**Kennebunkport Zoning Board of Appeals**

**32 North Street, Village Fire Station**

**July 24, 2017 @ 7:00 P.M.**

A meeting of the Kennebunkport Zoning Board of Appeals was held on Monday, July 24th, 2017. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Others Present: Werner Gilliam, Town Planner

1. *Attendance*

Mr. Cadigan performed a roll call and confirmed a quorum.

1. *Approval of any minutes not previously approved.*

Mr. Cadigan, Ms. Schlegel, Ms. Dufoe, and Mr. Ayer are eligible to vote approval of the minutes from the June 26, 2017 Zoning Board of Appeals meeting. Mr. Cadigan noted a few minor corrections to the minutes and made a motion to approve said amended minutes. Ms. Dufoe seconded the motion. Mr. Fitzgerald abstained from voting. The Board voted to approve the amended minutes of the June 26, 2107 Zoning Board of Appeals meeting with a vote of 3-0 in approval.

1. ***Jean Briggs***  *- The Applicant is seeking Residential Rental Accommodations approval for her existing single-family home. The property location is 2 Mast Cove Lane, Tax Map 11, Block 3, Lot 7 in the Village Residential Zone.*

Mr. Cadigan introduced the Agenda item noting Ms. Briggs has submitted within her Application a letter dated June 28, 2017 that specifically addresses the requirements of Article 7.14.B and commits to adhering to those Performance Standards.

Ms. Jean Briggs addressed the Board stating she lives alone and is asking permission to rent out one room for a 2-night minimum stay up to 2 times a week. Ms. Briggs also noted there is plenty of parking in the back of the property.

Ms. Dufoe asked the Applicant if she intended to rent a room out two times a week. Ms. Briggs asked if she was allowed to apply for 2 rooms to be rented. Mr. Cadigan explained there is a maximum of 2 rooms allowed in the ordinance and asked the Applicant if she’d like to amend her Application. Ms. Briggs agreed. The Board was in unanimous agreement to allow Ms. Briggs to amend her Application to include 2 rooms for rental.

In clarification, Mr. Cadigan commented the definition in the Ordinance states a room can only be rented once a week.

Mr. Cadigan opened the Public Hearing portion of the meeting. There were no comments or questions. Mr. Cadigan closed the Public Hearing.

Mr. Cadigan asked if the gallery attached to the Applicant’s property is deemed as an accessory use. Mr. Gilliam responded no, the gallery is a separate use but it is in the same structure.

Mr. Cadigan asked Mr. Gilliam if there was anything in the Ordinance that would preclude this Application from being approved. Mr. Gilliam replied No, he does not believe there’s anything that would specifically prohibit this Application from being granted.

Mr. Fessenden asked if this Application is a change of use. Mr. Gilliam replied it is part of the single family residence not a change of use.

Mr. Gilliam directed the Board to review Article 6.9 Offstreet Parking & Loading – Non-Residential. Mr. Cadigan asked if the art gallery is a grandfathered use. Mr. Gilliam replied yes, so whatever parking that was required, if any, would remain the same.

Ms. Schlegel asked the Applicant if she could accommodate up to 8 cars for parking. Mr. Briggs responded yes.

Mr. Cadigan commented this accessory use is permitted within this structure according to 7.14.A.

The Board had no further questions for the Applicant.

Mr. Fitzgerald made a motion to approve this Application for Residential Rental Accommodations by meeting the standards required in Article 7.14.B. Ms. Schlegel seconded the motion and the vote was 5-0 in favor of the motion.

1. ***Other Business:*** *Discussion on future Administrative/Ordinance amendments related to Residential Rental Accommodations.*

At the request of the Chairman of the Zoning Board of Appeals, Mr. Cadigan explained his reasoning for this Agenda item is because it seems these Residential Rental Accommodation Applications are better addressed by the Code Enforcement Office as opposed to this Board since these Applications are clearly not an appeal or a variance. Mr. Cadigan suggested to the other Board members it may be best to remove this from the ZBA’s jurisdiction and place it under the jurisdiction of the Code Enforcement Office.

The Board members and Mr. Gilliam had a detailed discussion on the necessity of these types of Applications could better be handled by the Code Enforcement Office rather than the Zoning Board of Appeals. One of the reasons for these Applications to appear before the ZBA is the notification process.

The Board members continued their discussions with Mr. Gilliam and concluded the ZBA should continue to review these types of Applications but perhaps it would be more efficient to review several Residential Rental Accommodation Applications at the same meeting.

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

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