

**Chester Zoning Board of Adjustment  
Draft Minutes of March 20, 2018**

**Members Present:**

Chair Billie Maloney  
Vice Chair Kevin Scott  
Richard Snyder, Alternate  
Courtney Cashman  
Jean Methot, Alternate

**Absent:**

Adam Maciaszczyk

**Guests:**

Matthew Gelinas  
Christine Gelinas  
Penny Williams  
Erika DeBeckers  
Steve White  
Tim Pelloquin  
Jerome Gesel  
Adam Gaudet  
Jason St. Jean  
Mr. Camilieri  
John Giguere

And other persons unknown to the minute taker

**Agenda**

1. Call to Order/Roll Call
2. Correspondence – Spring Seminar April 28, 2018
3. Unfinished Business – Minutes of January 16, 2018 and February 20, 2018
4. New Business:  
Hearings
  - a. Map/Lot 016-009 in the R1 District – 15 Chester Street, Adam Gaudet  
Variance from Article 5.3.2 and Article 4.2.1 to permit a real estate office

- b. Map/Lot 009-037-001 in the R1 District – 112 Towle Road, Erika DeBeckers d/b/a ARK Animal Homecare, PLLC  
Variance from Article 5.3.2 to expand a veterinary home business
- c. Map/Lot 009-019 in the R1 District – 45 East Derry Road, Jason St. Jean, Trustee of the C&S Realty Trust d/b/a Stone Machine Co., Inc.  
Variance from Article 5.3.5 and Article 4.2.1 to permit the extension of a driveway within the 25' side setback; and  
Amendment of Conditions #2 & #3 of the Zoning Variance dated June 28, 1989 to increase the number of employees from 20-30 and the 357'x353'x265' buildable area by an addition of 200'x400'

### 1. Meeting Convenes/Roll Call

Chair Maloney called the meeting to order at 7:00 pm. Present by roll call were: Chair Billie Maloney, Vice Chair Kevin Scott, Courtney Cashman, Richard Snyder and Jean Methot.

### 2. Correspondence - Seminar

Chair Maloney advised that there will be a seminar on Saturday, April 28, 2018 at the Grappone Center from 8 am to 3:30 pm and four reservations were made for board members. Some of the topics include: *Help I just joined a local land use board, Local Regulations, The Agricultural Toolkit, ZBA legal, Right to Know Law, Roles and Responsibilities of the Zoning Board*. Mr. Snyder suggested particularly the one on agricultural issues. Vice Chair Scott suggested bringing back information. Ms. Hoijer will be attending, Mr. Maciaszczyk may be attending. Vice Chair Scott will try to attend and Matt Gelinas will try to attend some of the topics.

Chair Maloney offered a publication *Agriculture in NH* to anyone who wanted to take it home, read and return it.

### 3. Hearings

Vice Chair Scott advised that to receive approval at least three members would need to vote in the affirmative.

Vice Chair Scott read the Public Hearing Notice into the record which was posted on March 2, 2018 on the town webpage at the town hall, the post office, published in the Tri-Town Times on March 8, 2018 and sent to the provided abutters by certified mail, return receipt requested.

- a. Request by Adam Gaudet for a variance from Article 5, Section 5.3.2 permitted use and Article 4, Section 4.2.1 non-conforming mixed use, of the ordinance, to permit operation of a real estate office on the property located at Map 016, Lot 009 in the R1 zone identified as 15 Chester Street.

Mr. Gaudet presented that his application was for a small real estate office with three other part-time agents. Mr. Gaudet stated that he would like to live in Chester at some point. Mr. Gaudet stated that it would be beneficial to the town to have a trusted voice in real estate and he felt the use was a reasonable one.

Mr. Snyder asked about signs. Mr. Gaudet responded that his signs would be simple and clean and comply with the ordinance, to be small in size and similar to those of the Center Scoop and Old Post Restaurant.

Mr. Snyder asked if there would be any interior changes to the space that was previously the hardware store. Mr. Gaudet stated that there would be two walls, counter, a resource space, conference area, as well as flooring and paint.

Mr. Methot stressed that parking was already an issue and Site Plan Review would be required as it had not been done. There are already apartments, a restaurant and the Center Scoop. Mr. Gaudet stated that the realtors go to the homes or meet there, it would be rare to have people come in. Mr. Snyder advised that Site Plan Review would be critical and just as important would be to keep the property occupied.

Chair Maloney asked to speak to the five points and stated that she did not see any reason to vote no, conditioned on Site Plan Review. "He must do these and get on the agenda." Mr. Scott asked Mr. Gaudet if he knew what Site Plan Review was and explained the process. Mr. Snyder added "having enough parking for snow removal" and gave a historical review of the property that has been commercial in the R1 district for quite some time. "The Building Inspector signs off on all fire and life and safety issues addressed." "There has been progress with that." Mr. Scott advised not to rush out. Mr. Snyder continued that the wait depends on getting on the Planning Board agenda.

Mr. Gesel spoke to the status of the survey crew with Eric Mitchell, which has not been completed and reported that he did not know he could get on the agenda until that was finished. Mr. Snyder advised that it must be completed to proceed but it could take one or two months to get on the agenda so that he should contact Planning to make that appointment and if he wasn't ready could ask for a continuance. Mr. Snyder added that it would not be a complicated process. Chair Maloney advised that it was up to the Building Inspector and not our prevue. Mr. Snyder added that it may require DuBois & King to look at it. Mr. Gesel stated that he would call Mr. Mitchell tomorrow to get on the agenda.

Chair Maloney asked if there were any questions from the public and there being none closed the hearing to the public at 7:25 pm to enter deliberations.

Deliberations:

Chair Maloney motioned to grant the variance, subject to Site Plan Review.

Mr. Snyder stated that they could waive reading the five points.

Mr. Methot stated "No, but go ahead."

Mr. Methot raised the issue of some abandoned signs and suggested that those be removed.

Vice Chair Scott stated that he was comfortable and had no argument with the commercial use, which this building has been since at least '71. "It has been a real estate office before being a hardware store."

***Chair Maloney motioned to grant the variance from Article 5, Section 5.3.2 and Article 4.2.1 to allow a real estate office subject to the approved Site Plan Review and signage to conform with***

**current zoning regulations. Mr. Snyder seconded the motion. Chair Maloney – Yes, Vice Chair Scott – Yes, Courtney Cashman – Yes, Richard Snyder – Yes and Jean Methot – No.**

Vice Chair Scott read the 30-day Notice and requested that the other two applicants pay particular attention. Vice Chair Scott continued that any party to this application can appeal within 30 days and explained to Mr. Gaudet what that meant, that if he got started before that time, which given the Site Plan Review condition, wasn't likely, that it would be taking a risk.

- b. A request by Erika DeBeckers d/b/a Ark Veterinary for a variance from Article 5, Section 5.3.5 Table of Dimensional Requirements to operate a veterinary clinic with two vehicles, two employees each and three employees on site, on the property located at Map 009, Lot 037 -001 in the R1 zone identified as 112 Towle Road.

Chair Maloney described the application which was a request for a variance from Section 5.3.2 to permit a veterinary business, which was previously permitted as a home business, and had outgrown. Vice Chair Scott and Mr. Methot asked for clarification as to whether it was an expansion. Vice Chair Scott asked if anyone who was a customer would need to recuse themselves regardless of how minimal the relationships were. Mrs. Cashman disclosed that she also had her animals seen there but felt she could proceed impartially. The applicant and public were asked if anyone objected and having none, no members were recused.

Mr. Snyder asked if the goal was to expand their home business. Chair Maloney clarified that this was a new application for a veterinary clinic, not an expansion of the existing home business. There would be two vans with four employees utilizing the vans and three employees on site and does not meet the requirements of home business.

Steve White distributed copies of a plan.

Chair Maloney asked if there were any animals kept on site or boarded on site and as she had driven by and observed a horse paddock questioned who that belonged to. Mrs. DeBeckers stated that they did not board animals outdoors or provide daycare, that the Potters owned the horses in the paddock behind, which was not on the property. Mrs. DeBeckers stated that she had trouble filing out the application and read her application into the record.

Chair Maloney asked if there was an office where people come with their pets. Mrs. DeBeckers explained that there was and there was one exam room at this time.

Chair Maloney asked if the driveway shown on the plan was going to be paved. Mr. Methot stated that it wasn't grass anymore it was mud. Chair Maloney inquired about culverts, runoff and drains.

Mr. White stated that the runoff was pitched toward the Spring Hill Farm property line, there was a containment area.

Mr. Snyder asked if the driveway would be paved. Mr. White stated that it was going to be. Mr. Methot asked the length, which was 123'x65' in at the street at 18'x35'. Mr. Methot reminded that the zoning ordinance allows for 15% of property use and would be keeping the existing 12'x30' driveway. Mr. Methot later calculated that they would be within that specification. Mrs. DeBeckers advised that they wanted to park the two vans, behind, along the back edge of the premises, and screen it. Mr. Methot stated that he liked the use of the arborvitae for screening.

Chair Maloney asked about the existing septic specifications. The current approved use is for 5 bedrooms plus the vet with the two staff members, right now there is an existing 3 bedrooms. Chair Maloney asked if there were any plans to enlarge the house in the future and Mrs. DeBeckers replied that there was.

Chair Maloney asked if there were any additional questions.

Vice Chair Scott inquired about the number of employees. Mrs. DeBeckers stated that there are two on site and four in the mobile at one time, there are 15 employees total.

Chair Maloney asked about the hours of operation, which were Monday through Friday from 8 am to 5 pm and Saturdays from 8 am to 4 pm, and whether there would be any changes. Mrs. DeBeckers answered no.

Mrs. DeBeckers added that there are no over boarding of pets, no drop off or pick up. There had been a problem with a couple of customers who didn't know where to park and that brought a complaint, there are signs now. Mr. Snyder asked if that brought a cease and desist letter and Mrs. DeBeckers answered yes. Mrs. DeBeckers added that she had one exam room and sees one patient every 20-30 minutes.

Chair Maloney clarified that it won't be a home business anymore. Mr. Methot asked if it had to go to Site Plan Review. Mr. Snyder stated that it was up to this board, there is some expansion and suggested "no vehicles to park on town road."

The hearing was closed at 7:52 pm for deliberations.

Chair Maloney stated that she found the use to be a reasonable one as it provides a service that people want.

Mr. Methot motioned to approve a variance from Article 5.3.2 to operate a veterinary clinic. Vice Chair Scott added with the following conditions:

1. Two Mobile Veterinary Hospital Vans with two employees for each and no more than **three** on-site employees.
2. Hours of operation will be Monday through Friday from 8 am to 5 pm and Saturdays from 8 am to 4 pm.
3. No overnight boarding of pets.
4. Paved driveway to cause no additional runoff to town road.
5. No vehicles to be parked on town road.
6. Road agent to approve design.

Mr. Snyder seconded his motion, all were in favor, the motion passed.

Mrs. DeBeckers asked about the setbacks and whether they were grandfathered. Chair Maloney explained that she would need to speak to the Building Inspector that unfortunately it could not be addressed at this hearing as the public would need to have been properly noticed.

- c. A request by C&S Realty Trust d/b/a Stone Machine Co., Inc., for a variance from Article 5, Section 5.3.5 Table of Dimensional Requirements, Article 4, Section 4.2.1 expansion of non-conforming use to allow a portion of the existing driveway to expand forward within the 25'

187 setback, and to amend the conditions cited in the Variance dated June 28, 1989 to add an  
188 additional 200'x400' area to the existing 357'x353'x265' area cited therein and to expand the  
189 number of employees from 20 to 30; on the property identified as Map 002, Lot 019 in the R1  
190 zone identified as 45 East Derry Road.

191  
192 Vice Chair Scott recused himself from the hearing, and left the table to sit in the audience, being  
193 that he is both an employee of Stone Machine and an abutter. Chair Maloney advised that there  
194 will be four voting members due to the recusal of Vice Chair Scott.

195  
196 Tim Pelloquin introduced himself as a surveyor of Promised Land Survey LLC and placed a plan set  
197 on the easel highlighting the areas of concern identified in the application.

198  
199 Chair Maloney clarified that C&S Realty Trust which was doing business as Stone Machine were  
200 looking for a variance from Article 5.3.5 concerning the 25' driveway setback, which expands into an  
201 existing non-conforming area as well as to amend two of the conditions cited in the earlier variance  
202 dated June 28, 1989 which would expand the area and number of employees. Chair Maloney read  
203 the conditions as they were listed in the June 28, 1989 Variance. This is a small machine shop that  
204 produces parts and would like to increase the number of employees to 30. Chair Maloney clarified  
205 the 290' frontage and the **357'x353'x265'** area, and septic conditions of the 6/28/89 variance. Chair  
206 Maloney continued "It was granted back when Mitch Gould still lived there?" Mr. St. Jean  
207 responded that "Yes, it was part of the farm, light industrial. The lot size is 19 acres, and was an old  
208 chicken coop." The area being used for the machine shop business is approximately 2-4 acres. They  
209 will be building a 50'x50' structure in the expanded area, for storage. The automated machines are  
210 large and take up a large area of the main building. The items stored are aluminum chips, plastics  
211 and stainless steel as well as some lubricating oil.

212  
213 Mr. Pelloquin explained the reasons for expanding the business to the rear of the premises with a  
214 variance, rather than to the side which would not require a variance, which included the fact that it  
215 is out of the way of children playing around the house and less unsightly to abutters and more easily  
216 patrolled.

217  
218 Mr. Snyder asked about the liquids or substances being stored. Mr. Pelloquin explained that they  
219 were stored in 55- gallon drums and not moved when open. There will be catch areas in case of  
220 spills in the storage area.

221  
222 Mr. Pelloquin explained that the driveway would go around the main building and out to the storage  
223 shed.

224  
225 Mr. Pelloquin read the application into the record.

226  
227 Chair Maloney asked if there were any questions and John Giguere of #33 East Derry Road identified  
228 himself as an abutter and asked about coolants, liquids, spill containment and any increased truck  
229 traffic for deliveries.

Mr. Camilieri responded that they were not looking to increase the amount of business and described some of the things that they manufactured, some are military, medical, or motorcycle parts. Materials are delivered two times per week, they have 25 employees now because they didn't realize when father passed the business onto son, that they were only supposed to have 20. They don't manufacture anything but parts, there is no assembly.

Chair Maloney closed the hearing to the public at 8:41 for deliberations.

***Chair Maloney motioned to grant the variance from Article 5.3.5 and Article 4.2.1 to allow the driveway within the 25' setback and to amend the conditions of the 6/28/89 variance to increase the number of employees to 30 and to enlarge the 357'x353'x265' area by an addition 200'x400' to the rear. Mr. Snyder seconded the motion, all were in favor, the motion passed.***

#### **4. Miscellaneous**

Mr. Methot advised that he will not be at the April hearing.

Mr. Snyder spoke to one of the conditions that he withdrew at last month's hearing, (Gesel) and stated that it wasn't his intention to withdraw the entire condition (concerning commercial appliances). Ms. Hoijer asked if it should be added into the minutes to clarify their position and it was deemed unnecessary.

#### **5. Minutes of January 16, 2018 and February 20, 2018**

***Mr. Methot motioned to accept the minutes as written. Mr. Snyder seconded his motion, all were in favor, so moved.***

#### **6. Webpage**

Ms. Hoijer included a copy of a proposed Checklist and FAQ sheet that could be included on the new town webpage. This is only a starting point and she encouraged each of the board members to participate in drafting the documents, and adding or changing anything they would like to see included. Ms. Hoijer asked if everyone had a chance to review the new webpage. Mr. Snyder advised that he had. Chair Maloney asked if Mrs. Cashman would stop by the office and help Ms. Hoijer with the new webpage.

#### **7. Appointment of Matt Gelinas**

Ms. Hoijer asked Mr. Gelinas what Thursday would work for him to go before the BOS to be appointed and Mr. Gelinas selected the first Thursday of next month (April). Ms. Hoijer will request that the BOS put him on the agenda for that date.

#### **8. Adjournment**

273 Mr. Methot motioned to adjourn the meeting. Chair Maloney seconded his motion, with all in favor,  
274 so moved. The meeting was adjourned at 9:00 pm.

275 Respectfully submitted,

276

277

278 Nancy J. Hoijer

279 Administrative Assistant