

These minutes are subject to possible changes and corrections during the approval process of a subsequent ZBA meeting.

**Town of Chester
Zoning Board of Adjustment
September 17, 2019
Town Hall
7:00 pm
Approved Minutes**

Members Present:

Chair Billie Maloney
Vice-Chair Kevin Scott
Jack Cannon
Bill Gregsak

Members Absent:

Adam Maciaszczyk
Matt Gelinis
Richard Snyder, Alternate
Joseph Hagan, Selectman Liaison

Guests:

Penny Williams, Tri-Town Times
Mr. and Mrs. Jean Methot @7:06 PM
Jonathan Alizio & Candice Alizio
Rick Bernard
Shawn Collard and Susan Collard

And other persons unknown to the minute taker

Agenda

1. Call to Order/Roll Call
2. Review Correspondence
3. Updates
 - Budget
 - Project – Scanning Decisions 1964-1997
 - MacLean – survey conditions
4. Approval of Minutes – August 20, 2019
5. Training – Fall Land Use Conference, Registrations – October 5, 2019
6. Hearings:

The request for a rehearing for public hearing of John Cassell on behalf of Ralph Cassell and Mylene Cassell
To correct a decision made by the Board on August 20, 2019 to deny with prejudice the applicant's request
For Variances

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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 continuance of the application of Jonathan P. Alizio and Candice W. Alizio for a Variance From Article 4, Section 4.2, Subsection 4.2.1 (Expansion of a Pre-Existing Non-Conforming Use) to demolish an approximately 690 SF ell on the existing home to make way for an approximately 1680 SF addition to the home. The lot is 1.7 acres with 90' of frontage on Sandown Road where Chester Zoning Ordinance requires a minimum of two acres and 290' of frontage.

On the property known as Map/Lot 005-096-000, 118 Sandown Road

The continuance of the application of Jonathan P. Alizio and Candice W. Alizio for a Special Exception

In accordance with Article 5, Section 5.3.3.3, Article 9 and Article 11, Section 11.4 to permit an Accessory Dwelling Unit

On the property known as Map/Lot 005-096-000, 118 Sandown Road

The application of Shawn Collard and Susan Collard, Trustees of the Collard Family Trust of 2016 for a Variance

From Article 4, Section 4.2, Subsection 4.2.1 (expansion of a non-conforming use) to permit the construction of a 26'x26' addition on the right side of the existing home (when looking at the property from the street)

On the property known as Map/Lot 001-059-001, 127 Harantis Lake Road

- 7. Non-Public Session pursuant to 91-A:3(II)(a) consideration of the compensation of a public employee.**

8. Adjournment

1. Call to Order/Roll Call

By Roll Call, Chair Maloney called the meeting to order at 7:02 PM. Present were: Chair Maloney, Vice-Chair Scott, Mr. Cannon, and Mr. Gregsak. Chair Maloney indicated the five regular members comprised a full-Board and there were only four sitting this evening. Chair Maloney explained the affirmative vote of at least three members would be required to approve or deny a request. Chair Maloney gave the option to the applicants to proceed or ask to continue.

2. Review Correspondence

Chair Maloney noted that a request for rehearing had been entered by Chair Maloney and Vice-Chair Scott to enable the Board to correct its August 20, 2019 decision to deny with prejudice the application of Mr. Cassell.

3. Updates

Chair Maloney provided the Board members with the amended Rules of Procedure adopted at the August 20, 2019 meeting which is reflective of the impact of HB 136 effective 7/9/19 and gives the ZBA 45 days to hold a public hearing after an application has been filed. Four Board members present signed the amended Rules of Procedure. The Board will attempt to have the remaining Board members who were not present sign the amended rules at the next meeting.

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The Board was provided with Financial Statements for August 2019 and a copy of the proposed Budget which is due to Finance on September 23, 2019. Mr. Cannon indicated he would forward the Budget to Finance.

4. Approval of Minutes – August 20, 2019

Vice-Chair Scott motioned to approve the minutes of August 20, 2019. Mr. Gelinas seconded the motion. Approved 4-0-0.

The Board was provided with a copy of the Memo of Admin Hoijer concerning the project which she has been working on all Summer to digitally scan the older decisions from 1964-1997.

The Board was provided with an update by Vice-Chair Scott who read out loud the letter from Conservation concerning the proposed MacLean Easement noted on the survey which has not been negotiated. Vice-Chair Scott noted a new survey is being presented to the Planning Board by Promised Land Survey. The Technical Review Committee will review the matter on Tuesday morning at 9 AM.

5. Training

Fall Land Use Conference – October 5, 2019

Chair Maloney reviewed the upcoming Fall Land Use Conference to see how many members would be able to attend. Mr. Cannon and Vice-Chair Scott indicated they may no longer be able to attend. Ms. Hoijer will remove two of the registrations for the Fall Conference.

6. Hearings

**The request for a rehearing to correct the August 20, 2019 decision to deny with prejudice the application 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 read out loud the Public Hearing Notice. Chair Maloney read out loud the request for rehearing to correct "with prejudice."

By Roll Call, Vice-Chair Scott motioned to grant a re-hearing on October 15, 2019 and to re-notice abutters and correct the decision. Mr. Gregsak seconded the motion. Voting in favor were Mr. Cannon - aye, Chair Maloney – aye, Vice-Chair Scott – aye and Mr. Gregsak - aye. The motion passed unanimously 4-0-0.

Chair Maloney noted abutters would be noticed.

Vice-Chair Scott read out loud the 30-Day Notice concerning Appeals.

The application of Jonathan P. Alizio and Candice W. Alizio for a Special Exception

**In accordance with Article 5, Section 5.3.3.3, Article 9 and Article 11, Section 11.4 to permit an Accessory Dwelling Unit
On the property known as Map/Lot 005-096-000, 118 Sandown Road
Mrs. Alizio read their application into the record verbatim.**

Chair Maloney questioned the distance from the existing barn to the 25' setback of the property line. The barn is prior non-conforming and will be demolished. The home was built in 1763. Mr.

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Gregsak questioned the driveway access for the new structure as a portion may be in the setback and require an additional variance.

Chair Maloney asked Mr. and Mrs. Alizio if this is their home? – yes.

Chair Maloney reviewed the requirements for the Special Exception which include ample parking, a sewerage disposal plan, occupancy of one of the units by the owner, the minimum area of 600 SF for the ADU and the maximum area requirements of 1000 SF for the ADU and number of bedrooms and impact fees. Chair Maloney added that a Notice of Occupancy would need to be signed by the applicants and the Building Inspector and recorded by the applicants at the Registry of Deeds with a copy provided to the ZBA office, prior to the Building Inspector issuing a Certificate of Occupancy. Chair Maloney asked if the applicants had this form – yes.

The Alizio's architect, Mr. Bernard, indicated the sewerage disposal plan had not been done yet because they did not want to expend the money for it if the Special Exception were not approved. Chair Maloney explained all conditions required must be satisfied in order to grant the Special Exception. This would be added as a condition.

The Board questioned access to the 477.5 SF storage area depicted on the plan. Mrs. Alizio explained storage would replace the storage they previously had in the EII which is being demolished. Chair Maloney expressed concerns about the storage area which is accessible by the ADU becoming a third apartment or being added to the square footage of the ADU which would then be exceeded. Mr. Gregsak and Vice-Chair Scott echoed those concerns due to the height and access of the area. The Board recommended as a condition that access to this storage area be from the first-floor garage. The Board also questioned who the laundry room and breezeway would be used by. Mrs. Alizio indicated they would be a part of their unit.

Vice-Chair Scott asked if the plans of the addition would be what they see when it is built. Vice-Chair Scott pointed out that one set of blueprints has double windows upstairs and another set of plans shows single. Vice-Chair Scott pointed out to Mr. Bernard the plan states that the existing septic/leach field has been abandoned and is not valid. Mrs. Alizio noted the system was redone when they moved in.

Chair Maloney opened the hearing to the public for comments and questions at 7:35 PM and being none closed the hearing to the public for deliberations.

Conditions were agreed upon by the Board which were read out loud:

1. Per the plan provided to the ZBA dated 6/17/19 access to the second-floor storage area be removed and access to the storage area be moved to the first floor garage; and
2. The applicant shall obtain a NH DES approved plan per 9.4.4.

Vice-Chair Scott indicated if the plans for the addition changed to other than were shown on this plan, the applicants would need to return.

Mr. Gregsak motioned to grant the Special Exception pursuant to Article 5, Section 5.3.3.3, Article 9 and Article 11, Section 11.4 to permit an accessory dwelling unit subject to the conditions stated above. Vice-Chair Scott seconded the motion, with all in favor, the motion passed unanimously.

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

The application of Jonathan P. Alizio and Candice W. Alizio for a Variance

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From Article 4, Section 4.2, Subsection 4.2.1 (Expansion of a Pre-Existing Non-Conforming Use) to demolish an approximately 690 SF ell on the existing home to make way for an approximately 1680 SF addition to the home. The lot is 1.7 acres with 90' of frontage on Sandown Road where Chester Zoning Ordinance requires a minimum of two acres and 290' of frontage.

On the property known as Map/Lot 005-096-000, 118 Sandown Road

Chair Maloney read the Public Hearing Notice concerning the Alizio's application for a Variance.

Mrs. Alizio read their application into the record verbatim.

Mr. Cannon asked how long they have lived there? – 2013.

The driveway was discussed, to the barn. The applicants indicated the barn was used for horses only and there was no driveway. Mr. Methot indicated 2-3 parcels had been combined at one time to make this lot.

Chair Maloney opened the hearing to the public for comments and questions at 7:55 PM and being none, closed the hearing to the public for deliberations.

Chair Maloney indicated the use is reasonable. Vice-Chair Scott indicated it would improve the neighborhood and diminishes the setback questions. Mr. Gregsak noted it met all five of the criteria and is a nice plan. Mr. Cannon agreed it would enhance the property – yes on all five.

Mrs. Alizio noted the barn wood would be reused as flooring.

Mr. Cannon motioned to approve the Variance from Article 4, Section 4.2, Subsection 4.2.1 to permit an approximately 1,680 SF addition to the home with 1.7 acres and 90' of frontage. Vice-Chair Scott seconded the motion, with all in favor, the motion passed unanimously.

Vice-Chair Scott read the 30 day Notice out loud.

The application of Shawn Collard and Susan Collard, Trustees of the Collard Family Trust of 2016 for a Variance

From Article 4, Section 4.2, Subsection 4.2.1 (expansion of a non-conforming use) to permit the construction of a 26'x26' addition on the right side of the existing home (when looking at the property from the street)

On the property known as Map/Lot 001-059-001, 127 Harantis Lake Road

Chair Maloney read the Public Hearing notice concerning the Collard's application out loud.

Mrs. Collard read the application into the record verbatim.

Vice-Chair Scott noted that he visited the property. The setbacks on the left fall within the Wetlands. The 26'x26' addition to the right side will not affect the wetlands.

Mr. Gregsak asked if there were any wet areas observed? Mr. Alizio noted seasonal wetlands with sand soil, some darker, spongy 3-4 months out of the year. There is a fire pond that drains out to the road all year. Ms. Hoijer asked how far the fire pond was from the proposed structure? – 185'. Mr. Cannon noted he viewed the property by aerial and saw no wet areas. Ms. Hoijer noted the Public Notice was sent to Conservation.

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The hearing was opened to the public for comments and questions at 8:14 PM and being none closed the hearing to the public for deliberations.

Vice-Chair Scott motioned to approve the Variance from Article 4, Section 4.2, Subsection 4.2.1 to permit the construction of a 26'x26' addition to the right side of the existing home (when looking at the property from the street) where the structure is not more than 75' from the wetlands on the left side of the house. Mr. Cannon seconded the motion, with all in favor, the motion passed unanimously.

Vice-Chair Scott asked if the applicant's understood the 30-day notice which had been read out loud earlier? – yes.

7. Non-Public Session pursuant to 91-A:3(II)(a) consideration of the compensation of a public employee.

By Roll Call Vice-Chair Scott motioned to go into non-public session pursuant to 91-A:3(II)(a) compensation of a public employee. Mr. Cannon seconded the motion, with all in favor, so moved.

The meeting room was closed to the public at 8:15 PM.

The meeting room was reopened to the public at 8:30 PM.

Vice-Chair Scott motioned to seal the minutes indefinitely. Mr. Cannon seconded the motion, with all in favor, so moved.

8. Adjournment

Vice-Chair Scott motioned to adjourn the meeting. Mr. Gregsak seconded the motion, with all in favor the meeting was adjourned at 8:35 PM.

Respectfully submitted,

Nancy J. Hoijer
Administrative Assistant