generated by the development. Access into and within the site will be safe. Parking will be provided in accordance with Sec. 19-7-8, Off-Street Parking.
4. The plan does provide for a system of pedestrian ways within the development.

5. The plan does provide for adequate collection and discharge of stormwater.
6. The development will not cause soil erosion, based on the erosion plan submitted.
7. The development will be provided with an adequate quantity and quality of potable water.
8. The development will provide for adequate sewage disposal.
9. The development will be provided with access to utilities.
10. The development will not locate, store or discharge materials harmful to surface or ground waters.
11. The development will provide for adequate disposal of solid wastes.
12. The development will not adversely affect the water quality or shoreline of any adjacent water body.
13. The applicant has demonstrated adequate technical and financial capability to complete the project.
14. The development will provide for adequate exterior lighting without excessive illumination.
15. The development will provide a vegetative buffer throughout and around the site and screening as needed.
16. The development 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 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/restaurant/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.
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. Applicant will label the three trees to be removed and show 6 evergreens, 6 to 8 ft at time of planting, to be planted behind the garage;
7. The note regarding preservation of the 36" oak tree 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 nor alteration of the site until the above conditions have been satisfied and a performance guarantee has been provided to the town.

The site plan approval is valid for one year and will expire on October 18, 2018 if a building permit has not been issued or a request to extend the approval has not been forwarded to the Planning Board prior to the expiration date. Please contact the town planner if you have any questions.

Sincerely,

Carol Anne Jordan
Planning Board Chair

cc: Matt Sturgis
Ben McDougal
Clinton Swett