**Kennebunkport Zoning Board of Appeals**

**32 North Street, Village Fire Station**

**February 10, 2020 @ 7:00 P.M.**

A meeting of the Kennebunkport Zoning Board of Appeals was held on Monday, February 20, 2020. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. Paul Cadigan (Chair), April Dufoe, Wayne Fessenden, Kevin McDonnell, Karen Schlegel

Absent Members: Jim Fitzgerald, Gordon Ayer

Others Present: Andrew Welch Asst. CEO, Werner Gilliam, CEO

1. *Attendance*

Mr. Cadigan opened the meeting and confirmed a quorum. Noting an error in Agenda item #3, Mr. Cadigan stated the Applicant’s property is located in the Farm & Forest Zone not the Cape Porpoise East Zone.

1. *Approval of minutes from the September 24th, 2019 meeting.*

This Agenda item has been deferred until the next Zoning Board of Appeals meeting.

1. ***Sarene M. Matthysen, Applicant***  *– for approval to create a home occupation within her existing single family home at 13 Spruce Avenue, Assessor’s Tax Map 28, Block 1, Lot 11 in the Cape Porpoise East Zone.*

Mr. Cadigan explained the order of events for tonight’s meeting and asked the Applicant to provide a brief summary for the Board.

Ms. Sarene Matthysen addressed the Board stating she has decided to share her South African heritage with the people of Maine by baking and selling rusks. Ms. Matthysen explained rusk is a healthy snack for adults or children. Ms. Matthysen stated she is using her mother’s recipe and is also offering a gluten-free version. Ms. Matthysen also stated she has received her food processing license from the State of Maine and received her vendor’s license to be able to sell wholesale and retail. A hearing for her victualer’s license with the Kennebunkport Board of Selectmen is scheduled for this Thursday, Ms. Matthysen added.

Ms. Dufoe asked the Applicant how she plans to sell her product. Ms. Matthysen responded it will be available in several local coffee shops, at the whole food markets and from her Facebook page.

Ms. Dufoe asked if the Applicant plans to have anyone come to her house. Ms. Matthysen replied absolutely not, she does not want any traffic and wishes to keep her neighborhood quiet. Ms. Matthysen added prior to this meeting she presented a letter to the neighborhood stating she has no intention to increase cars or traffic in the neighborhood.

Ms. Matthysen presented the Board members with two different packaged samples of the rusk.

Mr. Cadigan asked if someone wants to buy your product from Facebook, how that retail purchase occurs. Ms. Matthysen explained someone would message her from Facebook and she will deliver to Kennebunkport, Kennebunk, or Arundel areas on Fridays after Friday Morning Meeting at Consolidated School.

Ms. Dufoe asked if this is made in the Applicant’ kitchen or is there a separate kitchen at her home. Ms. Matthysen replied she makes it in her own kitchen which is why the state had to come out to her house, perform tests, and gave some advice on the products in order to issue the licensing.

Ms. Schlegel asked if there will be any signage for the business. Ms. Matthysen replied no. Ms. Schlegel then asked if there are any employees. Ms. Matthysen again replied no it is just her.

Ms. Matthysen explained she is required by the FDA to have a street address on the label.

Mr. Cadigan asked how many parking spaces are at the house. Ms. Matthysen replied there are 2 garage spaces, 2 parking spaces in front of the garage plus 1 additional space, however, no one should be coming to the house for this business.

Mr. McDonnell asked how the product is stored. Ms. Matthysen explained there is a drying process when it comes out of a low temperature oven it goes directly into packaging from the oven and is stored in her cupboards in the kitchen.

Mr. Cadigan asked the Applicant if the ingredients and packaging are purchased by her locally or does she have them delivered to her house. Ms. Matthysen replied the labels are done in Biddeford and she drives to whatever stores that have the items she needs and brings them home.

Mr. Cadigan opened the Public Hearing.

Mr. Dennis Rogers of 14 Spruce Avenue addressed the Board to speak on behalf of the neighborhood that there are no issues or concerns about this home business.

Ms. Susan Grey also of 14 Spruce Avenue addressed the Board to ask if this Application is approved does that change the zoning of their street or neighborhood. Mr. Cadigan replied no, it does not change any zoning.

There were no further comments or questions from the audience in attendance.

Mr. Cadigan closed the Public Hearing and asked Mr. Gilliam if he had anything to add. Mr. Gilliam stated the Code Enforcement Office has reviewed the property deed and subdivision plans and has found no items that would prohibit this type of home occupation.

There were no further questions from the Board members.

Mr. McDonnell suggested the Board review each item in Article 7.6.A & B Home Occupation of the Land Use Ordinance.

Mr. Cadigan read each item in Article 7.6.A. 1 through 3 and 7.6.B.1 through 9 and found no issues with respect to this Application.

Ms. Schlegel made a motion to approve the Application. Ms. Dufoe seconded the motion and the vote was unanimous with a vote of 5 to 0 in favor of the motion.

*Other Business:*

Mr. Cadigan discussed the potential of another Zoning Board of Appeals meeting concerning a subsequent appeal regarding the Slager matter which was before the Board in September of 2019. The Board members and Mr. Gilliam had a brief discussion on the specifics of the possible appeal and the Code Enforcement Office’s pending written response to the suspension of a building permit.

Mr. Gilliam also introduced Mr. Andrew Welch, the new Deputy Code Enforcement Officer for the Town of Kennebunkport.

**Adjournment:** A motion was made to adjourn, it was seconded and the vote was unanimous.

**Submitted by:** Patricia Saunders, Recording Secretary