

Chester Board of Selectmen
Emergency Board Meeting Minutes
November 2, 2009

Call to Order 7:03pm

In attendance: Selectman Brown, Cannon, Castricone, Hassam, Landau

Members of the Public: R. Lamphere, K.Scott, L. Scott, C. Scott, Mr Pepper.

Discussion regarding Town procedure for registration of commercial vehicles.

Procedure has been in place since May of 2008

Selectman Cannon read aloud Town Zoning Ordinance regarding Home Occupation and Home Business.

Selectman Cannon read letter from Planning Board to Mr. Richard Cooper denying application for home business dated June 12, 2009 and Planning Board referred resident to Zoning Board for variance and provided all necessary filing paperwork by which to facilitate variance request.

Selectman Brown indicated that Cooper Paving has been in business in Chester for 39 years and should be grandfathered and exempt from compliance to zoning ordinance.

Selectman Brown indicated that Attorney Dean Eggert has provided opinion that current procedure was not authorized however no formal or written documentation was provided.

Selectman Castricone suggested Zoning requirements for home business have been in place in Chester since the 1960's.

Selectman Brown challenged Selectman Castricone to produce evidence of that statement.

Board members present could not recall Town Building Inspector Code Enforcement Office making a formal request to the Board to implement the registration procedure.

Kevin Scott, member of Zoning Board explained process by which residents may file for zoning variances and indicated that in this case resident has had ample time to submit request for variance.

Mr. Pepper spoke that his business was under the same requirement and after some paperwork research was found to be in compliance with Town Zoning.

General discussion ensued regarding grandfathering issue, rights of Town Clerk and Building Inspector / Code Enforcement Officer to implement such a procedure. Several members of the Board were in disagreement with the procedure.

The Board was unable to seek a legal means by which to permit the resident to register commercial vehicles while still in violation of town Zoning Ordinances and as a result no decision was reached regarding the matter other than to continue with the procedure as is.

Public Comment

Rhonda Lamphere spoke regarding Lamphere Construction and about the process they went through several years ago to be in compliance with Zoning Ordinance.

Motion to adjourn made by Selectman Castricone, Second by Chairman Hassam, all in favor 5 – 0.

Meeting adjourned at 8:13pm