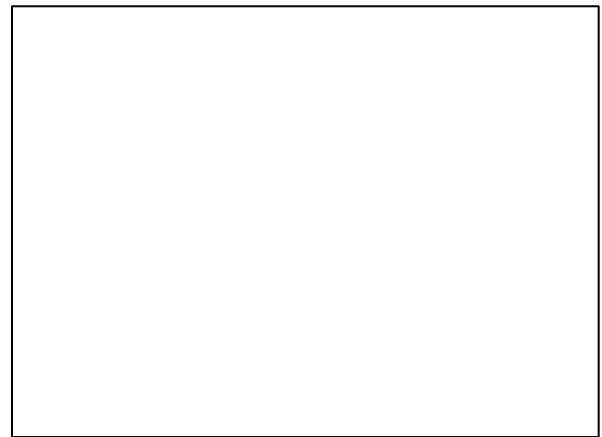
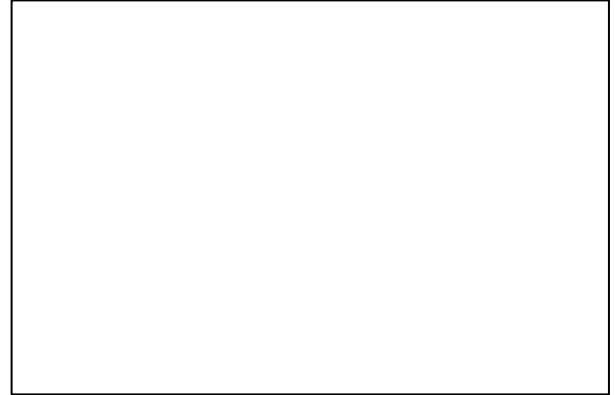
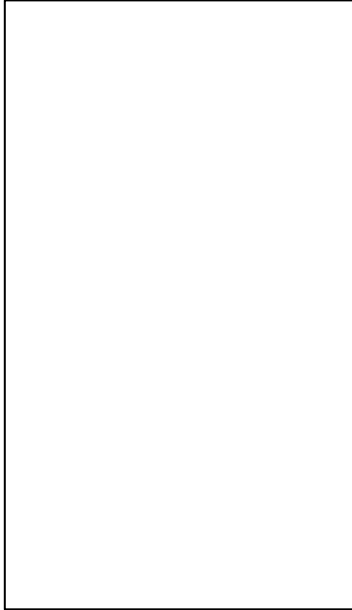

CAPE ELIZABETH'S FARMS

April 2008



Sub-

**mitted by the
Cape Farm Alliance**

Ensuring Cape Elizabeth's Farming Future

www.capeelizabethfarms.com

Each and every minute of every day, 2 acres of farmland are lost in the United States.

-American Farmland Trust

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As work progressed, the CEFC decided it needed to remain an ongoing entity whose purpose would be to:6

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EXECUTIVE SUMMARY

To forget how to dig the earth and tend the soil is to forget ourselves. --Mahatma Gandhi

The Cape Elizabeth Farm Committee (CEFC) came together in November of 2007 to identify ways to save the town's remaining farms. This mission attracted an array of talented citizens who are passionate about the town, its heritage, and ensuring that farms remain a significant part of Cape Elizabeth in the future.

As work progressed, the CEFC decided it needed to remain an ongoing entity whose purpose would be to:

1. Oversee the advancement of the recommendations in this report,
2. Promote the products and services available at all of the farms in Cape Elizabeth,
3. Ensure that the needs, challenges and benefits of the town's agricultural community are voiced, understood and valued.

The CEFC adopted a new name -- the *Cape Farm Alliance* and a tagline to describe what it will do -- *Ensuring Cape Elizabeth's Farming Future*.

1. CAPE ELIZABETH FARMS – OUR AGRICULTURAL ASSETS

Over 25 landowners in Cape Elizabeth were included in this analysis. Most were identified in the 2007 Comprehensive Plan, while others were identified through word of mouth. The objective was to create a comprehensive view of the Agricultural Assets in our town.

Growers

There are currently 10 farms in town. Seven of these farms grow a variety of berries, vegetables, and flowers. Three raise Christmas trees. One provides programming to engage youth and the community in agriculture. Five of the farms have onsite markets/stands. Two of which provide a variety of vegetables. One supplies lobsters, crabs, and clams in addition to vegetables and two offer annuals, seedlings, or cut flowers. The majority of the farms wholesale produce/products to stores, restaurants, and other farm markets.

Horse Owners

Sixteen landowners own and/or board horses in Cape Elizabeth, this equates to over 115 horses in our town. These horse farms provide 100 acres of open space via pastureland alone. The majority of landowners own horses for personal use, while others offer services such as riding lessons, boarding, indoor facilities and programs.

2. ENGAGING THE COMMUNITY – WORKING TOGETHER

The *Cape Farm Alliance* focused on two areas in which to better connect farms to citizens, raise awareness of the agricultural community and engage the whole community in saving our remaining farms.

Outreach and Public Awareness

This team's charge was to identify and implement actions to educate community members and consumers about what they can do to ensure the sustainability of Cape Elizabeth farms and agriculture. As an ongoing focus group, this team will oversee outreach activities to raise awareness and to help create opportunities for local agricultural entities to increase revenues and become more economically viable. The Outreach & Public Awareness Team will:

1. Introduce the local community to many of the farms of Cape Elizabeth, highlighting available products and services.
2. Ensure that potential consumers can easily locate and contact farms.
3. Promote the availability of seasonal produce and other agricultural products and services.
4. Raise public awareness about the benefits of buying local food and other agricultural products and services.
5. Create a way for consumers to make a personal connection to local farms and farmers.
6. Provide information to interested community members on topics related to local agriculture.
7. Support the Cape Farm Alliance in creating real, measurable benefits to the community in general and to those involved in agricultural activities in particular.

Schools and Agriculture

The Schools and Agriculture team charge was to identify methods to "engage young people in agricultural activities". Their work focused on two questions:

- ◆ What is the role of our local farms in the schools?
- ◆ What is the role of schools with our local farms and farming in general?

Local Product in the Schools

- ◆ Increase the use of produce from Cape Elizabeth farms in the school cafeterias at both the middle school/Pond Cove cafeteria and the high school during the fall harvest season.
- ◆ Explore the Harvest Lunch program and curriculum for one day in September to see how this might work in our schools.
- ◆ Increase the awareness of volunteer work opportunities for students at our local farms.
- ◆ Increase the awareness of job opportunities for students at our local farms.

Programs – Farms & Schools

- ◆ Classroom -- facilitate discussions at different grade levels on local agricultural issues as requested by the teachers in conjunction with their curricula.

- ◆ After-School Programs -- explore options for after-school programs through Cultivating Community with various age groups.
- ◆ Field Trips – explore options to visit local farms.
- ◆ School Gardens -- Continue discussions in each school with those interested in constructing student gardens on the school grounds.
- ◆ Agricultural Education -- Provide resources and program ideas to interested teachers to enhance the understanding of the importance of local farms in our community

3. TOWN GOVERNMENT’S ROLE – CREATING THE FRAMEWORK

Ordinances & Taxation

The Ordinance & Taxation focus group of the *Cape Farm Alliance* was charged with reviewing the current zoning ordinance as it relates to agriculture and to draft recommendations that might allow farmers/landowners to utilize their property with the least amount of regulatory impediment. Additionally, this team was asked to review property tax issues and the State programs available to landowners that may offer tax relief.

Below you will find a list of the areas that were analyzed and for which recommended changes were identified. Details of the recommendations can be found in the Ordinance and Taxation section of this report.

Key changes developed early on were adjustments in the definition of agriculture, the elimination of the term farming, and the addition of the concept of animals for personal use. With these changes in mind, the Ordinance and Taxation team set out to complete a comprehensive review of the town’s ordinances. In addition, the other Cape Farm Alliance teams were able to use these “working definitions” as part of their work.

It is recognized that the changes suggested in the Ordinances and Taxation section will not happen overnight. The members of the Ordinance and Taxation team are prepared to work with the necessary departments, boards, and commissions to assess and implement the recommendations of the Cape Farm Alliance.

Preservation and Conservation

The Conservation and Preservation subcommittee approached the issue of farmland conservation with the following beliefs.

- ◆ The best way to preserve farmland is to ensure that farming remains a viable financial endeavor.
- ◆ Preservation of the land itself does not necessarily preserve farming.
- ◆ Preservation of farmland through the purchase of development rights can provide the economic security to prevent the sale of working farmland to residential developers.

There are several ways the Cape Elizabeth can encourage and support the preservation of local agricultural resources to meet the desired outcome of the vast majority of residents who have indicated farmland protection to be a top planning priority. They include:

1. *Taxation* -- Local farmers and agricultural producers may benefit by enrolling their lands in statewide programs designed to lessen the tax burden on productive lands.
2. *Comprehensive Planning* -- While not a conservation measure in itself, Comprehensive Plans can be used to encourage the preservation of local farmland and agricultural lands.
3. *Purchase of Conservation Easements* – One of the most direct means of preserving productive agricultural lands is through the purchase of permanent conservation restrictions.
4. *Transfer of Development Rights* – The ability of local farm owners to sell or transfer development ‘credits’ from their property to another area of town designated as a growth area.
5. *Right to Farm Ordinance* -- State of Maine law designed to ensure that existing and future farms are protected from nuisance lawsuits is another way that municipalities can protect the rights of farmers.

The Cape Farm Alliance is pleased to submit this progress report to the Cape Elizabeth Town Council, Town Manager, and Town Planner. We welcome all parties to participate in taking this work through the necessary processes to adoption. In addition, we will be actively working on items that do not require the involvement of our town government. Together we can all ensure Cape Elizabeth’s farming future.

BENEFITS TO THE TOWN

Ensuring the viability and sustainability of the remaining farms in Cape Elizabeth provides an array of benefits to the entire community. Additional benefits will be identified as the *Cape Farm Alliance* continues its work.

Cape Elizabeth farms:

1. **CREATE OPEN SPACE** -- The properties included in this study equate to over 2603 acres of undeveloped property – pastureland, woods and agricultural land.
2. **REDUCE PRESSURE ON TOWN BUDGET/ SERVICES** – Farmland does not have the same financial drain on town services as homes and at the same time, they contribute to local commerce. *(one of the next steps of the Cape Farm Alliance is to estimate what this means relative to Cape Elizabeth farms)*
3. **PROVIDE A SAFE LOCAL FOOD SOURCE** – Fresh local produce is available June through November at three area farm stands, through pick your own, at public farm markets, at local stores, local restaurants and at our schools.
4. **PROVIDE AREAS FOR RECREATION IN SOME AREAS** -- Most property owners who participated in this study allow limited access to their property and prefer non-motorized vehicles.
5. **CREATE JOBS** – There are jobs available at the farms for young people to gain their first job experience and at the same time learn about their food source. In addition, agriculture supports families in the town and provides income to employees that contribute to the local, regional and state economy. There are over 50 part-time and almost 20 fulltime jobs created by Cape Elizabeth farms.
6. **DELIVER NUTRITIOUS FOOD TO SCHOOLS** – Local farms provide fresh high quality produce to the school lunch programs.
7. **PROVIDE SCENIC VISTAS** – Views of horses grazing, vegetables growing, flowers in bloom, fields of Christmas trees and an array of other vistas are present for all to enjoy.
8. **PROMOTE EDUCATIONAL PROGRAMS** – Young people can participate in community and educational programs at various farms. They learn about riding and caring for horses, growing and preparing food and ecology through the programs offered by the farms.
9. **PROVIDES AN HISTORICAL LINKAGE** – The remaining farms provide a connection to Cape Elizabeth's heritage. Many of the families who operate the farms are 4th, 5th or 6th generation farming their family property.

METHODOLOGY

I don't think you lead by pessimism and cynicism. I think you lead by optimism and enthusiasm and energy. Patricia Ireland

On September 19, 2007 a handful of people came together to form an “Agricultural Review” team to explore opportunities to enhance the viability of Cape Elizabeth’s agricultural community. Early on, all agreed creating a team that would leverage the talent pool in town was paramount. The horse, tree and market farmers coupled with their fellow citizens would work together to create a powerful statement about the importance of farms and farming to Cape Elizabeth.

Immediately preparations began on two fronts:

1. Develop a broad understanding of what the farm community views as their biggest challenges.
2. Spread the word and organize a community wide effort to work on several initiatives throughout the winter months.

A questionnaire was developed and sent to a key set of stakeholders. The stakeholder list included over 30 people. Fifteen of which were farms identified in the 2007 Cape Elizabeth Comprehensive Plan; other landowners were added by based on the following criteria:

- ◆ Their land was currently being farmed or could immediately be farmed
- ◆ They had a vested interest in maintaining farms/farming in Cape Elizabeth
- ◆ They currently operated an agricultural enterprise/business or had the potential of starting one

The November 14, 2007 kick-off meeting for the Cape Elizabeth Farm Committee at Sprague Hall was filled with stakeholders and interested citizens. At the meeting the charge of the Cape Elizabeth Farm Committee was outlined, people were asked to identify where and how they wanted to participate and the project timeline and framework were presented.

Committee structure of sub-groups/focus areas seemed best for achieving the greatest amount of work in the shortest time. The following sub-groups were identified:

- ◆ Agricultural Assets
- ◆ Conservation and Preservation
- ◆ Innovation and Future Farming
- ◆ Public Awareness/Outreach
- ◆ Agriculture & Youth/Students

The group agreed to the following actions:

- ◆ Create an inventory of farms and farmland in Cape Elizabeth;
- ◆ Review ordinances that impact and/or support agriculture;
- ◆ Identify issues that impede agricultural endeavors;
- ◆ Identify ways the town can create an environment that supports agriculture;

- ◆ Recommend actions that will assist agriculture including amendments to town ordinances, policies, etc;
- ◆ Seek ways to create visibility for the farms in Cape Elizabeth;
- ◆ Provide a written report to the town council no more the nine months after the first meeting.

On November 28, 2007, the first full meeting of the Cape Elizabeth Farm Committee convened. Over 30 people were present and ready to roll up their sleeves and start to work. Team assignments were communicated, team leader accountabilities outlined and a high-level time line discussed.

Starting in late November the full committee met every two weeks. In between these meetings sub-groups met to work on their specific areas. Over 750 person hours have gone into the work completed to date. The same teams are now ready to carry their ideas forward to implementation as the Cape Elizabeth Farm Committee transforms into the *Cape Farm Alliance!*

COMMITTEE MEMBERS

*Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has. **Margaret Mead***

FIRST NAME	LAST NAME	AREA OF FOCUS
CORE TEAM		
Sheila	Alexander	Agricultural Assets
Bill & Lois	Bamford	Innovation & Future Farming
Jacki	Berg	Ordinances & Taxation
David	Buchanan	Schools & Agriculture
Rich	Carlson	Outreach & Public Awareness
Karen	Coker	Outreach & Public Awareness
Jennifer	Cote	Outreach & Public Awareness
Evelyn	Cox	Agricultural Assets
Jim	Cox	Ordinances & Taxation
Jay	Cox	Ordinances & Taxation, Future Farming & Innovation
Joan	Daly	Schools & Agriculture
Lisa	Fernandes	Outreach & Public Awareness
Chris	Franklin	Conservation & Preservation
Frank	Governali	Schools & Agriculture
John	Greene	Ordinances & Taxation, Outreach & Public Awareness
Penelope	Jordan	Chairperson & Agricultural Assets Future Farming & Innovation
Carol Anne	Jordan	Ordinances & Taxation, Future Farming & Innovation
Bill	Jordan	Ordinances & Taxation, Future Farming & Innovation
Jodie	Jordan	Conservation & Preservation
Lester	Jordan	Future Farming & Innovation
Kelly	Strout	Ordinances & Taxation
Craig	Lapine	Schools & Agriculture
Julie	Keen	Agricultural Assets
Nancy	Miles	Schools & Agriculture
Frank	Miles	Conservation & Preservation
Jim	Rowe	Town Council – Champion of Initiative
Adam	Salve	Ordinances & Taxation

FIRST NAME	LAST NAME	AREA OF FOCUS
Frank	Strout	Outreach & Public Awareness, Conservation & Preservation
Nick	Tammaro	Ordinances & Taxation
Anne	Upton	Outreach & Public Awareness
Rodney	Voisine	Future Farming & Innovation
Heidi	Whitten	Ordinances & Taxation Outreach & Public Awareness
NEW MEMBERS		
Colleen	Myers	
Tom	Petsinger	
Wendy	Petsinger	
RESOURCES		
Peter	Eastman	Overall Initiative
John	Eastman	Engage Community
Mary Ann	Lynch	Overall Initiative
David	Backer	Legal

CAPE ELIZABETH'S FARMS

When tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization. Daniel Webster

A. FARMING BACKGROUND

The following historical perspective of farming in Cape Elizabeth comes from Maxwell's Farm website, Cape Elizabeth Land Trust website and William H. Jordan Farm website.

Cape Elizabeth has a proud farming heritage as you drive or walk around Cape Elizabeth, you will notice remnants of this rich agricultural history dating back to the 1600's. Named in 1604 by John Smith to honor King Charles I, Cape Elizabeth has maintained much of its rural character to the present day. Many of the remaining farms are still owned by descendants of Cape Elizabeth's original families.

Consider these facts about Cape Elizabeth Farms:

1. In 1875 the Scarborough/Cape Elizabeth Farmers Association was formed. They held a fair every fall for about 30 years at Nutter's Field, Pleasant Hill, Scarborough.
2. In 1880, cabbage from Cape Elizabeth sold for \$10/ton and was considered the best in the state.
3. Cabbage was grown on the mainland and on Richmond's Island.
4. In the early 1900's peas became a major crop to supplement the already famous cabbage and more produce was being sent by ship (and later by train) to Boston.
5. The first tractor in Cape Elizabeth was purchased by Stewart Jordan in 1934. Horses were still the standard hauler of plows into the 1940's.
6. Around 1940 there were between forty and fifty farms in operation in Cape Elizabeth.
7. In the 1950's iceberg lettuce became a major product. 300 to 400 acres were planted in lettuce, on the town's approximately 20 farms. It was not unusual to ship 2,000 crates of lettuce per day to the Boston Market.
8. By the 1960's about ten farms remained in operation.

B. APPROACH

To gain an understanding of the agricultural activities and assets in Cape Elizabeth the Agricultural Assets sub-group:

- ◆ Researched approaches used by other towns to collect information on their assets.
- ◆ Reviewed work completed by the Cape Elizabeth Comprehensive Plan committee.

- ◆ Agreed to an interview approach for the collection of data

On the following pages, you will find tables summarizing the findings of our study. It is the recommendation of the committee that the Agricultural Asset data be updated annually as part of the ongoing work of the *Cape Farm Alliance*.

C. SCOPE

The following criteria were developed to help identify agricultural entities that would fall within the scope of the committee's research:

- ◆ Land currently used for agricultural purposes,
- ◆ Land used for agricultural purposes in the "recent" past, or
- ◆ Land that could immediately be used for agricultural purposes

In addition, the committee sought to capture data on the equine industry in Cape Elizabeth and gain an understanding of its contribution to the town's economy and rural character.

Below is a brief description of the tables you will find on the following pages:

1. *Agricultural Entities and Horse Owners* – Lists the entities included in the scope of our research as a result of meeting the above criteria. This table identifies farm names, acreage, types of products and location.
2. *Farm Products and Services* – This table identifies the types of products offered by landowners who grow vegetables, flowers or other products.
3. *Farm – Acreage* – This chart seeks to isolate the cropland that is currently farmed by growers and at the same time identify woods, pasture, etc for these same landowners.
4. *Farm – Outlets* -- This chart identifies the outlets used by the growers.
5. *Horse Owners -- Census and Services* – This chart captures information relative to stables and personal use horses in Cape Elizabeth.

The tables summarize the wealth of information captured during our research.

April 2008

D. SUMMARY OF FINDINGS**AGRICULTURAL ENTITIES & HORSE OWNERS**

	LAST NAME	FIRST NAME	FARM NAME	TYPE	ACRES	ADDRESS
1	Alexander	Sheila & Bill	Cottage Farm	Tree Growth Horse	15	Mitchell Road
2	Bamford Maxwell	Lois & Bill Nathan	Maxwell's Farm	Vegetable Tree Growth Hay Agricultural Land	140	Spurwink Avenue Sawyer Road Two Lights
3	Banzon	Victor	Walnut Hill Equestrian Center	Horse	8.5	Ocean House Road
4	Berg Johnson	Jacki David	Bothel Berg Farm	Horse Berries Hay	20	Sawyer Road
5	Carlson	Rich & Amy	Trout Brook Pond	Horse	26	Eastman Road
6	Cox	Evelyn & Jim	Dun Roamin'	Flowers Plants Christmas Trees	27	Sawyer Road
7	Cox	Jay	TBD	Christmas Trees Wreaths, etc Tree Growth	50	Sawyer Road
8	Eastman	Peter	Turkey Hill	Education Tree Growth Vegetable	25	Old Ocean House
9	Hagan	Jeanette & Mark	Breakwater Farm	Horse	5	Breakwater Farm Road
10	Jordan	Francis & Randall		Agricultural Land Used by L&A	17	Davis Point Lane
11	Jordan	Jodie & Trisha and Alvin	Alewive's Brook Farm	Vegetable Tree Growth Turkey Lobsters, crabs, clams Other	85	Old Ocean House Road
12	Jordan	Lester & Audrey	L& A Farm	Vegetables	1.75	Davis Point Lane

	LAST NAME	FIRST NAME	FARM NAME	TYPE	ACRES	ADDRESS
13	Jordan	Norm	The Farm	Flowers Seedlings Raspberries	2.0	Ocean House Road
14	Jordan	William, Carol Anne, Penelope, Pam Butterfield Mark Butterfield	Wm H Jordan Farm	Vegetable Flowers Seedlings/ Plants Compost Tree Growth	120	Wells Road
15	Salve Bothel	Adam Stephen	Fox Run Farm note: not active at this time	Meat/Poultry	15	Ocean House Road
16	Searway	Laura & Nelson	Eaton/Searway	Horses	13	Stillman Street
17	Sprague	Various	Ram Island Farm Spurwink Farm	Horse Cattle Tree Growth Hay	2120	Charles Jordan Road
18	Strout	Kelly & Andy	Shady Oak Farm	Horse Sheep Chicken Tree Growth Other	22	Fowler Road
19	Voisine	Rodney	Apple Tree Hill	Flowers Vegetable	9.5	Old Ocean House Road
20	Young	Harold	Young's Farm note: all data not available	Agricultural Land Tree Growth	112	Sawyer Road

NOTE: As research of Cape Elizabeth's Agricultural Entities progressed, it was decided we to capture information on all horses in town. This information is represented in the *HORSE FARMS – CENSUS AND SERVICES* table.

The table below identifies the type of products grown/produced by landowners who grow vegetables, flowers, berries, trees, etc.

FARM – PRODUCTS & SERVICES

	Alewiv es Brook	Apple Tree Hill	Bothe l Berg	Dun Roam in'	Jay Cox	L&A Farm	Maxwell 's	Norm Jorda n	Ram Island Farm	Turke y Hill	Wm H Jorda n Farm
EDUCATI ON											
Education al/ Communit y/ Programs										X	
Farm Camp (4-8 yrs)										X	
Youth Summer Program										X	
FLOWER S & HERBS											
Annuals											
Flowers - Cut		X				X					X
Flowers – PYO								X			X
Herbs	X	X				X					X
Perennials											X
FRUITS & VEGETA BLES											
Blackberri es								X			
Blueberrie s			X								
Raspberrie s			X					X		X	
Strawberri es	X						X				X

Cape Elizabeth Farm Alliance Progress Report

April 2008

	Alewiv es Brook	Apple Tree Hill	Bothe l Berg	Dun Roam in'	Jay Cox	L&A Farm	Maxwell 's	Norm Jorda n	Ram Island Farm	Turke y Hill	Wm H Jorda n Farm
Vegetables	X	X				X	X			X	X
SEEDS & SEEDLIN GS											
Seed Production										X	
Seedlings/ Annuals				X				X			X
TREES											
Christmas Trees/ Wreaths				X	X						
OTHER											
Compost & Enriched Soils											X
Hay			X ¹						X		
Leases Land to Others							X		X		

¹Bothel Berg Farm hays over 85 acres of land in Cape Elizabeth not all is bailed

The table below highlights the acres of cropland used by the various growers. In addition, it highlights the acres for other land uses, age of farm, type of ownership and jobs provided by the farm entities.

FARM – ACREAGE

	Alewies Brook	Apple Tree Hill	Bothel Berg	Dun Roamin'	Jay Cox	L&A Farm	Maxwell's	Norm Jordan	Ram Island Farm	Turkey Hill	Wm H Jordan Farm	TOTAL
Cropland	35	2	3	10	20	4 ²	80	2	256 ¹	5	50	467
Woods	40			8.5	25		30		941		60	1104.5
Hay			*						147.3			147.3
Pasture			17				30		46.5			93.5
Other	10	7.5		8.5	5			.5	730	20	10	791.5
Total Acres	85	9.5	20	27	50	4 ²	140	2.5	2120.8	25	120	2603.8
Age of Farm	1958 (family has farmed for generations)	3 yrs	20 yrs (family has farmed for generations)	30 yrs (family has farmed for generations)	Late 1700s Owned since 2002	19 yrs (family has farmed for generations)	6 th gen	50 yrs (family has farmed for generations)	Over 100 yrs	Over 80 yrs in family; 4 yrs as current	6 th gen	
Ownership	Family	Partners	Family	Family	Sole	Family	Family	Sole	Corporation	Sole	Family	
Jobs	3 - PT	1	0	0	3+ PT	0	2 ft 25-28 pt	0	6-10 ft Add'l pt	7	20 – 25 pt	9-19ft 50-60 pt
Why Continue Farming	Too stupid to quite	Enjoyment	Love it will do as long as stay healthy	Financial	Profit & Enjoy what I do	Supplement income and enjoy market	Profitability	Augments SS Likes Farming	Stewardship	Maintain open space & Educate community	Profitability Love it!	

* Bothel Berg Farm hays over 85 acres of land in Cape Elizabeth not all is bailed

¹ Leased to farms in Cape Elizabeth and Scarborough

² 2.25 is Francis Jordan's land

The following table identifies the types of outlets used by the various growers.

FARM – MARKETS/OUTLETS

	Alewi ves Brook	Appl e Tree Hill	Bothe l Berg	Dun Roa min	Jay Cox	L& A Far m	Maxw ell's	Nor m Jord an	Ram Island Farm	Turk ey Hill	Wm H Jorda n Farm	TOT AL
Area Businesses (e.g. farm stands, stores, etc)	X		X	X			X				X	5
Area Schools	X										X	2
E- commerce and mail order					X							
Local Restauran ts	X	X				X	X				X	5
Onsite Market/ Stand	X	X		X				X			X	5
Public Farmers Market	X	X				X						3
Local Restauran ts	X	X				X	X				X	5
Wholesaler s							X				X	2
Pick/Cut Own	X			X			X	X			X	5

Note: Public Farmers Markets include Portland, Westbrook and those held in other towns

The table below provides a comprehensive view of the horse owners in Cape Elizabeth.

HORSE OWNERS – CENSUS & SERVICES

	Bothel Berg Farm	Breakw ater Farm	Cottage Farm	Eaton / Sear way	Shady Oak Farm	Spurwi nk Farm (Ram Island)	Trout Brook Farm	Walnu t Hill Eq Center	Other ³	TOTA LS
Horses	9	3	3	16+ ⁴	21	35 ⁴	2	17 ¹	8	114
Stalls	15	5	5	16	14	35	3	20	8	121
Pasture	17	3	3.5	3.5	8	46.5	7 ⁶	3.5	7	99
Board	X				X	X		X		4
Breeding										
Horse Retirement	X									1
Indoor Riding					X			X		2
Lessons					X			X		2
Programs					X			X		2
Racing				X						1
Straw/Hay	X					X ⁵				2
Age	30 yrs	60 yrs	35 yrs	25 yrs	20 yrs	100 + yrs	14 yrs	15 yrs	Var	
Ownership	Family	Family	Family	Partner s	Family	Corp	Family	Sole	Var	
Jobs	0	0	0		0	# not availabl e	0	0	0	

¹ Census will change as boarders move back to summer locations

² In addition to horses: 1 donkey, 15 sheep, 2 goats, 1 llama, 11 Belted Galloway cows, 3 mini horses and a multitude of chickens housed at the above farms

³ Other includes miscellaneous horse owners not initially included in study

⁴ Eaton/Searway has two mares ready to foal; Spurwink Farm has two '08 foals

⁵ Ram Island 147.3 acres in hay

⁶ Leases 4 acres from Maxwell's

E. ANALYSIS OF DATA GATHERED

Over 25 landowners in Cape Elizabeth were included in this analysis. Most were identified in the 2007 Comprehensive Plan, while others were identified through word of mouth. The objective was to create a comprehensive view of the Agricultural Assets in our town.

Growers

There are currently 10 farms in town are classified as a grower. Seven of these farms grow a variety of berries, vegetables, and flowers. Three raise Christmas trees. One provides programming to engage youth and the community in agriculture. Five of the farms have onsite markets/stands, two of which provide a variety of vegetables. One supplies lobsters, crabs, and clams in addition to vegetables and two offer annuals, seedlings, or cut flowers. The majority of the farms wholesale produce/products to stores, restaurants, and other farm markets.

It is estimated that approximately 60 part-time and almost 20 fulltime jobs are created by these 10 entities. Most of the farms are owned and operated by a 3rd, 4th or even 6th generation farmer.

Horse Owners

Sixteen landowners own and/or board horses, which equates to over 115 horses of varying breeds (e.g. Belgian draft horses, Morgans, Arabians, American Saddlebreds, Standardbred race horses, Warmbloods and minis) in our town. These landowners provide approximately 100 acres of open space via pastureland alone. The majority of landowners own horses for personal use, while others offer services such as riding lessons, boarding, indoor facilities and programs.

Whether stabled at boarding facilities or private residences, these horses utilize pastures and/or paddocks that preserve open space and add greatly to the rural ambiance of Cape Elizabeth. *The Impact of Equine Industry in Maine*, a recent study by the Maine Harness Racing Promotion Board and the Maine Farm Bureau Horse Council, reported that the horse industry was important for those very reasons as well as the contributions that the horse community adds to the economy. Horse owners need the services of hay, grain and bedding suppliers, veterinarians, furriers, equine dentists, and barn and fence builders, to name just a few businesses that are necessary to support a horse population. In addition, some stables have employees with payrolls, which cycle directly into the local economy.

F. NEXT STEPS

1. Establish a mechanism for maintaining the Agricultural Assets Data
2. Post results of this work on Cape Farm Alliance website

3. Use this data to create awareness of the farms in our community

ENGAGING THE COMMUNITY

In any grass-roots campaign, building an ongoing base of support is as important as winning the ultimate goal. Patricia Ireland

OUTREACH AND PUBLIC AWARENESS

A. SITUATION ANALYSIS / INTRODUCTION

The farms of Cape Elizabeth are in a fight for survival. With increasing costs, decreasing profit margins, a decline of a key consumer groups and increased pressure from development; farms need to grow awareness of their products and services to remain viable into the future.

Concurrently, there is a strong public sentiment in favor of supporting local businesses and buying local food in particular. The Outreach & Public Awareness Team seeks to take advantage of this window of opportunity and capitalize on the current consumer mood to the advantage of agricultural activities in Cape Elizabeth.

B. GOALS AND OBJECTIVES

This team, and the Cape Farm Alliance as a whole, seeks to bring community members together to ensure the viability and sustainability of Cape Elizabeth's unique and valued agricultural assets. Through this effort, the local community will be able to continue enjoying the open space, fresh local products, rural scenery, and recreational opportunities available in Cape Elizabeth – amenities which help to define the town.

This team, specifically, is charged with identifying and implementing actions that will educate community members and consumers about what they can do to ensure the sustainability of Cape Elizabeth farms and agriculture. It will oversee outreach activities to raise awareness and to help create opportunities for local agricultural entities to increase revenues and become more economically viable.

C. ACTION STRATEGIES

In order to keep community members and consumers in touch with local agricultural products and services – and motivated to support local agriculture with their purchasing decisions - the Outreach & Awareness Team is adopting a multi-faceted approach. This approach centers around, but is not limited to, the Cape Farm Alliance web site (www.capeelizabethfarms.com) and will include various elements, such as:

- Website

- Consistently updating the website to provide current information for
 - Fresh locally-grown products
 - Recreational opportunities
 - Agricultural news and information
 - Importance of a local food source
 - Events and educational programs
- Networking
 - Utilizing opportunities to work alongside similar organizations and reach out to their similar member base and introduce the Cape Farm Alliance and its goals and activities.
- Press Releases
 - Consistently present stories to the media to bring more attention to the work of the Cape Farm Alliance.
- Collateral material
 - Develop printed materials to support outreach and enhanced public awareness about local agricultural activities, products and services.
- Public Announcements
- Events – Participating in public events that are consistent with our mission and goals.
- Email communications to individuals who would like to receive updates about seasonal produce and other agricultural products and activities.

Through these means, the Outreach & Public Awareness Team will:

- Introduce the local community to many the farms of Cape Elizabeth, highlighting available products and services.
- Ensure that potential consumers can easily locate and contact farms.
- Promote the availability of seasonal produce and other agricultural products and services.
- Raise public awareness about the benefits of buying local food and other agricultural products and services.
- Create a way for consumers to make a personal connection to local farms and farmers.
- Communicate to interested community members on topics related to local agriculture.
- Support the Cape Farm Alliance in creating real, measurable benefits to the community in general and to those involved in agricultural activities in particular.

D. COMMUNICATION STRATEGY

The communications plan, which will drive traffic to the web site as well as motivate actual purchases, will include several strategies, such as:

- Pursuing earned media opportunities with traditional media outlets such as newspaper, radio, TV, cable, website banners, etc.
- Organizing distribution of announcement flyers, coupons, newsletters, etc. to both current consumers and potential new consumers
- Posting signs or posters in areas frequented by target consumers

- Participating in or hosting of community, regional, or state special events for exposure and contribution to market area
- Participating in public interest events - events with community groups which builds a relationship and reputation as a generous and involved community member
- Utilizing the internet and available web-based tools to disseminate information, gain feedback and support the mission and goals of the Cape Farm Alliance.

E. EVALUATION

Several other communities across North America have implemented successful “buy local” campaigns to raise awareness about and increase revenues to local agricultural entities, thus helping to ensure future viability.

Evaluation tools from those other communities have already been developed and our local group will most likely borrow some of the same methods, such as:

- ◆ Determining, year over year, if there is an increase in public awareness about local farms, products and services
- ◆ Determining, year over year, if agricultural businesses in Cape Elizabeth see increased customer numbers, increased average sale amounts, and increased revenues overall.

F. BUDGET

This team will carry out its efforts with the smallest possible budget, seeking pro bono and in-kind support for as many elements as possible. The balance of expenses (web domain registration, email communications, etc.) will be covered by modest fund raising and donations over the near term. This arrangement will be evaluated as we approach 2009 activities.

SCHOOLS AND AGRICULTURE

A. APPROACH

One of the outcomes of the Cape Elizabeth Farm Committee is to "engage young people in agricultural activities". Our work has focused on two questions:

- ◆ What is the role of our local farms in the schools?
- ◆ What is the role of schools with our local farms and farming in general?

To determine the role our local farmers could play in the schools, several questions were asked of each farmer as part of the Agricultural Assets Survey. The questions asked in the survey gave us information on:

- ◆ The farmers' past involvement with the schools,
- ◆ Future interest in hosting field trips or after-school programs,

- ◆ Interest in speaking to classroom groups on farming issues,
- ◆ Interest in working with high school seniors during their Senior Transition Project experiences for two weeks in May or as a summer intern, and
- ◆ Interest in being a part of a Farm to School lunch program either on an on-going basis or for a Harvest Lunch meal.

To determine the role our schools can play in helping educate the students on the important role the farms play in our community and where our food comes from:

- ◆ We've assessed the interest in having gardens on the school grounds,
- ◆ Reviewed various websites on curricula related to schools and agriculture, and
- ◆ Obtained information on existing school gardens in the Portland area.

B. SUMMARY OF FINDINGS

The Farmers' Role in the Schools

Food for the cafeterias

The group met twice with Sue King, Food Services Supervisor for Pond Cove and the Middle School, and Karen Burke, School Board member and chair of the Wellness Committee, to discuss ways to incorporate more local food in the cafeteria. Sue was enthusiastic about this effort and agreed to work with Penny Jordan starting in September. Penny will coordinate efforts with the Jordan Farm and other interested farmers to supply produce as available in the fall and early winter on a weekly or twice-weekly basis. As part of the Wellness effort, poster-sized photos of our local farms and their produce will be hung in the cafeteria. The photos will be taken during this summer's growing season. The manager of the high school cafeteria is also interested in having more local produce in the cafeteria and will work with Sue King to coordinate this effort.

Many schools participate in the Harvest Lunch program, which features a day in September when local foods are featured in the cafeteria and a short educational lesson is shared in the classrooms with grade-specific activities. Sue King was interested in learning more about this.

Work and Volunteer Opportunities

Several farmers were interested in exploring volunteer options for the two-week Senior Transition Project effort in May of each year as well as possible summer interns. Cultivating Community, a Portland-based non-profit combining organic gardening, youth programs, and feeding the hungry, has a program at Turkey Hill Farm. They work with about 25 students during the summer to raise and distribute the produce to income-eligible seniors. Cape students are welcome to apply for the stipend-positions.

Classroom and After-School Programs

Several farmers expressed a willingness to speak in classrooms on the history of farming in Cape or other topics related to their work that's of interest to the teachers and relevant to the curriculum. Cultivating Community has connected with Community Services to offer several agricultural-related topics for youth and adults starting in March. Their offerings include sessions on

composting and worm-composting, starting a garden business for middle-schoolers, and two programs for pre-schoolers on seed-planting. During the summer, a Farm Camp is offered at Turkey Hill Farm for children ages 4-10 with positions for junior counselors (ages 12-16) to assist with the program.

Field Trips

Several farmers have either had field trips on their farms related to the curriculum at different grade levels or would be willing to consider them in the future.

The Schools' Role with Farms and Farming

School Gardens

Pond Cove

With the help of the Cape Elizabeth Land Trust, the teachers' interest in having a garden on the Pond Cove playground as part of the natural area was assessed. Just a few teachers were interested at this time, so a small raised bed for vegetables will be constructed later this spring as part of the outdoor classroom construction on the playground.

Middle School

A garden area was established last spring as part of the Life Skills program. A small group of students plan, plant, maintain, and sell the produce grown in the garden.

High School

The Environmental Club is considering installing a garden at the high school and/or helping the Pond Cove students construct a raised bed on the playground.

Gardens at other schools

The group also collected information on school gardens in several surrounding towns. South Portland has had a school garden planned and maintained by the 4th graders at Small School. They harvest the food in the fall and prepare a meal for the incoming 4th graders. Pleasant Hill School in Scarborough, has had a school garden for two seasons, which includes both flowers and vegetables. Yarmouth is planning to install a large 6000 sq. ft. organic garden on their elementary school grounds with the help of several Master Gardeners and a variety of school-related groups. The food will be used in the school lunch program. Gorham has had a successful school garden program for some time.

Agricultural Education

It's important for everyone to know that our food comes from farms initially and to understand how that food is grown. Schools have a very full agenda in meeting the curricular needs in many areas, so it is important for our group to help the schools see how and where this awareness can be an integral part of the current curriculum and not be an addition to an already full plate. We have not reviewed the current curriculum to see just where this agricultural awareness can fit in. Teachers at all grade levels need to be aware of the agricultural resources available throughout our community and in the surrounding towns so that they can take advantage of them with their students. As families within the community become more aware of our local farms, they can share this important knowledge with their children, so that it is not just the responsibility of the schools to foster this knowledge.

C. RECOMMENDATIONS

Food for the cafeterias

- ◆ Increase the use of produce from Cape Elizabeth farms in the school cafeterias both at the middle school/Pond Cove cafeteria and the high school during the fall harvest season.
- ◆ Explore the Harvest Lunch program and curriculum for one day in September to see how this might work in our schools.

Work and Volunteer Opportunities

- ◆ Increase the awareness of opportunities for volunteer work by students on our local farms.
- ◆ Increase the awareness of opportunities for paid work by students on our local farms.

Classroom and After-School Programs

- ◆ Facilitate discussions on local agricultural issues with students as requested by the teachers in conjunction with their curricula at different grade levels.
- ◆ Explore options for after-school programs through Cultivating Community with various age groups.

Field Trips

- ◆ Explore options for field trips to visit local farms.

School Gardens

- ◆ Continue discussions in each school with those interested in constructing gardens on the school grounds.

Agricultural Education

- ◆ Provide resources and program ideas to interested teachers to enhance the understanding of the importance of local farms in our community

D. NEXT STEPS

Food for the cafeterias

- ◆ Begin planning now for a Harvest Lunch in September including applying for a mini-grant, exploring the related grade-specific curriculum, planning with students and teachers to determine what foods are desired, and communicating plans to the interested farmers.
- ◆ Stay connected with the Food Services Director and the Wellness Committee to facilitate the increased use of local produce in the cafeterias and photo displays on the cafeteria walls from our local farms.

- ◆ Starting in September, Penny Jordan will contact local farms each week to identify a list of produce that will be available the following week and email this list to the Food Services Director for ordering.
- ◆ Penny Jordan will arrange for the delivery of the orders to the schools on a weekly or twice-weekly basis.

Work and Volunteer Opportunities

- ◆ Contact those farmers who were interested in having volunteers to see what kinds of projects volunteers could do on their property.
- ◆ Share the list of possible volunteer opportunities on the farms with the high school students.
- ◆ Continue to explore opportunities for volunteer work through the Senior Transition Program during May each year at the high school.
- ◆ Develop ways to communicate necessary information to the high school students in addition to the website.
- ◆ Share information with the students about paid opportunities on Cape farms either with individual farmers or through the Cultivating Community program at Turkey Hill.

Classroom and After-School Programs

- ◆ Contact those farmers and others who would be willing to speak to a classroom to see what areas they would be interested in talking about.
- ◆ Share the list of speakers and topics with the school.
- ◆ Continue contact with Cultivating Community to review the after-school programs being offered this spring through Community Services and help plan future offerings.

Field Trips

- ◆ Contact those farmers who were interested in having school groups visit their farms and determine the specifics of what the students could see and/or do on such a visit and in what months.

School Gardens

- ◆ Maintain contacts with the Cape Elizabeth Land Trust and their Pond Cove playground greening project to incorporate a small garden as part of that project provided there is sufficient teacher interest to make use of it. Work with land trust volunteers and Master Gardeners to install any desired raised beds at Pond Cove.
- ◆ Maintain contacts with Cultivating Community and their offer to assist the schools in developing and installing school gardens along with supportive programming.
- ◆ Continue discussions with the high school Environmental Club to see if there is sufficient interest and time to construct a garden at the high school.
- ◆ Meet with coordinators of the school garden at the middle school to review their operation and get suggestions for additional gardens if desired at other schools.

- ◆ Visit school gardens at other schools in the area with any interested teachers or other adults.

Agricultural Education

- ◆ Review the schools' curricula to see where some enhanced agricultural might fit in with the current requirements.
- ◆ Review curricula developed by other groups that enhance agricultural education and see what might be relevant to Cape schools.
- ◆ Support those teachers who are interested in incorporating more agricultural education in their classrooms by finding resources for them and supplying them with local speakers when requested.

TOWN GOVERNMENT'S ROLE

Management is doing things right; leadership is doing the right things. --Peter F. Drucker

DEFINITIONS, ORDINANCES AND TAXATION

A. APPROACH

The Ordinance & Taxation Focus Group of the Cape Farm Alliance was charged with reviewing the current zoning ordinance as it relates to agriculture and to draft recommendations that might allow farmers/landowners to utilize their property with the least amount of regulatory impediment. Additionally, we were asked to review property taxes issues and the State programs available to landowners that may offer tax relief.

Our Focus Group met weekly throughout the winter months and thoroughly reviewed Chapter 19, the Zoning Ordinance of Cape Elizabeth dated May 9, 2007. We also reviewed Chapter 21, Signs, Chapter 16, Subdivision Regulations. We tabled Chapter 11, Health and Sanitation and will take it up when time permits.

We found that the current zoning language was indeed "farm friendly" to a great extent. Many references to farming and agriculture are made throughout the text. Most districts allow agricultural as a permitted use under the heading "resource-related uses". Agricultural uses have also been exempted from specific regulation in several districts. But, as with any complex document, we felt there was opportunity for improvement.

We also realized from the beginning that this regulatory review would be subject to the scrutiny of the Town Council, Planning Board, and town citizens. Thus, this effort commences what may become a lengthy process between Cape Farm Alliance, the public, and town regulatory bodies. We see this report as a unique opportunity for the town to respond to the needs of its farming community. We are aware that these recommendations may be modified as input is received throughout the process.

Finally, after a thorough evaluation of the zoning language, our group reviewed a document found in the resource: Preserving Rural Character through Agriculture, a publication from the New Hampshire Coalition for Sustaining Agriculture. The document is entitled "Is Your Town Farm Friendly – A Checklist for Sustaining Rural Character". The 23 questions found in this checklist question whether a town has indeed placed agriculture as a priority in its zoning document. Our group strongly encourages town officials to read this document and take the test themselves. It is an eye opener.

The following comments relate to our focus group's discussion of the particulars of each ordinance chapter. The actual ordinance text and mark-ups are included as an appendix to this report.

B. SUMMARY OF FINDINGS**Chapter 19**

Zoning Ordinance
Effective May 9, 2007

Article I. Definitions

Our initial focus of the zoning ordinance commenced with definitions relating to agricultural. The larger committee felt that it was important to first address words and definitions that define or impact agriculture so that all focus groups could begin using the same common terms. We began our research by reviewing definitions found in the ordinances of several Maine towns including Buxton, Cumberland, Freeport, Gorham, New Gloucester, and Yarmouth. Each group member was asked to review a specific town and to choose one in addition. These definitions were then compared to those currently found in the ordinance.

We struggled mightily with a few words such as "agriculture" and "farm market" before settling on our recommendation. The definition for agriculture was intentionally left as broad as possible to encompass all enterprises from beekeeping to bison farming. The breadth of this definition is important as agriculture changes with time and improved technology.

The current Farm Market definition only allows a maximum of 25% of the total building floor area to be devoted to related market products. We felt this severely restricts a market owner's ability to produce income in a fickle business. An agricultural enterprise must have the ability to adjust and adapt to fluctuations in product availability. We restated the definition by requiring that 25% of floor area must be devoted to products derived from the property.

Several words were unaltered including "growing season" and "pond". We deleted the word "farming" in favor of the revamped definition for "agriculture" that we felt more inclusive of all farm types. We also proposed a new phrase and accompanying definition - "animal(s) for personal use". This phrase will set a standard by which animal owners and agriculture can be differentiated.

Article IV. Nonconformance

We next moved through the Nonconformance sections and found that agriculture was exempt from discontinuance only in the Resource Protection Districts. We proposed to add this exemption to the general nonconformance section as well as the Shoreland District. It is important that an agricultural asset is not lost due to discontinuance for more than twelve (12) months.

Article VI. District Regulations

Our review then focused on all thirteen zoning districts albeit a few not being relevant to agriculture. Most zoning districts do allow agriculture as a permitted resource-related use. We propose reducing the front yard setback for outside storage by 50 ft. for Farm and Fish markets thus maximizing use of available space for product display. We added Farm and Fish markets as an allowed nonresidential use to the Town Center District and Business District B. We did note that the language "storage and selling of farm, dairy, orchard, or forest products; accessory retail sales shall be permitted" is only found in the Business District B. We propose adding this same language to Districts where agriculture is a permitted use. A similar situation exists with Riding Stables, currently listed under the BB District. This horse facility should be a conditional use in Districts where agriculture is permitted.

We next looked at Table 19-6-9 of the Resource Protection Districts. This table depicts whether a use, activity, or structure is permitted in any of the RP Districts. We focused our attention on two items: Maintenance of Water Holes & Ponds and Agriculture. We added agricultural ponds to the list for maintenance and permitted Agriculture in the RP-CW Buffer (with setback requirements being found elsewhere).

Article VII. General Standards

We happily noted that agriculture is listed as a priority under the design standards for Open Space Zoning. In this section, under the heading Common Open Space, we added the term "non-intensive recreational activities" so as to include horseback riding. This phrase (already utilized in the ordinance) lists bird-watching, hiking, swimming, and trapping as allowable activities.

Article VIII. Performance Standards

We next reviewed Buffering of Nonresidential Uses. These standards may place an undue burden on farmers when expanding their operations, i.e. building a farm stand or tilling a new field. Nuisance issues must be addressed on both sides of the proverbial fence. The State does have a nuisance law on the books: *Title 17, paragraph 2805 – Farm, farm operation or agricultural composting operation not a nuisance; use of best management practices*. This law should be reviewed by the planning board prior to any development adjacent to agricultural lands. We found that the buffering standard does not seem to apply as stringently in reverse; buffering of residential uses when abutting agriculture. In order to avoid nuisance issues, new residential development should be required to meet the same standards of this section. Perhaps additional language should be drafted for the Subdivision Ordinance.

Under the heading of Agriculture in the Shoreland Performance Standards, we found the five listed standards reasonable. Our group felt the requirement of a conservation plan adjacent to the Great Pond or RP-1 wetlands was the responsible thing to do. We did find the placement of RP-1 standards in the Shoreland Zone section a bit confusing.

Also within the Shoreland Performance Standards, under the heading Clearing of Vegetation for Development, we found the 100' buffer strip acceptable for the Great Pond. We did note that the agricultural setback for the RP-1 zone is also set at 100'. This setback does not align with the Resource Protection standards where the setback is set at 75'. We recommend the RP-1 setback for agriculture be changed to 75' within the Shoreland Zone. The agricultural setback would then be consistent throughout all districts. We also recommend that agriculture, whether utilizing a till or no till method, conform to these standards. Finally, the 25' stream setback should also be consistent throughout these same districts.

Fields which have reverted to shrubs, trees, or woody vegetation are regulated under this section as well. Reclaiming these overgrown fields should be allowed for legitimate agricultural enterprises as long as the above setback requirements are met.

We next reviewed the Agricultural Standards as listed under the Resource Protection Zone. Our group felt that requiring new agricultural activities to be set back 75' from RP-1 wetland edge was reasonable. We did note that this standard does allow new agriculture to be sited within the RP-1 buffer as long as it meets the setback requirement. All agricultural activities, where the soil is tilled within an RP-1 Critical Wetland District, must have an approved conservation plan. This seems appropriate and reasonable. It was also noted that existing agricultural activities in the RP-1 Critical Wetland District and Buffer are a permitted use. This is a prime example of previous efforts to support agriculture.

We reviewed the section Exempted Water Bodies, which is also found under the standards for the Resource Protection Zone. Agricultural ponds located on active farms as of May 9, 1990 do not require a Resource Protection Permit for maintenance. We recommend that a landowner have the ability to seek a resource protection permit to reactivate an inactive agricultural pond in need of maintenance.

We next reviewed the Archaeological and Historic Resource Standards as well as the section following, Great Pond Watershed Performance Standards, and found them to be reasonable. We hope that common sense would prevail should artifacts be found on agricultural land. For example, an archaeological survey could commence after the growing season.

Our group reviewed the three items found under the heading Agricultural Standards. Piggeries and Abattoirs are not allowed in any district although a landowner may keep up to five (5) pigs as long as the lot size is at least 100,000 sq. ft. We noted that several large lots could accommodate a piggery without creating nuisance issues with abutters. Poultry House and Temporary Sawmill standards were deemed reasonable.

Article IX. Site Plan Review

We ended our review of Chapter 19 with Site Plan Review. We noted that, "agricultural activities, including agricultural buildings and structures," are listed under the heading, Activities Not Requiring Site Plan Review. The group agreed that perhaps seasonal worker housing and temporary

farm stands should be added to the list. We also noted that in the past, Farm Markets were subject to Site Plan Review standards regardless of the above mentioned exemption. The group felt that if these standards are indeed required, that they be streamlined for agriculture so as to reduce the financial burden on the farmer.

Chapter 21

Signs

As with the Zoning Ordinance, our group delved into the Sign Ordinance and focused our attention on agriculturally related signage. Advertising exposure is paramount for agricultural enterprises. Customers must be able to locate the farm stand with fresh produce or the location of the horse farm for riding lessons. Our group feels that with a limited agricultural base, it would not be difficult to strategically place farm signs throughout town. It is not hard to envision the Cape Farm Alliance working with the Planning Board to design a standard agricultural sign (we see the State's blue traffic guide sign on highways).

The current Sign Ordinance currently lists two agricultural situations for signage – "pick your own" produce operation and the "farm stand / farm market". These two situations do not encompass all that is agriculture. Our group agreed that it might be prudent to create a separate agriculture category to regulate farm signs – both temporary and permanent and on or off premise. We offer an alternative in the appendix attached.

Chapter 16

Subdivision Ordinance

Our cursory review of this chapter revealed one requirement that stood in marked contrast to the Zoning Ordinance. In the Zoning Ordinance we looked at the section titled Buffering of Nonresidential Uses. This section requires buffering of the side and rear yards of nonresidential uses in order to provide a visual screen between different uses (nonresidential versus residential). The nonresidential use may in fact be an agriculture use. The level of buffering required is extensive and potentially costly. A similar section in the Subdivision Ordinance offers only a brief paragraph about buffering. Our position is that if new residential housing developments abut agricultural property; perhaps a reasonable amount of buffering ought to be required in order to circumvent potential nuisance issues. It might be as easy as inserting the same buffering language into the Subdivision Ordinance.

Property Tax

Our Focus Group was also delegated the task of looking into the issue of property taxes. The relaxing of ordinances and other tools to assist agriculture can allow farms to thrive. But, property taxes might possibly be the one single issue that can wipe out all the momentum gained from those efforts. What can we do? Perhaps precious little locally. Our group understands that manipulating property tax is not something that can be done without approval of the State legislature. We can however educate landowners about State programs that can assist in alleviating the tax burden. There are two programs that come to mind: the Maine Tree Growth Tax Law and the Farm and Open Space Tax Law. Several landowners currently utilize these tax programs. Our goal is to ensure that agricultural landowners understand what is required of them to participate.

The upside is the potential for significant tax savings. The downside is the incurring of severe penalties for withdrawal from the program. A landowner must be committed to the long term use of the land if they are to come out ahead.

The town currently assesses "agricultural" land from \$1,500 to 2,500 per acre. The assessment does not categorize the acreage as agriculture (unless enrolled in the Farm and Open Space Tax category) but rather the fact that it is in an assigned acreage class. We would propose that the town support assessing all legitimate agricultural land (outside the homesite) at one consistent rate, preferably at the low end of the tax table. All agricultural enterprises would then be operating from the same base and their costs would be reduced marginally. Another local method of relieving tax stress may be to allow agricultural enterprises the option of paying the property taxes monthly. Farmers usually do not see the bulk of their income until summer and fall harvest. This would allow them to plan their cash flow accordingly.

The Cape Farm Alliance will continue its research into property tax issues and how they relate specifically to the agricultural community. We will ask for the support of our state legislators in order to seek solutions to this most onerous impediment to our farming future.

C. NEXT STEPS

Our intent with the proposed changes listed above is to assist the town in its efforts to make agriculture a viable way of life while realizing the benefit of open space. These recommendations are just one tool to allow agriculture to flourish in town. Our hope is that further dialogue between the newly formed *Cape Farm Alliance* and town governing bodies should be an ongoing cooperative effort. We look forward to discussing our ideas with you at future workshops.

CONSERVATION AND PRESERVATION

A. APPROACH

The Conservation and Preservation subcommittee approached the issue of farmland conservation with the following beliefs.

1. The best way to preserve farmland is to ensure that farming remains a lucrative endeavor
2. Preservation of the land itself does not necessarily preserve farming, and
3. Preservation of farmland through the purchase of development rights can provide the economic security to prevent the sale of working farmland to residential development.

The subcommittee further based its research on the premise that the preservation of farmland has been strongly endorsed by the residents of Cape Elizabeth. In the survey conducted by Critical Insights in 2005 to determine which planning goals residents would like the town to pursue 81% specifically identified the protection of farmland (this choice was only surpassed in support by Protecting wetlands, ponds and wooded areas 83%, and Preserving the Town's rural character 83%.)

From its summary report Critical Insights concluded:

...the preservation of the natural landscape of Cape Elizabeth (e.g. woods, ponds, etc.), the community's rural character, and its farmland are seen as high priorities for the Town, thus reinforcing the notion that residents of Cape Elizabeth view the natural environment as a key factor in their perceived quality of life.

Having clearly documented overwhelming public support for the preservation of local farms and agricultural enterprises the subcommittee set about finding examples of how other communities and regions have creatively approached the challenge of realizing the preservation of local farms.

B. SUMMARY OF FINDINGS

As mentioned in the opening, we remain cognizant of the adage that “It’s not farmland without farmers.” Some of the most successful ways to preserve farming is finding a way for farmers to invest in adapting their operations to current market conditions, and to ensure their operations remain profitable. While this approach will address some challenges faced by local agricultural producers, there are many longer-term strategies that can complement the implementation of a good business plan.

A major force behind farmland conversion comes about as farms begin to change hands. Often an individual farmer’s financial security for retirement and estate planning are tied to the land, and cashing out this type of 401(k) presents the real prospect of having to ‘sell the farm’. In addition, local farms are competing in a global market that has the tendency to reduce profits to a lower margin. Finally, it is important to remember that many farmers are land rich yet do not have ready access to this capital.

From this perspective, our subcommittee began to look at the various conservation and preservation methods that play a role in preventing farmland conversion based solely on financial hardship. We also attempted to quantify the ‘value’ of farmland to a community both in terms of monetary terms, and in the more qualitative values assigned to farmland by our community.

Our findings indicate there are several ways in which the Town of Cape Elizabeth can encourage and support the preservation of local agricultural resources to meet the desired outcome of the vast majority of residents who have indicated farmland protection to be a top planning priority. Some of these findings may be replicated in other portions of this report but are reflected here nonetheless.

- 1. Taxation:** While the Town assessment of land generally considers current-use classification in its valuations, local farmers and agricultural producers may benefit by enrolling their lands in statewide programs designed to lessen the tax burden on productive lands. Both the state Tree Growth, and Farmland taxation programs provide recommended valuations for lands that meet the minimal criteria. Typically, enrollment in these programs may lessen the tax burden on local farmers and agricultural uses by up to 75% from cur-

rent tax levels. The Town of Cape Elizabeth currently encourages enrollment in these programs and the Town Assessor has generally implemented recommended state valuations

2. **Comprehensive Planning:** While not a conservation measure in itself, Comprehensive Plans can be used to encourage the preservation of local farmland and agricultural lands. As written, the 1998 Comprehensive Plan specifically identified “partnering with conservation organizations to preserve farmland through the purchase of development rights (achieved through agricultural and/or conservation easements.”)
3. **Purchase of Conservation Easements:** Perhaps the most direct means of preserving farmland and productive agricultural lands is through the purchase of permanent conservation restrictions on the property. Conservation easements provide a landowner the ability to realize some of the monetary value of their land without having to ‘sell the farm’. Conservation easements increasingly provide a win-win scenario for municipalities who genuinely wish to preserve their productive lands.

As a willing seller, a landowner may choose to permanently dedicate some or all of their lands to conservation or agricultural uses in exchange for monetary compensation. Often referred to as the Purchase (or Sale) of Development Rights, conservation easements permanently effect future uses of a specific parcel in the form of a deed restriction. While a landowner will likely not receive the full-assessed value for surrendering the future development potential of a property, they benefit greatly by being able to continue to own, and manage their lands, even to sell them if they wish (with deed restrictions attached.)

Locally this approach was successfully completed in 2005 by the Cape Elizabeth Land Trust who orchestrated a purchase of an agricultural easement on the William H. Jordan Farm on Wells Road. Under the terms of the agreement, the family permanently restricted 47 acres of farmland (valued at more than 2 million dollars) from any future commercial or residential development. Under the terms of the agreement, the family was compensated for a percentage of the appraised value to ensure the lands remained permanently available for agricultural use.

The benefit, from a municipal perspective of utilizing conservation easements are that much of the negotiations and fundraising are coordinated by local land preservation organizations who have the ability to receive local donations and to leverage state, federal and private foundation grants.

4. **Transfer of Development Rights:** Another means of preserving local farmland, and one already recommended for adoption in the most recent Comprehensive Plan, is the Transfer of Development Rights. This practice has the potential to enable a local farm owner to sell or transfer development ‘credits’ from their holdings to another area of town slated as a growth area. This approach has the potential to help a local farm owner realize some

of the development value of their lands without having to convert their lands from productive use.

The benefit, from a municipal perspective, is that local tax dollars are not needed to help purchase development rights. However, the challenge facing TDR's is they have been on the books for decades but have yet to be used.

5. **Right to Farm Ordinance:** Ordinance designed to ensure that existing and future farms are protected from nuisance lawsuits is another way that municipalities can protect the rights of farmers. Right to farm ordinance generally protects a farmer from being 'punished' when following generally accepted farming practices. Communities without these regulations often find that new development adjacent to farmland may present competing interpretations of whose rights are being violated mainly by noise, odor or dust.

C. RECOMMENDATIONS

1. The Town Council should adopt a policy governing the enrollment of local lands into statewide taxation programs designed to promote the pursuit of farming and agricultural production. This policy should encourage local landowners to utilize these programs and to authorize the town assessor to adopt state recommended valuations.
2. The Town Council should acknowledge the contradiction within the current Comprehensive Plan that farmland and agricultural lands currently in productive use are included within town designated growth areas.
3. The Town Council should provide financial backing to the preservation of productive agricultural lands projects receiving state and federal grants.
4. The Town Council should fully understand the ecological and financial value of farmland by comparing the relative cost of preserving agricultural land vs. the potential municipal cost of new residential or commercial development.
5. The Town Council should implement the proposed 'bonus' density provision suggested by the 2007 Comprehensive Plan for the Transfer of Development Rights. Further, this action should be extended to encompass a wider range of agricultural producers as redefined by this committee.
6. The Town Council should support the creation of explicit local right to farm ordinance, to set realistic expectations of developments placed adjacent to actively farmed or managed lands, or in areas designated to allow such uses.

LOOKING AHEAD

Innovation is the central issue in economic prosperity.

Michael Porter

INNOVATION AND FUTURE FARMING

The sub-group that was not able to initiate their work over the past few months was Innovation and Future Farming. Work on this topic is targeted to start on April 10, 2008. At that time, a small team will come together at a session facilitated by Kerri Sands who coordinates the Farms for the Future program for the Maine Department of Agriculture.

This group will be made up of growers. They will be charged with identifying key ideas that will be developed and assessed from a feasibility perspective. As this work progresses the *Cape Farm Alliance* will communicate findings and recommendations to the appropriate boards, commissions and town entities.

The *Cape Farm Alliance* sees a strong partnership with citizens and town departments, because it will take us all to ensure our farms flourish.

NEXT STEPS AND ACTIONS

“A vision without a plan is just a dream. A plan without a vision is just drudgery.
But a vision with a plan can change the world.”- *Proverb*

The next steps outlined below pertain to the *Cape Farm Alliance* as an ongoing entity. It is not intended to be a comprehensive list of actions that have been identified previously in this document.

1. Work with *Cape Farm Alliance* to determine how we will work together going forward
2. Work with the Town Council to address questions, concerns, comments and next steps.
3. Identify gaps in the work completed to date to include in next steps and project planning
4. Create a project plan for work outlined in this document
5. Agree to what we as a team can accomplish during the growing season
6. Establish a schedule for ongoing meetings throughout the summer
7. Gain an understanding of how the *Cape Farm Alliance* will work with the boards, commissions and town officials
8. CELEBRATE OUR ACCOMPLISHMENT!