



Maureen O'Meara <maureen.omeara@capeelizabeth.org>

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## Ordinance Amendment

14 messages

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**Stefan Rurak** <stefan@stefanrurak.com>  
To: maureen.omeara@capeelizabeth.org

Mon, Oct 10, 2022 at 2:05 PM

Good afternoon Maureen,

My name is Stefan Rurak and I am a working artist who lives in Broad Cove. I would like to build an artists studio on my property but after reviewing town zoning ordinances have become aware that what I am seeking to do was not contemplated under the current ordinance. (To be clear, I do not do retail or sell from my studio, simply create there, it is not open to the public.) My neighbor Kevin Justh has been advising me thus far and suggested that I now come for public comment and submit for the committee's review the creation of a new definition for a Home Artist's Studio. Since you are the town planner, I felt it was appropriate to introduce myself and make you aware of what I would like to propose. I look forward to introducing myself to you in person.

Best,



STEFAN RURAK  
Artisan, Principal

T: 347.687.7278

E: [stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)

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

<https://toddmerrillstudio.com/designer/stefan-rurak/>

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org>  
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

Tue, Oct 11, 2022 at 12:28 PM

Did you give him a zoning interpretation?

M

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Maureen O'Meara, AICP  
Cape Elizabeth Town Planner  
P.O. Box 6260  
320 Ocean House Rd  
Cape Elizabeth, Maine 04107  
(207) 799-0115  
[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)

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**Maureen O'Meara** <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>

Tue, Oct 11, 2022 at  
1:23 PM

To: Stefan Rurak <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>  
Cc: Matt Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>  
Bcc: Benjamin McDougal <[benjamin.mcdougal@capeelizabeth.org](mailto:benjamin.mcdougal@capeelizabeth.org)>, Deb Lane  
<[Debra.lane@capeelizabeth.org](mailto:Debra.lane@capeelizabeth.org)>

Stefan,

Ben has shared with me some of your discussions. You may be able to use the existing Zoning Ordinance definition for "cottage industry manufacturing" without the retail sales.

I am happy to review with you the process for requesting a zoning amendment. It may be helpful for you to know that zoning amendments typically take 6 months to 1 year for the town to process. The first step in that process is to submit a zoning amendment request to the Town Council. The request does not need to include the actual text of the amendment, as that can be developed as part of the process.

I am copying this email to Town Manager Matt Sturgis, who coordinates items on the Town Council agenda.

Maureen

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**Stefan Rurak** <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>

Tue, Oct 11, 2022 at 1:44 PM

To: Maureen O'Meara <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>  
Cc: Matt Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Maureen,

Thank you so much for getting back to me.

Upon my review of the zoning ordinances I was able to get from the website, I was unaware that "cottage industry manufacturing" was a permitted use in the RA zone. If this is viable I would like to proceed using this definition as it seems the simplest route for all parties. Can you confirm?

If not then I would certainly like to take you up on your kind offer of reviewing the process for requesting a zoning amendment. I am aware this could take some time so I would like to get started as soon as possible.

Do you have time to speak in person or would you prefer the phone?

Many thanks for your help in advance.

Best,



**STEFAN RURAK**  
Artisan, Principal

T: 347.687.7278

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<https://toddmerrillstudio.com/designer/stefan-rurak/>

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**Maureen O'Meara** <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>

Wed, Oct 12, 2022 at  
11:47 AM

To: Stefan Rurak <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>

Cc: Matt Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Bcc: Benjamin McDougal <[benjamin.mcdougal@capeelizabeth.org](mailto:benjamin.mcdougal@capeelizabeth.org)>

Stefan,

You are correct that cottage industry manufacturing is not a permitted use in the RA District, or any residential district.

Anyone can request a zoning ordinance amendment, which is described in Sec. 19-10-3 of the Zoning Ordinance. Amendments should be consistent with the comprehensive plan and expansion of non-residential uses in residential zones may be a heavy lift. The first step would be for you to write a letter to the Town Council describing the change you are requesting.

Maureen

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**Stefan Rurak** <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>

Wed, Oct 12, 2022 at 11:51 AM

To: Maureen O'Meara <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>

Cc: Matt Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Maureen,

Thank you for following up on this.

Would you have a moment to speak over the phone at any point? I would just like some clarity about what this letter should entail, I think discussing over phone could be easiest.

Thanks in advance.



**STEFAN RURAK**  
Artisan, Principal

T: 347.687.7278

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<https://toddmerrillstudio.com/designer/stefan-rurak/>

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**Stefan Rurak** <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>  
To: Maureen O'Meara <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>  
Cc: Matt Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Mon, Dec 12, 2022 at 11:33 AM

Good morning Maureen,

I am attaching the letter you mentioned that I should submit to the town council to get this process started. Could you please confirm receipt and advise if there is anything else needed from me?.

Many thanks.



**STEFAN RURAK**  
Artisan, Principal

T: 347.687.7278

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

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**Introductory letter, zoning ordinance ammendment 12\_12\_22.pdf**

60K

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**Stefan Rurak** <stefan@stefanrurak.com>  
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>  
Cc: Matt Sturgis <matthew.sturgis@capeelizabeth.org>

Wed, Jan 4, 2023 at 9:33 AM

Happy New Year,

I am just following up on my last email with attached letter.  
Could you kindly confirm receipt and advise of next steps?

Many thanks in advance for your assistance.

Best,



**STEFAN RURAK**  
Artisan, Principal

T: 347.687.7278

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

<https://toddmerrillstudio.com/designer/stefan-rurak/>

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**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>

Wed, Jan 4, 2023 at 9:46 AM

To: Stefan Rurak <stefan@stefanrurak.com>  
Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Good Morning Stefan,

I have this request prepared to be on next Monday's council agenda. I would like to know exactly what you are requesting with your letter, is it for an amendment to the existing zoning to allow a specific use not currently allowed, and if so, what would that use be? If you could explain that for me, I would appreciate it as I would place this as part of the request to the council. Once the council receives this request, they may then refer it to the Ordinance Committee for review and recommendations.

Thank you, and I look forward to hearing from you.

Matt

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Matthew E Sturgis, CMA  
Town Manager  
Town of Cape Elizabeth

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**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>

Wed, Jan 4, 2023 at 11:11  
AM

To: Stefan Rurak <stefan@stefanrurak.com>

Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Stefan,

I have this item added to the council agenda as a request to amend the RA District to include cottage industry manufacturing. The council meeting begins at 7 pm Monday evening, and it is held in the council chambers at [320 Ocean House Road](#), the Town Hall.

Hope this helps, and that you have a nice week.

Best regards,

Matt

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**Stefan Rurak** <stefan@stefanrurak.com>

Fri, Jan 6, 2023 at 9:35 AM

To: Matthew Sturgis <matthew.sturgis@capeelizabeth.org>

Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Matt,

Happy New Year, and thank you for your response.

The way I understand it, rather than amend the RA District I am actually asking to create a new definition of use, one for a Home Artist's Studio.

I do not think that Cottage Industry Manufacturing applies to my use as mine is much less intensive. I believe that Cottage Industry Manufacturing use has a retail sales standard associated, which is why it does not work for my use, *I sell no goods on the premises*, I just create the art.

I am simply asking to create a new formal definition for a use that exists informally in town, because there are plenty of artists who work from a home studio space.

I seek to formally be allowed to create a structure on my property from which I can create my art works which are then taken off site and sold in a gallery in New York and beyond.

I appreciate your time and consideration and please let me know if this all makes sense to you. Please kindly confirm if my request for creating a new definition will be on the council agenda for this coming monday.  
Many thanks.

Best,



**STEFAN RURAK**  
Artisan, Principal

T: 347.687.7278

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

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**Matthew Sturgis** <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Fri, Jan 6, 2023 at 9:55  
AM

To: Stefan Rurak <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>

Cc: Maureen O'Meara <[maureen.omeara@capeelizabeth.org](mailto:maureen.omeara@capeelizabeth.org)>

Hi Stefan,

Thank you for the clarification, and yes, you are confirmed for being on Monday night's agenda. It will be helpful to have you there to describe what you are looking for and perhaps have a different definition of use in mind to provide.

The reason for asking for the RA zone to be amended is because that is the zoning your property is under, and to make a use legal the underlying zone will need to be amended to allow such a use, which at the present time does not exist as a legal use.

Looking forward to having you there Monday evening.

Best regards,

Matt

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**Stefan Rurak** <[stefan@stefanrurak.com](mailto:stefan@stefanrurak.com)>

Fri, Jan 6, 2023 at 10:02 AM

To: Matthew Sturgis <[matthew.sturgis@capeelizabeth.org](mailto:matthew.sturgis@capeelizabeth.org)>

Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Matt,

Thanks for your quick response.

I understand that the RA zone would need to be amended, however I wouldn't want it to be amended for Cottage Industry Use, as I mentioned this is more intensive then the use I desire. Would the process be to create a new definition for Artist Studio and once the new definition is created, then to amend the RA zone to include this new definition?

If you have a moment perhaps we could speak over the phone for some clarity on the process?

I appreciate your time.

Thank you



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Artisan, Principal

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**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>

Fri, Jan 6, 2023 at 10:15  
AM

To: Stefan Rurak <stefan@stefanrurak.com>

Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Stefan,

That seems like a perfectly fine approach, and if you want to bring that forward Monday that would be a good opportunity. I will email the council and let them know that your request is not cottage industry but for artist studio. The process by any definition will be to still amend the zone, and a referral to the ordinance committee for review and recommendations would be the next step. The ordinance committee would then meet and review and discuss the request, a process you would be invited to participate in, and then come back with a recommendation.

Hope that is helpful.

I am available this morning if you would like to talk, my direct line is 619-6716.

Matt

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