

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: September 20, 2022  
SUBJECT: Fresh Pickins Farm Stand Site Plan Review

### Introduction

Dan Marion of Fresh Pickins Farm is requesting site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

### Procedure

- The Board should begin by having the applicant summarize the project.
- The Board should then open the meeting to public comment on completeness.
- The Board should make a determination 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 discussion may begin.
- The Board should decide if a site walk will be scheduled.
- If the application has been deemed complete, a public hearing should be held, which has been advertised for this evening.
- The Board may begin substantive discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

### Summary of Completeness

Attached are the completeness checklist and the comments of the Town Engineer. Below is a summary of possible incomplete items:

- k. Utilities. The applicant has been proactive by including information about future utility extensions. As the business grows, including this information could eliminate the need to return to the Planning Board for site plan amendments. Some additional information regarding these future utility improvements is needed.
- l. The applicant is requesting a waiver from providing additional landscaping due to the existing vegetation surrounding the farm stand area.
- o. No information on noise decibel levels has been submitted.

- p. No information regarding possible exterior storage has been provided.

### 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

A temporary farm stand, which is limited to 90 days of operation a year, does not require site plan review. The building permit for the farm stand was based on removal of the structure after 90 days, or the applicant has the option to apply for site plan review. (The proposed greenhouse is exempt from site plan review.)

The bulk of the site plan application represents making permanent the existing temporary activities and structure. Site utilization review emphasizes locating new development on the most appropriate area of a site and efficient use of the developed area. The proposed traffic site circulation completely circling the farm stand building may result in more “developed area” than a more traditional parking lot with turnaround. The impact on the site grows if an appropriate gravel base is installed for the access aisles and parking spaces.

#### 2. Traffic Access and Parking

- a. Adequacy of Road System- Route 77 has significant excess capacity and the farm stand is not expected to generate enough traffic to cause Route 77 to reach capacity.
- b. Access into the Site- The existing access point, which was part of the 1999 subdivision, will be used.
- c. Internal Vehicular Circulation- Improvements to the access drive were made by the applicant when the temporary farm stand was constructed.

Now that site plan review is required, construction standards for driveways, access aisles and parking spaces are applicable. The proposed circular drive around the farm stand does not include a gravel base. The applicant may want to consider a more modest traffic circulation plan that can be appropriately constructed with a gravel base.

- d. Parking Layout and Design- The applicant is proposing 13 parking spaces, which exceeds the 3 spaces required. Parking spaces construction standards are specified in Sec. 19-7-8 C(9). See Town Engineer’s comments.

#### 3. Pedestrian Circulation

No formal pedestrian circulation is proposed. What is the largest number of customers are onsite at one time currently? A small number of people expected on site at any one time may allow for the casual crossing of the traffic circle by pedestrians. Business volume may reach a point, however, when a formal plan for customers to access the farm stand from their vehicle is necessary.

4. Stormwater Management

The project will add 1,462 sq. ft. of impervious surface to the existing 840 sq. ft. The developed portion of the site is surrounded by vegetated areas. Drainage will follow existing contours and sheet flow into adjacent grassy areas.

5. Erosion Control

An erosion control plan has been submitted that include revegetation of disturbed areas and installation of an erosion control berm.

6. Utilities

The applicant has included information that a future phase of the project may include a water service and electrical service to be extended from Bowery Beach Road. Inclusion of improvements anticipated in later phases of the project on the current site plan application is a cost efficient way for businesses to obtain necessary site plan approvals. Additional information is needed to be added to the plans for these anticipated utility extensions. The Board may also be able to address capacity certifications/connection requirements from the Portland Water District and Central Maine with a condition requiring written confirmation prior to installation.

The applicant is proposing a porta potty for employee use. The Code Enforcement Officer has determined that this does not comply with the state plumbing code. Inquiries are pending for alternatives.

The applicant is also proposing a vegetable washing station. Additional information is needed to handle wash water in a manner that does not create erosion.

Solid waste will be collected and removed to the farm for appropriate disposal.

7. Shoreland Relationship

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

8. Landscaping and Buffering

The site plan standard requires preservation of existing vegetation when practical, addition of landscaping to define edges, minimize the expanse of parking, general enhancement of appearance, and screening of service and storage areas. The site is surrounded by a mature vegetated buffer of mixed woodlands and fields. No additional landscaping is proposed.

9. Exterior Lighting

No exterior lighting is proposed to augment existing solar lighting. It is possible that exterior lighting may be added when the electrical connection is made in a future phase.

10. Signs

The Town Engineer recommends that the sign information be added to the site plans.

11. Noise

No information on decibel levels has been provided.

12. Storage of Materials

No information on exterior storage of materials has been provided.

13. Technical and Financial Capacity

The Town Manager recommends that the applicant has financial capacity to complete the project.

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 Dan Marion of Fresh Pickins Farm for site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent be deemed (complete/incomplete). A finding of completeness includes granting a waiver from providing a landscaping plan due to the limited nature of the project.

**B. Motion to Table**

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the application of Dan Marion of Fresh Pickins Farm for site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent be tabled to the regular October 18, 2022 meeting of the Planning Board.

**C. Motion for Approval**

Findings of Fact

1. Dan Marion of Fresh Pickins Farm is requesting site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent which requires review under Sec. 19-9, Site Plan Regulations.
2. The Planning Board discussed the project at the June 7, 2022 workshop [and deemed the application complete on September 20, 2022.]
3. The plan for the development (reflects/does not reflect) the natural capabilities of the site to support development.
4. 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.
5. The plan (does/does not) provide for a system of pedestrian ways within the development.
6. The plan (does/does not) provide for adequate collection and discharge of stormwater.
7. The development (will/will not) cause soil erosion, based on the erosion plan submitted.
8. The initial phase of the development will not include water service. In a future phase, the development (will/will not) be provided with an adequate quantity and quality of potable water. The development (will/will not) provide for adequate sewage disposal. The development (will/will not) be provided with access to utilities. The development (will/will not) provide for adequate disposal of solid wastes.
9. The development (will/will not) adversely affect the water quality or shoreline of any adjacent water body.

10. The development (will/will not) provide a vegetative buffer throughout and around the site and screening as needed.
11. The site will only be open to the public during daylight hours.
12. Signs (will/will not) meet the requirements of the Sign Ordinance.
13. The development (will/will not) substantially increase noise levels and cause human discomfort.
14. Storage of exterior materials on the site that may be visible to the public (will/will not) be screened by fencing or landscaping.
15. The applicant (has/has not) demonstrated adequate technical and financial capability to complete the project.
16. The application substantially complies with 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 the application of Dan Marion of Fresh Pickins Farm for site plan review to make a temporary, 440 sq. ft. farm stand located at 192 Bowery Beach Road permanent 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 September 14, 2022;
2. That a sanitary wastewater system be designed in compliance with the state plumbing code and submitted to the Code Enforcement Officer for his approval;
3. That letters of approval be provided from the Portland Water District and Central Maine Power prior to water line and electrical connections, respectively.;
4. That no exterior lighting be installed until information has been submitted to the town planner confirming that lighting levels do not exceed 0.5 footcandles at the property line;
5. That there be no alteration of the site nor issuance of permits until the plans have been revised to address the above conditions and submitted to the town planner for review.

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

Date: September 20, 2022

Project: Fresh Pickins Site Plan

192 Bowery Beach Rd

Applicant: Dan Marion, Fresh Pickins Farm Stand

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

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