

**Kennebunkport Zoning Board of Appeals
32 North Street, Village Fire Station
July 9, 2012 @ 7:00 P.M.**

A meeting of the Kennebunkport Zoning Board of Appeals was held on Monday, July 9th, 2012. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. Mark Messer (Chair), Herb Cohen, Christopher Perry, Richard Smith, Thomas Shore, Paul Cadigan

Approval of Minutes:

Mr. Perry made a motion to approve the minutes from the June 2nd, 2011 meeting. Mr. Smith seconded the motion and the motion passed with a vote of 5-0 with one abstention.

Mr. Messer deferred the approval of the minutes from the May 9, 2011 meeting until the next meeting.

Items:

Mr. Messer gave a brief summary of the order of tonight's meeting.

Jill Strauss / Hazelwood Handyman, Authorized Agent - The applicant is seeking a conditional use to allow a home occupation which would involve both food preparation to be sold at local Farmer's Markets, as well as cooking lessons in reference to 141 Wildes District Road, Tax Map 22, Block 003, Lot 13 in the Village Residential East Zone.

Ms. Jill Strauss addressed the Board stating she has lived in the house for 25 years. Ms. Strauss also stated she is a retired school teacher and thought it would be a nice way to supplement her income by offering small cooking classes in her home. The Applicant has hired Gregg Phipps of Hazelwood Handyman to build an outdoor summer kitchen.

Mr. Phipps addressed the Board to share some of their preliminary designs.

Mr. Messer explained there are two sections of the Land Use Ordinance that are applicable for this Application: Article 9.2.H1 and Article 7.6 Home Occupation.

Mr. Phipps presentation included the following:

- Proposing to build a flagstone patio with stone pizza oven fireplace
- Applicant will have no exterior displays or signs unless approved by the town
- Classes will be held between the hours of 8:00 a.m. and 6:00 p.m.
- No alcohol will be served
- Pizza oven will emit less smoke than a barbeque with very little odor
- Will have maximum of 4 people per class with a maximum of 4 vehicles
- There will be no hindrance to traffic on Wildes District Road
- Property has a 16'x18' turnaround area for cars
- Inside kitchen is 15x15 1/2 feet which equates to 19.3% of total area used for home occupation.

Mr. Perry asked if they thought of bringing the patio area within the structure of the home. Mr. Phipps replied the fireplace is for outdoor use and creates the ambience the Applicant is looking for while utilizing the existing deck and patio.

Mr. Perry questioned whether this Application meets the criteria in Article 7.6b1 which states: "All home occupations shall conform with the following conditions: 1. The home occupation shall be carried on wholly within the dwelling or accessory structure."

Mr. Cadigan read the Land Use Ordinance's definition of Accessory Use or Structure: "A subordinate use or structure customarily incidental to and located on the same lot as the principal use or structure, such as a detached garage, workshop, or the like. Accessory uses, in the aggregate, shall not subordinate the principal use or structure on a lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure."

Mr. Cadigan offered his opinion that the definition means a deck is considered part of the principle structure. Mr. Cohen and Mr. Smith agreed with Mr. Cadigan.

Mr. Cadigan asked Ms. Strauss how many employees there would be. Ms. Strauss responded it would be just herself and Ms. Valerie Glynn.

Mr. Messer added there is no accessory apartment on the property.

Mr. Shore asked if the cooking would be done solely outside using the pizza oven. Ms. Strauss responded she would be cooking mostly outside weather permitting and may use the grill in addition to the wood-fired pizza oven.

Mr. Messer opened the Public Hearing.

Ms. Shelley Friedman of 137 Wildes District Road asked if there are any safety restrictions with the oven. Mr. Phipps replied it will be installed according to code and the manufacturer's guidelines with a 12 foot clearance. Mr. Phipps added the chimney has very clean emissions with little ash and soot.

Ms. Sue Cayford of 139 Wildes District Road asked where on the property site plan the oven would be placed and if any trees would be taken down. Mr. Phipps demonstrated the proposed layout of the oven on the property and stated the radius of the whole fireplace is at least 20-24 feet to the tree line so no trees will be cut down. Mr. Phipps added the patio also meets the setbacks.

Mr. Bob McLaughlin of 5 Lands' End addressed the Board to show his support of this Application. Mr. McLaughlin stated his property abuts the Applicant's and offered to use part of his property as extra parking if needed.

Mr. Messer closed the Public Hearing.

There were no further questions from the Board. Mr. Messer instructed the Board to refer to their handout which listed Articles 7.6 and 9.2H1 of the Land Use Ordinance. The Board read and discussed each Article and concluded no negative findings.

Mr. Perry made a motion the Application meets the criteria of Article 7.6 of the Land Use Ordinance. Mr. Cohen seconded the motion and the vote was unanimous.

Mr. Perry made a motion the Application meets the requirements of Section 9.2H1A through F of the Land Use Ordinance. Mr. Cadigan seconded the motion and the vote was unanimous.

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

Submitted by: Patricia Saunders, Recording Secretary