

*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 15, 2020  
Town Hall  
7:00 pm  
Approved Minutes**

**Members Present:**

Chair Billie Maloney  
Vice-Chair Kevin Scott  
Jack Cannon  
William Gregsak  
Rick Snyder, Planning Board Liaison/Alternate (remotely)

**Members Absent:**

**Guests:**

Darrel Quinn  
Jacob Hemond  
Jonathan Alizio  
Candace Alizio

And other persons unknown to the minute taker

**Agenda**

1. Call to Order/Roll Call
2. Correspondence – Triad Winery withdrawal of variance letter, email from Building Inspector concerning placement of Gokey shed without relief, letter of support for Hemond variance from Darrell Quinn and phone call of no objection from Mrs. Remillard
3. Approve Minutes for August 18, 2020
4. Non-Public Session pursuant to 91-A:3(II)(1) advice of counsel
5. Updates – Planning Board Notice of Expiration (vote required)  
Copy of PB minutes of 08/26/20 re: Triad Winery conceptual & Buchanan riding arena  
Copy FY of letter to Building Inspector re: Cooper shed removal  
Copy of RSA 21:34-a 2019-2020  
Alizio plan revisions (ADU approved 2019) Map/Lot 5-96, 117 Sanborn Road  
Contact Sheet  
Budget Sheets – appointment with BOS October 8, 2020
6. Training – On Hold
7. Hearings
8. Other Business
9. Adjournment

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43 **1. Call to Order**

44 Chair Maloney called the meeting to order at 7:00 PM. By Roll Call were present: Kevin Scott,  
45 Billie Maloney, Jack Cannon and Bill Gregsak with Rick Snyder remotely. Chair Maloney noted  
46 Alternate Rick Snyder was active.

47 **2. Correspondence**

48 Ms. Hoijer provided copies of a withdrawal letter from Triad Winery for their variance application,  
49 an email from the Building Inspector with a proposed location for the Gokey shed to be placed  
50 without relief from the ZBA, a letter of support from abutter Darrell Quinn relative to the Hemond  
51 variance application and advice of phone call from Mrs. Remillard who stated she did not object  
52 to Mr. Hemond's application.

53 **3. Approval of Minutes – August 18, 2020**

54 Vice-Chair Scott recommended clarifying who owns the accessory land in the subdivision and  
55 changing the deed to his deed, all on page 7.

56 ***Mr. Cannon motioned to approve the August 18, 2020 minutes, as amended. Mr. Gregsak***  
57 ***seconded the motion. Mr. Snyder abstained. A vote was taken, Gregsak – aye, Maloney***  
58 ***– aye Cannon – aye and Scott - aye. The motion passed 4-0-1.***

59 **4. Non-Public Session pursuant to 91-A:3(II)(1) advice of counsel**

60 ***Vice-Chair Scott motioned to go into non-public session pursuant to 91-A:3(II)(1)***  
61 ***consideration of the advice of legal counsel. Mr. Cannon seconded the motion. A vote***  
62 ***was taken, all were in favor, the motion passed unanimously.***

63 The meeting room was closed to the public at 7:15 PM. Mr. Gregsak departed the meeting.

64 ***Mr. Cannon motioned to come out of non-public session. Vice-Chair Scott seconded the***  
65 ***motion. A vote was taken, all were in favor, the motion passed unanimously.***

66 The meeting room was reopened to the public at 7:30 PM. Mr. Gregsak returned to the  
67 meeting.

68 ***Mr. Cannon motioned to seal the non-public session indefinitely. Vice-Chair Scott***  
69 ***seconded the motion. A vote was taken, all were in favor, the motion passed***  
70 ***unanimously.***

71 **5. Updates**

72 Ms. Hoijer provided the Board with a Notice of Expiration of Variances and Special Exceptions  
73 drafted by the Planning Board after the article passed at Town Meeting. This will be posted for  
74 one year. Vice-Chair Scott read the notice out loud indicated that all variances and special  
75 exceptions authorized prior to August 19, 2013 will be valid if exercised within two years of the  
76 expiration of the notice or unless extended by the ZBA for good cause. The notice expires on  
77 August 18, 2021.

78 ***A vote was taken, all were in favor, the motion passed unanimously.***

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Ms. Hoijer provided the Board with a copy of the Planning Board minutes of 08/26/20 which had a conceptual review of Triad Winery and Site Plan Review for the Buchanan riding arena which plan has changed since the granting of the variance to an indoor riding arena. Ms. Hoijer asked the Board if per the conditions, the applicant should return to the ZBA to present any "substantial" changes to the plan.

Ms. Hoijer provided the Board with a copy of the letter sent to the Building Inspector concerning removal of the Cooper shed, Map 9 Lot 18.

Ms. Hoijer provided the Board with the 2019-2020 RSA 21:34-a.

Ms. Hoijer provided the Board with the updated plan set for the Alizio ADU on 117 Sanborn Road which was approved in 2019.

Mr. and Mrs. Alizio appeared before the Board and presented that the ADU was approved last year and there have been design changes, but none to the footprint or setbacks. The ADU is now on a single floor.

Mr. Cannon asked about the door that was a subject of discussion at the September 2019 hearing. Mr. Alizio noted it was eliminated and there is no storage area.

Chair Maloney questioned the applicant on all the criteria required for the ADU which was still met and the setbacks which are still met.

Mr. Gregsak noted it was somewhat smaller. Mr. Alizio noted it was 4' shorter. Mr. Gregsak noted his concerns were eliminated. If the Building Inspector has no problems with the changes and it still meets the requirements of the ADU.

Ms. Hoijer provided an updated member contact sheet.

Ms. Hoijer provided the Board with the budget spreadsheet provided by Finance and noted the ZBA is scheduled to meet with the BOS on October 8, 2020 to defend its budget.

Mr. Cannon who is also on the Budget Committee noted there are concerns with the residents ability to pay due to uncertainty about a downturn in the economy.

Mr. Cannon agreed he would prepare the budget spreadsheet to submit to Finance and attend the October 8, 2020 BOS meeting to represent the ZBA.

## **6. Training**

Chair Maloney noted all training remains on hold.

## **7. Public Hearings:**

### **1. Keith Gokey and Erin Hayes Gokey**

For a Variance from Article 5, Section 5.3.5 Table 1 of the Ordinance

To permit a shed no larger than 10'x12' inside the common land setback approximately 5' from the rear property line where 25' are required.

As the applicants did not appear by 7:40 PM the Board moved onto the next case.

At 8:03 PM the applicants had still not appeared. The Chair called for a motion to continue.

**Mr. Cannon motioned to continue the Gokey application to the October 20, 2020 meeting and notify the applicant in writing. Vice-Chair Scott seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

2. Jacob N. Hemond

For a Variance from Article 4, Section 4.2.1 (expansion of a non-conforming use) and Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements)

To permit a 6'x19' deck to be situated 28' from the property line where 40' are required

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

Mr. Hemond presented his application. Mr. Hemond noted the house is very close to the road and the plow pushes the snow and it becomes impassable. Mr. Hemond provided pictures of the front entrance. Mr. Hemond noted the deck will be a safer way to exit and entrance the home. Mr. Hemond noted traffic goes pretty fast and the house is on a corner with low visibility.

Mr. Cannon asked if the only exit were the front or back door? Mr. Hemond indicated the back is a basement walk in. The deck will make it easier to bring in bulky items as well. The front entrance can become icy and unsafe during the winter months.

Mr. Gregsak indicated the criteria has been met and he has no issue.

Mr. Quinn noted he sent a letter in favor of the application. Ms. Hoijer noted Mrs. Remillard phoned and has no objection.

Mr. Snyder asked if a structure had been removed, noting the lumber pile? Mr. Hemond noted that was from interior construction. Mr. Snyder noted he didn't see how the applicant got in or out at all.

Chair Maloney noted it met all five criteria and there is a safety issue and this will help, not hurt. The hardship is where the house is on the road. The use is reasonable. It doesn't alter the character of the neighborhood or surrounding values. Chair Maloney noted she was in favor.

Vice-Chair Scott agreed adding the front door would be difficult for first responders. Vice-Chair Scott noted he found Mr. Hemond's testimony to be accurate and could find no reason not to grant the variance.

Mr. Snyder noted he was in favor and it is a good plan. It meets all five criteria.

Mr. Cannon agreed and stated he has no reservations and supports granting the variance.

**Vice-Chair Scott motioned to grant the request of Mr. Hemond for a variance from Article 4, Subsection 4.2.1 and Article 5, Subsection 5.3.5 Table 1 of the ordinance to permit a 6'x19' deck 28' from the property line where 40' are required on a non-conforming lot where the dwelling sits 12' from the front property line where 40' is required as an expansion of a pre-existing non-conforming dwelling structure to be built according to the plan submitted. Chair Maloney seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.**

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157    **8. Other Business**

158    None.

159    **9. Adjournment**

160    ***Mr. Cannon motioned to adjourn the meeting at 8:03 PM. Chair Maloney seconded the***  
161    ***motion, with all in favor, so moved.***

162    Respectfully submitted,

163

164

165    Nancy J. Hoijer,  
166    Recording Secretary