

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: December 17, 2019
SUBJECT: 1234 Shore Rd Subdivision/Site Plan Amendments

Introduction

Seacoast Properties Inc. is requesting an amendment to the previously approved Pond Cove Subdivision and amendments to the previously approved 1234 Shore Rd Site Plan that update approvals with current zoning requirements but include little to no changes to the developed site. The application will be reviewed for compliance with Sec. 16-2-5, Amendments to a previously approved subdivision and Sec. 19-9-6, Site Plan Amendments.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board should allow an opportunity for public comment.
- 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 applicant has requested expedited review of the application.
- The Board should decide if a site walk will be scheduled.
- The Board should then open the public hearing scheduled for this evening.
- At the close of the public hearing, the Board may resume discussion.
- At the close of discussion, the Board should consider a motion to approve, approve with conditions, table or deny the application.

Summary of Completeness

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

Site Plan Review:

- h. No calculation of parking has been submitted. Using the property assessment record (see attached), the existing building is 1,694 sq. ft. The Off-Street Parking provisions, Sec. 19-7-8, require that retail establishments provide 3 parking spaces per 1,000 sq. ft. plus 1 per employee. This results in a parking

requirement of 6 spaces plus 1-2 based on the number of employees. The site plan depicts 13 spaces (2 may be replaced with a dumpster).

- o. Noise. No decibel level information has been submitted for a typical small retail store.
- q. The applicant has not yet met with the Town Manager as indicated in the submittal.

Subdivision Completeness:

- h. See Site Plan discussion of parking above.
- q. See Site discussion of financial capability above.

Subdivision Review (Sec. 16-3-1)

The applicant is requesting an amendment to the subdivision approval to remove a note on the plan that any change of use requires Planning Board review. If approved, future site plan changes would be regulated under current site plan applicability requirements. Those requirements allow some change of use without Planning Board review in the Town Center if the change is to a less intensive use category and no exterior changes are made.

Below is a summary of application compliance with the subdivision standards applicable to the proposed amendments.

- (a) Pollution
Not applicable
- (b) Sufficient Potable Water
Not applicable
- (e) Erosion
Not applicable
- (d) Traffic
Not applicable.

- (e) Sewage Disposal.

Not applicable

- (f) Solid Waste Disposal.

Subsequent to submitting the Planning Board application, the applicant has determined that it would like a dumpster added to the site. The amended plan (see attached) shows a dumpster replacing 2 parking spaces in the southeast corner of the site. The dumpster would be screened with a wood stockade fence. If inclined to approve this change, the Planning Board may want to clarify that the fourth side of the dumpster site should be screened with a wood gate to match the fence.

- (g) Aesthetic, cultural and natural values

Not applicable.

- (h) Conformity with local ordinances

A principal goal of the application is to update approvals dating to the 1980s with current ordinance procedures.

- (i) Financial and Technical Capability

The applicant has not yet met with the Town Manager to review financial capability.

- (j) Surface Waters

Not applicable

- (k) Ground Water

Not applicable

- (l) Flood Areas

Not applicable

- (m) Wetlands

Not applicable

(n) Stormwater

The Town Engineer has reviewed the plan and concluded that there are no engineering issues due to the lack of any disturbance proposed on the site.

(o) Lake Phosphorus concentration

Not applicable

(p) Impact on adjoining municipality

Not applicable

(q) Land subject to Liquidation Harvesting

Not applicable

(r) Access to Direct Sunlight

Not applicable

(s) Buffering

No change to existing landscaping is proposed. If the applicant adds a dumpster to the site, it should be screened.

(t) Open Space Impact Fee

Not applicable

(u) Utility Access.

Not applicable

(v) Phasing.

Not applicable.

Site Plan Review Standards

The original site plan was granted for occupancy as a bank. The applicant is now requesting approved for category use 3, village retail, in the Town Center District. Below is a summary of application compliance with the Site Plan standards, Sec. 19-9-5.

1. Utilization of the Site

No changes to the existing building are proposed.

2. Traffic Access and Parking

- a. Adequacy of Road System- Route 77 has significant excess capacity and the retail use proposed by the applicant will cause Route 77 to reach capacity.
- b. Access into the Site- Existing access points will be used.
- c. Internal Vehicular Circulation-The existing circulation pattern will not be changed by this project
- d. Parking Layout and Design-One potential change is the replacement of 2 spaces in the southeast corner with a dumpster. Assuming a village retail use occupying 1,694 sq. ft, a parking requirement of approximately 8 spaces is expected, based on Sec. 19-7-8, Off-Street Parking. If the dumpster is added, the existing site has 11 spaces.

3. Pedestrian Circulation

No change is proposed.

4. Stormwater Management

No change is proposed.

5. Erosion Control

Not applicable.

6. Utilities

Not applicable.

7. Shoreland Relationship

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

8. Landscaping and Buffering

No removal of existing landscaping is proposed. If a dumpster is added to the site, it should be screened on all four sides.

9. Exterior Lighting

Not applicable.

10. Signs

Not applicable.

11. Noise

The site has approval for a bank and the applicant is proposing a village retail use. There is no expectation that decibel levels will increase.

12. Storage of Materials

Except for a potential dumpster, no exterior material storage is proposed.

13. Technical and Financial Capacity

The applicant has not yet met with the Town Manager to confirm financial capability

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 of Seacoast Properties Inc. for an amendment to the previously approved Pond Cove Subdivision to remove a note and amendments to the previously approved 1234 Shore Rd Site Plan for 1,694 sq. ft. of village retail be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. Seacoast Properties Inc. is requesting an amendment to the previously approved Pond Cove Subdivision and amendments to the previously approved 1234 Shore Rd Site Plan that update approvals with current zoning requirements which requires review under Sec. 16-2-5, Amendments to a previously approved subdivision and Sec. 19-9, Site Plan Regulations.
2. The Pond Cove Subdivision and 1234 Shore Rd site plan have been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Subdivision Ordinance and Site Plan Regulations, and the findings and decisions of those approvals which are not altered by the proposed amendments remain in effect.
3. The subdivision (will/will not) provide for adequate solid waste disposal.
4. The subdivision (does/does not) provide screening as needed.
5. Parking (will/will not) be provided in accordance with Sec. 19-7-8, Off-Street Parking.
6. The development (will/will not) substantially increase noise levels and cause human discomfort.
7. The application substantially complies with Sec. 16-2-5, Amendments to a previously approved subdivision and 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 Seacoast Properties Inc. for an amendment to the previously approved Pond Cove Subdivision to remove a note and amendments to the previously approved 1234 Shore Rd Site Plan for 1,694 sq. ft. of village retail be approved, subject to the following condition:

1. That a dumpster may be installed at the southeast corner of the site and shall be screened on all sides with a wood stockade fence/gate.

Project: Pond Cove Subdivision Amendment/
1234 Shore Rd

Date: December 17, 2019

Applicant: Seacoast Properties LLC

Location: 1234 Shore Rd

Minor Subdivision Review
Application Completeness Checklist
(Subdivision Ordinance, Appendix A)

- __Y__ 1. Right, Title or Interest
- __Y__ 2. Name of Subdivision/Applicant
- __Y__ 3. Survey
- N/A 4. Water Pollution Evaluation: Topography, Surface drainage, Soils, Air
- N/A 5. Potable Water
- N/A 6. Erosion
- __W__ 7. Traffic
- N/A 8. Sewage Disposal
- __Y__ 9. Solid Waste Disposal
- N/A 10. Aesthetic, cultural and natural information
- __Y__ 11. Local Regulations
- __N__ 12. Financial and Technical Capability
- N/A 13. Surface Waters
- N/A 14. Ground Water
- N/A 15. Floodplain
- N/A 16. Wetlands
- N/A 17. Stormwater/Phosphorus
- N/A 18. Liquidation Harvesting
- N/A 19. Landscaping
- N/A 20. Open Space
- N/A 21. Utilities
- N/A 22. Phasing
- N/A 23. Related information

Y = Yes, information has been provided

N = No, information has not been provided

P = Partial information has been provided

W = A waiver has been requested from submitting the information

N/A = Not applicable to this application

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

Date: December 17, 2019

Project: 1234 Shore Rd Site Plan Amendment

Applicant: Seacoast Properties LLC

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

Y Yes, complete

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