

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: March 19, 2019 (revised)
SUBJECT: Ocean House Commons

Introduction

David S. Jacobson is requesting Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland. The application will be reviewed for compliance with Sec. 19-9 Site Plan Regulations, Sec. 19-6-4 Town Center Zoning and Village green requirements and Sec. 19-8-3 Resource Protection Regulations.

Procedure

- The Planning Board should begin with a presentation from the applicant.
- The board should allow public comment on completeness of the application.
- 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 scheduled.
- At the close of discussion, the board has the option to approve, approve with conditions, deny or table the application to the next meeting.

Summary of Completeness

The comments of the Town Engineer and the completeness checklists are attached. Below is a summary of possible incomplete items:

Site Plan Review

- g. While the applicant has listed exterior materials, the materials are not labeled on the building elevations.
- l. The landscaping plan does not include plantings to buffer the side view of parking areas.

- o. While the proposed uses are permitted in the town center, no information on the anticipated noise levels are provided.

[Note: Referencing item a, town staff have obtained an additional deed that conveys the property from R.F. Haffenreffer to the Trust.]

Resource Protection Permit

- 6. It is presumed that the application is requesting a waiver from providing a high intensity soils survey and instead has provided a medium intensity soil survey supplemented with wetland mapping by Stockwell Environmental Consulting, Inc.

Discussion

If the Planning Board deems the application complete, it may want to discuss the following items and provide the application with feedback that can be incorporated into a supplemental submittal.

- 1. Stormwater. The applicant is proposing a stormwater treatment area immediately east of the Village green. The area will be a grassed depression where stormwater will be "treated" by passing through a vegetated area before entering a piped system.

The town planner is strongly recommending that the stormwater design be changed to a design more consistent with a commercial center. Both the 1995 and 2014 Town Center Stormwater Plans anticipate a more traditional stormwater design that directs stormwater into a collection system located in the private road. From there, stormwater pipes would connect to the existing town center stormwater system in Ocean House Rd.

While treatment of stormwater is an important goal and widely employed throughout the town, the construction of a de facto detention basin is incompatible with the town center concept. Stormwater treatment will sharply preclude any programming or landscaping and design of the area, which will contrast with the immediately adjacent village green.

As an alternative, the area should be raised to the same grade as the village green and appropriately landscaped, either as an enlarged green or as private open space. The change in grade will also make it possible for

the parking area eventually constructed adjacent to the private road to be screened from view of Ocean House Rd.

The Town is willing to partner with the applicant to assess capacity issues in order to facilitate this stormwater design change.

2. Parking. It appears that an additional 3 parking spaces may be required for the medical office use (calculated based on 3,572 sq. ft.).
3. Town Engineer. The Town Engineer has provided comments which should be addressed in revised plans.
4. RP2 wetland fill. The Resource Protection regulations allow RP2 wetland fill for certain activities, but not for construction of parking lots. The parking lot should be pulled out of the area currently mapped as RP2 wetland.
5. Village Green design. In the Town Center, all new structures must be built within 35' of the front property line unless the development includes a village green. The village green option was adopted in 2016 and allows a property owner to more fully develop the depth of a property if the design will include a village green. This opportunity to break the pedestrian-friendly, build-to line should only be available if a significant, public benefit such as a walkable village green is provided.

The proposed village green does include the minimum road frontage (100'), minimum depth (100'), minimum total area (20,000 sq. ft.) and focal point. The village green must also include connecting walkways "that guide movement through and around a village green and connect a village green to the Town Center sidewalk network, adjacent buildings, and properties." The site plan design should be augmented with walkways around the perimeter of the village green, as well as along the north side of the private road. The walkways should include street trees to create an alle effect. The expectation is that these walkways will be extending as other buildings are constructed.

Connections to the town center should also be reflected in the village green design. The clearing line along the north side of the village green adjacent to the town hall retains existing vegetation. Instead, this area should be designed to visually and physically connect the town hall, the most distinctive architectural building in the Town Center, to the village green. Topography, landscaping and walkways should be designed to

connect these two properties, similar to the connections seen in the classic village greens found in New England.

The village green must be offered to the town as public open space. A draft deed should be submitted.

The village green will likely be the focus of future "enhancements." At this time, however, some effort with landscaping should also be made. The proposed maple trees should be replaced with trees chosen from Appendix C, Road Tree list. In addition, the applicant may want to replace the proposed lilacs with more robust, decorative trees.

Once the green is constructed, it is unlikely that its topographic elevation will be changed. At this time, the focal point of the green (el. 91) is about 3' lower than Ocean House Rd (el. 94). Beyond the focal point, the green ends and the stormwater area slopes down to el. 85, before (some day) increasing in slope to el. 88, the base of future parking. The final grading of the village green will impact its significance as a focal point of the town center. How far below the elevation of Ocean House Rd will be appropriate?

6. Street trees. Town Center standards require that a sidewalk must be constructed along the frontage of the property, must be separated from the road with a grassed esplanade and must include pedestrian lighting and street trees. The applicant has proposed pedestrian lighting to match the existing town center fixture, but should also add street trees.

Motions 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 David S. Jacobson for Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland be deemed (complete/incomplete). Completeness shall include granting the following waiver:

1. A waiver from submitting a high intensity soil survey and instead submitting medium intensity soil survey information and wetland mapping by Stockwell Environmental Consulting, Inc.

B. Motion to Schedule a Public Hearing

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of David S. Jacobson for Site Plan Review and a Resource Protection Permit for Ocean House Commons, a 7,144 sq. ft. mixed use office/2 apartment unit building and village green located at 326 Ocean House Rd and a Resource Protection Permit to fill 3,500 sq. ft. of RP2 wetland be tabled to the regular April 22, 2019 meeting of the Planning Board, at which time a public hearing will be held.