

## AGRICULTURE AND FORESTRY

When Cape Elizabeth and what is now South Portland mutually agreed to split at the turn of the 20th century, a key factor in the decision was Cape Elizabeth's desire to eschew the modern trappings of commercial development, expensive utilities and infrastructure in favor of its traditional farming and fishing identity. Over one hundred years later, Cape Elizabeth has embraced modern living and taken its place as a desirable suburb of the City of Portland, but is also recommitting to local farming.

### History of farming

Highlights of Cape Elizabeth's farming history, provided by the Cape Farm Alliance, include:

- In 1875, the Scarborough/Cape Elizabeth Farmers Association was formed. The association held a fair every fall for about 30 years at Nutter's Field, Pleasant Hill, Scarborough.
- In 1880, cabbage from Cape Elizabeth sold for \$10/ton and was considered the best in the state. Cabbage was grown on the mainland and on Richmond's Island.
- In the early 1900's, peas became a major crop to supplement cabbage. More produce was sent by ship, and later by train, to Boston.
- In 1934, the first tractor was purchased by Stewart Jordan. Horses were still the standard hauler of plows into the 1940's.
- Around 1940, there were between forty and fifty farms in operation in Cape Elizabeth.
- 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.
- By the 1960's, about ten farms remained in operation.

### Farms

According to the 2015 American Community Survey, 66 residents, comprising 1.4% of the labor force, identify their primary occupation as Natural Resources (fishing, farming or forestry). The 2000 U.S. Census reported 22 residents with

1 Natural Resources as the primary occupation. Not included are an estimated 20  
2 seasonal farm workers. The growth in farming jobs is likely due to the  
3 establishment of new farms from 2006-2018.

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5 A town inventory of farms, which range from growing traditional vegetable and  
6 flower crops to raising animals for sale and horse farms, indicate that  
7 approximately 1,180 acres of land are devoted to farming. Total number of acres  
8 are approximate and often includes land for homesteads. Particularly on the  
9 Sprague Corporation property, acreage devoted to farming, horse stabling, and  
10 haying is approximate. From 2006 to 2018, the amount of land devoted to  
11 farming may have increased by 40 acres. During this time period, the Sullivan  
12 farm was developed into Eastman Meadows and a portion of the Maxwell Farm  
13 has been approved as 46 unit condominium/apartment development called  
14 Maxwell Woods. During the same time period, several new small or specialty  
15 farms have been established.

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### **Cape Elizabeth Farms 2006-2018**

**Cape Elizabeth Farms 2018**

<b>Farm</b>	<b>Location</b>	<b>Crop</b>	<b>Farm Stand*</b>	<b>Acreage 2006**</b>	<b>Acreage 2018**</b>	<b>Tillable Acreage</b>
Alewife's Brook Farm	83 Old Ocean House	MarketGarden/lobster	Y	50	50	25
Alexander	403 Mitchell Rd	Horses		15	15	0
Bothel-Berg Farm	125 Scott Dyer Rd	Horses		9.6	9.6	0
Bowery Beach Farm	Bowery Beach Rd	herbs/flowers		-	1	1
Breezy Hill Farm	102 Two Lights Rd	flowers		-	0.5	
Cape Ledge Stables	39 Ocean House Rd	Horses		8.4	6.4	0
Cranky Rooster Farm and Madeline's Holsteins	3 Young Ln	chickens/duck/horse/sheep,cows		-	3	
Down Home Farm	2 Harvest Ln	cows/pigs/chickens		-	2.5	
Dun-Roamin' Farm	1068 Sawyer Rd	Flowers/woodlot	Y	63	63	4
E. Jordan	93 Wells Rd	ducks/geese		4	0	
Fox Run Farm	94 Ocean House Rd	Blueberries	PYO	13.5	13.5	13.5
Great Pond Farm	200 Fowler Rd	natural body care products from goat's milk		-	1.5	
Green Spark Farm	316 Fowler Rd	Market Garden	Y	-	15	15
Imelda's Garden	165 Spurwink Ave	Vegetables/herbs/eggs		-	0.3	
L&A Farm	1 Davis Point Ln	Market Garden		20	20	
Maxwell Point Vineyards	31 Hannaford Cove Rd	grapes		-	15	
Maxwell's Farm	Two Lights Rd/Bowery Beach Rd	Strawberries/market garden	PYO	155	34	12
Maxwell's Farm	Spurwink Ave	Woodlot/mixed		100	85	
Old Farm Christmas Tree Place	1148 Sawyer Rd	Tree farm	Y	47.5	47.5	47.5
Old Ocean House Farm & Origins Fruit	114 Old Ocean House Rd	Fruit trees, flowers and berries		-	9.3	
Shady Oak Farm	30 Fowler Rd	Horses		22	22	0
Sprague Corporation	1 Ram Island Farm Rd	Hay/cropland		266	266	266
Sprague Corporation (leased)	1 Ram Island Farm Rd	misc		56		
Spurwink Farm	50 Charles E. Jordan Rd	horses/cattle		102	280	
Sullivan (leased)	Eastman Rd	market garden		28	0	
The Farm(Norman Jordan)	359 Ocean House Rd	Market Garden	Y	1.5	1.5	1.5
Turkey Hill Farm	122 Old Ocean House Rd	Market Garden		30	30	25
William H. Jordan Farm	21 Wells Rd	Market Garden/soil products/restaurant	Y	194	194	
<b>TOTAL</b>				<b>1148.5</b>	<b>1185.6</b>	

\*Y=farm stand on property, PYO=Pick your own seasonally offered

\*\*All acreage amounts are approximate and may include home lot and land not in production

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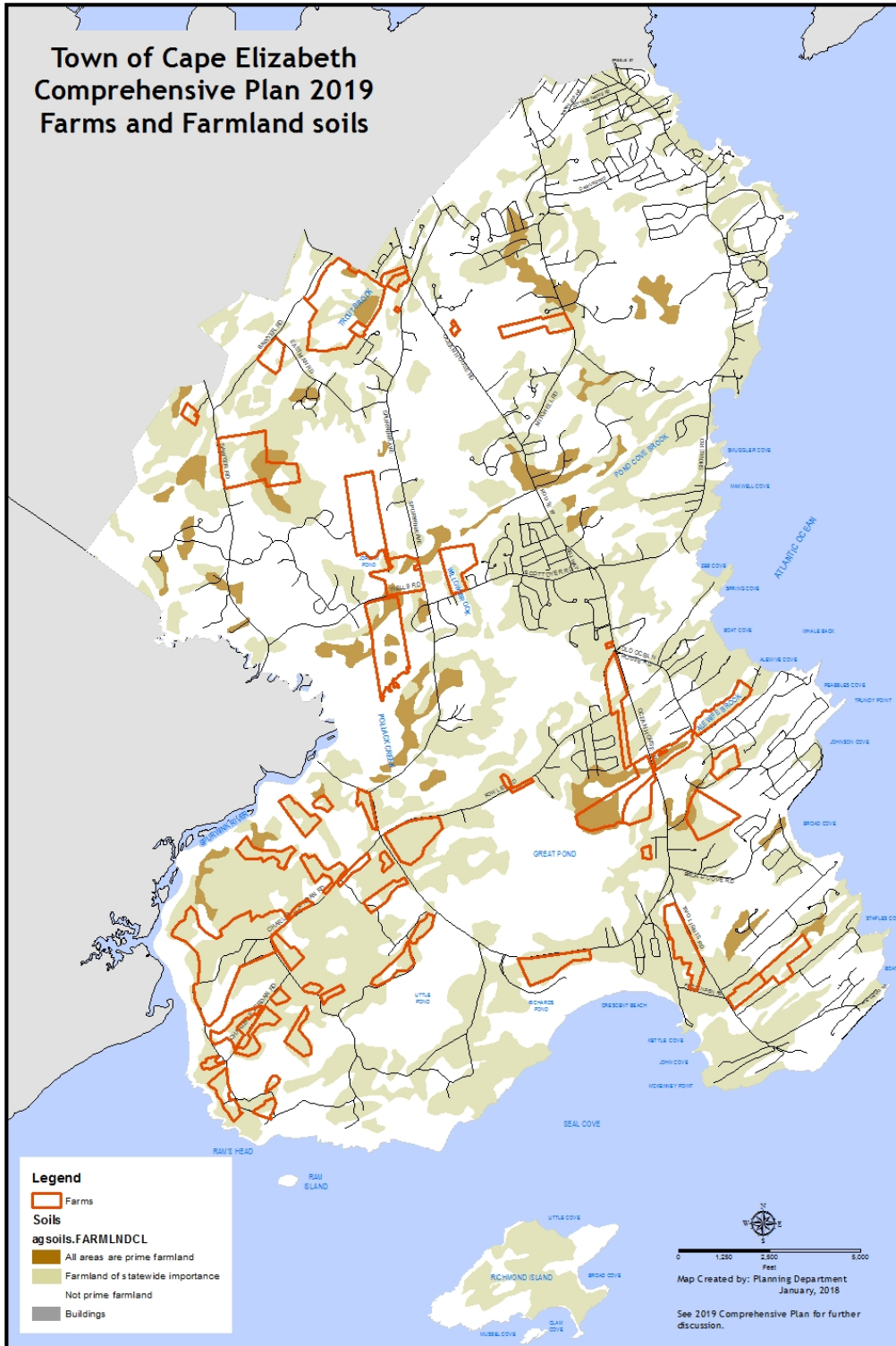
1 Agricultural Soils

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3 The Farms and Farmland soils map shows the location of existing farms and  
4 their relationship to prime farmland soils and farmland soils of statewide  
5 importance. Prime farmland soils are located on the following farms: William H.  
6 Jordan Farm, Maxwell Farm, Old Farm Christmas Tree Place, Alewife's Brook  
7 Farm, and Turkey Hill Farm. Much of the town's prime farmland soils are  
8 located immediately upland of wetland protection areas and protected by local  
9 resource protection zoning. Some of the prime farmland soils have been  
10 developed as single family residential subdivisions, including Elizabeth Farms,  
11 the Highlands at Broad Cove, Wainwright Circle, Autumn Tides and the Dyer  
12 Pond Subdivision.

13

**Town of Cape Elizabeth  
Comprehensive Plan 2019  
Farms and Farmland soils**



1  
2 Conservation land, Farm open space and Tree growth programs  
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4 The State of Maine has established several programs, intended to advance public  
5 policy objectives, that provide for a reduction in the value of land for the purpose  
6 of taxation. Farmland and Open Space are state programs that provides for a  
7 reduction in the value of land for purposes of taxation. The reduction creates a  
8 financial incentive for land owners to maintain their land as farmland or open  
9 space. The amount of the financial incentive ranges from a 20% reduction to a  
10 90% reduction, based on the degree of restrictions that the land owner agrees to  
11 impose on the land.  
12

13 Tree Growth is a State program where property owners are provided a financial  
14 incentive to maintain land as woodland (minimum 10 acres to be eligible).  
15 Hardwood, softwood and mixed wooded lots are mapped out by a registered  
16 forester. These differing types of trees are assigned a per acre value by the Maine  
17 Forestry Service annually. Tree Growth plans must be recertified every 10 years  
18 by a licensed forester to remain in the program. Reductions in the total valuation  
19 of the woodland are available based on the degree of restrictions the land owner  
20 agrees to impose on the land.  
21

22 The chart below summarizes the enrollment in the property valuation reduction  
23 programs. A total of 2,650 acres of land, or 28% of the land area of the town, is  
24 enrolled the programs. This is an increase from the 20% enrolled in 2006.  
25

<b>2018 Property Value Reduction Programs</b>		
<b>Program</b>	<b>Acres enrolled</b>	<b>Number of parcels</b>
Conservation Land	1139.58	51
Farm Open Space	307.8	22
Tree Growth - Hard wood	251.24	28
Tree Growth - Mixed wood	494.02	26
Tree Growth - Soft wood	458.1	27

26  
27 *Source: Town of Cape Elizabeth Assessing Office*  
28  
29

30 In 2006, all the land enrolled in the farm and open space program (23 acres) was  
31 held by the Sprague Corporation. More property owners are now participating in  
32 the program. As the largest land owner (20% of the town) in Cape Elizabeth, the  
33 Sprague Corporation remains the major participant in the programs. There are a  
34 total of 59 parcels enrolled in the tree growth program and all but 8 of them are  
35 owned by the Sprague Corporation. Because of the articles of incorporation,

1 master planning and subdivision approval recorded for the bulk of the  
2 corporation property, it is unlikely that the current Sprague Corporation  
3 management strategies will change in the future.

4  
5 The state programs are described in the following bulletins:

- 6
- 7 • Tree Growth – see ME Revenue Services Bulletin #19, reference 36  
8 M.R.S.A. §§571 - 584-A.
- 9 • Farmland – see ME Revenue Services Bulletin #20, reference 36 M.R.S.A.  
10 §§ 1101 - 1121.
- 11 • Open Space – see ME Revenue Services Bulletin #21, reference 36 M.R.S.A.  
12 §§ 1101-1121.

#### 13 14 Future Open Space Preservation Committee

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16 In 2012, the town council appointed an 11-member committee and charged it  
17 with a series of tasks to quantify open space needs and thoroughly examine ways  
18 to meet those needs. The Future Open Space Preservation Committee (FOSP)  
19 issued a report with 19 recommendations. As part of its work, the committee  
20 reviewed the availability and use of property valuation relief programs.  
21 Specifically, the committee discussed ways to provide property tax relief to  
22 farmers. The committee learned that, after accounting for land associated with a  
23 home, the remaining land on farms is taxed at a very low value. There is little  
24 opportunity to meaningfully reduce the property tax burden on farmers any  
25 further. The committee also learned that farmers tend to avoid the state property  
26 valuation relief programs because the programs include restrictions on property  
27 enrolled.

28  
29 The FOSP committee considered and ultimately did not recommend the  
30 following:

- 31
- 32 • Promoting Economic Viability of Agriculture Fund (PEVA). This is a  
33 potential new program established in the local budget intended to  
34 enhance the economics of farming in Cape. Existing farms may apply  
35 annually for a grant equal to the property tax they pay on the excess land  
36 used for farming. See attached sample spreadsheet.

37  
38 Benefits: This program is targeted to existing farms and provides a grant  
39 with no reporting requirements to farmers.

40  
41 Limitations: The grant program relies on an approved list of existing  
42 farms. FOSP used a farm list provided by the Cape Farm Alliance. Some  
43 land that could potentially be considered a farm was not on the list, often

1 because the private property owner did not want to be on a list. When the  
2 Comprehensive Plan Committee assembled a list of farms, issues about  
3 what can be considered a farm arose. Should areas that have previously  
4 been farmed but not currently cultivated (outside of a normal resting field  
5 rotation) be included? If so, how long should a field not in active  
6 cultivation be farmland? Should “prime farmland soils” or “soils of state  
7 significance” be included? All of these questions would become  
8 significant and have to be equitably addressed as a basis for refund of  
9 taxes. It will also proportionally increase the overall town tax rate to pay  
10 for the fund, which is what happens to fund any town service.

11 *Source: 2012 FOSP Report*

12

13 The FOSP committee was also asked to review growth areas, commonly included  
14 in the RB Zoning District. The Planning Board conducted that review as part of  
15 the Land Use amendments package. Overall, there is very little farm land  
16 included in the RB zone, and the RB zone is actually considered beneficial for  
17 farms because it provides opportunities to generate revenue from the least  
18 amount of land and maximizes open space preservation. (2012 FOSP Report)

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## 20 Threats and Opportunities

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22 As noted above, farms also continue to supply the land that results in new  
23 development. The Sullivan farm on Eastman Rd became Eastman Meadows, a 46  
24 unit condominium development. A portion of the Maxwell Farm (19 acres) has  
25 been approved as Maxwell Woods, a 46 unit condominium/apartment  
26 development).

27

28 Mirroring the population demographics of the town, the town's largest land  
29 owners are aging. The above developments, as well as the new Hill Way project  
30 in the town center, were precipitated when property ownership changed  
31 following the death or estate planning of the prior owners.

32

33 Farms are surviving where a new generation steps forward. Sometimes, the next  
34 generation in the farming family takes over. In other examples, such as the Down  
35 Home Farm and Green Spark Farm, new young farmers are partnering up with  
36 established farms.

37

38 Farms are thriving when farmers are adapting past practices to take advantage of  
39 new markets. Established farms are often tilling fewer acres, but producing crops  
40 with potentially greater value. Farm markets, both onsite at the farm and in the  
41 region, are used to sell products. Some farms have established community  
42 supported agriculture (CSA) programs. Production of farm compatible products,  
43 such as earth materials, are offered to create additional revenue. In Cape



1 Elizabeth, the farming community has organized into the Cape Farm Alliance, a  
2 volunteer organization of farmers and farm supporters.

3  
4 The Cape Farm Alliance has identified land use regulations, including habitat  
5 preservation requirements, as a concern for farmers. For example, habitat  
6 concerns that constrain a farmer from withdrawing water from existing streams  
7 for irrigation may be problematic.

### 8 9 Measures to Protect Farms and Woodlands

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11 The current Zoning Ordinance includes provisions for clustering of development  
12 and preservation of adjacent woodlands and working farmland. The town  
13 approved its first agricultural easement on an existing farm field to satisfy an  
14 open space requirement in 2017.

15  
16 TDR, the transfer of development rights from a “sending” parcel of land to a  
17 “receiving” parcel of land, is also authorized in the Zoning Ordinance. TDR  
18 would allow, for example, a farmer to earn money by selling the right to develop  
19 his land, while retaining ownership of the land for farming by permanently  
20 prohibiting, by deed, the opportunity to develop the land. The Cape Elizabeth  
21 TDR provisions identify active farmlands and woodlands as “sending” areas so  
22 that land owners have the opportunity to raise funds without selling the land. In  
23 2015, the town updated its open space requirements to include an 1/3 bonus of  
24 density for TDR transfers from active farm fields. Fish and farm market stand  
25 regulations allow temporary standards and permanent stands (with Site Plan  
26 Review) in all zoning districts.

27  
28 In 2010, the town adopted a package of agricultural amendments that increased  
29 flexibility in the uses allowed on farms. The amendments were recommended in  
30 the 2007 Comprehensive Plan, drafted by the Cape Farm Alliance, and  
31 augmented by the town to create an "agriculture related use" category. Activities  
32 related to farming can be allowed as long as the principal use remains farming.  
33 Farmers have used this provision to augment their revenue. One example is "The  
34 Well," a seasonal farm to table restaurant located on Wells Rd. The town's  
35 adoption of a Special Event Overlay District (2015) also primarily benefits farms  
36 who wish to host events.

## 37 38 **Agriculture and Forestry Goal**

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40 **Goal 1: The Town shall promote agriculture with farm-friendly policies and**  
41 **balance the town's desire to preserve farms and open space with**  
42 **farmers' private property rights.**

1 Recommendations

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- 3 1. Continue the farm-friendly regulatory structure, including but not limited
- 4 to allowing agriculture related uses, the TDR agricultural bonus and
- 5 agricultural land preservation as part of open space zoning developments.
- 6
- 7 2. Expand partnership opportunities between farmers and local government,
- 8 such as the serving locally food in the schools and managing solid waste
- 9 composting programs.
- 10
- 11 3. Educate farmers and woodland owners of the full benefits available under
- 12 the State tax relief programs.
- 13
- 14