

**Town of Chester  
Zoning Board of Adjustment  
May 21, 2019  
Town Hall  
7:00 pm  
Approved Minutes**

**Members Present:**

Chair Billie Maloney  
Vice-Chair Kevin Scott  
Jack Cannon  
Matt Gelinas, Alternate  
Richard Snyder, Alternate

**Members Absent:**

Joseph Hagan, Selectman Liaison  
Jean Methot, Alternate  
Adam Maciaszczyk

**Guests:**

Cass Buckley  
Michael Romick  
Lisa Romick  
Don Parks, Olympia Construction  
Bill Gregsak

And other persons unknown to the minute taker

**Agenda**

1. Call to Order/Roll Call
2. Non-Public 91A:3(ii)(I) advice of legal counsel
3. Review Correspondence
4. Approval of Minutes – April 16, 2019
5. Spring Seminar - Registrations
6. Resignation and Appointment of Members
7. Hearings:

The request for continuance for public hearing of John Cassell on behalf of Ralph Cassell and Mylene Cassell  
For Variances  
From Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements)  
To permit subdivision of the property into two lots, both with 145' frontage where 290' are required for the construction of a new residential home  
On the property known as 203 Lane Road, Map 12-10-6 in the R-1 zone

The request of Michael Romick and Lisa Romick for a Special Exception to permit construction of an attached Accessory Dwelling Unit in accordance with Article 5, Section 5.3.3.3; Article 9; and Article 11, Section 4 of the Zoning Ordinance on the property known as Map/Lot 005-120-005, 105 North Pond Road

## 8. Adjournment

### 1. Call to Order/Roll Call

By Roll Call, Chair Maloney called the meeting to order at 7:00 PM. Present were: Chair Maloney, Vice Chair Scott, Mr. Gelinas, Mr. Snyder, Mr. Cannon. Chair Maloney indicated the active alternates for this meeting would be Mr. Snyder and Mr. Gelinas.

### 2. Non-Public Session 91A:3(ii)(I) consideration of the advice of legal counsel

***By Roll Call, Vice-Chair Scott moved to go into non-public session pursuant to 91A:3(ii)(I) consideration of the advice of legal counsel. Mr. Cannon seconded the motion, with all in favor, so moved.***

The meeting room was closed to the public at 7:05 PM.

The meeting room was reopened to the public at 7:15 PM.

***Vice-Chair Scott moved to seal the minutes of the non-public session for six (6) months. Mr. Snyder seconded the motion, with all in favor, so moved.***

### 3. Review Correspondence & Updates from Town Election

Chair Maloney noted an email had been received from Mr. Cassell requesting a continuance.

Chair Maloney noted an email had been received from Lieutenant Newnan regarding the Gesel property at 15 Chester Street which she read out loud for the record. The letter indicated life safety issues were completed. Vice-Chair Scott asked Ms. Hoijer to make sure Building Inspector Bunker who was not listed as copied on the email had received a copy of the letter.

Chair Maloney noted an email had been received from Mrs. Cashman resigning from the Board.

Chair Maloney noted several ordinances had been updated at Town Election this month, copies of which were provided. Vice-Chair Scott noted the amendments were well explained as well as their purposes which was a good idea. Mr. Snyder noted the Planning Board put a lot of hard work into them.

Chair Maloney indicated she would be serving on the Technical Review Committee and copies of last meetings' minutes were provided to the Board members.

Chair Maloney advised that a member of the public brought to her attention language contained in the variance application instructions which called for eight days notification to request a continuance. Being that seemed unreasonable and the Board was not aware it was in the instructions, Chair Maloney recommended changing the language to allow for continuances to be requested by email, mail or in person at the public hearing. The Board was in agreement to make the changes. Ms. Hoijer will amend the written instructions and post them on the webpage.

**4. Approval of Minutes – April 16, 2019**

*Vice-Chair Scott moved to accept the minutes of the April 16, 2019 meeting as written. Mr. Cannon seconded the motion. Chair Maloney and Mr. Gelinas abstained from voting. Approved 3-0-2, so moved.*

**5. Spring Seminar/Registrations**

Ms. Hoijer advised three members were currently registered for the Spring Conference on Saturday, June 1, 2019 and provided copies of the agenda. Vice-Chair Scott noted he would be able to attend. Ms. Hoijer asked if new member, Mr. Gregsak would consider attending and he noted he would be interested. Ms. Hoijer will contact OSI tomorrow morning to register two additional members for the conference.

**6. Resignation and Appointment of Members**

*Upon motion made and duly seconded the Board unanimously approved the appointment of:*

*Matt Gelinas as a regular member with a term to expire in May of 2022;*

*Adam Maciaszczyk as an alternate member with a term to expire in May of 2022;*

*William Gregsak as a regular member with a term to expire in May of 2022; and*

*Richard Snyder as an alternate member with a term to expire in May of 2022.*

*The Board regrettably accepted the resignation of Courtney Cashman with their thanks for her service.*

Ms. Hoijer contacted Mrs. Doda to put the members being appointed on the agenda with the BOS. Ms. Hoijer reminded to see Ms. Lufkin the Town Clerk a few days afterward (as she will need the paperwork and meeting minutes from the BOS) to have their oaths taken. Mr. Gregsak provided his contact information. Chair Maloney noted Mrs. Cashman will drop off her books with Mrs. Doda if Ms. Hoijer is not in the office.

**7. Hearings**

**The request for continuance for public hearing of John Cassell on behalf of Ralph Cassell and Mylene Cassell  
For Variances**

**From Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements)**

**To permit subdivision of the property into two lots, both with 145' frontage where 290' are required for the construction of a new residential home**

**On the property known as 203 Lane Road, Map 12-10-6 in the R-1 zone**

*Vice-Chair Scott moved to continue the public hearing of Mr. and Mrs. Cassell until June 18, 2019. Mr. Cannon seconded the motion, with all in favor, so moved.*

**The request of Michael Romick and Lisa Romick for a Special Exception to permit construction of an attached Accessory Dwelling Unit in accordance with Article 5, Section 5.3.3.3; Article 9; and Article 11, Section 4 of the Zoning Ordinance on the property known as Map/Lot 005-120-005, 105 North Pond Road**

Vice-Chair Scott read out loud the Public Hearing Notice.

Mr. Parks of Olympia Builders presented the plans for the Romick's proposed attached Accessory Dwelling Unit.

124 Chair Maloney asked Mr. and Mrs. Romick if Mr. Parks had their permission to present their  
125 application on their behalf – Mrs. Romick responded affirmatively.

126 Vice-Chair Scott asked where the addition would be located? Mr. Parks explained pointing to the  
127 plan set the home is on the corner of Orcutt Drive and the addition would be in the rear, the  
128 square feet now proposed to be 975 sf whereas 850 were listed on the application. The  
129 ordinance has a limit of 1000 sf. Mr. Parks noted there will be one bedroom plus an office which  
130 could become a second bedroom. The ordinance allows a maximum of two bedrooms.

131 Chair Maloney asked if the setbacks would be complied with? Mr. Parks answered affirmatively.

132 Chair Maloney questioned the location of the required interior door. Mr. Parks noted the door  
133 would be from the garage which the Building Inspector approved.

134 Chair Maloney questioned if parking on site and the septic system were adequate? Mr. Parks  
135 answered affirmatively. Mr. Gregsak noted the septic was approved and a design was prepared  
136 in the event the existing system failed. The new design has not been approved yet.

137 Chair Maloney asked if it would be owner occupied? Mrs. Romick answered affirmatively.

138 Chair Maloney asked about items #7 and #8 – Mr. Parks answered affirmatively.

139 Chair Maloney advised with regard to Item #9, code requirements, she would recommend as a  
140 condition if approved that sprinkler system be left to the discretion of the Building Inspector. Mr.  
141 Snyder indicated his interpretation of the ordinance per definitions in 2.3 were 3-6 families would  
142 require a sprinkler system.

143 Chair Maloney advised the Notice of Limited Occupancy would be required to be signed and  
144 recorded by the applicant and Building Inspector and recorded by the applicant at their expense  
145 at the Registry of Deeds as a condition of approval. Chair Maloney provided a copy of the Notice  
146 to Mr. Parks.

147 Chair Maloney reviewed the remaining articles required for compliance which included impact  
148 fees pursuant to 9.4.11.

149 Vice-Chair Scott read the conditions of Article 11 out loud from the worksheet.

150 Mrs. Romick noted the addition will blend with the existing house and there will be two parking  
151 spaces per unit.

152 Vice-Chair Scott opened the hearing to the public for questions and comments at 7:40 PM and  
153 being none closed the hearing to the public for deliberations.

154 ***Vice-Chair Scott moved to grant the Special Exception to permit construction of an***  
155 ***attached Accessory Dwelling Unit in accordance with Article 5, Section 5.3.3.3, Article 9***  
156 ***and Article 11, Section 4 of the Zoning Ordinance as presented. Mr. Snyder seconded the***  
157 ***motion, with all in favor, so moved.***

158 Mr. Cannon asked to vote on the conditions of approval. Vice-Chair Scott read out loud the list of  
159 possible conditions of approval which included the Notice of Limited Occupancy which is required  
160 on all ADUs. The Board agreed there was no need for screening or posting of a bond. Chair  
161 Maloney proposed pursuant to Article 9.4.10 the sprinkler would be at the discretion of the  
162 Building Inspector. Mr. Snyder noted his interpretation of the ordinance for the record was that it  
163 was not required.

164 ***Vice-Chair Scott moved to approve the conditions of approval:***

165           **1. Notice of Limited Occupancy to be signed and recorded at the Registry of Deeds by the**  
166           **applicant at the applicant's expense; and**

167           **2. Requirement of sprinkler system to be at the discretion of the Building Inspector.**

168           **Mr. Cannon seconded the motion, with all in favor, so moved.**

169           Vice-Chair Scott read out loud the 30-Day Notice advising Mr. Parks and the Romicks that if they  
170           began construction prior to the 30 days and a party appealed they would do so at their own risk.

171   **8. Adjournment**

172  
173   **Vice-Chair Scott motioned to adjourn the meeting. Mr. Snyder seconded the motion, with all in**  
174   **favor the meeting was adjourned at 7:55 PM.**

175  
176   Respectfully submitted,

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179   Nancy J. Hoijer  
180   Administrative Assistant