

**Town of Alfred
Zoning Board of Appeals
Public Hearing Minutes
February 13, 2023**

1. Call to Order

The meeting was called to order at 6:00 pm by Julie Gerrish, ZBA Chair.

2. Roll Call

ZBA members present: Julie Gerrish – Chair, John Morin – Vice Chair, Steven Hyde – Secretary, Rick Hambleton – Member and Heath Bisson – Member.

Personnel Present: Jim Allaire – Code Enforcement Officer, Liz Dudgeon – Administrative Assistant for ZBA

Others Present: Meghan McCrillis, Mae Walters, Ryan Busby, Greg Hodges, James Hynes, Kim Harter, Christina Bshara and John Bshara.

3. Public Hearing:

Application for Variance Appeal

House on a Hill, LLC – Greg Hodges and Mae Walters

93 Fort Ridge Road, Alfred – Map 9, Lot 5

The applicants propose to subdivide an approximately 3 acre lot from Lot 5; this parcel is considered Critical Rural District with a minimum lot size of five acres.

Mrs. Gerrish disclosed that her husband and sister in law own abutting property (Lot 29) and had no concerns regarding this application for variance appeal. The applicants dismissed her offer to recuse herself.

Mr. Hodges, Ms. Walters and Mr. Busby noted:

- This request for a 3 acre lot is designed to allow the potential buyer to build an 800 square foot home on site and share the fields, via lease, with the owners. Should the owners sell the entire 5 acre parcel to the potential buyer, they felt they would lose access to the fields. The proposed boundaries of the 3 acre plot would include the existing driveway and fit naturally with the stone walls.
- Mr. Busby has farm experience. He would like to start with 6-10 sheep the first year in an effort to improve soil quality.
 - Regenerative management with animals; movable electric fences
- Tentative time frame to build a house is to start as soon as possible and be in residence by next winter
 - Tentative site for home would be by old concrete pad, downslope of old beehive area and approximately 50-60 feet from the barn (pending permit approval)
- Acreage in question is currently not maintained by the owner and may be considered unsightly; he does not have adequate time to maintain this land.
- 3 acre parcel designed for least impact on House on the Hill, LLC principals and all abutters should the potential or future buyer(s) not work out
 - Sellers and potential buyer are committed to making this work for all parties and noted their intent to be “good neighbors”

Mr. Allaire noted:

- Critical Rural zone is designed specifically for agriculture and animal husbandry
- Offered the concept of deed restriction offering land to sale to abutters first if the property is re-sold.

Mr. Hyde noted:

- If the full 5 acre parcel were sold, abutters would have no input regarding siting of home or type of agricultural or animal husbandry operations

Concerns were expressed by the public as noted:

- Ms. Harter: livestock attracting predators
- Ms. Bshara: any building being “too close” to her property
- Mr. Bshara: another homestead “cramping” his retirement home, built in 2015
- Ms. Harter: endorsed the use of fast growing spruce trees as a visual boundary

Mrs. Gerrish closed the public hearing at 6:39 pm.

Mrs. Gerrish noted the Town of Alfred’s relaxed ordinance as follows:

§160-160 Variances, B, 1:

Relaxed setback variances only for single-family dwellings outside of shoreland areas. The Board may grant a variance from a setback requirement for a single-family dwelling only when strict application of the Zoning Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- (a) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (b) The granting of a variance will not alter the essential character of the locality;
- (c) The hardship is not the result of action taken by the applicant or a prior owner;
- (d) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- (e) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Motion by Mr. Hyde: To deny the variance appeal of House on the Hill, LLC (Greg Hodges and Mae Walters) 93 Fort Ridge Road, Alfred (Map 9, Lot 5) as presented.

Motion seconded by Mr. Morin. Motion carried 4 – 0 – 1 abstention (Bisson).

Mr. Hyde noted that he was sympathetic to this request and suggested as an alternative that the owner pursue an easement to the field with the 5 acre parcel in question.

4. New Business: None

5. Minutes

- a. December 12, 2022 Meeting

Motion by Mr. Morin: **To accept the minutes as presented.**

Motion seconded by Mr. Hyde. Motion carried 5 – 0.

6. Old Business - None

7. Communications – None

8. Miscellaneous

9. Adjournment

Mr. Hyde made the motion to adjourn the meeting at 6:55 pm.

Motion seconded by Mr. Hambleton. Motion carried 5 - 0.

Julie Gerrish, chair
Julie Gerrish, Chair

5/15/23
Date

Distribution:
Select Board