



TOWN OF CAPE ELIZABETH

Code Enforcement Office

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ZONING BOARD OF APPEALS AGENDA August 26, 2025 Town Hall & Hybrid 7:00 P.M.

A. Call to Order

Approve the minutes from July 22, 2025.

B. New Business:

1. To hear the request of William Royall, representing Erin Gately & Brian Hirsh, owners of the property at 6 Peabbles Point Lane, Map U03 Lot 9W, to replace a nonconforming house based on Section 19-4-3.B.3 of the Zoning Ordinance.

C. Old Business: None

D. Communications: None.

E. Adjournment

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TOWN OF CAPE ELIZABETH

DRAFT MINUTES OF THE July 22, 2025 ZONING BOARD OF APPEALS MEETING Town Hall & Hybrid

Present:

Diana Chapman Kevin Justh Gretchen Noonan
Colin Powers Adam Foster-Webster

Staff: The Code Enforcement Officer (CEO), Ben McDougal, and Recording Secretary, Sullivan McCarthy, were present.

A. Call to Order

Chairman Foster-Webster called the hybrid meeting to order at 7:00 p.m. The Chair reviewed the procedures for participating remotely and the protocols based on the Maine Municipal Association Board of Appeals Manual. The Chair called the roll of members. A quorum was declared with five members present.

Motion to approve the minutes of June 24, 2025 friendly spelling amendments, made by Kevin Justh; seconded by Colin Powers. The motion carried with a vote of 5 to 0.

B. New Business:

1. To hear the request of Michelle Lawsure, owner of the property at 9 Meadow Way, Map U21 Lot 16D, establish a home business selling baked goods out of a recently remodeled space in the garage based on Section 19-5-5 of the Zoning Ordinance.

CEO Ben McDougal gave an overview of the application. He explained the difference between home occupation permit and home business is if people are frequenting the property to purchase products at the premise.

Michelle Lawsure introduced her application. Lawsure expressed how the neighborhood is where she grew up and added how she got into baking and wanted to impact her community as a place to purchase baked goods. The goal of the business would be for kids and neighbors to bike and walk to patron within their own neighborhood. Lawsure expressed she has no intention to change signage or aesthetic of the building.

Diana Chapman asked if she plans to expand business in the future. Lawsure stated she has no intention of growing, as she has a full-time job that she works 50-60 hours a week. Chapman asked if most traffic would be by vehicles. Lawsure answered that her intended clientele would be neighbors who would walk. She continued that it would not have normal business hours and would be based on her availability and desire to cook.

Gretchen Noonan asked if there would be staff. Lawsurre answered it would be a family business. Noonan asked about the payment system, Lawsurre answered it would be an honor system. Lawsurre stated she has not come up with hours yet.

Kevin Justh covered there are not more than two full time employees that are not residents. Justh confirmed there would not be industrial kitchen and would be completed in her home. Justh clarified statement on application about a sign. Lawsurre expressed she would like to put up a decorative sign if permitted by town ordinance.

Chapman asked if she gets supplies delivered. Lawsurre answered she does not.

Adam Foster-Webster asked CEO if there was communication from the public. McDougal stated there was an email from a neighbor that expressed support. Crystal of 3 Meadow Way expressed support with the comment that the business would be an asset to the neighborhood and would foster community.

Powers expressed appreciation that she came before the board before starting the business

Justh confirmed with CEO that the garage renovation was for a home. McDougal confirmed that the garage is currently approved for residential use and would require a change of use, which would require an inspection. CEO confirmed what is before the board is a zoning change.

Board entered deliberation. Foster-Webster expressed support and compliance with the spirit of the ordinance. Justh expressed support with the condition that the sign is allowed under the ordinance. Noonan believed application satisfied all the criteria. Chapman stated she supports the application. Powers stated support.

Colin Powers moved to approve the request of Michelle Lawsurre, owner of the property at 9 Meadow Way, Map U21 Lot 16D, establish a home business selling baked goods out of to a recently remodeled space in the garage based on Section 19-5-5 of the Zoning Ordinance. Motion Seconded by Diana Chapman. Motion carried by roll call vote of 5-0.

Findings of Fact:

1. The property is a nonconforming lot in the RC zone. The property contains a single family dwelling with a detached garage.

Additional Findings of Fact:

1. The applicant has demonstrated that their proposal complies with the definition of Home Business in Section 19-1-3 of the Zoning Ordinance.
2. The applicant has demonstrated that their proposal complies with the Standards of Conditional Use Approval found in Section 19-5-5.B of the Zoning Ordinance.

Condition of Approval

1. Any future signage must meet the conditions of the sign ordinance.

Decision: Colin Powers moved to approve the Findings of Fact and Additional Findings of Fact and condition; Gretchen Noonan seconded. The motion was carried by a roll call vote of 5-0.

C. Old Business: None

D. Communications: None

E. Adjournment: Meeting adjourned 7:29 P.M.