

TOWN OF RAYMOND APPLICATION TO THE ZONING BOARD OF APPEALS

Staff Use Only:			Received Date
Application Fee Notice Fee \$8.00/abutter	\$ \$	75.00	
Publishing Fee	\$	300.00	
Escrow-if required TOTAL		375.00	

Name of Applicant	Jessica	Bates		
Mailing Address	3 Cape 1	Road Raymor	d. maine	14040
Primary Phone 207.	93.5506 C >	K H W mail	ressica 6556	Damail. com
Date property acquired		July 201	9, but family	home
Name of Owner (if diffe	erent than applicant)			
Mailing Address				
Town:	State_		Zip Code	
Primary Phone	C [H W email		
Property Address (stree	et number and name	: 3 Cape Ro	ad, Raymor	nd, maine
Town of Raymond M	ap <u>075</u>	Lot 027 2	one LRR2	
Deed Reference	Book _	36155 Pag	e <u>240</u>	
The undersigned ap	plies for the follo	wing:		
of the Code Enf An error was m Denial of the p	orcement Officer. The nade in the denial of ermit was based on t	cant requests relief from ne undersigned believes the permit he misinterpretation of nied within a reasonable	that (check one) the ordinance	ek of decision,
2. VARIANCE (the	e information listed o	on page 3 must be subm	itted)	
3. CONDITIONAL	USE PERMIT Fo	r Take-out cafe	e (use) in <u>_</u>	RR2 Zone
4. VARIANCE PRO	OVISION(S) FOR NO	ON-CONFORMING	Lot Structur	re Use
5. SETBACK RED	UCTION (do not con	nplete Page 3)		
	Officials to enter on	ove instructions and corto the site. I certify that orrect.		
Date: April 21,	2021	Appellant:	DO RO	
Date: April 21,	2021	Property Owner:	en OB	De

Town of Raymond

Zoning Board of Appeals Fee Schedule

Amended June 2020

	I	RESIDENTIAL APPLICATION
Application Fee	75.00	
Escrow	1,500.00	If needed
Abutter Notice		\$8.00 per abutter within 300 feet of property as determined by staff
Legal Notice	600.00	
		N-RESIDENTIAL APPLICATION COMMERCIAL/INDUSTRIAL)
Application Fee	235.00	
Escrow	1,500.00	If needed
Abutter Notice		\$8.00 per abutter within 300 feet of property as determined by staff
Legal Notice	300.00	Per Public Hearing (Each public hearing must be noticed)

Escrow Account Requirements

If the Appeals Board or the Code Enforcement Officer requests professional review or advice, the Applicant shall establish an escrow account in the amount of \$1,500.00 before the advice is requested. The Town shall provide the Applicant with an account of how the funds are spent. Those monies deposited by the Applicant and not spent by the Town in the course of the Towns review shall be returned to the Applicant within 45 days following the decision on the application is final.

If the escrow account established for Appeals Board review drops below 50% of the amount deposited, the Board will not take any action, including any meetings on the project, until the account has been brought back up to the original balance. The applicant shall pay any amount outstanding within 45 days of the billing date by the Town.

VARIANCE CRITERIA (DO NOT COMPLETE THIS PAGE FOR SETBACK REDUCTIONS)

V	see attached
he dimend dimended he lot, and lot of the lo	Eight (8) copies of a sketch plan of the property <u>must</u> accompany this application showing ensions and shape of the lot, the size, setbacks and location of existing buildings, the location ensions of proposed buildings or alterations, the location of any buildings within 100 feet of and any natural or topographic peculiarities of the lot in question. Tication of variance: In order to be granted, the Appellant <u>MUST DEMONSTRATE</u> to the Appeals that the strict application of the zoning ordinance would cause <u>UNDUE</u> SHIP. MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET
EACH (the Board of Appeals can find that the hardship exists. Please explain how your situation meets of these criteria listed below: (If these are not answered, the appeal will not be scheduled.) and in question cannot yield a reasonable return unless the variance is granted. See attached
	eed for a variance is due to the unique circumstances of the property and not to the general itions of the neighborhood. See attached
	ranting of the variance will not alter the essential character of the locality. See attached
. The h	ardship is not the result of action taken by the appellant or a prior owner. See affached

Dear Zoning Board of Appeals,

Thank you for considering our application for a conditional use permit to run a small business, Scout American Kitchen, out of my barn at the corner of Cape and Hawthorne Road. The space within the barn was originally built by my father, as a basket shop, where my mother sold her baskets many years ago. We intend to use the same footprint within the barn to build in a small commercial kitchen where we will provide 'grab and go' foods, as well as cold brew coffee. We will also encourage regular customers to utilize our delivery services, for convenience.

We believe that a cheerful, friendly space offering elevated flavor profiles and local ingredients will be appreciated and valued by the ever bustling Raymond Cape and Frye Island summer community, as well as our year long residents and neighbors. We very much intend to maintain the historical integrity and aesthetic of the neighborhood, by adhering to a policy of tasteful wooden signage and low glare warm spotlighting as well as a well organized and ample parking area.

We are hopeful that you will find our plea to be fully in compliance with the requirements of the town ordinance, under conditional use, as outlined below, and we look forward to working with you to make sure we are within the parameters of town expectations.

Thank you for your consideration,

Jess & Pat

1. We will not depart from the general purpose and intent of the Shoreland Ordinance, nor from the Town's Comprehensive Plan:

In regards to the Shoreland Ordinance we intend to maintain safe and healthful conditions. We will choose only permeable materials such as existing dirt, pavers, wood, flagstones, or bricks for all paths and parking areas in order to control water runoff which, in turn, prevents and controls possible water pollution. We will protect fish spawning grounds, aquatic life, bird and other wildlife habitat in the adjacent brook by continuing to increase biodiversity. We will be planting many native species of plants and implementing permaculture concepts on the property. We are hopeful that visitors to the business will also take interest in the increasing diversity of plant-life growing on the property. More broadly, we plan to avoid single-use plastics whenever possible within the business, by offering paper-based and/or compostable packaging.

Our business plan does not include the building of any external structures therefore, there is no increased risk of flooding or accelerated erosion. There is no risk of destruction to archaeological and historic resources because we are not proposing new structures and we do not intend to distribute *any* information to thrill seekers regarding the whereabouts of our nearest archaeological site, Frye's Leap. We are hopeful that the Hawthorne Community Association, a historical resource located across the street, will benefit from the increased foot traffic and the intrinsic curiosity of visiting cafe customers.

Freshwater wetlands on the property will continue to be protected. Since there is no proposed building site, placement of additional structures is not applicable. Shore cover will be protected as is already being readily practiced on the property. Visual and points of access to inland water will not be impacted because customers will not have access to the water. The natural beauty and open space will be left intact. We will work to resolve any unanticipated problems which may occur from increased foot traffic.

In regards to the Town's Comprehensive Plan, we believe the historical and natural resources sections to be most relevant to our proposed business. As outlined under the historical section, Several of the present homes in the town, particularly along Main Street in the Village, were at one time stores or small manufacturing shops. Clough's Store, in East Raymond was one of the last of these homes to still be used commercially, prior to the opening of the Good Life Market. Marsh's Store, in the Village also operated until the mid-1980's. Our proposed business, Scout American Kitchen, will be a nod to Raymond's long history of historic homes offering a small commercial space within historic neighborhoods. Until about 15 years ago, even the structure across the street, at 8 Cape Road, also housed a takeout business and storefront. Long time residents of Cape Road often remark that they greatly miss having a local business on the Cape & Hawthorne intersection. Thus, we believe our take-out kitchen will be warmly received by the neighborhood, especially if we also offer delivery services and occasional catering.

In the Natural resources section of the Town's Comprehensive Plan, soil is outlined as a basic resource to be protected. By implementing permaculture concepts on the land intended for Scout American Kitchen, we are not only protecting the soil, but improving it. We are hopeful to incorporate an informal educational component to our business by implementing a 'leading by example' policy within our mission statement. Protection of our natural resources and increasing biodiversity on our small plot of land, is part of that mission.

We feel that our business will comply with, but have limited relevance to all other sections of the town's comprehensive plan. We feel that our business will thrive based on the increased population of the town since the early 2000s, especially during summer months. In regards to housing and the economy of the town, we feel our business will have a positive impact on surrounding property values. Many economic studies have indicated that commercial properties can provide an ambiance and unique cultural atmosphere that add an indefinable "polish" to an area, which attracts residents willing to pay higher prices for residential properties.

2. We are hopeful that we will become compatible with permitted uses within the zone by being granted a Conditional Use Permit by the Zoning Board of Appeals. If granted conditional use, we will work to be compatible with permitted uses within the zone as determined by population; density; design; scale and bulk of any proposed new structures; and intensity of use as outlined below:

The town of Raymond defines a 'Conditional Use' as use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in said land use districts as conditional uses, where specific provision for such conditional use is made in this Ordinance. Any land use not listed in the Ordinances must go to the Board of Appeals before approval. [Adopted 5/20/89]

We believe that we would be able to successfully manage the space in regards to number of patrons, in regards to the area, its location and relation to the neighborhood in a way that would promote safety, comfort, convenience, appearance, and prosperity as outlined below:

a) We will successfully manage the space in regards to the number of patrons.

We will limit the number of patrons to parking availability. Aside from our ample parking area to the right hand side of the building, there are three additional parking spots across the street for the Hawthorne House which are rarely used. As a member of the Hawthorne Community Association Board of Trustees, I am confident that the Hawthorne Association will allow us the use of these spots during busier times of the day. Down the line, if business increases, our long range plan is to

explore the possibility of renting parking space across the street at 8 Cape Road (the old store). We will clearly mark all parking areas. We will offer and encourage delivery at reasonable rates to town of Raymond residents as well as roadside pickup, in order to limit traffic.

b) We will successfully manage the space in regards to its location in the neighborhood.

We will proactively communicate with our local Cape Road and Frye Island community to manage local expectations in the following ways a) We will maintain a mailing list to spread the word about our business and inform members of our community about changes to the business. b) We will maintain a comment box on our website where folks can express any concerns they might be having and/or make suggestions about how we might improve our business by additional offerings. c)We will protect our neighbors by including signage in the parking area that reminds visitors that the pond across the street is <u>private property</u>. We are still discussing hours of operation, but at this point we are thinking about hours that will have the most minimal impact on neighbors, possibly something like 11am-7pm(?) but in this preliminary stage, we aren't quite sure yet. We also plan to start fairly small, perhaps being open only Thursdays-Sundays to start.

c) We will successfully manage the space in a way that would promote safety.

Our Scout American Kitchen website will include safety concerns about Cape Road, such as a list of 'blind spots' on the road to be aware of when jogging and biking and skateboarding. Our website will include a friendly campaign page to promote driving safely on the Cape Road including friendly reminders about stop signs, speed limits and 'slow children' areas. We are also exploring the option of having a proactive 'community concerns and action' board within the waiting area of the kitchen, but this is space dependent. We will also explore the option of having this feature on our website.

d) We will successfully manage the space in a way that will promote convenience.

Since the store at 8 Cape Road closed about 10 years ago, there has been a lack of convenience foods in the neighborhood. At this point, anyone wanting food items needs to either cross the ferry to Frye Island for 35 dollars, or brave 302. Hilltop Minimart is the closest spot to go, but we likely won't be a competitor, since we will have very different offerings.

We feel that the neighborhood will greatly benefit from a spot to grab some absolutely delicious food on their way to the lake, or for us to be just a phone call away for some quick delivery. We also know that there could be a need for events to be catered from time to time in the town of Raymond, or on the cape. We also hope to provide food for Hawthorne House events, that will likely be increasing with our continued efforts to rebrand the Hawthorne Community Association after the fundraising is complete and the new construction is underway.

Those close by in the neighborhood, including residents of Merch Landing Road, Hutchins Road, Hawthorne Road, Migis Lodge, and Tallwoods will have a convenient spot to walk to, which is much more pleasant than hopping in the car on a lovely summer day. Increased foot traffic, will have a positive impact on the community and hopefully provide opportunities for neighbors to bump into one another for a chat. The Hawthorne House may even allow us to put a picnic table or two outside on their lawn, which will in turn encourage visitors and donations to the Hawthorne House. Our proposed business is on a mission to provide some of the best food in the area at reasonable prices and we think people will truly appreciate the convenience of our location....especially since it will not impact the historical aesthetic of the corner.

e) We will successfully manage the space in a way that will promote appearance.

Having grown up in this house and having been raised by a mother who valued tasteful aesthetics above virtually all else, it is very important for me to maintain the beauty of this cute little corner of Raymond, Maine. Inside, we will keep a spotless kitchen with a tastefully designed waiting and pick up area. We plan to have a wooden sign made for Scout American Kitchen that is comparable to the aesthetic of the sign posted above Sunset Chimneys Road, though bigger. Flower beds will be maintained, driveways will be cleared of snow, and there will always be a fresh coat of paint on the house and barn. Also, since it is a family home that I care deeply about, there is very little chance that I will ever sell it...as such, there is little risk of another owner, down the line, allowing the property to fall apart and running the

business into the ground. Hopefully that will give some insurance to the appearance of the building being maintained as it has been for the last 40 years.

f) We will successfully manage the space in a way that will promote prosperity.

As stated above, we feel our business will have a positive impact on surrounding property values. Many economic studies have indicated that commercial properties can provide an ambiance and unique cultural atmosphere that add an indefinable "polish" to an area, which attracts residents willing to pay higher prices for residential properties.

Although we are most certainly not a Starbucks, it is well documented that coffee shops add value to neighboring properties. We aren't quite a coffee shop, but we will be serving some delicious cold brew coffee, and we are hoping achieve a tasteful coffee shop/cafe sort of vibe. That said, the "Starbucks Effect" is known as the created term to describe the phenomena of how a Starbucks store opening increases home and property values. A new coffee shop gives a sense to developers that the neighborhood is on the rise.

Real estate research group Zillow has conducted much research on the Starbucks Effect and have determined that the value of property within a quarter-mile of a coffeeshop rise faster than those that aren't. More specifically, the data shows that between 1997 and 2014, properties closer to the coffee shop increased in value by 96%, compared to 65% for all U.S. residential properties.

However, Starbucks is not completely alone in this "Effect" – Zillow research also shows that properties near specialty grocery stores appreciate faster. Zillow claims that properties within 1 mile of these stores were actually worth double the value of properties that were farther away.

g) The use of a non-conforming structure may not be changed to another use unless the Board of Appeals after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

Because patrons will not have access to the stream and we will not be adding a public restroom, we feel no greater adverse impact will occur.

- ❖ We feel that there is no probable effects on public health from our takeout cafe.
- ❖ We feel that there is no risk of erosion and sedimentation of water quality.
- ❖ We feel that there will be no impact on fish and wildlife habitat
- ❖ We will not be decreasing vegetative cover
- We will not be making changes to visual and actual points of public access to waters, because there will be no public access
- We will increase natural beauty, due to adding and preservation of native plant species
- ❖ We feel we will not impact flood plain management
- ❖ We feel we will not impact archaeological and historic resources
- We will not have negative impact on commercial fishing and maritime activities, and other functionally water-dependent uses.

The business, Scout American Kitchen, if approved, will fall under the following zoning provisions: Limited Residential/Recreational II District. The Limited Residential/Recreational II District includes those areas suitable for low density residential and recreational development as designated on the Raymond Official Land Use Map. It includes areas other than those in the Resource Protection or Stream Protection Districts

We understand that all other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, Section B of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board. Thank you for considering our request.

3. Will not generate noise, vibrations, fumes, odors, dust, or glare which are detectable at the lot boundaries, and all aspects of the conditional use will be carried on within the structure.

We are confident that we will not generate noise, vibrations, fumes, odors, dust or glare which are detectable at the lot boundaries, and all aspects of the conditional use will be carried out within the structure.

Our reasoning is as follows:

- ❖ We plan to install an exhaust fan that is adjustable and low noise. It will not be audible to neighbors, nor will kitchen smells. Dust and glare are not issues.
- 4. Will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.

We are confident that we will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result.

Our reasoning is as follows:

- ❖ We will not be paving any additional parking areas, this will allow for proper drainage. We do not anticipate any problems with the above concerns; there are currently no water table or erosion issues on the property, so we don't anticipate any changes.
- 5. Will not adversely impact any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places.

Scout American Kitchen will not adversely impact any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places.

Our reasoning is as follows:

❖ We currently have very few deer on property...I have never actually seen one ever, even as a kid, or in the past two years I have lived back here. I think, since we are surrounded by the lake, the pond, the brook, and Rt. 302, deer traffic is limited. There is a lot of wildlife in the brook, but since patrons will not be in this area, it should not be significantly impacted. At certain times of year, we will post signage that asks folks <u>not</u> to feed the native ducks that sometimes wander onto the property. No views will be impacted.

6. Will not deny light and air to surrounding properties.

We are confident that we will not adversely impact or deny light and air to surrounding properties.

Our reasoning is as follows:

We will not be adding to the existing building structure so light and air will not be impacted.

7. Will not depreciate the economic value of surrounding properties

We are confident that we will not depreciate the economic value of surrounding properties. In fact, the opposite may be true.

Our reasoning is as follows:

- We will maintain the historic aesthetic of the neighborhood and keep all aspects of the building structure and kitchen well maintained.
- Our business will be an asset to the community and will bring people together; we are hopeful that it will add value to the community rather than depreciate it.
- We will continually reinvest into the business to make it better, based on the needs and wants of the neighborhood
- We will limit our hours to meet the needs of the neighborhood

8. Will have sufficient potable water available for its needs.

We will have sufficient potable water available for Scout American Kitchen.

Our reasoning is as follows:

- We have a drilled well with potable water as has been previously tested
- 9. Will not create a hazard to either pedestrian or vehicular traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and also vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles.

Scout American Kitchen will not create a hazard to either pedestrian or vehicular traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and also vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles.

Our reasoning is as follows:

- ❖ We will maintain clear signage in parking area
- If parking becomes a problem, we will find creative solutions including, but not limited to, deep discounts to utilize delivery services. We believe the neighborhood will honor our parking policies.
- Our location already includes two stop signs, which slows traffic to increase safety
- ❖ Speed limit is currently set to 25mph
- Most of our customers will be those already driving by, so traffic is likely not to increase from its current levels
- We will only be open during daylight hours so additional lighting is not needed
- 10. Will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed

use, and numbers and types of emergency personnel and equipment presently serving the community

We will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.

Our reasoning is as follows:

- Our kitchen will be to code, based on state safety standards
- We will allow parking in only designated spaces as to decrease road congestion
- Much of our business will be delivery based, in order to cut down on traffic and congestion.
- ❖ We will keep all walkways and wheelchair ramps free of debris
- ❖ We will use OSHA guidelines to maintain safety standards
- ❖ We will have a first aid kit on site
- Kitchen hood will be equipped with an Ansul system for fire suppression

VARIANCE CRITERIA

A. Nature of variance: Describe the nature of the variance.

We are interested in being granted a conditional use permit to build and operate a small, cheerful, friendly take-out cafe in a pre-existing space within our barn. The take-out cafe will offer delicious food using local ingredients. We very much intend to maintain the historical integrity and aesthetic of the neighborhood, and work within the parameters set by the town of Raymond, Maine.

- B. Justification of variance: In order to be granted, the Appellant MUST DEMONSTRATE to the Board of Appeals that the strict application of the zoning ordinance would cause UNDUE HARDSHIP. MAINE STATE LAW REQUIRES FOUR CRITERIA, WHICH MUST BE MET before the Board of Appeals can find that the hardship exists. Please explain how your situation meets EACH of these criteria listed below:
- 1. The land in question cannot yield a reasonable return unless the variance is granted.

With real estate in Maine being the way it is, we have found that it would be impossible for us to afford restaurant space in the local area, if we were to even find any available. Rental space is very limited at this time, even after researching all of our local options. We have considered the old white and red gas station on 302 in Raymond, but the tremendous cost of building it out, giving it a facelift, removing the gas tanks, along with rental overhead, would sink us. We simply do not have the funds available to make it worthwhile. It isn't feasible with the \$25,000-\$30,000 home equity loan we will be taking out for the kitchen itself, along with start up food cost. This is true even though we intend to do most of the work ourselves and with the help of family. We have also looked into the small pink and yellow building next to the gun shop in Raymond, but we run into similar problems. With that structure, we would need to build and paint some seamless walls on the exterior which is also outside of our budget. It also doesn't make sense to invest in a property that isn't our own. We have also looked into a turn-key restaurant space in Bridgeton, but the property owners are looking for renters with more capital investment. Also the rental price is not reasonable for the small scale business we are looking to run.

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

It is not without reservation that we have made the decision to pursue this home business, but we feel that the unique circumstances of the property will allow us to do so. Building a small business within our limited budget, in the relatively unused portion of our barn, just makes sense. The space already exists, there is ample parking, and it would allow us to operate without overhead rental costs. Other than having a tasteful wooden sign made for us, there isn't a need for external work to make the business presentable. The pre-existing footprint of my mother's old basket shop is ideal for a tiny take out kitchen and waiting area. We would need to

do very little construction other than putting in new flooring, and hiring professionals for installation for certain kitchen equipment such as the stove and hood.

3. The granting of the variance will not alter the essential character of the locality.

The granting of the variance will not alter the essential character of the locality. It is my belief, that to some degree, the essential character of the locality has already changed; and that, to some small degree, our business will bring the character of the neighborhood back to what it once was. When I grew up in this house, 8 Cape Road (across the street) was a busy little general store where I spent my allowance on popsicles and penny candy. The store has since closed and with it's closing a sense of community has been lost. The old general store was a gem within the neighborhood where neighbors could touch base with one another and offered convenient take out options such as pizza and sandwiches. What we are looking to offer at Scout American Kitchen, is fitting to how the neighborhood has evolved over time. We wish to serve delicious high quality food to our neighbors already driving by. It is my belief that some of the people visiting the neighborhood no longer "hold stake" in our small corner of Raymond. Folks on their way to their new and rebuilt lake homes are quick to cruise through the stop sign and, at times, forget to take notice of speed limits. We feel that a small, local establishment, run by two people born and raised in the lakes region, will offer an opportunity for "cross pollination" between year long residents and summer visitors. We feel that this new point of communication will lead to positive changes on Cape Road.

4. The hardship is not the result of action taken by the appellant or a prior owner

The hardship is not the result of action taken by the appellant or a prior owner. We have not taken any actions previously on this venture, and a take-out cafe has never existed at this residence. If we have accurately understood the question, we feel that this question does not apply to our pursuits. The prior owner was sold the property to my parents in the 1970s and to my knowledge, never ran a business here. I purchased the property from my father, two years ago.

