**Town of Chester**

**Zoning Board of Adjustment**

**March 19, 2024**

**Town Hall**

**7:00 PM**

**Draft Minutes**

**Members Present:**

Chair Billie Maloney

Vice-Chair Kevin Scott

William Gregsak

Jason Walsh

**Members Absent:**

Jack Cannon

Rick Snyder, Alternate and Planning Board Liaison

Selectman Dick Trask, Select Board Liaison

**Other Persons Present:**

James Doolittle

**Agenda**

1. **Call to Order/Roll Call**
2. **Approval of Meeting Minutes: February 20, 2024**
3. **Public Hearings**
4. **Correspondence**
5. **Updates**
6. **Financials**
7. **2024 Proposed Zoning Amendments and Proposed State Legislation**
8. **Records Retention**
9. **Rules of Procedure – Jason**

**5. Virtual Spring Conference – May 11, 2024**

**6. Adjournment**

**1. Call to Order**

Chair Maloney called the meeting to order at 7:00 PM and noted that Mr. Walsh will be running the meeting. Mr. Walsh indicated that By Roll Call, voting members were present: Chair Maloney, Vice-Chair Scott, Bill Gregsak and himself, Jason Walsh.

**2. Approval of Meeting Minutes**

**February 20, 2024**

***Vice-Chair Scott motioned to approve the February 20, 2024 meeting minutes. Mr. Gregsak seconded the motion. A vote was taken, Chair Maloney abstained. The motion passed 3-0-1.***

**3. Public Hearings**

1. The application of James Doolittle and Susan Waksmonski

For a Variance

from Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements) of the zoning ordinance to permit a 16’x20’ addition to the existing workshop, to be located 6’ from the rear property line where 25’ are required

On the premises to be known as and numbered 76 Town Farm Road, Map 002, Lot 50-3, in the R-1 Residential zoning district.

Vice-Chair Scott read out loud the Public Hearing Notice and Building Inspector’s Denial.

Vice-Chair Scott read out loud the correspondence received from abutter Celeste Olsen in support of the application and the authorization of Ms. Waksmonski, the joint owner, to proceed with the application.

Mr. Walsh advised that there were four members out of five present tonight and Vice-Chair Scott explained there were three affirmative votes required to take action on his application and he could proceed tonight or continue to next month with the hopes of having five members present. Mr. Doolittle indicated he wished to proceed.

Mr. Doolittle provided a handout of the site plan location and appurtenances located on the property showing the proposed workshop addition in a red circle. He noted that he has owned the property for almost ten years and the existing workshop was built in 2018 by them.

Mr. Walsh questioned the location of the existing foundation 1’ from the rear of the setback.

Mr. Doolittle noted the significant slope and existing driveway and that this was the best place for the workshop and its addition.

Mr. Doolittle read his application into the record. He noted it would be difficult to see from the road or abutting properties. He noted that the property to the rear is privately owned with a conservation easement on it and there is a pond on that property 125’ away.

Vice-Chair Scott asked about plumbing or sewage going to the structure and Mr. Doolittle said no it was strictly storage, he would be working on restoring an old military jeep and it would be stored there. Mr. Doolittle noted that values would not be diminished, the style and character would be consistent. He noted the use is reasonable to store equipment out of the elements. Special conditions are the slope of the property and optimal location due to the driveway.

Chair Maloney noted it would be difficult to build on the sides because of the slope and the orientation of the garage door on the right side and gravel driveway. She asked whether any hazardous chemicals would be stored and he indicated no.

Mr. Walsh noted there was no public present and closed comment to enter deliberations.

Chair Maloney went over the five points and indicated the use was not contrary to the ordinance and there would not be overcrowding due to the fact that it borders the conservation easement. She noted no harm to the public or diminished values and that there are special conditions of the property, the slope, and the use was reasonable and she would vote yes on all five points.

Mr. Walsh agreed and noted the primary reason for the setbacks are overcrowding and do not exist here. He did not find the application contrary to public interest or the spirit of the ordinance. He indicated the existing workshop and hardship with the slope and saw no impact on surrounding property and that the use was a reasonable one.

Vice-Chair Scott indicated total agreement and noted the structure was behind and out of site, that the topography impacts the ability to put this elsewhere. He noted he did not have a chance to visit the site but would vote yes on all five points.

Mr. Gregsak indicated that he drove by today and it was difficult to see the existing building but he did note the topography and agreed he would vote yes on all five items.

***Chair Maloney motioned to grant a variance from Article 5, Section 5.3.5, Table 1 to permit the workshop to be located 6’ from the rear property line where 25’ are required. Vice-Chair Scott seconded the motion. A roll call vote was taken, all were in favor, the motion passed 4-0-0.***

Chair Maloney proposed two conditions:

1. Subject to obtaining a building permit; and

2. That the plan provided be incorporated herein by reference.

The Board indicated to Mr. Doolittle that if the plan changed at all, he should come back before the Board.

***Vice-Chair Scott voted to approve the conditions. Chair Maloney seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.***

Vice-Chair Scott read out loud the 30-Day Notice of Appeal.

**4. Updates**

1. **Financials**

Updated Financial Statements were provided to the Board.

1. **2024 Proposed Zoning Amendments**

Proposed Zoning Amendments were provided to the Board and copy of Planning Board’s February 28, 2024 Public Hearing Agenda. Vice-Chair Scott indicated he was opposed to the proposed change to the ZBA not hearing special exception applications for Accessory Dwelling Units and the ability of abutters to provide testimony to the impact to abutters and public safety would be lost. Ms. Hoijer provided the Board with the proposed amendment entitled Fair Market Rental Housing and notice of hearings on 3/27 and 4/3.

1. **Records Retention**

A copy of the proposed records retention policy applicable to the ZBA was provided to the Board for consideration. Ms. Hoijer noted she reached out to four surrounding communities to see what their policy was and received a response from Derry with their policy which she incorporated.

1. **Rules of Procedure – Jason**

Chair Maloney will meet with Mr. Walsh to finalize the updates to the Rules of Procedure.

1. **Virtual Spring Conference – May 11, 2024**

Ms. Hoijer indicated she will sign everyone up for the virtual conference on May 11th. There is no charge and this will enable everyone who can’t attend to get copy of the slides provided after the seminar.

**Adjournment**

Ms. Hoijer noted there are no applications to hear in April.

***Mr. Walsh motioned to adjourn the meeting at 8:09 PM. Mr. Gregsak seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.***

Respectfully submitted,

Nancy J. Hoijer,

Recording Secretary

