

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: November 15, 2011  
SUBJECT: Fox Run Farm RP Permit

### Introduction

Stephen and Patricia Bothel and Robert Bothel are requesting a Resource Protection Permit to alter 7,100 sq. ft. of RP1 Buffer to plant blueberries on land located at 90 Ocean House Rd. The comments of the Town Engineer are attached. The application will be reviewed for compliance with Sec. 19-8-3, Resource Protection Regulations.

### Procedure

- The Board may want to begin by having the applicant summarize the changes to the project.
- The Board should then open the public hearing scheduled for this evening.
- At the close of the public hearing, the Board may resume discussion.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

### Resource Protection Permit Standards (Sec.19-8-3(B))

Below is a summary of the Resource Protection Permit standards of review and how they may be met.

1. Flow of surface/subsurface waters

No disruption in the flow of surface and subsurface waters is proposed.

2. Impound surface waters

No impounding of surface waters is proposed.

3. Increase surface waters

Following removal of the trees that shade the blueberry field, disturbed areas will be revegetated and no additional impervious surface will be created.

4. Damage to spawning grounds

No critical wildlife habitat has been mapped in this area.

5. Support of structures

No structures are proposed in the altered area.

6. Aquifer recharge/groundwater

No change in aquifer recharge or groundwater is proposed.

7. Coastal dunes

No work in coastal dunes or back dune areas is proposed.

8. Ecological/aesthetic values

Most of the 7,100 sq. ft. area is currently mowed and used as a turnaround for a farm tractor. The entire field is surrounded by woods.

9. Wetland Buffer

The majority of the 250' wetland buffer will remain undisturbed.

10. Erosion Control

The applicant has submitted an Erosion Control plan that includes protection during construction and revegetation of disturbed areas upon completion of construction.

11. Wastewater discharge

No discharge of wastewater is proposed as part of the project scope.

12. Floodplain Management

No floodplains are located in the project area.

Motions for the Board to Consider

Findings of Fact

1. Stephen and Patricia Bothel and Robert Bothel are requesting a Resource Protection Permit to alter 7,100 sq. ft. of RP1 Buffer to plant blueberries on land located at 90 Ocean House Rd, which requires review for compliance with Sec. 19-8-3, Resource Protection Regulations.
2. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Stephen and Patricia Bothel and Robert Bothel for a Resource Protection Permit to alter 7,100 sq. ft. of RP1 Buffer to plant blueberries on land located at 90 Ocean House Rd be approved.