

**Town of Chester  
Zoning Board of Adjustment  
October 20, 2020  
Town Hall  
7:00 pm  
Approved Minutes**

**Members Present:**

Chair Billie Maloney  
William Gregsak  
Rick Snyder, Planning Board Liaison/Alternate (remotely)

**Members Absent:**

Vice-Chair Kevin Scott  
Jack Cannon

**Guests:**

Timothy Callahan & Julie Callahan  
Jesse Brown – JJB Construction, Builder  
Greg Dunton – 14 Sweet Briar Lane  
And other persons unknown to the minute taker

**Agenda**

- 1. Call to Order/Roll Call**
- 2. Correspondence – Gokey – withdrawal of application; email from A-Hadik concerning Jenkins Farm easement; Callahan – letters of support (2)**
- 3. Approve Minutes for September 15, 2020**
- 4. Updates – review Buchanan riding arena revised plan; and Dupras request to unmerge “involuntarily merged” lots (27 Hanson Road)**
- 5. Budget FY21/22 - Tabled**
- 6. Training – On Hold**
- 7. Hearings**
- 8. Other Business**
- 9. Adjournment**

**1. Call to Order**

Chair Maloney called the meeting to order at 7:09 PM. By Roll Call were present: Billie Maloney, and Bill Gregsak with Rick Snyder remotely. Chair Maloney noted Alternate Rick Snyder was active.

**2. Correspondence**

- Gokey withdrawal of application
- Email from A-Hadik Jenkins Farm deed
- Callahan application – letters of support (2)

### **3. Approval of Minutes – September 15, 2020**

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

***Mr. Gregsak motioned to approve the September 15, 2020 minutes. Chair Maloney seconded the motion. A vote was taken, Gregsak – aye, Maloney – aye and Snyder – aye. The motion passed 3-0-0.***

### **4. Updates**

The Board reviewed the revisions to the plan for the now indoor riding arena for the Buchanans and determined per the condition of the NOD the changes to the plan were no more than expected and they did not need to come back to present them. The plan to convert to an indoor arena in the near future was disclosed to the Board at the hearing. Mr. Snyder indicated it was acceptable so long as the footprint had not changed.

The Board reviewed the request submitted to the Town by Mr. Dupras of 27 Hanson Road to unmerge three involuntarily merged lots. The Dupras' received three variances and another in Raymond at the July 2020 meeting. The NOD requires the owners to return if the plan changes substantially. Ms. Packard indicated by email the Dupras brothers wanted to know if unmerging the lots, which would have to be done by the Selectmen, would affect their variances.

The Board indicated the Dupras will have to come before the ZBA to present the change prior to going before the Board of Selectmen. Ms. Hoijer will send a letter tomorrow to the Dupras brothers and copy the BOS so they will know they should come before the ZBA first if they plan to move forward with the request.

### **5. FY 21/22 Budget – Tabled**

### **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.

On the premises known as Map 002-088-129, 59 Jenkins Farm Road in the R-1 Residential zoning district.

Chair Maloney indicated the Gokeys had sent an email withdrawing their application as a location for the shed, one that does not require relief, had been found with the assistance of the Building Inspector.

79  
80 2. Timothy J. Callahan and Julie A. Callahan

81 For Variances from Article 5, Section 5.3.5 Table 1 of the Ordinance and Article 4, Section  
82 4.2.1 of the Ordinance to permit a 8'x36' porch to sit 15' from the side property line where 25'  
83 are required and to sit 33.39' from the front property line where 40 are required, an  
84 expansion of a non-conforming property.  
85

86 On the premises known as Map/Lot 007-048-108, 15 Sweet Briar Lane in the R-1 Residential  
87 zoning district.  
88

89 Chair Maloney indicated to the Callahans that the affirmative vote of three members would be  
90 required to take action on their application and there were three members present at this  
91 hearing. Chair Maloney gave the Callahans the option to continue to next month and hope for  
92 more members or proceed. Mr. Callahan indicated they wished to proceed.

93 Mr. Gregsak read out loud the Public Hearing Notice.

94 Julie Callahan read the application into the record and referenced the photos provided. Mrs.  
95 Callahan noted Mr. Brown from JJB Construction and Greg Dunton, a neighbor, were present.  
96 Mrs. Callahan noted the home at 30 Sweet Briar Lane had far less frontage. Three other homes  
97 in the development have farmer's porches. Mrs. Callahan described the proposed porch  
98 construction which will have composite decking and a natural wood ceiling. Mrs. Callahan  
99 noted it would not affect the home's value or the value of surrounding homes and would  
100 increase the value of their home and thus the surrounding homes.

101 The Callahans described the hardship. The parcel is part of the Chesterbrook Estates  
102 development which was approved by the Planning Board as a cluster subdivision under Article  
103 6. Their lot has .593 acres. The Callahans pointed to the location of their home set off to the  
104 side of the lot, 8' from the side setback and the swamp area which is hard to visualize during the  
105 current drought. It drains toward the driveway and there is often standing water. Their home is  
106 the only one with such a steep driveway and the layout and wet areas limit their use. Due to  
107 topography, alternatives are not feasible. The use is a reasonable one to provide a safe, well lit  
108 entry and egress for them, their children and their guests. If denied it would limit their ability to  
109 update their home which they purchased a few years ago.

110 Mr. Brown noted he drew up the sketch provided.

111 Ms. Hoijer noted letters of support were received from Kim Palmquist at 23 Sweet Briar Lane  
112 and Chesterbrook Estates Association who were notified of the project by the Callahans. The  
113 Association supported the project and noted nothing in the by-laws would prevent them from  
114 making this improvement to their home.

115 Mr. Gregsak and Chair Maloney indicated they visited the site. Mr. Gregsak noted the wet area  
116 is exactly as shown on the map.

117 Mr. Snyder gave a brief description of the setback requirements contained in Article 6 of the  
118 cluster subdivisions discontinued in 2007 to make way for open space subdivisions. Mr. Snyder  
119 indicated he was good with it.

Chair Maloney opened the hearing to the public for comments and questions at 7:50 PM and being none closed the hearing to the public for deliberations.

Mr. Snyder noted the Callahans made a good case on all five points. Mr. Gregsak noted it was not contrary to the public interest, the spirit of the ordinance was observed. After visiting the site and observing the location he could see that the proposed porch will not impede on abutters. One home in the neighborhood was observed to be much closer. Values will not be diminished. The unnecessary hardship is the non-conforming building and wet areas. Any improvements would require the applicants to come before the ZBA for relief. Mr. Gregsak indicated he would vote yes on all five points.

Chair Maloney noted Mrs. Callahan did a very good job on their application. It was very thorough. She had no problems with public interest, spirit of the ordinance, substantial justice or values of surrounding properties that would be enhanced. The hardship was established by the applicants and the use is reasonable, yes on all five.

***Mr. Gregsak motioned to approve the request of Timothy J. Callahan and Julie A. Callahan for variances from Article 5, Section 5.3.5 Table 1 and Article 4, Section 4.2.1 of the Ordinance to permit a 8'x36' porch to sit 15' from the side property line where 25' are required and to sit 33.39' from the front property line where 40' are required, an expansion of a non-conforming property, on the premises known as Map/Lot 007-048-108, 15 Sweet Briar Lane in the R-1 Residential zoning district. Mr. Snyder seconded the motion. A vote was taken Maloney – aye, Gregsak – aye and Snyder – aye. With all in favor, the motion passed unanimously.***

Mr. Gregsak read out loud the 30-Day Notice of Appeal. Mr. Snyder explained the risk of beginning construction within that 30-day period. Chair Maloney added that someone objecting would have to come up with good reasons.

## **8. Other Business**

Chair Maloney indicated the Board may meet virtually next month of the positive COVID cases continue to climb.

## **9. Adjournment**

***Mr. Gregsak motioned to adjourn the meeting at 8:06 PM. Chair Maloney seconded the motion, with all in favor, so moved.***

Respectfully submitted,

Nancy J. Hoijer,  
Recording Secretary