

**Town of Alfred**  
**Zoning Board of Appeals Minutes**  
**April 10, 2021 and April 12, 2021**  
**9:00 a.m. and 6:00p.m.**

**Site Walk – April 10, 2021 at 9a.m.**

Members Present: Dennis Brewster, Bruce Norton, Cynthia Swaney, and Ricky Hambleton

Absent: Rick Carter, John Caramihalis, and Julie Gerrish

Others Present: Patrick Desmond, Cheryl Chamberlin, George Chamberlin, Jed Cook, Al Carlson, Marlene Olszewski, Rick Desfosses, Anne Stone, Linda Vaughn, Kayla Lemke, Wayne Grondin, Chief Chris Carpenter, Paula Allaire, Jim Allaire and Tammy Bellman

Chairman Brewster called the meeting to order at 9:00a.m. A quorum is attained with the members present at the site walk.

The Alfred Zoning Board of Appeals held a **Site Walk** on **Saturday, April 10, 2021; 9:00am** starting at Crestview Drive and then going to Cable Bridge Road.

Mr. Brewster had Mr. Desmond show the surveyed path beginning at the present termination point of Crestview drive and continuing on to the back lot that Mr. Desmond owns. After a brief discussion on the length of the deed right-of-way from Crestview Drive; it was determined to be 2,500 feet in length. Ms. Vaughn inquired about how many houses on the lot were planned. Mr. Desmond stated one for now. Mr. Carlson noted that as Chair of the Planning Board when the subdivision went in the 50-foot-wide right-of-way was for ingress and egress to the lot in question. Mr. Brewster stated that the right of way that once existed via Town Farm Road from Brackett Hill Road to Mr. Desmond's property was terminated in the development of the 4 lot Yeaton Hill subdivision. The abutters and property owners of the Yeaton Hill subdivision noted that they as Crestview occupants/landowners pay to use and access, and the members would need to discuss another person utilizing Crestview Drive. The property owners stated that Mr. Desmond would need to pay as we do for plowing and repair. Bringing heavy equipment onto the road and then up into the woods would not be allowed as it is not part of the association, Mr. Desfosses noted. Mr. Brewster stopped the conversation and reminded those in attendance that the purpose of today's site walk was to look at the property, Monday, April 12 was for the Public Hearing. The ZBA members are here to look at the property and see where it is located. The remnants of the town farm (foundations, well) are located on both the Desfosses and Cook properties; the subdivision preserved the foundation and moved the right-of-way out of one of the foundations to the edge of the Cook and Myrick properties. Mr. Brewster stated that the Planning Board minutes concerning the Yeaton Hill subdivision also mention the presence of vernal pools existing on the properties. The site walk on Crestview ended at 9:19a.m. The Site Walk moved to Cable Bridge Road.

The Site Walk on Cable Bridge Road was called to order at 9:35a.m. Kayla Lemke joined the group on Cable Bridge Road. Mr. Desmond orientated those in attendance on the survey and explained the property as it lies. Mr. Desmond pointed out where he wanted to locate the house, bright ribbons were located in the woods. At Mr. Brewster's request, Mr. Desmond identified the site along Cable Bridge Road that he proposes to serve as a turn around and which he stated that he now maintains

and keeps clear all winter long. Mr. Brewster again noted that Town Farm Road right of way that began at Brackett Hill Road and extended through Jed Cook's property to the Desmond property was terminated in the creation of the Yeaton Hill subdivision. Mr. Brewster asked Chief Carpenter and Mr. Allaire as an abutter if they had questions or wished to comment, and both stated that will wait until Monday (April 12<sup>th</sup>) to make comment. Mr. Desmond owns both sides of Cable Bridge Road. Mr. Brewster noticed that two houses have access down Cable Bridge Road approximately 100 feet. Cable Bridge Road is a private road with a questionable width noted. Mr. Brewster ended the Site Walk on Cable Bridge Road at 9:47a.m. at the conclusion of Mr. Desmond provided Mr. Brewster with documentation (6 pages) that he requests to be included the consideration of his application.

### **Public Hearing – April 12, 2021 at 6:00p.m.**

Members Present: Dennis Brewster, John Caramihalis, Julie Gerrish, Bruce Norton, Cynthia Swaney, and Ricky Hambleton

Absent: Rick Carter

Others Present: Patrick Desmond, Crystal Desmond, Cheryl Chamberlin, George Chamberlin, Jed Cook, Marlene Olszewski, Joe Olszewski, Anne Stone, Chief Chris Carpenter, Christine Bolduc, Rob Bolduc, Ron Myrick, Nancy Joslyn, Mel Joslyn, Paula Allaire, Jim Allaire, Glenn Charette, Tony Palminteri and Tammy Bellman

Chairman Brewster called the meeting to order at 6:00p.m. A quorum is attained with the members present at the regular meeting and Public Hearing.

Ms. Gerrish moved to accept the agenda as presented with second by Ms. Swaney, No further discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; Swaney – yea; Hambleton – yea; and Norton – yea.

Mr. Caramihalis recused himself from the Zoning Board of Appeals due to a conflict. He joined the audience and assisted the applicant, Mr. Desmond.

Mr. Allaire recused himself as Code Enforcement Officer, he appeared as an abutter.

### **New Business & Public Hearing**

#### **Public Hearing**

**Patrick Desmond – Administrative Appeal for the denial of the permit was based on a misinterpretation of the ordinance regarding Map 5 Lot 15-1.** Mr. Brewster opened the Public Hearing at 6:02pm.

Mr. Caramihalis provided an overview of the subdivision and lot in question: Mr. Caramihalis worked for the developer (PATCO Construction, Sanford, ME) that did the subdivision of 200+ acres; conversations were conducted with Red Chalmers, CEO (at that time); a growth permit and HHE 200 with soils tests were submitted to Town of Alfred; sold to Roehls; subdivision proceeded with the Planning Board. The developer needed to move the existing right-of-way called Town Farm Road due to the road going through some of the old town farm foundations. The developer submitted a growth

permit and soils test. Then the lot was sold to the Roehls. At the completion of the subdivision the Roehls were issued a deed with the right-of-way running along two property lines (current owners Myrick and Cook) to be able to access the now Desmond lot. After speaking with the CEO at that time about building on the lot; they then put it on the market after a few years. When Patrick Desmond purchased the property from Mr. Caramihalis he was told to speak with the CEO.

Mr. Brewster – The Planning Board minutes concerning the Yeaton Hill subdivision report much discussion in regard to The Crestview Drive right-of-way (r-o-w) to Mr. Desmond's properties and concern for preservation of the town farm foundations. I wondered why and sought opinion from Mr. Carlson (Chair of Planning Board at that time). Mr. Carlson explained that the developer in the development of the subdivision sought to abandon the existing r-o-w from Brackett Hill Road via the Town Farm Road. With the plan to abandon Town Farm Road, the Planning Board then required the developer to provide another 50-foot r-o-w and Crestview Drive was created. The Planning Board minutes do not comment as to how the Desmond property was to be accessed.

Mr. Caramihalis – The impact of the traffic on Brackett Hill Road is of no issue at this time. The question is does Patrick have a legal lot? He has a legal access legal r-o-w 50' but ordinance does not say has to access from 50' r-o-w (Crestview). Patrick happy to create a turn-a-round for emergency vehicle for fire safety access. He can access it by helicopter if he wants to. Is this the only issue – that of fire safety access?

Ms. Gerrish – Growth Permit issued.

Mr. Brewster – I do not see the relevancy of the growth permit. The proposed location of the septic and house are inconsistent to the location that Mr. Desmond demonstrated at the site walk.

Mr. Caramihalis – At that time, building permits were issued in very limited numbers and growth permits were filed to be positioned for consideration of a building permit. Look at the HHE 200 – 1,000+/- feet on left of Cable Bridge Road. Would need the septic design to get a building permit.

Mr. Charette – A Growth Permit does not give them the right to build the house just puts them in line for a building permit; you need one to get the other.

Mr. Desmond – December 8, 2020 applied for the building permit and received a denial letter with the access being the issue from Cable Bridge Road.

Mr. Brewster – Asked Mr. Desmond to verify as to how many r-o-w he believes he has to his property as in your Administrative Appeal you state multiple r-o-ways. Multiple in my mind means more than two.

Mr. Desmond – Yes – 2 - Crestview and Cable Bridge.

Ms. Gerrish – Misinterpretation of the ordinance – what is the misinterpretation?

Mr. Desmond – Misinterpretation with only use the 50' wide r-o-w to access the property for the house and deeded have a r-o-w and not use the Cable Bridge as it exists now.

Mr. Caramihalis – Does have the 50' r-o-w but does not have to use the 50' r-o-w – clear to Mr. Chalmers (prior CEO) and Mr. Charette only looking at the requirement for safety vehicles. Mr. Chalmers granted a building permit years ago.

Mr. Desmond – Logging tractor trailers use Cable Bridge Road - has had selective cutting done.

Ms. Swaney – Four landowners on Crestview Drive – only saw two houses.

Mr. Desmond – They are beyond my property 700-800', a guess.

Mr. Caramihalis – Four lots have a subdivision through Crestview Dr.

Ms. Swaney – How far from Crestview Drive?

Mr. Caramihalis – 3,700' the only thing looking at is the emergency vehicle having access – there is no other r-o-w changes. If he gets one, it is just for this lot.

Mr. Desmond – Crestview is 3,700' and Cable Bridge is 1,300', I own part of Cable Bridge as does Wayne Grondin.

Ms. Swaney – How long have the other houses been there?

Mr. Desmond – 1987 – 1990.

Mr. Hambleton – Can it be subdivided?

Mr. Desmond – Yes; not my plan to do so.

Mr. Hambleton – How would you do it?

Mr. Desmond – Expect through Cable Bridge access would depend on size of lots and how broken up.

Mr. Hambleton – Not access through Crestview Road?

Mr. Desmond – That would be determined at the time of the subdivision.

Mr. Caramihalis – The hardship on Patrick coming in from Crestview and the impact on the abutters and the cost to Mr. Desmond is a concern.

Ms. Gerrish – Read in Yeaton Hills Subdivision that the land not to be subdivided until Bracket Hill Road was brought up to town standards.

Mr. Brewster – Not subject to the discussion this evening.

Mr. Caramihalis – Patrick are you opposed to a stipulation or restriction to subdivide?

Mr. Desmond – Not necessarily – hard to say until get to that point; whole point is to leave rest of land alone.

Mr. Charette – This is a de novo hearing not appellate hearing. You as the Board can request any information that you want.

Ms. Gerrish – Mr. Charette – while you were CEO – did you get any of the owners come to you regarding a building permit?

Mr. Charette – No.

Mr. Desmond – Was just exploratory and wanted his define for when I decided to build when I spoke with Glenn – understand that it would be ok to apply.

Ms. Swaney – How many on Crestview?

Mr. Desmond – Four I think; Cable Bridge – 2; mine would be the third between the two already there.

Ms. Gerrish – Does not matter what r-o-w for development; because another 50' r-o-w can use Cable Bridge Road; think we need to seek Legal Counsel!

Mr. Brewster – Lets see what the Abutters have to say first.

Abutters were allowed to come to the podium to make a statement:

Mr. Allaire – 50' r-o-w to access a home built to standards; need to look at the intent; a lot is buildable if access through 50' r-o-w; 2' wide a motorcycle can use; then why is a code for not to use; paper r-o-w to access other lots if one subdivides. Then what would the purpose be to have the requirements?

Mr. Brewster – Cable Bridge Road – Private?

Mr. Allaire – Yes, a right-of-way – from my research Mrs. Roberts still owns it.

Mr. Joslyn – Cable Bridge Road access and own property beyond the gate – my deed has Cable Bridge Road as 50' wide; 50' r-o-w with 25' from centerline. Mr. Joslyn read the road description from the deed. Photo copy handed to the Chair.

Mr. Allaire – Does not mean the piece from the gate to Gore Road is not necessarily 50' wide; wood lots not 50' from Gore only at powerline per subdivision survey. Mr. Allaire presented the November and December, 1979 Planning Board minutes for Mr. Lester Roberts Woodlots Subdivision. Spoke with Mrs. Roberts and her son, Dan, the deed for the woods lots was created after Grondin's land was purchased and cannot be widened as Mr. Roberts did not own any more of Cable Bridge Road other than the 16' width as noted on the plan. Why not develop on Crestview?

Mr. Brewster read the following abutters' returned letters:

Betty Dunham & Robert Dunham – object to building permit being issued;

Mark Fournier – No objections;

Kevin & Teresa Dunigan – Issues with use of Crestview – road no contributions to cost and increase traffic;

Lynn Myrick – Issues with financial non-participation; quality of life perspective; increase traffic; and

Wayne Grondin – Main source of access – Cable Bridge not 50' wide Crestview is; safety – Cable Bridge not wide enough for two vehicles; and why 50' wide off Crestview – someone realize needed to be 50' wide?

Mr. Allaire – Presented the Chair with one more paper that states the r-o-w is an extension of Crestview Drive that being the Roehl deed for the new right-of-way.

Mr. Brewster – Mr. Charette please interpret: Town Farm Road was extinguished and created the extension to Crestview Drive for the back lot to the Roehl's property; now Desmond.

Mr. Allaire – Mr. Desmond can use Crestview the same as other abutters.

Mr. Cook – Own Lot 3 on Crestview – for the extension to be built I oppose cutting my property in half and building the road; if the road is built it will connect Crestview to Gore so now how many lots can be put in on that road?

Mr. Brewster – As a condition of the Yeaton Hill subdivision plan does include the condition of which requires any property owner to come before the Planning Board if they choose to subdivide their land at which time the Planning Board is to require them to bring Brackett Hill Road up to standard before doing initiating the subdivision.

Mr. Cook – Adding lots – not interested; like the forest – would like it to remain as is.

Mr. Myrick – Representing Lynn Myrick (Brother) – Could not imagine an engineered road it would be thousands and thousands of dollars; would need to win megabucks!

Mr. Caramihalis – Points: 1. Patrick intends to never use 50' r-o-w and has full access; you can't stop him from using – he has legal access to his property – is there anything in the ordinance to prevent him from using the other r-o-w; clarification on 50' r-o-w – go through Lester Roberts four lot subdivision. 2. Mr. Chair – would it be easier to go up Crestview go over the mountain or go over 300-400 on Cable Bridge Road – which one easier? 3. Patrick is happy to cut trees if needed. 4. He has legal access and interpretation by CEO who is now an abutter – safety of Patrick's property.

Mr. Brewster – Chief Carpenter may I ask you to comment.

Chief Carpenter – Which road should be used? I will get a fire truck onsite to address a burning structure. I do not wish to damage a truck though – repairs are expensive. On the tote road a tractor trailer bends in the middle but a fire truck does not bend. Reference NFPA 1 for standard 20' road width; my concern is that fire trucks are

not getting smaller they are getting bigger and bigger; how would I be able to get water to the residence should a fire breakout?

Mr. Brewster – Which road and the rest of Cable Bridge is undetermined?

Ms. Swaney – Cost of Road?

Chief Carpenter – Not my wheelhouse – do not know.

Mr. Caramihalis – NFPA Standard is 20' but depends on Town ordinance. Mr. Hambleton – How wide is a road?

Mr. Hambleton – Eleven feet unbuilt per lane.

Mr. Allaire – Mr. Chair – Ordinance 12' for single or 2 homes add one more goes to 14' add two more goes to 16' – every unit plus shoulders without encroaching on abutter properties.

Mr. Charette – Close the Public Hearing?

Ms. Gerrish moved to close the Public Hearing at 7:10pm with second by Ms. Swaney. No further discussion. Vote: Brewster – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea.

The Zoning Board of Appeals went into discussion on the Appeal:

Mr. Brewster – Conflict in deed with 50' r-o-w to Gore Road – section of the road only 16' is significant if going to consider the Chief's needs and encroaching on property owners.

Mr. Hambleton – Not sure there is enough room for a 50' r-o-w.

Ms. Swaney – then the other houses cannot drive to their house – includes everyone.

Mr. Brewster – Notes that rejects bringing up to code and seeing other people using it.

Mr. Hambleton – Who maintains the road now? Possible the Mrs. Roberts still owns the road – does she have a right?

Mr. Charette - Would need to re-open the Public Hearing if you want the answers.

Mr. Norton – Too many legal issues that need clarifying.

Mr. Charette – Can get Legal assistance; Speak with Mrs. Roberts; Engineering; not make a decision as Board does not have the background.

Mr. Brewster moves to postpone a decision until the Board is able to get the following information:

1. Legal opinion on the deeds as to the width of Cable Bridge Road; and
2. Receive comments from Mrs. Roberts regarding the width of Cable Bridge Road; and
3. Is there enough road width for drainage and shoulders on Cable Bridge Road

with second by Ms. Gerrish. No further discussion. Vote: Brewster – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea.

Mr. Charette – Suggested that the next meeting not be scheduled until the legal responses have been received. The abutters can email Tammy and receive the information or get the agenda from the Town website.

Mr. Brewster called the regular meeting to order at 7:20pm. Mr. Caramihalis rejoined the Board and Mr. Allaire came back as CEO. Mr. Charette excused himself as the Public Hearing was done for the evening.

### **Old Business**

**York County Commissioners** – Findings of Fact and Conclusion - Mr. Caramihalis questioned the log to ensure the testing/review of the system is being accomplished. Mr. Brewster noted that the

minutes have the notice of the log in them and the need for someone to review the system regularly. The Board recommended that the County record both the appeals be recorded at the Registry. Mr. Brewster moves to accept the Findings of Fact and Conclusion for the York County Commissioners as presented with second by Mr. Caramihalis. No further Discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea. Ms. Gerrish moves to accept the Variance document as presented with second by Mr. Norton. No further Discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea.

### **Minutes**

**February 22, 2021** – Mr. Brewster made the motion to accept the February 22, 2021 minutes as presented with second by Mr. Caramihalis. No further Discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea.

### **Communication**

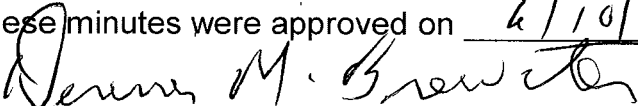
Mr. Allaire presented the Jacob Roy case to the ZBA.

### **Miscellaneous**

Mr. Brewster announced his resignation from the Zoning Board of Appeals. He thanked the Board members for the time that he has spent with them all. He noted that he would stay on the Board until the case they heard this evening was completed. Mr. Caramihalis noted that it was a pleasure to work with Dennis and appreciated his enthusiasm.

### **Adjournment**

Mr. Brewster moved to adjourn the meeting at 7:45pm with second by Ms. Gerrish. No further discussion. Vote: Brewster – yea; Caramihalis – yea; Gerrish – yea; Swaney – yea; Norton – yea; and Hambleton – yea. The meeting was adjourned.

These minutes were approved on 6/10/21  
  
\_\_\_\_\_  
Dennis Brewster, Chairman