

**THE TOWN OF OLD ORCHARD BEACH,  
ZONING BOARD OF APPEALS  
Tuesday, July 5, 2022, IN THE TOWN  
COUNCIL CHAMBERS @6:30 p.m.  
MEETING MINUTES**

**Call to Order**

Fire Chief Fred Lamontagne called the meeting to order at 6:30 PM, and announced that the first order of business was to elect a chair for this evening's meeting; Irvin Paradis made motion to nominate Ethan Scott and this was seconded by Tom Mourmouras. Motion carries 2-1.

Chief Lamontagne then turned the meeting over to acting Chair Ethan Scott, who asked for the roll call. Deputy Code Enforcement Officer Dimitri Baumann then took the roll call as follows:

**Roll Call**

**Present:**

Ethan Scott  
Irvin Paradis  
Thomas Mourmouras (via Zoom)

**Absent:**

Ron Regis, Chair  
Stan DeFreese, Vice Chair  
Brian Perro

**Staff Present:**

Fred Lamontagne, Fire Chief  
Dimitri Baumann, Deputy Code Enforcement Officer

Chief Lamontagne then stated that we do have a quorum for tonight's meeting.

**Pledge to Flag**

**Business**

**ITEM 1**

**Proposal: Miscellaneous Appeal – Side Yard reduction to 7'7" to allow for a proposed deck expansion.**

**Owner: Anne K. Wade 2021 Irrevocable Trust**

**Applicant: James G. Hagan (Trustee)**

**Location: 2 Weymouth Ave.; MBL 324-12-13**

**Zone: R-3/ RA/Frontal Dune**

Acting Chair Ethan Scott introduced Item 1, and asked Applicant James Hagan to present his proposal. James then addressed the Board by explaining how he wished to extend the deck and knows of his limitation as to the size.

Ethan Scott then stated that he has no objections to the proposal. Irvin Paradis stated that he will be recusing himself from the vote as he is an abutter to the property in question.

Ethan Scott then made a motion to accept the proposal, and Chief Lamontagne then asked if there were anyone speaking against this proposal. John Anderson of 3 Randall Avenue then approached the Board and asked if this property were in the V-zone, to which Chief Lamontagne replied that zone is a proposed zone, and the property is elevated, not in the wash-out zone, so they are safe to proceed.

**MOTION: Ethan Scott made a motion to approve the Appeal for James G. Hagan  
Location: 2 Weymouth Ave.; MBL 324-12-13, Zone: R-3/ RA/Frontal Dune allowing a Side  
Yard reduction to 7'7" to allow for a proposed deck expansion, seconded by Tom  
Mourmouras.**

Chief Lamontagne then called for the vote as follows:

**VOTE:**

Ethan Scott – Agree

Thomas Mourmouras – Agree

**PASSES**

(2-0)

**ITEM 2**

**Proposal: Miscellaneous Appeal – Side Yard reduction to 8' & Rear Yard reduction to 10'  
to allow for a 14x20 Shed.**

**Owner: Richard Hall & Cynthia Ann Brady-Hall**

**Applicant: Owner**

**Location: 14 MacArthur Ave.; MBL 211-7-46**

**Zone: R-2**

Acting Chair Ethan Scott introduced Item 2, and asked if there were a representative here tonight. The applicants then approached the Board and stated that they were wishing to change the setback to put in the shed to be used also as a garage. Ethan Scott then asked the applicants to introduce themselves and state their residence as well, then asked Irvin Paradis if he had a chance to review the plans, to which Irvin replied yes, he had, and he also did a site visit, and had no issues with the proposal. Ethan Scott then stated that he has no issues with the proposal, at which time Chief

Lamontagne asked Ethan to inquire as to whether Tom Mourmouras had any issues, to which Tom replied no, he does not.

**MOTION: Ethan Scott made a motion to approve the Appeal for Richard Hall & Cynthia Ann Brady-Hall**

**Location: 14 MacArthur Ave.; MBL 211-7-46, Zone: R-2 allowing a Side Yard reduction to 8' & Rear Yard reduction to 10' to allow for a 14x20 Shed, seconded by Irvin Paradis.**

Chief Lamontagne then called for the vote as follows:

**VOTE:**

Ethan Scott – Agree

Irvin Paradis – Agree

Thomas Mourmouras – Agree

**PASSES**

(3-0)

**Item 3**

**Proposal: Miscellaneous Appeal – Side Yard reduction on the Left side to 8'7" & Rear side to 9'1" to reconstruct single family structure to rear of property and outside of the V-Flood zone.**

**Owner: TF Properties LLC**

**Applicant: Kaleb Bourassa-Gorrill Palmer**

**Location: 12 Wavelet Street; MBL 302-6-1**

**Zone: BRD, VE Flood Zone, LC, Frontal Dune**

Acting Chair Ethan Scott introduced Item 3, and asked if there were a representative here tonight. Brad Pineau, design engineer for Gorrill Palmer, the Applicant, then addressed the Board via a Zoom call. Brad explained that the existing structure is partially in the V-Flood zone so the proposal is to move the structure back to be just outside of the Flood zone. Ethan Scott then asked about the limits of the Flood zone and if the line on the plans reflects the current flood zone or the proposed flood zone, to which Brad Pineau explained that this is the current flood zone, and the existing structure is a nonconforming structure within that zone as it doesn't meet the setbacks. Irvin Paradis then asked if the existing structure would be demolished, to which Brad Pineau replied yes, and the new structure would be built in the new location, same footprint, with perhaps a 2<sup>nd</sup> floor added. Irvin Paradis then stated that he did a site walk, and he has no issues with the proposal. Ethan Scott then asked if there were any other decks or staircases on the new design that would extend into setbacks? Brad Pineau answered no, to which Ethan replied that he is ok with this application given that same footprint, and he would like to make a motion to accept this proposal.

Chief Lamontagne then asked Ethan if he wished to make a motion with conditions, to which Ethan replied yes, with the condition that any future structures, decks, staircases, egresses, etc., stay within that same footprint.

**MOTION: Ethan Scott made a motion with conditions to approve the Appeal for Kaleb Bourassa-Gorrill Palmer**

**Location: 12 Wavelet Street; MBL 302-6-1, Zone: BRD, VE Flood Zone, LC, Frontal Dune allowing a Side Yard reduction on the Left side to 8’7” & Rear side to 9’1” to reconstruct single family structure to rear of property and outside of the V-Flood zone, with the condition that any future deck, staircase, egress, or any construction be conducted within the same footprint as displayed today, seconded by Irvin Paradis.**

Chief Lamontagne then called for the vote as follows:

**VOTE:**

Ethan Scott – Agree

Irvin Paradis – Agree

Thomas Mourmouras – Agree

**PASSES WITH CONDITION**

(3-0)

**Item 4**

**Proposal: Miscellaneous Appeal – Front Yard reduction to 18’ to allow for a farmer’s porch.**

**Owner: Carol Mcpherson**

**Applicant: Owner**

**Location: 26 Foote Street; MBL 205-19-9**

**Zone: R-2**

Acting Chair Ethan Scott introduced Item 4, and Scott Mcpherson (husband of applicant) and Carol Mcpherson approached the Board. Scott explained that the reason for the proposal is so that they may build a covered farmer’s porch. They are remodeling the house, and they would also like to install a ramp to access the porch. Irvin Paradis asked about the front yard setback reduction, to which Scott replied that the covered roof, additional steps, and the ramp would require the setback reduction. Ethan Scott replied that he has no issue with the proposal. Irvin Paradis then stated that he also is not opposed, at which point Ethan stated that he would like to make a motion to accept this proposal.

**MOTION: Ethan Scott made a motion to approve the Appeal for Carol Mcpherson**

**Location: 26 Foote Street; MBL 205-19-9, Zone: R-2 allowing a Front Yard reduction to 18' to allow for a farmer's porch, seconded by Irvin Paradis.**

Chief Lamontagne then called for the vote as follows:

**VOTE:**

Ethan Scott – Agree

Irvin Paradis – Agree

Thomas Mourmouras – Agree

**PASSES**

(3-0)

**Item 5**

**Proposal: Miscellaneous Appeal – Front Yard reduction to 15' to allow for expansion of front deck.**

**Owner: AnnMarie & John Schindler**

**Applicant: Owner**

**Location: 10 Third Street; MBL 312-12-6**

**Zone: R-2**

Acting Chair Ethan Scott introduced Item 5, and AnnMarie & John Schindler then approached the Board. John stated that they are looking to renovate the deck, and have 2 staircases currently. They are looking to keep the same footprint, but move the right staircase to the left of the deck, and eliminate the other staircase and move it into the existing deck. Ethan Scott and Irvin Paradis then reviewed the plan in detail with the applicants, at which point Irvin asked how many feet would they be adding to the deck, to which the Schindler's replied about 3 1/2 feet would be added but they wouldn't be changing the footprint because of the walkway all around the deck. Ethan Scott determined that as long as there is no expansion of the deck opposite Third Street, he has no issues with this proposal. Irvin Paradis then stated that he made a site visit to this property and he has no issues with this proposal either. Ethan stated that he would like to make a motion to accept this proposal.

**MOTION: Ethan Scott made a motion to approve the Appeal for AnnMarie & John Schindler**

**Location: 10 Third Street; MBL 312-12-6, Zone: R-2 allowing a Front Yard reduction to 15' to allow for expansion of front deck, seconded by Irvin Paradis.**

Chief Lamontagne then called for the vote as follows:

**VOTE:**

Ethan Scott – Agree  
Irvin Paradis – Agree  
Thomas Mourmouras – Agree

**PASSES WITH CONDITION**

(3-0)

**Item 6**

**Acceptance of June 6, 2022 meeting minutes.**

Minutes of June 6, 2022 were not accepted as those were not available.

**GOOD & WELFARE**

Chief Lamontagne asked if there were any items for Good & Welfare. Michael L’Heureux, of 1 Woodland Avenue, asked about LD2003, recently passed, for new zoning laws for accessory dwellings. Chief Lamontagne replied that the adoption of the items in LD2003 will initially start with our Planning Board, that it is not directly the responsibility of the Zoning Board of Appeals to adopt that. The Planning Department will rule if there is an item that does or does not fit within our zoning process. Chief Lamontagne also stated that he does not believe that the process has started yet.

Acting Chair Ethan Scott then stated that if there are no additional items for Good & Welfare, he would like to make a motion to adjourn. Motion was seconded by Irvin Paradis. Chief Lamontagne then called for the vote, vote was unanimous, motion carries 3-0.

**ADJOURNMENT**

Meeting was adjourned at 7:06pm

I, Laurie Aberizk, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting SIX (6) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on July 5, 2022..