

Kennebunkport Zoning Board of Appeals
HYBRID MEETING
April 25, 2022 @ 6:00 P.M.
32 North Street, Village Fire Station Meeting Room

A hybrid meeting of the Kennebunkport Zoning Board of Appeals was held on Monday, April 25th, 2022 at the Kennebunkport Village Fire Station. The meeting convened at 6:00 p.m. in person and via Zoom.

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

Others Present: Andrew Welch, Deputy Code Enforcement Officer

Mr. Cadigan performed a roll call and confirmed a quorum with 5 members of the Board present.

*1. **Approval of Minutes** from February 8, 2021 and September 14, 2021.*

For the February 8, 2021 minutes Mr. Cadigan, Ms. Dufoe, Mr. McDonnell, and Ms. Schlegel are eligible to vote approval. Ms. Schlegel made a motion to approve the minutes of the February 8, 2021 Zoning Board of Appeals meeting. Mr. McDonnell seconded the motion, and the vote was unanimous with a vote of 4-0.

For the September 14, 2021 meeting minutes, Mr. Cadigan, Ms. Dufoe, Mr. McDonnell, and Ms. Schlegel are eligible to vote approval. Mr. McDonnell made a motion to approve the minutes of the September 14th, 2021 Zoning Board of Appeals meeting. Ms. Schlegel seconded the motion, and the vote was unanimous (4-0).

*2. **Robert and Kimberley Balcavage**, for approval to create residential rental accommodations within their existing single-family home at 6 Beryl's Way, Assessor's Tax Map 23, Block 1, Lot 19A14 in the Free Enterprise Zone.*

Mr. Cadigan introduced the agenda item, opened the Public Hearing, and asked the Applicant to give their presentation.

Ms. Kimberly Balcavage addressed the Board stating they would like to establish an Airbnb in the mother-in-law suite in their house. The guest accommodations have their own parking spot on the premises, own carbon monoxide and fire detectors and a small kitchenette equipped with only a coffee pot, sink, and mini refrigerator. The entrance to the suite is from inside the home with a fire exist that leads to the outside, Ms. Balcavage explained.

Mr. Robert Balcavage then addressed the Board stating they have been very open and transparent with their neighbors and the town officials in the process of building their house as it was their intent to rent out the in-law suite when his mother-in-law was not visiting. Mr. Balcavage also added they will be present in the house when they are renting for their neighbors and their own peace of mind.

Ms. Schlege asked if they are full time residents. Mr. Balcavage replied yes, they are full time residents.

Mr. McDonnell cited the town ordinance that states rooms occupied by a roomer cannot have a separate entrance from the outside. Mr. Balcavage explained the outside door is a fire exit and not used for entry into the room.

Ms. Schlegel asked if their guests would enter through the house. Ms. Balcavage confirmed yes, all guests enter through the house.

Ms. Schlegel also commented she was glad to see the Homeowner's Association changed their declaration to allow these types of rentals.

Ms. Dufoe asked if the Applicant was aware they can only have 1 tenant per week no matter how long they stay. Mr. Balcavage responded they are aware of that restriction.

Regarding cooking facilities, Mr. Balcavage confirmed there is only a coffee pot on the counter, a mini fridge, and a sink. Mr. Cadigan commented in his opinion that does not constitute cooking facilities.

Mr. Cadigan then asked if there was any sign on the premises? Ms. Balcavage replied No.

Lastly, Mr. Cadigan asked if the rental unit was contained within the principal structure. Ms. Balcavage responded yes, that is correct.

Mr. Andrew Welch, Deputy Code Enforcement Officer addressed the Board stating he inspected this property in June of 2020, and it is exactly as presented with a shared entrance to the house, no cooking facilities, smoke and CO detectors and all GFCI outlets where needed. Mr. Walsh also explained the separate exit previously discussed is essentially a bulkhead to be used for emergency egress in compliance with the building code.

There were no further questions from the Board members.

Mr. Cadigan asked if there were any questions or comments from the public either in person or via ZOOM. There were none.

Mr. Cadigan closed the Public Hearing.

Referring to Mr. Welch's comments regarding the outside egress, Mr. Cadigan stated he is satisfied it does not constitute as a separate entrance.

Mr. Cadigan read through each item of Article 240-7.14.B.1 through 9 of the Residential Rental Accommodation Ordinance.

Mr. Fessenden made a motion that all submissions and presentation confirm the Applicant has met the 9 requirements established as Section 240-7.14 and the

parking requirement of Section 240-6.10 and approve this Application. Ms. Schlegel seconded the motion, and the vote was unanimous (5-0).

3. **Christopher and Nicola Ranwell**, for approval to prepare and package luxury Charcuterie boxes for home business in their converted basement space located at 124 School Street, Assessor's Tax Map 22, Block 1, Lot 17E in the Free Enterprise Zone.

Mr. Cadigan introduced the agenda item, explained the process of the meeting, and opened the Public Hearing for this Application.

Mr. Christopher Ranwell and Ms. Nicola Ranwell addressed the Board stating they are full time residents and owners of the Port Box Company which packages meats, cheeses, crackers, olives, etc. and delivers to Kennebunk, Kennebunkport, Ogunquit, and Wells. Mr. Ranwell continued stating his wife is food safe certified and is currently working out of a food lab in Portland, which is a community kitchen all health board approved by the state of Maine.

Mr. Ranwell stated the expense of renting the kitchen and driving to Portland prompted them to convert their basement that has met all the criteria set by the Health Department will include a refrigerator, meat slicers, and a sink. Mr. Ranwell also added there will no cooking.

In the spirit of full disclosure, Ms. Schlegel announced she has ordered some of their boxes.

Mr. McDonnell noted the sinks have all been plumbed in. Ms. Ranwell confirmed they have a basin sink, a handwashing sink, and a mop sink; all newly plumbed in the basement.

Mr. Fessenden asked the Applicant how often they expect deliveries to the house. Mr. Ranwell replied they don't have any deliveries as they go to their suppliers themselves.

Mr. Schlegel asked if they would have a dumpster on site. Ms. Ranwell replied there is minimal waste so no.

Ms. Dufoe asked if there were any employees. Ms. Ranwell replied No, just herself.

Ms. Dufoe asked are the boxes one size and what is the cost? Mrs. Ranwell explained there are 2 box sizes: one for 2 people that is \$42.00 and a larger one to serve 4 people that is \$72.00 All items are individually wrapped and comes in their own container with the purpose of laying it all out on a board that you can also purchase from us if wanted. The Ranwells continued to explain the contents available to their customers and the local suppliers they use for their meats and cheeses.

Mr. Cadigan asked if there is any exterior signage for their business. Mrs. Ranwell replied no.

Mr. Cadigan confirmed with the Applicant their proposed home business was less than the 20% area of the house. There were no further questions from the Board members.

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Mr. Welch confirmed the Applicant is utilizing 18-19% of the total area of the building for their home occupation.

There were no comments or questions from the viewing audience via Zoom.

Mr. Cadigan closed the Public Hearing.

Mr. Cadigan read through the requirements for a home occupation as listed in the Land Use Ordinance Article 240-7.6.B.1. through 9.

Mr. McDonnell made a motion to approve the request of Chris and Nicola Ranwell to prepare and package luxury charcuterie boxes for home business in their converted basement space located at 124 School Street in the Free enterprise Zone as they have met all the requirements of Land Use Ordinance 240-7.6. Ms. Dufoe seconded the motion, and the vote was unanimous.

4. Other Business

Based on a conversation he had with the Town Manager, Mr. Cadigan asked the Board members to offer their opinions whether the Zoning Board of Appeals should continue to be the authorizing body to grant Residential Rental Accommodation Applications or should the application process be moved under the Code Enforcement Office's jurisdiction.

After much discussion, the Board members agreed unanimously to make a recommendation to the Board of Selectmen that they consider removing the jurisdiction of the Residential Rental Accommodation Application from the Zoning Board of Appeals to the Code Enforcement and Planning Office. Mr. Cadigan offered to draft a formal letter on behalf of the Board to the Board of Selectmen.

Mr. Cadigan made a motion to nominate Ms. Karen Schlegel as Secretary of the Zoning Board of Appeals. Ms. Dufoe seconded the nomination, and the vote was unanimous (5-0).

Mr. Cadigan made a motion to nominate Ms. April Dufoe as Vice-Chair of the Zoning Board of Appeals. Mr. McDonnell seconded the nomination, and the vote was unanimous (5-0).

Ms. Dufoe made a motion to nominate Mr. Paul Cadigan as Chair of the Zoning Board of Appeals. Ms. Schlegel seconded the nomination, and the vote was unanimous (5-0).

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

Submitted by: Patricia Saunders, Recording Secretary