

**Town of Alfred
Zoning Board of Appeals
Minutes
November 30, 2021**

Regular Meeting

I. Roll Call

Present: Rick Hambleton; Julie Gerrish; Steve Hyde; Bruce Norton; John Morin; Heath Bisson, arrived at 6:20; Jim Allaire, CEO; Angela Chute, ZBA Admin

Julie Gerrish, Acting Chairperson, called the meeting to order at 6:02pm. Quorum has been met with members present.

II. New Business

Election of Officers (Heath Bisson absent from elections)

Zoning Board is comprised of 3 elected positions, Chair, Vice Chair and Secretary.

Rick Hambleton made a motion to nominate John Morin as Vice Chair. Seconded by Bruce Norton.

Vote 5-0, motion passes; John Morin elected to the position of Vice Chair

John Morin made a motion to nominate Julie Gerrish to the position of Chair. Seconded by Rick Hambleton.

Vote 5-0, motion passes; Julie Gerrish elected to the position of Chair

Julie Gerrish made a motion to nominate Steve Hyde to the position of Secretary. Seconded by Bruce Norton.

Vote 5-0, motion passes; Steve Hyde elected to the position of Secretary

No further new business can be discussed at this time the meeting is recessed until 6:30 for the first public hearing.

III. Public Hearing Gean-Gendron

Administrative Appeal of the Code Enforcement Officer's September 2, 2020 Notice of Violation and Order to Correct regarding 36 Saco Road, Map 12 Lot 50

Public Hearing was opened at 6:30. Chairperson, Julie Gerrish introduced the Application for the Administrative Appeal for the property located at 36 Saco Road, Map 12 Lot 50. CEO, James Allaire sent notice to Megan Gean-Gendron on September 2, 2020 via email stating that the property was in violation of Alfred Zoning Code by having two unpermitted rental units.

Mr. Allaire followed up with a letter dated October 26, 2020 sent via certified mail notice regarding the violations.

An Administrative Appeal dated September 16, 2020 was filed by Attorney Gene Libby for Gean-Gendron. It stated the property was grand fathered under Alfred Zoning Ordinance.

As of November 30, 2021 the Town of Alfred and Megan Gean-Gendron are now in negotiations based on an email received on November 30, 2021 at 3:22pm. Julie Gerrish read the email received aloud to the public and board members in attendance. (Copy Attached)

The Gean-Gendron family was not in attendance due to illness. This Administrative Appeal application is now up for tabling due to the ongoing negotiations. If a proposal can be reached it will then go before the Board of Selectmen.

Jim Frechette- Abutter- questioned how did the violation at the property come about?

CEO, James Allaire explained that an appraiser for the Gean-Gendrons called the office asking if the town recognized the property as a multi-family property. Mr. Allaire advised the appraiser that he was not aware that it was and would review the file further. Upon reviewing the file, it was found that no occupancy permits were in place. In the file was a letter from Mr. Donald Gean stating that the apartment above the garage had been abandoned.

Chairperson, Julie Gerrish explained if an agreement is reached and it goes before the Board of Selectmen. The public would have an opportunity to ask questions at that point as well. If no agreement is reached then it will come back to the Zoning Board of Appeals and this public hearing will be re-opened.

Cheryl Michelsen asked if abutters would be re-notified. It was explained they would not be and that they would have to keep watch on the agendas forthcoming on the town's website. Chairperson Gerrish requested that Cheryl provide her phone number for future notification of upcoming public hearing should it come

back for public hearing at the Zoning Board of Appeals level.

CEO, Mr. Allaire stated that the town's attorney would like a date set later in January due to the holidays for the consent agreement to be done by, so that the process is not dragged out.

Chairperson Gerrish made a motion to table the Gean-Gendron public hearing to January 24, 2022 pending negotiations with the Town of Alfred.

Seconded by Steve Hyde.

Vote 6-0, motion passed, Gean-Gendron Administrative Appeal is tabled until January 24, 2022.

Public Hearing was tabled at 6:40pm.

The Zoning Board of Appeals was recessed while awaiting the next public meeting to begin at 7:30pm

Public Hearing Raynald and Jennifer Ouellette Variance Appeal for Setback on Property at 289 Gore Road, Map 5 Lot 22C

The Public Hearing was opened at 7:30pm by Chairperson, Gerrish. Chairperson, Julie Gerrish read the application for the variance for the property at 289 Gore Road, Map 5 Lot 22C, located in a Residential Rural District. Their request is to relax the front yard setback from Gore Road, which requires 75 feet but they only have 60 feet to build a farmers porch. ZBA received six (6) abutter forms stating no objections to the construction of a farmers porch on this property.

Mr. Ouellette stated thy had applied six (6) months ago but he had originally measured wrong. He needs a 15 foot variance in order to build the farmers porch.

Chris O'Coin, an abutter, stated he supports the Ouellette in having a farmers porch as he doesn't see how it would hurt the character of the neighborhood.

Steve Hyde asked Deputy Code Enforcement Officer, Michael Gilpatrick how the measurements would be take regarding property lines. Are they taken from the edge of the road? Edge of the pavemnet? Where do you start?

Michael Gilpatrick, Deputy CEO, explained typically they are taken from the property line which is located by different waypoints based on subdivisions of the 70s. It could be the edge of the road when dealing with 2 rod roads, 3 rod roads, etc. This property is a legally existing lot of record.

Rick Hambleton asked Mr. Ouellette how far from the edge of the pavement are his pins?

Mr. Ouellette stated that they are 12-15 feet from the road.

Mr. Hambleton then asked Mr. Gilpatrick if the setbacks are measured from the foundation or do they include the overhangs.

Mr. Gilpatrick confirmed that the setbacks include the overhangs. Mr. Gilpatrick went on to explain that an existence conditions survey would show property markers as well as setbacks giving the most accurate setback numbers.

John Morin stated that the setbacks are 75 feet but that the house is closer than 75 feet?

Mr. Gilpatrick stated that was correct. A farmers porch would make it more non-conforming. Based on the site plan, which is difficult to read, from 2019 it shows the house to be 48 feet from the road. In the 2021 updated site plan, which is even more difficult to read and not complete in his opinion to be 60 feet.

Julie Gerrish asked if there was any further public comment to which there was none.

John Morin made a motion to close the Public Hearing and open to ZBA discussion of the variance setback request.

Seconded by Rick Hambleton.

Vote 6-0, motion passed to close Public Hearing and open ZBA discussion of variance setback request.

IV. Old Business

Raynald and Jennifer Ouellette request for a setback variance at 289 Gore Road, Map 5 Lot 22C

John Morin stated that there is not an accurate plot plan at this time for accurate review.

Michael Gilpatrick, Deputy CEO stated that the Board is tasked with determining Undue Hardship and can table the application and request an existing condition survey to allow for better review.

Julie Gerrish stated on their original application they had a 40 foot front yard setback and now they show a 60 foot front yard setback. They were denied a setback variance at that time. There was no appeal at that time which was understandable as to the family health issues then. Mrs. Gerrish stated that she would like to see an existing conditions survey prior to moving forward. There are several porches around and it would fit into the neighborhood.

Raynald Ouellette stated all the houses are non-conforming. The zoning was changed and they are all now too close to the road because they took it away when the town changed the zone.

Julie Gerrish stated it's been measured twice already with very different measures.

Raynald Ouellette stated he only needs 15 feet, now he has to pay for a survey.

Julie Gerrish stated she would like a motion to either table the application pending an existing conditions survey or approve the application or deny the application.

Rick Hambleton motioned to table the application until an existing conditions survey was conducted by a licensed surveyor and presented for further review.
Seconded by John Morin.

Vote 6-0, motion passed to table application pending an existing conditions survey be conducted and presented for review.

V. Communication

VI. Miscellaneous

VII. Adjournment

Bruce Norton motioned to adjourn the meeting.

Seconded by John Morin

Vote 6-0, motion to adjourn. Meeting adjourned 8:00pm