**From:** Jay - Old Farm Christmas [mailto:jayc@oldfarmchristmas.com]
**Sent:** Monday, August 22, 2016 9:06 AM
**To:** 'cetowncouncil@capeelizabeth.org'
**Subject:** Amendments to the town Zoning Ordinance

Dear Councilors:

I am writing to comment on the proposed amendments to the zoning ordinance, specifically the definition of “accessory building or structure” under 19-1-3.  I have a tree farm onSawyer Road, and I have several buildings associated with the farm.  One of these is a small camp-like structure that we use for storage in the off season and sales during the sales season.  Over the years, many customers have asked me if I would consider renting the building for use as a warming hut when cross country skiing, for family picnics, etc. and although my answer now is always “no” I have wondered if there is a way to add income to my operation utilizing this or other buildings.  I think we are all aware that agritoursim is a fairly new and expanding phenomenon across the country, and as this farm matures, I hope to develop ways to capitalize on this trend.  As I understand it, this building is an accessory building, detached, subordinate to my main building, and very much attached to the use of the land which is tree farming.  It also has limited plumbing: a sink and septic system to handle the grey water discharge that we produce.

The proposed change to this definition states that “a building that has plumbing shall not be used for overnight accommodations”.  I assume that this means commercial, paid accommodation, and does not mean private use by myself, my family and our guests; I’ve crafted my comments based on this assumption, and I would appreciate clarification if the meaning is broader.  Although I do not currently have plans to allow paid overnight stays in this building, I can envision uses that might benefit from the ability to allow people to stay: night skiing, sliding, evening cookout and overnight, as well as others.  I would hate to see these possibilities completely precluded by this change to the ordinance and ask you to reject or modify it.  Perhaps the intent is to address this sort of activity under the definition of “dwelling unit”, but this doesn’t fit as the word “exclusively” precludes this.

Lastly, I wonder if a building *without* plumbing would be allowed to provide overnight accommodations, or perhaps this is prohibited somewhere else in the ordinance?

Thank you and best regards,

Jay Cox

The Old Farm Christmas Place, and

The Old Farm Store, LLC

1148 Sawyer Road

Cape Elizabeth, ME 04107

Ph:  207-799-0096

Fx:  207-799-0154

jayc@oldfarmchristmas.com

[www.oldfarmchristmas.com](http://www.oldfarmchristmas.com/)