

September 30, 2022

Ms. Maureen O'Meara, Town Planner
and Planning Board Members
Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107

**RE: Site Plan Review
Fresh Pickins Farm
192 Bowery Beach Road**

Dear Maureen and Board Members:

On behalf of Fresh Pickins Farm, Dan Marion we are pleased to submit the following responses and plan revisions responding to staff and planning board review comments. We want to also thank the board for your comments received during the September 27th site walk. Responses are in bold text.

Planners Review Comments

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.



The plan has been revised to address circulation and parking comments and discussion. The gravel access drive has been widened to 18 FT and extended to 100 FT from the gate and designed to address the T-turn design requirements to provide the minimum width required for fire apparatus. The applicants request for a waiver of the required width and gravel for the parking, with the proposed modifications be considered. The number of parking spaces has been reduced to 6 spaces for the current proposed operation. Future parking has been shown on the plan. Parking along the southerly tree line will be for staff and deliveries of product. It may also be used for overflow in the event there are more than six customer vehicles on site. This has not been an issue with the current 90-day operation.

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. **No response required**
- b. Access into the Site- The existing access point, which was part of the 1999 subdivision, will be used. **No response required**
- 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. **The plans have been revised to address comments received during the planning board completeness meeting and subsequent site walk.**

- 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. **Refer to responses to Town Engineer's review 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. **Once the farmstand operation has**

completed its first year an assessment of the operation will be completed and if changes are required that need subsequent review by the board or planning staff, the applicant will follow required procedures.

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. **No response required**

5. Erosion Control

An erosion control plan has been submitted that include revegetation of disturbed areas and installation of an erosion control berm. **No response required**

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. **No response required**

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 proposing to use an incinerator type of sanitary waste disposal. In discussion with Ben McDougal, these types of alternative systems have been approved by the State. An enclosed-covered wood structure will house this unit. A solar panel will be installed on the structure or adjacent to the structure to provide power to the system. There are two options, electric system, or propane. The final determination will be made prior to obtaining a building permit.**

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. **The plans have been revised to add a detail for the vegetable wash disposal system. This option is the same as the one recently approved by the Board for the Jordan Farm application.**

Solid waste will be collected and removed to the farm for appropriate disposal. **No response required**

7. Shoreland Relationship

The property is not located in the Shoreland Overlay Performance District. **No response required**

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. **No response required**

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. **No response required**

10. Signs

1. The Town Engineer recommends that the sign information be added to the site plans. **The intent is to locate direction signs on 4 x 4 wood post in locations as shown on the plan. Sign design and fabrication will be by the applicant. Revised Site Plan submission, Plan Sheets L1 Existing Conditions, L2-Site and Layout Plan, L3-Grading Plan, L4-Erosion Control Plan, Notes and Details**
As noted, the farm stand sign was installed in 2021 for the first season, 90-day operation.

11. Noise

No information on decibel levels has been provided. **There will be no equipment operating at the farm stand. Noise would be limited to vehicle accessing and noise associated with public participation/support of the farm stand operation.**

12. Storage of Materials

No information on exterior storage of materials has been provided. **There will be no exterior storage of materials. There will be display tables that may be**

located on the grass area, however all product and furniture etc. will be stored in the farm stand. As discussed during the site walk the applicant intends to add sliding barn doors to secure the stand when not in operation,

13. Technical and Financial Capacity

The Town Manager recommends that the applicant has financial capacity to complete the project. **No response required**

Engineer Review Comments dated September 14, 2022

1. The applicant is proposing to add a 30-foot by 48-foot greenhouse and to increase parking and vehicle circulation for the use of the Applicant's existing farm stand located on 192 Bowery Beach Road. Future improvements include installing a deck around the existing farmstand structure and adding a vegetable washing station as well as extending water and electrical services to the existing farmstand. These future improvements have been shown on the plans, but are not part of the current proposed improvements.

- **No Response Required**

2. We understand that the Board will be conducting a completeness review for this project at their upcoming meeting. The Board will need to assess whether the submitted materials meet the threshold of a completed package, however many of our comments here are beyond the completeness level and have been provided to facilitate future reviews of the project. It should be noted that additional submitted information may result in additional review comments.

- **No Response Required**

3. The submission proposes to extend an existing 24-foot-wide gravel access drive to the site that is located from Bowery Beach Road (Route 77) to an existing gate along the Bowery Beach Road right of way. There are two parallel lines near Bowery Beach Road that might be a symbol for a driveway culvert. The designer should identify the symbol and, if it is to represent the presence of a culvert, provide the pipe's material and diameter.

- **The symbol is for an existing 18" CMP pipe required by MeDOT**

4. In conversations with the Public Works Director, it was noted that this section of Bowery Beach Road is a State Road and, as such, the project may require that a Driveway Location Permit be approved for the access drive by the Maine Department of Transportation (MeDOT) if the proposed uses are considered a change of use by MeDOT. The designer should review this situation with MeDOT to determine if a Driveway Permit is required for this project. Likewise, any excavation work in the right of way, such as for the water and electrical services, would require a Street Opening permit be received from MeDOT.

- **A MeDOT Entrance Permit was obtained last year for the entry drive improvements. A copy of the permit was submitted to the planning board at the completeness meeting.**
5. Once past the gate, the proposed new portion of the gravel accessway would then extend at a 16-foot width for a distance of approximately 80-feet from the gate and then transition to a proposed grass-surfaced, one-way loop drive that would continue around the existing farmstand structure before connecting to short 12-foot-wide gravel drive section that would connect to the proposed 16-foot-wide gravel access drive. 13 parking spaces proposed to serve the farmstand are to be provided off the grass loop drive with signage and timber wheel stops being proposed to delineate spaces.
- **The plans have been revised to widen the first 100FT of gravel entrance drive to 18 FT wide and to provide an 18 FT wide gravel drive extending to and including the handicap space. The circulation along the parking spaces parallel to Bowery Beach Road will be grass. The parking has been revised to show a total of 6 spaces, the graveled handicapped space and 5 spaces on grass.**

The applicant has requested a waiver of the design standards for construction of gravel access drives and parking spaces. These requirements are stated in Approval Standard 19-9-5.2.b.iv which references Section 16-3-2 of the Subdivision Ordinance which in turn requires gravel material buildup sections as described under Sections 16-3-2.B.3.a & b. Given that the farmstand's operations are proposed to be extended from its current 90-day season to a period from April to December, we question the suitability of a non-gravel supported grass surface to provide a consistent buildup to support the anticipated repetitive vehicle loadings throughout varying inclement weather conditions that would be present during the extended operation's time frame. Therefore, we do not support the waiver of the gravel buildup for the site's access drives and parking spaces.

- **The applicant is requesting a waiver for the width of the gravel portion of the access drive to 18 FT that is the minimum width required for fire apparatus. Circulation to the west beyond the gravel surface will be grass and for access to the green house and staff parking along the woods. Future parking along the the southerly side will be staff and overflow parking if required. It is not anticipated that there will be a high demand for overflow parking. Should the business grow to a point when additional parking and circulation is required the applicant would submit to amend the plan as necessary. The layout of one way the circulation has been provided as requested. The handicap space will be gravel.**

6. As noted previously, the designer has proposed a 16-foot-wide roadway section once the access drive has passed through the 20-foot-wide gate opening. A 16-foot-width is very narrow for two-way traffic and should be widened to at least 18-feet. Dimensions should also be provided for lengths, widths, and radii so that the proposed access drive and parking space improvements can be constructed and verified in the field.

- **Refer to responses above. The layout information has been added to plan sheet L3 due to the scale of the plans.**

7. The designer should provide details for the gravel section buildup and for the "Parking Delineation Wood Post with Sign" as noted on the plans.

- **The wood post will be a PT or cedar 4 x 4 post set 3-4 FT deep with a post height for the sign set at 4 FT. The directional signs will be handcrafted by the applicant.**

8. The proposed 13 parking spaces exceeds the required off-street parking listed for the Farm and Fish Market use, however, at least one parking space should be designated as a van-accessible ADA compliant parking space. A firm, slip-resistant surface will need to be provided along with an appropriate identifying sign.

- **The parking plan has been modified to provide 6 parking spaces; the handicap space will be a gravel space including loading zone. A van accessible sign will be provided as shown on the plan.**

9. The application materials indicate that 400-foot and 600-foot sight distances are available from the access drive onto Bowery Beach Road. These sight distances should be added to the plan.

- **The sight distances have been added to the plan and we have also noted the location of an existing fire hydrant on the plan.**

10. The plans indicate a future water service and underground electrical service from the utilities along Bowery Beach Road. The Portland Water District would need to approve of the proposed water service and Central Maine Power would need to be coordinated with to extend electrical service to the site.

- **The applicant understands that at the time when extension of public water and electric services are required, that approval will be required for serviceability from PWD and CMP. Installation requirements of the utilities, MDOT and Town will be required. The applicant is requesting consideration of a condition of approval that this information be provided to the Town at the time these services are proposed to be installed.**

11. A future vegetable washing station is shown on the plans with a 6-inch discharge pipe. The material, slope, and inverts of the discharge pipe should be added to the plans. The designer should implement a level lip spreader or some other measure to distribute the flow from the pipe in a non-erosive sheet flow manner.

- **The plans have been revised to show the detail for the future vegetable washstand drainage. There was a typo, the pipe size will be 4-inch PVC drainpipe. The final detailed grading for the drain will be determined prior to installation. Extent of topography does not extend beyond the tree line.**

12. A Site Plan Submission checklist was provided in the submission packet indicating that a waiver would be requested of the need to provide information on the location and design of the stormwater system, however, this waiver request was not included in the in Exhibit 9 listed waivers being requested of the Planning Board. There is a stormwater narrative in the submission package which we believe would suffice to meet the stormwater submission requirements so that no waiver of this item is needed.

- **This request was a typographical error, and the waiver of the stormwater was not being requested due to the limited area of disturbance.**

13. The currently proposed buildings and gravel access drives impervious surfaces do not exceed 10,000 square feet, so we agree with the designer that no formal stormwater treatment measures need to be provided other than to promote sheet flow from the developed areas of the site toward the natural meadow and grass receiving areas and, as discussed previously in review Comment #11, provide a level lip spreader or some other outfall treatment method to accept flow from vegetable washing system discharge pipe and distribute that flow as sheet flow into the wooded receiving area.

- **No Response Required**

Submission

Enclosed for your review are the following:

2. Response letter, dated September 30, 2022
3. Copy of MeDOT Entrance Permit
4. Product information for incinerator toilet options
5. Revised Site Plan submission, Plan Sheets L1 Existing Conditions, L2-Site and Layout Plan, L3-Grading Plan, L4-Erosion Control Plan, Notes and Details

Ms. Maureen O'Meara, Town Planner
and Planning Board Members

Page | 9

We trust that the attached information will address staff and board member review comments. If you desire additional information, please do not hesitate to contact me.

Sincerely,
Mitchell & Associates

A handwritten signature in black ink, appearing to read "R. B. Metcalf". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Robert B. Metcalf, ASLA, Principal
Maine Licensed Landscape Architect

Enclosures

cc: Daniel Marion