

Memo

To: Chair Valerie Adams, Cape Elizabeth Town Council
From: Matthew E. Sturgis
CC: File
Date: September 9, 2020
Re: Chapter 19, Zoning Ordinance, Town Farm

The Town Farm District is identified in Chapter 19 Zoning Ordinance, and is found at Section 19-6-10. Of note is the section identifies parking as a prohibited use. With that being said, the Council may or may not be aware that for at least the past 20 years a small parking lot has existed on the parcel almost directly across from the wastewater treatment facility.

This parking area is used regularly by visitors to the open space provided by the Town Farm parcel. Earlier this summer I was approached by a local contractor who expressed a desire to donate his company's services and gravel to improve the parking area as vehicles often become stuck in the mud during wet seasons. Until this summer, I was unaware that this use was prohibited, and a conflict with the Town's ordinance existed.

The existing language is identified below:

SEC. 19-6-10. TOWN FARM DISTRICT (TF) (Effective November 13, 1999)

A. Purpose

The Town Farm District includes the area west of Spurwink Avenue formerly known as the "Poor Farm" and an area extending from Spurwink Ave 100' to the east. The Town Farm District is intended to preserve the upland portion of the Town Farm. The historic boundaries of the Town Poor Farm also include the Spurwink Marsh, extending to Sawyer Rd.

The land is undeveloped open space comprised of rolling fields, treed ridge lines, and the Spurwink River and Spurwink Marsh. The purpose of this district is to recognize and protect the special nature of the Town Farm as an area representing historic, cultural, scenic, natural, and open space qualities which should continue. The Town Farm embodies rural character and is integral and essential to the Town and the Greenbelt. The scenic significance of the Town Farm is discussed in more detail in a town report entitled an Assessment of the Visual Resources of Cape Elizabeth, Maine, dated February 1989. The Town Farm District is created to preserve these features for the benefit of the public.

B. Permitted Uses

The following uses are permitted in the Town Farm District: 1. The following resource-related uses: a. Agriculture b. Vegetation Management 1. Mowing 2. Tree maintenance 3. Brush clearing 4. Other vegetation management activities necessary to maintain and enhance views and scenic quality. 2. Reserved 3. The following nonresidential uses: a. Informal Recreation b. Education and scientific research c. Nature trails, catwalks and footbridges d. Snowmobile touring

C. Conditional Uses

The following uses may be permitted only upon approval by the Zoning Board as a conditional use, in accordance with Sec. 19-5-5, Conditional Use Permits: 1. Reserved 2. The following nonresidential uses: 154 a. Public utilities/essential utility services, except telecommunication towers Activities permitted under the terms of the Portland Water District lease, to be located only on the land leased to the Portland Water District for as long as such lease remains in effect.

D. Prohibited Uses

All uses not specifically allowed as permitted or conditional are prohibited within this district. In addition, the following uses are expressly prohibited: **1. Parking**

As parking is a prohibited use, while it has also been a longstanding use, the request is that the Ordinance Committee review this use and revise the ordinance to allow the use in a specifically defined area as it currently exists, and consider eliminating the conflict.