

**Town of Chester
Zoning Board of Adjustment
July 21, 2020
Town Hall
6:00 pm
Approved Minutes**

Members Present:

Chair Billie Maloney
Vice-Chair Kevin Scott
William Gregsak
Richard Snyder, Alternate (remotely)

Members Absent:

Jack Cannon

Guests:

Dylan Cooper
George Chadwick
Jonathan Bayreuther
Kelsey Towle Bayreuther
Elaine Towle
Eric Mitchell
Sam Nasr
Anthony Franchini
Bruce Baker
Jennifer Morin
Joshua Morin
Joshua Morin
Kerry Batchelder
Timothy Peloquin
Ron McKinnon
Alan Dupras
Gary Van Geyte

And other persons unknown to the minute taker

Agenda

- 1. Call to Order/Roll Call**
- 2. Correspondence - FYI**
- 3. Approve Minutes for February 18, 2020**
- 4. Updates – Budget Sheets – FYI**
- 5. Training**

43 **6. Hearings**

44 **7. Other Business – COVID-19 Town Hall Reopening**

45
46 **8. Adjournment**

47 **1. Call to Order**

48 Chair Maloney called the meeting to order at 6:00 pm and indicated Alternate Rick Snyder
49 would be an active voting member for this meeting. By Roll Call were present: Rick Snyder,
50 Kevin Scott, Billie Maloney, and Bill Gregsak.

51 **2. Correspondence**

52 Ms. Hoijer provided copies of emails from the Planning Board and Building Inspector relative to
53 prior decisions: Mill Pine Village composting operation remediation and Ashby who has applied
54 for permitting but work has not commenced for more than two years since NOD.

55 **3. Approval of Minutes**

56 Mr. Snyder indicated for a commercial operation Site Plan Review is required. Mr. Snyder
57 recommended edits to Line 220, 259, 304, 326 and 479.

58 ***Mr. Gregsak motioned to approve the February 18, 2020 minutes, as amended. Chair***
59 ***Maloney seconded the motion. Vice-Chair Scott abstained. A vote was taken, Gregsak –***
60 ***aye, Snyder – aye and Maloney – aye. The motion passed 3-0-1.***

61 **4. Updates**

62 The Budget Sheet was provided for informational purposes for the months of February, March,
63 and May 2020.

64 **5. Training**

65 Chair Maloney provided the Board and Ms. Hoijer with a copy of the NHMA update relative to
66 cumulative effect. Chair Maloney noted the Zoning Conference was cancelled and no new date
67 has been scheduled.

68 **6. Hearings:**

69 1. The Cooper Family Trust for:
70

71 a. a Variance from Article 5, Section 5.3.5, Table 1 of the Ordinance to permit an existing
72 30'x40' bituminous concrete basketball court within 14' of the rear property line where 25' are
73 required.
74

75 b. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit an existing
76 30'x40' bituminous concrete basketball court which is located wholly within the setback where the
77 table requires structures to be setback 75' from the edge of wetlands.
78

79 c. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit an existing
80 30'x40' bituminous concrete basketball court within the 15' No-Cut Buffer and which potentially
81 exceeds the 50% annual basal area.
82

d. an Equitable Waiver of Dimensional Requirements from Article 5, Section 5.7.8 of the Ordinance to permit an existing garage within 59' of the wetland edge where 75' are required

On the premises known as Tax Map 9 Lot 18, 321 Fremont Road in the R-1 Residential Zone.

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal.

Vice-Chair Scott explained there were four ZBA members sitting during tonight's hearing, three affirmative votes would be required for approval, and gave the applicant the option to continue and hope for five members. Mr. Cooper indicated he wished to proceed.

Mr. Chadwick of Bedford Design presented the application for the equitable waiver first. Mr. Chadwick explained the garage is 59' from the 75' required setback to wetlands. The property was flagged by Luke Hurley with Gove Environmental. Mr. Chadwick explained when the building permit was issued the plan inaccurately depicted the wetlands and was issued based on that plan.

Chair Maloney read from the requirements to issue an Equitable Waiver RSA 674:33-a.

- 1. Dimensional error? – yes.
- 2. Existed more than ten years? – no.
- 3. Not due to ignorance but a mistake? – the permit was issued after building began.

Mr. Snyder indicated the garage was built with a permit. The violation was discovered before the structure was 100% complete but the foundation had been set and the framing begun.

Chair Maloney continued:

- 4. Nuisance? Is a nice garage, outweighs public gain, moving would be costly now that it is 100% built.

Chair Maloney indicated there was no public present and closed the hearing to the public at 6:15 PM for deliberations.

Mr. Gregsak noted the neck of the lot decreases the buildable area and the property is wet. Mr. Snyder noted it was built with a permit in good faith. Chair Maloney indicated it was discovered after substantially complete, a good faith error. It is not a public or private nuisance. The investment outweighs the benefit to move it. Mr. Snyder agreed this is a good, classic example.

Vice-Chair Scott motioned to grant an Equitable Waiver of Dimensional Requirements from Article 5, Section 5.7.8 of the Ordinance to permit an existing garage within 59' of the wetland edge where 75' are required. Chair Maloney seconded the motion. With all in favor, the motion passed unanimously.

Mr. Chadwick presented the applications for the three variances for the basketball court. Mr. Chadwick presented the plan which showed the basketball court encroached on the rear property line, the wetlands setback and no-cut buffer. The structure is wholly in the setback and a portion is in the no-cut buffer. The structure is 10.3' from the wetlands edge.

Mr. Chadwick reviewed the five points. Mr. Chadwick noted the structure is not visible to the neighbors and not contrary to public interest. It is screened by a forested wetland. It is now

flagged so it should not be altered. It will not affect the water quality or hydrology. The court is small, 400 SF. It slopes gently to the wetland. Will not affect animal habitat. It has been there awhile, and vegetation has grown up. It won't affect plants. The water comes under Fremont Road.

The spirit would be observed as the purpose is public safety, regulating land subject to standing waters. It doesn't affect any of those. The intent of the buffer is to filter stormwater and contaminants. The minor cutting of vegetation, there are no pollutants or additional contamination.

It is not an unsafe environment. Kids play there away from the street. DES regulations show asphalt is a stabilized surface and doesn't contribute environmental hazards to the wetlands. The use is reasonable, it is a buildable area. The area of the parcel that is outside the wetland buffer is 13,251 SF or about 15% of a two-acre parcel.

Mr. Chadwick noted per 5.7.2.6 you cannot cut 50% basal area within the 25' no-cut buffer annually. 270' vegetation cut was way below the 50% threshold. The area within the buffer is this small corner of the basketball court. The spirit has been met.

Substantial justice – allows the homeowner to keep the basketball court and for their kids to play away from the street in a safe location that maintains the rural character of the neighborhood.

Values – There are many homes in Chester with basketball courts and it will not affect values of surrounding properties.

Mr. Chadwick noted the hardship of the land unique is that there is a very small buildable percentage on this two-acre lot with buffers and wetlands buffer bisecting 79% of the lot, or 68,595 SF.

The use is reasonable, there is no congestion or safety issues.

Chair Maloney noted there was no public present and closed the public hearing for deliberations at 6:33 PM.

Mr. Gregsak noted he couldn't see it from the road when he drove by. It was well hidden, and he can see why it is back there. He would condition approval on it remaining a basketball or tennis court and not for being a parking lot for equipment because it is very close to the wetland.

Chair Maloney asked about the shed? Mr. Cooper noted the portable shed will go behind the garage. It is 8'x8.'

Chair Maloney noted it was out of the way but could probably be seen without leaves on the trees.

Vice-Chair Scott noted he viewed the property today, noticed the shed and the property was exactly as described. Vice-Chair Scott indicated he would condition approval as Mr. Gregsak suggested. Is satisfied testimony is true and accurate and what we're looking for.

Mr. Snyder noted he was in support of the condition that there be no expansion or change of use. A tennis court is bigger. Wouldn't want to see that. Mr. Snyder noted it is unfortunate to have been put where it is, there is increased runoff but there are no contaminants and it should remain a basketball court.

Vice-Chair Scott read out loud the proposed condition.

Vice-Chair Scott motioned to grant the Cooper Family Trust

a. a Variance from Article 5, Section 5.3.5, Table 1 of the Ordinance to permit an existing 30'x40' bituminous concrete basketball court within 14' of the rear property line where 25' are required.

b. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit an existing 30'x40' bituminous concrete basketball court which is located wholly within the setback where the table requires structures to be setback 75' from the edge of wetlands.

c. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit an existing 30'x40' bituminous concrete basketball court within the 15' No-Cut Buffer and which potentially exceeds the 50% annual basal area.

seconded by Mr. Snyder. Subject to the following conditions:

Conditions:

Said basketball court shall be used solely as a place to play upon. This area shall not be used as a pad to park motorized vehicles upon or be used as a pad to be used as hard stand storage upon or used as a pad for any type shed or storage building. Violation shall be cause for removal of this pad and return of site to its natural state.

With all in favor, the motion passed unanimously.

2. Jonathan Bayreuther and Kelsey (Towle) Bayreuther for a Special Exception from Article 9, Section 4 of the Ordinance to permit a 765 SF Accessory Dwelling Unit to be attached to the proposed new home to be constructed at the premises known as Map 9, Lot 19-003 at 92 Raven Drive in the R-1 Residential Zone.

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal. Vice-Chair Scott offered that he brought along with him the NH guide to Accessory Dwelling Units. Vice-Chair Scott indicated there are only three ZBA members sitting on this hearing with him recusing himself and needing three affirmative votes to be favorable gave the option to continue. Mr. Bayreuther indicated he would like to proceed.

Vice-Chair Scott then recused himself as Kelsey Towle is his second cousin. Her mom is his cousin. Vice-Chair Scott sat with the public.

Chair Maloney explained with a Special Exception for an ADU the applicant needs to answer yes to all of the conditions contained in the Ordinance Section 9.4.1.

Mr. Bayreuther indicated the 40' setback will be met, there will be an interior door. The main entry foyer is common. There is on-site parking for four cars on site for residents of both units. The applicants will occupy one of the units. The building will be new, the septic will be designed according to RSA 485 with Town and state approval. The square footage is more than 600 SF and less than 1000 SF. The ADU is 765 SF. The ADU will have one bedroom. The aesthetics will be a white farmhouse style with red barn, same windows, siding and roofing.

Chair Maloney noted the sprinkler requirement is left to the discretion of the Building Inspector. Mr. Bayreuther noted it will have sprinklers.

Mr. Bayreuther acknowledged the impact fees.

Ms. Hoijer asked if the owner understood the requirement for the Notice of Limited Occupancy form to be recorded at the Registry of Deeds with a copy provided to the ZBA. Mr. Bayreuther answered affirmatively.

Mr. Scott speaking as a member of the public noted he viewed the property and it is going to be a lovely home and he would support this.

Chair Maloney closed the hearing to the public for deliberations at 6:44 PM.

Mr. Snyder noted he liked the plans. Mr. Gregsak noted it is a beautiful spot.

Mr. Gregsak motioned to grant a Special Exception from Article 9, Section 4 of the Ordinance to permit a 765 SF Accessory Dwelling Unit to be attached to the proposed new home to be constructed at the premises known as Map 9, Lot 19-003 at 92 Raven Drive in the R-1 Residential Zone. Chair Maloney seconded the motion. With all in favor, the motion passed unanimously.

3. Nasr Enterprises, LLC for"

a. a Variance from Article 4, Section 4.2.1 of the Ordinance to permit enlargement or extension of a non-conforming use for the installation of a 4.5'x9.5' concrete slab and handicapped wheelchair lift within the 40' front yard setback.

b. a Variance from Article 4, Section 4.5.1 of the Ordinance to permit 11 on-site and one partially on-site parking space(s) where 16 are required.

c. a Variance from Article 4, Section 4.5.1 of the Ordinance to permit parking space #2 shown on Site Plan dated April 9, 2020, as revised on 5/11/2020 and 5/26/20 prepared by Eric C. Mitchell & Assoc. Inc. for handicapped van parking to be located only partially on-site. The site plan depicts space #2 to be more than 50% off property where parking spaces are required by the Ordinance to be provided on premises.

d. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit parking spaces #2-#9 and associated drive aisle as shown on Site Plan dated April 9, 2020, as revised on 5/11/2020 and 5/26/2020 prepared by Eric C. Mitchell & Assoc. Inc. to be 7' from the front property line where a minimum setback of 40' are required

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal. Vice-Chair Scott explained to the applicant there are three affirmative votes required for approval and with him stepping down there will be three ZBA members sitting on the application. Mr. Nasr indicated he would like to proceed.

Vice-Chair Scott recused himself and sat with the public.

Chair Maloney directed the applicant to answer the five points for the four applications.

Mr. Mitchell put the plans up for the Board to review. Mr. Snyder who was remote indicated he had his copy of the plan.

Chair Maloney noted the first variance requested was for the concrete slab for the handicapped wheelchair lift because the porch is within the 40' setback.

Mr. Mitchell indicated this is an existing site, existing building, structure and pavement same, not proposing alterations. Already received site plan approval from the Planning Board. The lift will be on the left-hand side. The base is the concrete slab which is 4.5' by 9.5'. The existing pavement is not suitable for a wheelchair lift.

Mr. Mitchell stated it is not contrary to public interest as it provides handicapped accessibility to an existing building.

Spirit of the ordinance would be observed the building is existing and lift provides handicapped access. Substantial Justice allows wheelchair access to an existing building where it does not already have wheelchair access. Installation of the lift will not change the view to the abutters.

Hardship – Mr. Mitchell noted the hardship is the existing building and the front yard setbacks.

Chair Maloney noted handicapped parking space #2 is more than 50% off the property. If the answers are the same, we can talk about 4.5.1 minimum quantity of spaces is 16 only 11 on site were provided. 3-9 will be 7' from front property line where 40' are required.

Mr. Mitchell noted no additional improvements. Been used like this for some time. Reasons why asking for this the second variance was for 11 parking spaces on site and one partially off-site where 16 are required. In reviewing the plans, received Planning Board approval and waiver for the parking that we had. Submitted information from the Institute of Transportation Engineers reviewed by the Town's review consultant. 11 are totally on site, the 12th is the handicapped van-accessible partly on Town property. The sign would be put on the post and the space would be used minimally. The business will go to their house a lot of the time so this space would be used minimally.

Mr. Mitchell noted the parking to the side is 7' from the parcel and 121 is part of the monument that is there, not technically part of the ROW. Parking is well more than 40' not right on top of the road by any means. To change that it would require paving, grading, and more impervious surface.

Mr. Mitchell noted the use is reasonable, existing, been there a long-time use. The applicant was given a variance for an office last November.

Kevin Scott spoke as an abutter and noted the bulk is painting of lines other than the lift. He has lived across for 30 years seen a lot of business going in and out, is a sound plan, is long overdue and should be ashamed of ourselves for taking so long to approve it and recommends you approve it.

Chair Maloney closed the hearing to the public at 7:00 PM for deliberations.

Chair Maloney motioned to grant the variances to Nasr Enterprises, LLC for:

a. a Variance from Article 4, Section 4.2.1 of the Ordinance to permit enlargement or extension of a non-conforming use for the installation of a 4.5'x9.5' concrete slab and handicapped wheelchair lift within the 40' front yard setback.

b. a Variance from Article 4, Section 4.5.1 of the Ordinance to permit 11 on-site and one partially on-site parking space(s) where 16 are required.

c. a Variance from Article 4, Section 4.5.1 of the Ordinance to permit parking space #2 shown on Site Plan dated April 9, 2020, as revised on 5/11/2020 and 5/26/20 prepared by Eric C. Mitchell & Assoc. Inc. for handicapped van parking to be located only partially on-site. The site plan depicts space #2 to be more than 50% off property where parking spaces are required by the Ordinance to be provided on premises.

d. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit parking spaces #2-#9 and associated drive aisle as shown on Site Plan dated April 9, 2020, as revised on 5/11/2020 and 5/26/2020 prepared by Eric C. Mitchell & Assoc. Inc. to be 7' from the front property line where a minimum setback of 40' are required.

Mr. Snyder seconded the motion. With all in favor, the motion passed unanimously.

Chair Maloney noted it meets all five points, the building has been in use for many years. Property cannot be enlarged due to state roads and the Town's ownership of land out front and the use is reasonable.

4. Anthony Franchini for:

a. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit the existing 9'x32' gravel expansion on the right side of the driveway located 25' from wetlands where 75' are required

b. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit the existing 10'x14' shed within 38' feet of wetlands where 75' are required

On the premises known as Tax Map 1, Lot 95-1, 130 East Derry Road in the R1 Residential Zone

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal. Vice-Chair Scott indicated there are only four ZBA members sitting on this hearing needing three affirmative votes to be favorable gave the option to continue. Mr. Franchini indicated he would like to proceed.

Mr. Franchini indicated he was here requesting two variances, one for the shed which is 38' from wetlands where 75' are required and the driveway extension which is 9'x32' gravel and 25' where 75' are required.

Mr. Franchini noted the use is not contrary to the public interest and explained when he installed the shed, he didn't know. This is the flat level area at the back of the driveway. There is stone underneath.

Mr. Franchini noted as far as substantial justice this is the only flat, level spot practical to store yard and winter equipment inside.

Mr. Franchini noted it does not affect values it is a 30-year warranted Reeds Ferry shed with matching siding and shutters.

Mr. Franchini noted he does not have another place to put it. It is facing left, sloped and not much behind. The wetlands are on the right side.

Mr. Franchini noted the property is unique. The house sits on the corner and the neighbors have wetlands, but they are nowhere near as close to the house as they are on his property.

Mr. Snyder asked about the berm and noted runoff slopes off the back? Mr. Franchini noted without the stone the area would be a muddy mess. The berm seems to be solid rock and was there when they moved in. Grass does not grow on it. Vice-Chair Scott noted a lot of hammering was done to put the house in.

Mr. Baker, an abutter across the street, had no problem with the application. Ms. Hoijer noted calls were received from two other abutters, Mr. Olzewski and Mr. Marston who stated no objection.

Mr. Gregsak noted he viewed the property and was exactly as described and seems obvious why, is common sense.

Vice-Chair Scott noted he was familiar with the property that was owned by his family at one time and sold to the developer who built the house. He viewed the property. The runoff goes to the back side. There is a lovely design out back and he has no questions or problems.

Vice-Chair Scott moved to approve a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit the existing 10'x14' shed within 38' feet of wetlands where 75' are required. Chair Maloney seconded the motion. With all in favor, the motion passed unanimously.

Mr. Franchini addressed the variance requested for the extension of the driveway which is 9'x32' gravel. The driveway is a structure located 25' where 75' are required from wetlands. Mr. Franchini noted he didn't know when he extended with gravel that would be considered a structure and require permitting. The extension is needed to pull in and out of the garage. It allows him to safely use the garage without having to move parked cars to get in and out which satisfies substantial justice. The values are not diminished it is a safe spot not affecting surrounding property. The stone will not affect the wetlands. The wetlands are protected by the berm. It would be a hardship to remove it. The hardship is unique with the wetlands so close to the house and driveway and the slopes.

Chair Maloney closed the hearing to the public at 7:26 PM for deliberations.

Mr. Snyder noted the five points have been met.

Vice-Chair Scott agreed, noting he was there today, and one car was parked, and it took him four times to turn around even with the expansion, he would want it even bigger. It is a hassle to turnaround, is reasonable and appropriate.

Vice-Chair Scott moved to approve a Variance for the Franchinis from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit the existing 9'x32' gravel expansion on the right side of the driveway located 25' from wetlands where 75' are required. Chair Maloney seconded the motion. With all in favor, the motion passed unanimously.

5. Joshua Morin and Jennifer Morin d/b/a Kerry's Dance Center for:

a. An Equitable Waiver of Dimensional Requirements from Article 5, Section 5.3.5, Table 1 for:

i. a deck and stairway on the detached 3-car garage 23' from the property line where 25' are required.

ii. 21.4% of impervious surface coverage where 15 % is allowed.

iii. a paved area on the west end of the lot which includes parking space #20 and a portion of parking space #19 nine (9') feet from the required setback where 25' are required.

iv. a gravel turn around area north of the west end of the lot 14' from the property line where 25' are required; and

v. a shed within the rear setback of the property line where 25' are required.

On the premises known as Map 6, Lot 14, 8 Deerwood Hollow in the R-1 Residential Zone

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal. Vice-Chair Scott indicated there were four members of the ZBA sitting on this hearing. The affirmative vote of at least three members would be required for approval. Ms. Morin indicated she would like to proceed.

Chair Maloney noted there were five requests for Equitable Waiver including the shed and instructed to answer the questions for all five and elaborate here and there. Chair Maloney read the five requests.

Chair Maloney asked if the violation was discovered after substantially completed? – yes. Were there for ten years or more? Ms. Morin noted all were there for more than ten years, more than 20.

Vice-Chair Scott asked if anything changed since purchased the property – no. The business was purchased in 2004. Mrs. Batchelder noted the covered stairway was for the safety of the children, had all the proper permitting and all was done at the same time. She didn't know anything about the 23' instead of 25' setback until now. Just the last couple of stairs are an issue as the property is on an angle.

Chair Maloney continued with questions Not a result of ignorance, due to a good faith error in measurement? – correct. Not a nuisance? – correct. The degree of investment the cost of correction outweighs any public benefit?– correct. Mr. Snyder noted removing the covered staircase would not be wise. It has been more than ten years? - Only one and a half spaces were challenged. No cars were required in the street, so this parking area was created at the end. To remove would diminish the number of spaces to keep the cars off the road. The septic is in the front.

Mr. Snyder asked when they went in and Mrs. Batchelder noted it went in about 2004. In New England when it snows, the parking gets smaller and smaller and this was meant for snow. Mr. Gregsak noted this was essentially snow storage.

Mr. Snyder noted our Finding of Fact is the violations exist more than 10 years, unenforced and do not create a nuisance and in some cases done with the approval of the building inspector then, who has since passed away.

Mr. Snyder asked to elaborate on the shed. The Building Inspector took a position as the Planning Board required it to be moved as a COA which he disagrees with. The shed could be moved so it could be remedied without a variance. There was no objection to the request to move the shed.

Chair Maloney indicated the Site Plan Condition was investigated and determined the equitable waiver would remove the condition.

Vice-Chair Scott visited the site, all is true, factual and accurate and is comfortable granting the equitable waiver.

Ms. Morin noted she has been working on this for months and had to shut down her business, has lost money, time, students, sleep, stress level and is concerned when she leaves her where does it leave her after tonight. Chair Maloney apologized for the inconvenience and noted there should be nothing left that the Building Inspector can find that you need. Mr. Morin noted he doesn't come to these meetings. Chair Maloney noted he is a good Building Inspector and if you have any problems can go to the Board of Selectmen. He should be able to give you permit for your business right away. Vice-Chair Scott asked to keep the ZBA in the loop. There is a vehicle for Administrative Appeal if it comes to that that may be shorter to appeal a decision than go through all of this again.

Mr. Snyder noted each step along the way was done with thoroughness to a fault and the applicant has participated in the process with great preparation and without complaint and all boards had to follow the letter of the law on it. Site Plan Review unfortunately revealed these things that you got equitable waivers for. Chair Maloney noted the ZBA did not waive the requirement it stated it did not support it. Mr. Snyder noted with a commercial business it is required. Chair Maloney noted COVID-19 has been a frustration, the Governor still hasn't lifted the Executive Order and the ZBA doesn't even need to be meeting yet.

Vice-Chair Scott motioned to grant an Equitable Waiver of Dimensional Requirements from Article 5, Section 5.3.5, Table 1 for:

i. a deck and stairway on the detached 3-car garage 23' from the property line where 25' are required.

- 520
- 521 ***ii. 21.4% of impervious surface coverage where 15 % is allowed.***
- 522
- 523 ***iii. a paved area on the west end of the lot which includes parking space #20 and a***
- 524 ***portion***
- 525 ***of parking space #19 nine (9') feet from the required setback where 25' are***
- 526 ***required.***
- 527
- 528 ***iv. a gravel turn around area north of the west end of the lot 14' from the property***
- 529 ***line where***
- 530 ***25' are required; and***
- 531
- 532 ***v. a shed within the rear setback of the property line where 25' are required***
- 533
- 534 ***n the parcel at 8 Deerwood Hollow for Joshua Morin and Jennifer Morin doing business as***
- 535 ***Kerry's Dance Center. Chair Maloney seconded the motion. With all in favor, the motion***
- 536 ***passed unanimously.***
- 537

538 Ms. Hoijer will provide the Decision to the Building Inspector first thing tomorrow morning.

539

540 6. Promised Land Survey, LLC on behalf of Alan F. Dupras & Thomas Dupras for:

541

542 a. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit a driveway

543 proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to cross the 25' setback at

544 Sta-6+00 where the Table requires a 25' setback from the rear property line – there is no provision

545 in the ordinance for a driveway to cross the rear setback.

546

547 b. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit a driveway

548 proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to be located 26.5' from

549 the edge of wetlands where 75' are required

550

551 c. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit a driveway

552 proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to be 14.4' from the left

553 property line and 24.4' from the right property line where 25' are required

554

555 On the premises known as Tax Map 013, Lot 017-000, 27 Hanson Road in the R1 Residential

556 Zone.

557

558 Note: An application was presented to the Raymond ZBA for the portion of the premises located

559 in Raymond known as Tax Map 004-000-057 in the R1 Residential Zone and was approved

560 conditioned upon a Waiver from the Fire Department.

561

562 A copy of this Notice is being provided to the Town of Raymond Board of Selectmen and the

563 Town of Raymond ZBA

564

565 Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal.

566 Chair Maloney indicated she walked the property. The driveway is not as long as it looks. It is

567 gravel now. Vice-Chair Scott noted it has frontage on the road but is divided by the River. Chair

568 Maloney spoke with the Raymond Selectman, Mr. Campbell and the conditions were met,

569 Raymond approved it. Chair Maloney spoke to Chester's Fire Chief Bolduc who indicated the

driveway needs to be 16' wide, needs to be maintained year-round and have a hammerhead turnaround down the driveway where indicated on the map.

Chair Maloney indicated an easement can't be given by the current owners to themselves but if sold an easement could be recorded at that time. Chair Maloney reviewed the requests.

Mr. Peloquin presented the request for the three variances verbatim. Mr. Peloquin noted the application has been to the TRC and the Road Agent indicated it met site distance. The property is owned by two brothers. Mr. Peloquin noted there is another lot on Hanson that has an access easement. Mr. Peloquin noted Attorney Michael Scott noted in the event the property was sold he could write an access easement. Will need to meet Shoreland protection requirements.

Vice-Chair Scott noted the frontage is unsuitable and does not believe it is a buildable lot. It can be but not in its present form. It has been taxed as a buildable lot. Route 102 is a state road and has jurisdiction of river. The State ROW is wider than normal.

Ms. Hoijer noted an abutter, Candace Schofield called and had no objection.

Chair Maloney opened the hearing to the public at 8:36 PM.

Ron McKinnon of 43 Hanson Road noted he bought this past October, moved in in November and met the Dupras who were nothing but helpful and friendly. The driveway side abuts their property. Have no issue. Attending the Raymond meeting and spoke in favor. Don't see it even in the dead of winter. Makes perfect sense to put a home on this spot. It is a beautiful spot. Mr. Peloquin indicated it is 8.5 acres overlooking the river.

Vice-Chair Scott indicated he viewed the property and it is a beautiful lot.

The Board discussed proposed conditions:

- Hammerhead turnaround as depicted on plan
- 16' width of driveway
- Driveway to be maintained year-round to permit emergency service access.

Vice-Chair Scott asked which Town responds in an emergency. Chair Maloney noted Mr. Bolduc told her both Towns would respond which is pretty common.

Vice-Chair Scott motioned to grant subject to the conditions:

a. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit a driveway proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to cross the 25' setback at Sta-6+00 where the Table requires a 25' setback from the rear property line – there is no provision in the ordinance for a driveway to cross the rear setback.

b. a Variance from Article 5, Section 5.7.8 Table 2 of the Ordinance to permit a driveway proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to be located 26.5' from the edge of wetlands where 75' are required

c. a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance to permit a driveway proposed on plan of Promised Land Survey, LLC dated May 27, 2020 to be 14.4' from the left property line and 24.4' from the right property line where 25' are required

Subject to the following conditions:

- **Hammerhead turnaround as depicted on plan**
- **16' width of driveway**
- **Driveway to be maintained year-round to permit emergency service access.**

Mr. Gregsak seconded the motion. With all in favor, the motion passed unanimously.

7. Gary Van Geyte on behalf of 120 Raymond Road LLC

For a Variance

From Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements) where a lot must be a minimum of two (2) acres in the residential zone; and Article 4, Section 4.2.2 (Change in Non-Conforming Use) to permit a lot line adjustment between Map 5, Lot 26 and Map 5, Lot 57 which will leave Map 5, Lot 26 with only .59 acres after the lot-line adjustment. Currently 120 Raymond Road is a 1.62-acre lot.

On the premises known as 120 Raymond Road, in the R-1 Residential zoning district

Vice-Chair Scott read out loud the Public Hearing notice and 30-Day Notice of Appeal. Vice-Chair Scott indicated there were three ZBA members present tonight with Mr. Gregsak recusing himself and the approval would require the affirmative vote of at least three members. Mr. Van Geyte indicated he would like to proceed.

Mr. Gregsak recused himself and sat with the public.

Ms. Hoijer indicated a call was received from an abutter, Mrs. Vonschantz who had no objection.

Mr. Van Geyte presented the application on behalf of Web & Sylvia Anderson. The lot line adjustment is between the split-level home on Raymond Road and the existing antique home on Old Sandown Road which will give them a larger backyard, providing both homes with aesthetic backyards. Old Sandown Road home is one of Chester's oldest homes. It will not alter the use.

Vice-Chair Scott asked if he had any idea how the lots became configured? Mr. Van Geyte did not know. Chair Maloney indicated it could have been there before the road.

Vice-Chair Scott noted he viewed the property today and it is accurate. He noted the 200' circles for well radius. Mr. Snyder noted he viewed the property as well and it is a good idea.

Vice-Chair Scott motioned to grant a Variance

from Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements) where a lot must be a minimum of two (2) acres in the residential zone; and Article 4, Section 4.2.2 (Change in Non-Conforming Use) to permit a lot line adjustment between Map 5, Lot 26 and Map 5, Lot 57 which will leave Map 5, Lot 26 with only .59 acres after the lot-line adjustment.

Chair Maloney seconded the motion. With all in favor, the motion passed unanimously.

Vice-Chair Scott read the 30-Day Appeal Notice.

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7. Other Business

Ms. Hoijer provided the Board with a copy of the Town Hall Reopening Policy issued by Town Administrator Doda.

Chair Maloney reminded election of Chair and Vice-Chair usually take place in May, but the Board did not meet since February.

Mr. Gregsak nominated Billie Maloney as Chair of the Zoning Board of Adjustment. Vice-Chair Scott seconded the motion. With all in favor the motion passed unanimously.

Mr. Gregsak nominated Kevin Scott as Vice-Chair of the Zoning Board of Adjustment. Chair Maloney seconded the motion. With all in favor the motion passed unanimously.

7. Adjournment

Vice-Chair Scott motioned to adjourn the meeting at 8:59 PM. Mr. Snyder seconded the motion, with all in favor, so moved.

Respectfully submitted,

Nancy J. Hoijer,
Recording Secretary