

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: April 22, 2019  
SUBJECT: Ocean House Common Village Green development

### 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. The comments of the Town Engineer are attached.

### Procedure

- The Board should begin by having the applicant summarize changes made since the last meeting.
- The Board should open the public hearing scheduled for this evening.
- 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.

#### 1. Utilization of the Site

The site has been designed consistent with a concept plan included in the 2014 Town Center Plan unanimously adopted by the Town Council. The design creates a village green located along Ocean House Rd and adjacent to the Town Hall. The rear of the property is encumbered with a 100' easement buffer. Site development is arranged around the village green and outside of the buffer.

The current proposal is a partial buildout of the concept plan and includes 1 building plus utilities and road construction that anticipates full build-out.

## 2. Traffic Access and Parking

- a. Adequacy of Road System- The applicant has submitted a traffic analysis that concludes there is significant capacity in Ocean House Rd to absorb the phase 1 (current proposal) estimated traffic. The traffic study also includes an analysis of full buildout. The current design anticipates full buildout but further traffic evaluation should be done when approval is sought for additional development.
- b. Access into the Site- Access is proposed from a new private road located across from Jordan Way and connecting into the Town Hall parking lot. The private road intersection with Ocean House Rd has a sight distance exceeding 330' in each direction, which exceeds both town and state requirements. The access is consistent with the concept plan included in the 2014 Town Center Plan and the Town of Cape Elizabeth is partnering with the applicant on the parking lot connection.
- c. Internal Vehicular Circulation- The private road provides access for proposed and anticipated development, as well as required parking for the development. The road will be paved from Ocean House Rd to the limit of the parking, and then gravel to the intersection with the Town Hall parking lot. It is expected that the gravel portion will be expanded with parking and paved with full site build-out. The applicant may want to propose a name for the private road and add it to the plan.
- d. Parking Layout and Design- Parking is proposed with direct access to the site private road. The parking calculation has been based on 3,798 sq. ft. of medical office space (16 spaces) plus 2 2-bedroom apartments (4) for a total of 20 spaces. No shared parking is proposed. Additional parking will be developed with full site buildout.

## 3. Pedestrian Circulation

The site will include a 6' wide concrete sidewalk along the entire frontage with Ocean House Rd. A sidewalk is also proposed in

front of the building. Walkways are also included in the Village Green, discussed below.

The Planning Board may want to make clear that additional development of the site shall include the construction of a sidewalk along the entire length of the private road. This approach allows the applicant the opportunity to spread out the cost of necessary site improvements over the buildout of the site.

#### 4. Stormwater Management

The applicant and town staff have cooperatively discussed an approach to stormwater management that complies with local and state requirements and also respects the Town's objectives for the Town Center. The Town of Cape Elizabeth has invested significant planning efforts to create a pedestrian friendly town center that is the commercial and cultural focus of the town. These efforts include the 1993 and 2014 Town Center Plans and the 1995 and 2015 Town Center Stormwater Plans.

Construction of a stormwater detention basin is not consistent with the vision for the Town Center. For this reason, the Town is willing to accept increased stormwater flows into the existing stormwater system. The Maine Department of Environmental Protection (DEP) is willing to accept this approach on stormwater *quantity*. The town is currently evaluating its stormwater system to confirm that there is adequate capacity to accept estimated flows and to plan for an increase in capacity if needed. The Town will not have completed its analysis until mid-September.

The DEP will continue to require that stormwater be treated to improve the *quality* of stormwater exiting the site. DEP and town staff have encouraged the applicant's engineer to be creative with treatment options that do not include surface detention.

The applicant is evaluating stormwater both for the proposed amount of development and for full buildout. Town staff support this approach, and also note that it provides some "breathing space" to accommodate stormwater flows. The applicant has estimated an increase in stormwater flows of 3.05 cfs for the proposed development and 5.55 cfs for full buildout.

Most of this information was not available until after the last submission deadline. Town staff are recommending that the project be tabled until next month's Planning Board meeting to provide the applicant and town

staff additional time to assemble a strategy that allows the applicant to move ahead with their construction schedule and design a stormwater management plan consistent with Town Center goals.

5. Erosion Control

The plan includes erosion control measures, many of which are coupled with the stormwater management plan.

6. Utilities

The project will include public water and public sewer connections, sized to accommodate full buildout. A letter confirming capacity in the public sewer system has been provided. Capacity should be reconfirmed with future development.

Electric, telephone and cable will be accommodated in underground conduit adjacent to the private road.

A dumpster is proposed west of the new building. Sheet L-9 indicates the dumpster will be enclosed with a chain link fence woven with vinyl slats for screening. The applicant should consider a more aesthetic treatment, such as wooden stockade fence.

7. Shoreland Relationship

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

8. Landscaping and Buffering

The rear of the property includes a 100' buffer, protected by easement, which is wooded. Existing vegetation is proposed to be preserved along a 15' wide strip on the southern property boundary. The applicant may want to confirm that existing vegetation will remain that will provide a buffer or propose plantings to supplement.

Buffering the western edge of parking located next to the building is a combination of viburnum and catmint adjacent to the transformer that may also provide an adequate buffer of the side of the parking lot.

On the northern side of the private road, a focal point is proposed with unspecified plantings. More detail on the type of plantings should be

provided. The tree species proposed comply with Appendix C in the Subdivision Ordinance.

It is clear that this proposal is a first phase for the site. Ideally, the private road should include a row of street trees along its edge. With the first phase including costs for establishment of the village green, the Planning Board may want to delay a requirement for planting of streets. Instead, the Planning Board could make its intention clear in this approval that a tree planting must be included in the next phase.

The village green landscaping is discussed below.

9. Exterior Lighting

The applicant has submitted a lighting plan that includes footcandle lighting levels at the property line and installation of town center lighting fixtures on poles along Ocean House Rd. It appears that all locations where lighting levels exceed .5 footcandles at the property line are due to the town center pedestrian lighting installed in the Ocean House Rd right-of-way, with possibly one exception. It appears that a lighting fixture is proposed at the private road intersection with Ocean House Rd that exceeds .5 footcandles. The applicant may want to consider a cut-off or other approach to meet the .5 footcandle standard.

10. Signs

The applicant has stated that a sign shall be installed on a wood post south of the private road intersection with Ocean House Rd.

11. Noise

The applicant has not provided decibel level information, but also stated that noise generating equipment will not have a negative impact on exterior sound levels.

12. Storage of Materials

No exterior storage of materials is proposed.

13. Technical and Financial Capacity

The Town Manager is recommending that the applicant has adequate financial capacity to complete the project and the applicant's development

team has demonstrated experience with the technical requirements of development.

### Town Center Design Standards

The site is located in the Town Center District and the proposed project must also comply with the following Town Center Design Requirements. The applicant has addressed compliance with the Town Center architectural standards in Appendix 12 of the project submission, as well as in the March 29, 2019 supplement.

- a. Footprint. The building footprint is less than the 5,000 sq. ft. maximum. The applicant should add the building footprint square footage to the plan. The building is oriented toward the private road created as part of the Village green development.
- b. Scale. At 2 stories, the proposed building is consistent with the scale of nearby buildings.
- c. Height and Roof Pitch. The applicant should add the total height of the building to the building elevations. The minimum height pitch has been met with a 12:12 and 10:12 pitch.
- d. Building and Parking Orientation. The building faces the private road, although the front entrance is not visible from the road as it is located perpendicular to the road at the front alcove. Because this is a village green development, the Planning Board may determine that it is appropriate to locate parking in front of the building.
- e. Openings. The first floor front facade does not include a 50% ratio of openings to wall space. The applicant may want to consider enlarging the windows on the front left side of the building, which open onto interior office space, as well as other design adjustments to meet the 50% requirement.
- f. Exterior Materials. The applicant has not identified the material used for shingle and clapboard. It may be appropriate for the applicant to provide samples of the exterior materials to be used.
- g. Landscaping and Site Development.

1. Front setback. The area in front of the proposed building is landscaped with a combination of shrubs, perennial grasses and 2 lilac trees (required with multi-family units).
2. Parking Lot. The parking lot includes two rows of 10 parking spaces, and the applicant should consider adding a tree to the end of the parking rows.
3. Buffering. The applicant should confirm that adequate existing vegetation will remain to buffer the rear of the building.
4. Village green. The development includes creation of a village green with more than 100' of frontage on Ocean House Rd, at least 100' feet deep and a minimum size of 20,000 sq. ft. The applicant should provide a draft deed that will convey the village green to the Town upon completion. As designed, the applicant has invested in significant site work to fill the green to near level with Ocean House Rd and also graded into the Town Hall lot. Consequently (and reasonably), landscaping is spare. The green does include an interior walkway and focal point. The Planning Board may want to indicate that full buildout should include enhancement or perhaps enlargement of the village green.

Resource Protection Permit Standards (Sec.19-8-3(B))

Below is a summary of the Resource Protection Permit standards of review and how they may be met.

1. Flow of surface/subsurface waters

The applicant is proposing to completely fill an existing 3,500 RP2 wetland with no outlet. The stormwater management plan for the site should take into consideration flows.

2. Impound surface waters

The wetland fill will eliminate the storage capacity of this wetland and the stormwater management plan for the site is based on accommodating all stormwater.

3. Increase surface waters

No impervious surfaces are proposed where the wetland will be filled, so surface waters will continue to be accommodated.

4. Damage to spawning grounds

No spawning grounds have been identified on this site. The wetland has been evaluated and does not qualify as a significant vernal pool.

5. Support of structures

No structures, with the possible exception of stormwater treatment features, are proposed in the wetland area.

6. Aquifer recharge/groundwater

While the wetland will be filled, it will remain a vegetated area and should still have functions for recharge.

7. Coastal dunes

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

8. Ecological/aesthetic values

The wetland will be filled to create a village green with topography close to the level of the adjacent Ocean House Rd. The village green is designed with plantings, a focal point and pedestrian walkways to complement the town center.

9. Wetland Buffer

No buffer is proposed as the wetland will be filled.

10. Erosion Control

The applicant has submitted an Erosion Control plan.

11. Wastewater discharge

No illegal discharge of wastewater is proposed.

12. Floodplain Management

No floodplains are located in the project area.



Motion for the Board to Consider

THEREFORE 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 May 21, 2019 meeting of the Planning Board.