

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: May 21, 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 may choose to provide an opportunity for public comment.
- The Board may begin discussion at any time.
- 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. The applicant has added to sheet L2 Note 13, which should express the Planning Board's expectations for improvements as future buildings are submitted for site plan review.

## 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 is proposing to name the private road Seaver Circle.
- 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.

Note 13 (Plan L2) indicates the Planning Board's intent 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. The Town will not have completed its analysis until mid-September, but has committed to accept up to 3.05 cfs (based on the 25 year storm) into the town system, and will make improvements to handle that capacity, if needed.

#### 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, to be screened with a wooden stockade fence. Additional screening of the enclosure may occur with future build out of the site.

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. 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 a range of plantings included on Sheet L3. 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.

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 provided information that the proposed generator will not exceed 55 db at the property line.

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.

- a. Footprint. The building footprint is less than the 5,000 sq. ft. maximum allowed. 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 building height is 24' 11". 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 has a ratio of 53% openings to wall space.

- f. Exterior Materials. Exterior materials have been labeled on the architectural drawings. The applicant has indicated a cementitious simulated wood motif wall covering and will provide exterior material samples at the meeting.
  
- 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. Existing vegetation will remain at the rear of the building to provide a natural buffer.
  
  - 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 has provided 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.

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 be able to accommodate flows from the wetland fill.

- 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

1. 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, which requires review 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.
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, Sec. 19-6-4 Town Center Zoning and Village green requirements, and Sec. 19-8-3, Resource Protection Regulations.

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 approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated May 15, 2019;
2. That the construction of the village green be completed [and/or a performance guarantee be in place for the remaining improvements if the village green construction has been commenced but is not yet complete]

and a deed be signed and offered to the Town Council for acceptance, prior to the issuance of a certificate of occupancy;

3. That drainage easements be submitted in a form acceptable to the town attorney and signed by the applicant;
4. That there be no issuance of a building permit nor alteration of the site until the plans and materials have been revised to address the above conditions and a performance guarantee has been provided to the Town of Cape Elizabeth in a form acceptable to the Town Attorney, an amount acceptable to the Town Engineer, and all acceptable to the Town Manager.