

**Kennebunkport Zoning Board of Appeals
32 North Street, Village Fire Station
February 28, 2017 @ 7:00 P.M.**

A meeting of the Kennebunkport Zoning Board of Appeals was held on Tuesday, February 28, 2017. The meeting convened at 7:00 p.m. in the North Street Fire Station.

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

Others Present: Werner Gilliam, Town Planner

1. Attendance

Mr. Cadigan performed a roll call.

2. Approval of any minutes not previously approved.

Ms. Schlegel made a motion to approve the minutes from the December 12, 2016 meeting. Ms. Dufoe seconded the motion and the motion passed with a vote of 5 members in approval. Mr. Fitzgerald abstained from voting since he was not present at the December 12, 2016 meeting.

3. Adam and Kerin Burnett - The Applicants are seeking approval for a home occupation, which would involve the making of weaved decommissioned lobster rope items. The Application is available for review in the Code Enforcement Office at the Kennebunkport Town Hall. The property location is 45 North Street, Tax Map 9, Block 003, Lot 01 in the Village Residential Zone.

Mr. Cadigan introduced the Agenda item.

Mr. Burnett addressed the Board and gave a brief summary of the Application stating they are in the final stages of transitioning ownership of the business and are asking for a variance to sell weaved welcome mats out of the home as his wife's home occupation.

Ms. Dufoe commented that Mr. Burnett compiled a very complete and thorough Application.

Mr. Cadigan agreed with Ms. Dufoe's comment and noted only the first page of the property deed was included in the Application. The deed transfers only ½ interest in the lot and the Applicant acquired the entire property through two deeds; one from Virginia Reid and the other from the Estate of Wallace Reid, Mr. Cadigan added. Mr. Cadigan stated for the record the deeds are recorded in Book 16506 pages 193 and 196 in the York County Registry of Deeds.

Mr. Cadigan asked the Code Enforcement Officer if he had any concerns with this Application. Mr. Gilliam replied he had no objections with this home occupation application.

Mr. Cadigan noted approval of the Application is governed by Article 7.6 of the Land Use Ordinance. The Board members read aloud each applicable section of Article 7.6. The Board's comments and conclusions are identified after each section below.

Article 7.6 Home Occupation

A. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted as a conditional use by the Board of Appeals provided that:

1. It is customarily carried on in a dwelling unit or in a structure customarily accessory to a dwelling unit.

Ms. Dufoe made a motion the Applicant meets the qualifications of the above read Article. Ms. Schlegel seconded the motion and the vote was unanimous.

2. *It is carried on primarily by a member or members of the family residing in the dwelling unit.*

Ms. Dufoe made a motion the Applicant meets the qualifications of Article 7.6.A.2. Ms. Schlegel seconded the motion and the vote was unanimous.

3. *It does not materially injure the character or usefulness of the dwelling unit or accessory structure for normal residential purposes.*

Ms. Dufoe made a motion the Applicant meets the requirements of Article 7.6.A.3. Ms. Schlegel seconded the motion and the vote was unanimous.

The Board members read each condition of Article 7.6.B.1-9 of the Land Use Ordinance.

Mr. Fessenden asked the Applicant if they plan to store their rope supplies outside on the property. Mr. Burnett responded they have a storage unit in Kennebunk that houses the 1,000+ pounds of rope and they unload carloads of the material as they use them.

Ms. Schlegel asked the Applicant if they plan to have any exterior signage. Mr. Burnett replied they have no plans right now to have a sign on the property.

Ms. Schlegel asked if they need to clean and dry the rope before using it. Ms. Burnett replied it isn't really necessary to clean the rope prior to working with it but the previous owner has done so on very rare occasions and simply used the kitchen sink and hung it in the sun to dry. Ms. Schlegel suggested that exposure to sunlight means it will be exterior storage. Mr. Burnett directed to the Board members to page 5 of the Application that shows an interior view of the property and stated the rope will be dried inside in front of stained glass windows.

Other items the Board noted regarding this Application is all cars will be parked inside the garage and the Applicant has provided all required calculations on the dwelling unit floor area.

Ms. Dufoe commented she did confirm with the Code Enforcement Office prior to this meeting that the Applicant's property is not part of the abutting subdivision and does not adhere to the subdivision's rules and covenants.

Ms. Dufoe made a motion the Applicant has answered all questions to the Board's satisfaction and meets all of the requirements of Article 7.6.B.1-9 in the Kennebunkport Land Use Ordinance. Ms. Schlegel seconded the motion and the vote was unanimous.

Mr. Cadigan announced by unanimous decision of the Zoning Board of Appeals this Application meets all of the requirements specified by the Board and has approved this Application. On behalf of the Zoning Board, Mr. Cadigan offered his congratulations to Mr. and Mrs. Burnett on their home occupation.

Mr. Cadigan asked Mr. Gilliam if the Board could require a complete property deed be included in all future applications. Mr. Gilliam agreed to add that requirement in the future along with denoting if the property is a part of a subdivision.

Mr. Fessenden made a motion to authorize the Chairman of the Zoning Board to prepare a Findings of Fact and sign it on behalf of the Board members. Ms. Schlegel 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