

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 18, 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 changes made to the plans since the last meeting.
- The Board may begin substantive discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

Site Plan Review (Sec. 19-9-5)

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 applicant is proposing to scale parking and access aisle improvements to the activity of the business, with the potential for making site improvements as the business grows.

The applicant is proposing a 26' wide gravel drive extending from Bowery Beach Road than transitions to an 18' wide gravel driveway at the property line and extending at an oblique angle 200' into the site. This portion of access drive will have a gravel base, and with minor adjustment can support emergency vehicles. Beyond the 200', the drive would be on grass (no gravel base), looping around the building.

The proposed area with gravel base is not sufficient to allow the ladder truck to reverse direction without leaving the gravel base. Given the limited business activity proposed and the close proximity to Bowery Beach Road (200'), the Fire Chief is comfortable with backing the ladder truck into Bowery Beach Rd. If the business grows and expands, this may be revisited. The Town Engineer is also recommending that the gravel base be revised to the 18" depth per technical standards.

- d. Parking Layout and Design- The applicant is proposing 13 parking spaces, which exceeds the 3 spaces required. Except for the handicapped space and fronting parking aisle, parking spaces and aisles will be on grass with no gravel base. The Planning Board has the discretion [Sec. 19-7-8 (C) (9)] to allow a grass surface parking area for temporary parking.

The parking aisle extending south from the driveway is proposed with a gravel base extending 45'± (measured on the center line) to the southerly edge of the handicapped space. The Planning Board may want to consider several options:

- Approve the plan as proposed with a note that the applicant can expand the gravel base of the parking lot to the remaining parking areas when use degrades the grass surface;

- Require that the gravel base be extended an additional 10' to the south to create one non-handicapped parking space with a gravel base;
- Require a gravel base for the 6 parking spaces and aisle located parallel to Bowery Beach Rd.

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.

In a conversation with Code Enforcement Officer Ben McDougal, a site evaluation for subsurface sanitary wastewater disposal and a hand washing station must also be provided for compliance with the state plumbing code.

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

Sign locations have been provided.

11. Noise

No decibel level information has been provided. The applicant has described that noise levels will be consistent with a farm use.

12. Storage of Materials

No exterior storage of materials is proposed. Limited product display is proposed.

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

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, deemed the application complete and held a public hearing on September 20, 2022, and reviewed revised plans on October 18, 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 October 12, 2022;
2. That the parking area parallel to Bowery Beach Road be revised (chose one):
 - to add a note that the applicant can expand the gravel base of the parking lot to the remaining parking areas when use degrades the grass surface;

OR

- to require that the gravel base be extended an additional 10' to the south to create one non-handicapped parking space with a gravel base;

OR

- to require a gravel base for the 6 parking spaces and aisle located parallel to Bowery Beach Rd.

3. That a sanitary wastewater system and hand washing station be designed in compliance with the state plumbing code and submitted to the Code Enforcement Officer for his approval;
4. That letters of approval be provided from the Portland Water District, Central Maine Power and the Maine Department of Transportation prior to water line and electrical connections, respectively; and
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.