

**Town of Chester  
Zoning Board of Adjustment  
March 15, 2022  
Town Hall  
7:00 PM  
Approved Minutes**

**Members Present:**

Chair Billie Maloney  
Vice-Chair Kevin Scott  
William Gregsak  
Jack Cannon (electronically)  
Jason Walsh, Alternate

**Members Absent:**

Rick Snyder, Planning Board Ex-Officio Liaison

**Guests:**

Building Inspector Myrick Bunker  
Road Agent Mike Oleson  
Mark Smigielski  
Erika De Beckers  
Erwan De Beckers  
Dan Koravos

And other persons unknown to the minute taker

**Agenda**

- 1. Call to Order/Roll Call**
- 2. Approval of December 21, 2021 Meeting Minutes**
- 3. Non-Public 91-A:3(II)(i) if needed**
- 4. Correspondence**
- 5. Updates – Rules of Procedure (tabled)**  
**Zoning Amendments – Ballot results**
- 6. Public Hearings**
- 7. Other Business**
- 8. Adjournment**

**1. Call to Order**

Chair Maloney called the meeting to order at 7:00 PM. By Roll Call were present: Billie Maloney, Kevin Scott, Bill Gregsak, Jason Walsh and Jack Cannon (remotely). Chair Maloney indicated Alternate Jason Walsh would be active

**2. Approval of Minutes – December 21, 2021**

Chair Maloney recommended edits.

***Mr. Cannon motioned to approve the December 21, 2021 minutes as amended. Mr. Gregsak seconded the motion. A roll call vote was taken Maloney – aye, Scott – aye, Gregsak – aye, Cannon – aye and Walsh – aye. The motion passed 5-0-0.***

#### **4. Correspondence**

#### **5. Updates**

##### **a. Rules of Procedure (tabled)**

Chair Maloney provided a written amendment to legal which she read out loud and provided to Ms. Hoijer to update for the next meeting.

##### **b. Zoning Amendments – Ballot results**

Ms. Hoijer provided inserts to the Ordinance Books reflective of the results of the ballot amendments voted on last week. Chair Maloney noted the ballot amendment for detached ADUs did not pass. Ms. Hoijer indicated it was unlikely the Board would get new Ordinance books as the Town has moved toward electronic copies.

##### **c. Application**

Chair Maloney discovered misspellings in the application form which was newly formatted for double spacing. She noticed Special Exception had been misspelled. Ms. Hoijer will correct and have the form reposted/replaced.

##### **d. Noticing Expired Variances**

The Board discussed an earlier question by the staff as to whether or not notices should be sent to applicants who have received variances and such that are going to expire due to lack of implementation. The Board agreed it is the responsibility of the applicant and not the Board, as it would create problems in the future.

#### **6. Public Hearings:**

1. The application of Mark Smigielski and Kelly Smigielski f/k/a Kelly McMahon  
For a variance from Article 5, Section 5.7.8 Table 2 (Table of Dimensional Requirements) to allow a 16'x20' shed to be located approximately five (5') feet from the edge of wetlands at the closest point and approximately nine (9') feet from the edge of wetlands at its furthest point where 75' are required

On the premises known as and numbered 35 Jennifer Drive, Map/Lot 010-009-003 in the Residential zoning district.

Vice-Chair Scott read out loud the Public Hearing Notice. He asked the Administrative Assistant to confirm that all abutters had been noticed and she indicated all return receipts had been returned to the ZBA.

Mr. Smigielski presented his application. He indicated that the shed has existed for decades and he is replacing the structure which was damaged in a microburst. He posted photos. He noted the replacement will be more environmentally friendly to mitigate chemical exposure he will be

82 using redwood not pressure treated and spent \$720 to upgrade the flooring to reduce moisture  
83 seepage. He noted it would be difficult to locate the structure anywhere else on the property. He  
84 also pointed out the narrow flow of water down the center of the lot. Vice-Chair Scott concurred  
85 that he visited the site and found his statements to be accurate and it was no only difficult to locate  
86 the structure elsewhere on the site it would be impossible. The home would not be able to be  
87 built where it was today under current ordinance setbacks. Vice-Chair Scott asked if he planned  
88 electricity or plumbing in that structure and Mr. Smigielski indicated no to both.

89  
90 Mr. Smigielski displayed a rendition of the design and estimate from Post Woodworking and plot  
91 plan showing the waterway in blue. He indicated his neighbors are here in support of his  
92 application.

93  
94 Mr. Gregsak disclosed that his engineering firm has done work with Post Woodworking in the  
95 past. Chair Maloney asked him the disqualifying questions pursuant to RSA 673:14 and Mr.  
96 Gregsak answered no to all: there would be no gain or loss to him as a result of approval, he is  
97 not related to the applicants, has not advised or assisted them or given his opinion, he is not  
98 employed by them or employs either of them, is not prejudiced and does not employ any of the  
99 same counsel.

100  
101 Chair Maloney asked the remaining board members, and members of the public, if they had any  
102 issue with Mr. Gregsak voting and all indicated approval.

103  
104 Chair Maloney opened the hearing to the public at 7:15 PM and being none closed the hearing to  
105 the public for deliberations.

106  
107 Vice-Chair Scott stated he supported all five of the criteria.

108  
109 Chair Maloney stated she reviewed the criteria and had no issue that there would be any harm to  
110 the public, or property values, the use was reasonable and there are special conditions that  
111 distinguish the property that cause the use to be reasonable. Jennifer Drive and this home were  
112 built before zoning was changed in 1986 and the home could not be built there today. She visited  
113 the site today and viewed the wetlands, location of the shed and it is in a good location and  
114 precautions are taken so nothing would leak into the water.

115  
116 Mr. Cannon indicated the applicant noted in his written application that the house could not be  
117 built there today and the location is a good place and he has taken precautions for leaks. He  
118 would vote yes to all five criteria. There would be no risk in replacing this structure in the location  
119 the applicant desires and he would support the application based on all five points.

120  
121 Mr. Gregsak agreed and noted he liked that the applicant took environmental factors into  
122 consideration with the design. There is no foundation or slab, the shed will be on blocks.

123  
124 Mr. Walsh agreed that the five points are addressed.

125  
126 ***Vice-Chair Scott motioned that a condition that there be no plumbing or electric installed***  
127 ***in the structure seconded by Mr. Cannon. The Board discussed the necessity, pros and***  
128 ***cons of such a condition and took a roll call vote: Scott – aye, Maloney – nay, Walsh –***  
129 ***nay, Cannon – aye and Gregsak aye. The motion passed 3-2-0.***

130  
131 ***Vice-Chair Scott motioned to approve the request of Mark Smigielski and Kelly Smigielski***  
132 ***f/k/a Kelly McMahon for a Variance from Article 5, Section 5.7.8 Table 2 (Table of***

**Dimensional Requirements) to allow a 16'x20' replacement storage shed to be located approximately five (5') feet from the edge of wetlands at the closest point and approximately nine (9') feet from the edge of wetlands at its furthest point where 75' are required subject to the condition as voted on above.**

**On the premises known as and numbered 35 Jennifer Drive, Map/Lot 010-009-003 in the Residential zoning district. Mr. Gregsak seconded the motion. A roll call vote was taken: Scott – aye, Maloney – aye, Cannon – aye, Gregsak – aye and Walsh – aye. The motion passed 5-0-0.**

Vice-Chair Scott read out loud the 30 Day Notice of Appeal and provided the applicant with a written copy.

2. The application of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC

For Variances from:

1. Article 4, Section 4.2.1 Expansion of a Pre-existing Non-Conforming Use and Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) to exceed the impervious surface maximum which is 15%, currently at 27.3%, to 33.7%:

a. to install a 25 SF deck, a 30SF accessibility ramp and a 68 SF paved walkway. This would increase the impervious surface area to 27.5%

b. to expand the parking area on the south side of the lot by 360 SF. This expansion would increase the impervious surface to 27.9%.

c. to expand the parking area in the front by 942 SF. This expansion would increase the impervious surface to 28.9%;

d. a. to install a 1768 SF in-ground pool. The pool would increase the impervious surface to 30.25%;

2. Article 4, Section 4.4, Subsection 4.4.3, Sub-Subsection 4.4.3.10 to allow a 7.9 SF sign 82" high, on an existing post located approximately five (5') feet into the right-of-way and will be located off-premises where the article prohibits off-premises signs, Article 4, Section 4.4., Subsection 4.4.2, SubSubsection 4.4.2.1 to display a 7.9 SF sign on an existing post five feet into the right of way where signs are required to be setback five (5') from the front property line and on the business property

Article 4, Section 4.4, Subsection 4.4.2, Sub-Subsection 4.4.2.1 to display a 28.5"x40" or 7.9 SF sign on an existing post that exceeds the allowable size by roughly 33% in a residential zone, Article 4, Section 4.4, Subsection 4.4.3, SubSubsection 4.4.3.10 to display a 7.9 SF sign on an existing 82" post exceeding the 72" in height including the mounting structure allowed by the Ordinance

3. Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) to allow an approximately 4,200 SF parking lot, half of which will be approximately 10' from the front setback where 40' are required

4. Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) and Article 4, Section 4.2.1 Expansion of a Pre-existing Non-Conforming Use to allow the 18'x31', 378 SF parking lot expansion six (6') feet to the side setback where 25' are required.

184  
185 5. Article 4, Section 4.3.4.4 to allow the leach barrier to be 27.5' from the Right of Way where 40'  
186 are required; and  
187

188 6. Article 4, Section 4.5.2.6 to allow three snow storage areas (185 SF, 505 SF and 770 SF) to  
189 be utilized where the Ordinance requires eight foot (8') wide strips of land be provided on three  
190 sides for plowed snow storage.  
191

192 On the premises known as and numbered 10 Edwards Mill Road/206 Raymond Road, Map/Lot  
193 5-45 in the R-1 zone  
194

195 Vice-Chair Scott read out loud from the Public Hearing Notice Section 1 of the DeBecker's  
196 application concerning increase of impervious surfaces from 27% to 33.7% a-d. He asked Ms.  
197 Hoijer if all abutters notices had been returned and she indicated all return receipts but two, Hamel  
198 and Lavasseur, have been returned to the ZBA. The Board discussed the need for noticing  
199 Lavasseur and Ms. Hoijer noted the abutters are defined by state law, as touching on any side,  
200 across a street or stream. The other parcel owned by the DeBeckers is one acre, Lot 5-49 and  
201 not exactly a square. A portion is across the street and a portion across the stream is not  
202 bifurcated entirely by their adjacent parcel. Vice-Chair Scott questioned how much contiguous  
203 land could be considered in impervious calculations, i.e. if the two lots were merged or another  
204 adjacent property acquired. Mr. Gregsak noted the calculations would result in a need of at least  
205 3.1 additional acres to comply with the ordinance (at 15%) so the applicants would still need to be  
206 here. Chair Maloney said there was no need to consult legal because the variances were applied  
207 for on a different lot.  
208

209 Mr. Koravos provided update copies of the plan sets and noted the only changes were that he  
210 added numbers to correspond to the variances being requested. Mr. Koravos noted that the  
211 impervious for the deck, parking areas and pool are noted as a, b, c and d. He showed where  
212 the handicapped spot, access ramp and landing would be on the plan. He noted there would be  
213 crushed stone where the vans park and that gravel is considered impervious. He showed where  
214 the parking lot is coming out and the narrowed driveway. He noted the increase is 3,845 SF. He  
215 noted the existing intersection is at an unsafe angle so 90 degrees would be safer.  
216

217 The Board discussed whether delivery trucks would be discouraged from using Edwards Mill  
218 Road. Mr. Cannon noted he was concerned how to restrict that. Vice-Chair Scott recommended  
219 calling the delivery supervisor. Mrs. DeBeckers noted one building is the business and the other  
220 is their home and she would not want people cutting through where her pool and home are.  
221

222 Mr. Bunker explained the difference between the impervious areas listed on the table which  
223 totaled 30.25% and how the cumulative total of other small areas around the site add up to the  
224 33.8% needed for the proposed design.  
225

226 Vice-Chair Scott asked why the gravel area was not being paved as it is impervious anyway and  
227 Mr. DeBeckers indicated a price difference. Chair Maloney inquired as to why gravel was not  
228 considered impervious and Mr. Koravos noted driving on it causes compression and compaction.  
229

230 Chair Maloney opened the hearing to the public for comments and questions at 8:03 PM.  
231

232 Road Agent Mike Oleson expressed concerns with the number of driveways and recommended  
233 elimination of the second driveway. Ms. Hoijer indicated that the Town Planner had echoed that  
234 concern.

Mr. Oleson noted he could see how it could become a cut through and a hazard and noted signs aren't as an effective deterrent as he would like. He noted removal of the second driveway would help with impervious calculations as well. Chair Maloney asked if the Planning Board would also be reviewing the curb cuts as well as DOT and Mr. Koravos noted they would and may not allow the second curb cut.

Mr. Cannon noted the grid area is where the existing lot is being removed.

Mr. Gregsak noted the applicant did a great presentation.

Chair Maloney noted the applicants would need to have Site Plan Review (Mr. Koravos provided his SPR notice *already applied for noticed/scheduled for 3-23-22*).

Chair Maloney noted the premises have been a business for years, since 1979. She noted if the applicants take steps to prevent a cut through she does not see any threat to public health, welfare or safety and the benefit does not outweigh harm to the public. She noted no harm to property values. The spirit of the ordinance is observed and it does not alter the character of the neighborhood. The size of the property and working as a business for years was notable. They are improving what's there. The use is reasonable and she indicated she would vote yes on all five points.

Mr. Walsh stated this business is in the interest of the community. If the added impervious were 3,800 SF all in one location he noted he may have a problem with this but it is scattered about all over as needed to accomplish the goal. He would vote yes on all five criteria as well as the needs of the property and community at large.

Mr. Cannon noted he has lived in Chester for 21 years and never viewed this property as anything but a business venture before he knew what a residential zone even was. He added that the site is perfect and he supports the modifications and effort to bring it up to standard. He noted he would vote yes on all five criteria.

Chair Maloney proposed a condition for a barrier to be installed to stop thru traffic. The Board deliberated the pros and cons of conditioning a barrier. Mr. Walsh did not think it was necessary. Vice-Chair Scott felt the problem could be solved with signage and/or by speaking with delivery drivers since there is no history of traffic problems. Mr. Cannon questioned where such a barrier could be located. Chair Maloney questioned if it could be left up to the owners. Mr. Koravos noted the property is also their residence with an address on Edwards Mill Road and eliminating the driveway access on Edwards Mill Road would be detrimental.

Chair Maloney reopened public comment at 8:12 PM.

Mr. DeBeckers added that snow plowing in the winter would be easier if it could be unblocked for those purposes as needed. Mr. Koravos added that backing onto Edwards Mill would not be safe and there is no turn around.

***Mr. Cannon motioned that the owners create some sort of traffic inhibitor at their discretion to prevent pass through traffic. Vice-Chair Scott seconded the motion. A roll call vote was taken: Scott – aye, Maloney – aye Walsh – aye, Cannon – aye and Gregsak – aye. The motion passed 5-0-0.***

***Vice-Chair Scott motioned to approve the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for a variances from Article 4, Section 4.2.1 Expansion of a Pre-existing Non-Conforming Use and Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) to exceed the impervious surface maximum which is 15%, currently at 27.3%, to 33.8%:***

***to install a 25 SF deck; a 30 SF accessibility ramp, a 68 SF paved walkway and to expand the parking area of the south side of the lot by 360 SF and the parking area on the front by 942 SF and to install a 1768 SF inground pool***

***subject to the condition read by Mr. Cannon above, as depicted in the handout – exhibit site development plan, provided to the ZBA this evening. Mr. Cannon seconded the motion. A roll call vote was taken: Maloney – aye, Scott – aye, Walsh – aye, Cannon – aye and Gregsak – aye. The motion passed 5-0-0.***

Vice-Chair Scott read out loud from the Public Hearing Notice Section 2 of the DeBecker's application concerning a variance for signage. Mr. DeBeckers indicated the sign itself could be 6 SF. The Board then discussed the request for variances for the height of the post and location in the ROW, off-premises.

Mr. Koravos noted the post has existed in its present location for quite awhile and the NH DOT will have to address it and may or may not approve it staying there. Mr. DeBeckers reviewed the criteria and noted the entrance will need to be clearly marked so as not to interrupt the flow of traffic. The property has had a business use for decades. Building Inspector Bunker commented that in his opinion as the owners were intending to move the entrance 35' from the sign, the sign would no longer delineate the entrance and only add to confusion if it is not moved.

Chair Maloney opened the hearing to the public at 8:37 PM.

Vice-Chair Scott noted he could see the need for traffic to be able to see to turn in assuming DOT is happy it is there and so far it has not been hit by a snow plow.

Mr. Gregsak noted he is having a hard time granting a variance for this sign to be off-premises if it could be corrected now.

Chair Maloney noted the post has been there so long it is quasi-grandfathered. Vice-Chair Scott noted if the sign were being installed newly he doubted the DOT would allow them to put it there. Mr. Cannon noted he is in favor of leaving it where it is.

Vice-Chair Scott applied the criteria. He noted the need to alert to where the entrance to the business is. With no sign attached to the post now people are having to turnaround so it would be a benefit. There are a lot of larger signs in Town. The spirit of the ordinance is reflected. Substantial justice is there, values are not diminished. Hardship is difficult but it has existed for decades so he would vote yes on all five criteria.

Mr. Cannon stated he does not find the application to be contrary to public interest and the spirit of the ordinance is observed as the sign has been there for as long as he can remember and was never an issue previously. As to substantial justice the business needs to be visible and values will not be diminished. There would be a hardship if they have to move it to a less visible location. He indicated he would vote yes on all five points.

Mr. Gregsak indicated he did not think the post should be in the ROW and doesn't see the hardship if it could be corrected now. He would vote against.

Mr. Walsh indicated he felt the application was not contrary to public interest, the post has existed for a long time in the existing location. The spirit of the ordinance is observed. The post is quasi-grandfathered and the State will have to approve. Values will not be diminished and the hardship is to find another place where the post could serve its purpose in conformance with the ordinance. He stated he is in favor of all five points.

Chair Maloney noted the application is not contrary to the spirit of the ordinance. The post has existed in its present location for years and years. It does not alter the character of the neighborhood or diminish property values. As long as NH DOT approves the location of the post she would not have a problem but if it has to be moved it should abide by the ordinance.

Vice-Chair Scott questioned whether there should be a condition that the post be installed per ordinance if the DOT does not approve the existing location. The Board discussed the proposed condition and felt it would be a moot point if they needed to install it to comply they would not have to return to the ZBA. Vice-Chair Scott withdraw his proposal.

***Vice-Chair Scott motioned to approve the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for Variances from Article 4, Section 4.4, Subsection 4.4.3, Sub-Subsection 4.4.3.10 to allow a 6 SF sign 82" high, on an existing post located approximately five (5') feet into the right-of-way and will be located off-premises where the article prohibits off-premises signs, Article 4, Section 4.4., Subsection 4.4.2, SubSubsection 4.4.2.1 to display a 6 SF sign on an existing post five feet into the right of way where signs are required to be setback five (5') from the front property line and on the business property***

***Article 4, Section 4.4, Subsection 4.4.2, Sub-Subsection 4.4.2.1 to display a 6 SF sign on an existing post, Article 4, Section 4.4, Subsection 4.4.3, SubSubsection 4.4.3.10 to display a 6 SF sign on an existing 82" post exceeding the 72" in height including the mounting structure allowed by the Ordinance. Mr. Walsh seconded the motion. A roll call vote was taken: Mr. Gregsak voted nay, Mr. Scott voted aye, Chair Maloney voted aye, Mr. Walsh voted aye and Mr. Cannon voted aye. The motion passed 4-1-0.***

Vice-Chair Scott read out loud from the Public Hearing Notice Section 3 of the DeBecker's application concerning the portion of the proposed parking lot in the 40' setback.

Mr. Koravos read the application into the record. He added that there will be screening by landscaping. The property has been historically used as a business for decades with no adverse affects on property values. The ZBA granted a variance for the use of the business.

Vice-Chair Scott noted how the infringement would be reduced to less than previously. Mr. Koravos noted the location would be safer and Chair Maloney noted she saw no other place to put the parking lot.

Chair Maloney closed the hearing to public comment at 9:07 PM.

Chair Maloney noted she would vote yes on all five points. The application is not contrary to the spirit of the ordinance or public interest. The use is reasonable. There is a hardship.



Mr. Walsh noted Route 102 has become busier over time and this would be making things safer for a business which has grown busier. The spirit of the ordinance is observed. The applicants are taking a pre-existing situation and making improvements.

Mr. Gregsak appreciated the re-design which is a great improvement from the existing parking lot with a different area of infringement and is not contrary to public interest. The old parking lot was laid out haphazardly. The spirit of the ordinance is observed with the new design updating to current standards. Values will not be diminished. The premises still has a parking lot and is still a business. There are limitations with the existing parking area. He noted he would vote in favor.

Mr. Cannon noted the application observes the spirit of the ordinance, reduces existing infringement and does substantial justice modifying the property to support this business and will only improve surrounding values. There is a hardship if not granted and he finds the application for #3 almost redundant to what was approved in #2 and would vote yes on all five criteria.

Vice-Chair Scott agreed.

***Vice-Chair Scott motioned to approve the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for a variances from Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) to allow an approximately 4,200 SF parking lot, half of which will be approximately 10' from the front setback where 40' are required Chair Maloney seconded the motion. A roll call vote was taken: Scott – aye, Maloney – aye, Cannon – aye, Walsh – aye and Gregsak – aye. The motion passed 5-0-0.***

Vice-Chair Scott read out loud from the Public Hearing Notice Section 4 of the DeBecker's application concerning the expansion of the parking lot six feet from the side setback where 25' are required. Vice-Chair Scott noted the total square footage should be 558 SF not 378 SF.

Vice-Chair Scott agreed the five points are the same. Mr. Koravos noted a portion exists. Chair Maloney viewed the property today. Vice-Chair Scott noted a span of open space from adjacent property. Mr. Koravos added there is a stand of trees. Chair Maloney agreed and noted it is reasonable and the area has been there many years.

Chair Maloney closed the hearing to public comment at 9:15 PM.

***Vice-Chair Scott motioned to grant the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for variances from Article 5, Section 5.3.5 Table 1 (Table of Dimensional Requirements) and Article 4, Section 4.2.1 Expansion of a Pre-existing Non-Conforming Use to allow the 18'x31', 558 SF parking lot expansion six (6') feet to the side setback where 25' are required as shown in orange, block five, on the site development plan. Chair Maloney seconded the motion. A roll call vote was taken: Maloney voted aye, Scott – aye, Cannon – aye, Walsh – aye and Gregsak – aye. The motion passed 5-0-0.***

Vice-Chair Scott read out loud from the Public Hearing Notice Section 5 of the DeBecker's application concerning the location of the leach barrier from the setback of the ROW. Chair Maloney noted there had been the addition of a late denial. Ms. Hoijer explained that as the notice did not name the ROW and 27.5' is less than 32' the setback is properly noticed. This was discussed with Mr. Koravos and Chair Maloney who concurred. Specifically there is a distance of 27.5' from the ROW of Edwards Mill Road and 32' from Raymond Road, Route 102.

Mr. Koravos noted the applicant needs to avoid ledge. Steve White will be installing the new septic system. Mr. Bunker indicated the volume of the system is 1140 gal.

Chair Maloney opened the hearing to the public for comments and questions at 9:25 PM.

Chair Maloney noted the ledge is a hardship and this is the only place to put it. Mr. Koravos showed the left side of the plan indicating an existing pipe DOT may have put in to service the pond with no easement. Chair Maloney noted special conditions exist and the application has met all five points. She noted it is good they are upgrading the system.

Vice-Chair Scott agreed adding the installation will be engineered, installed and inspected by the Building Inspector, and inspected by the State. He is good on all five points and noted it has to be there. Mr. Cannon agreed with no additional comments.

***Chair Maloney motioned to grant the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for variances from Article 4, Section 4.3.4.4 to allow the leach barrier to be 27.5' from the right of way of Edwards Mill Road, where 40' are required and 32' from the right of way of Raymond Road, where 40' are required. Vice-Chair Scott seconded the motion. A roll call vote was taken, Maloney – aye, Scott – aye, Cannon – aye, Gregsak – aye and Walsh – aye. The motion passed 5-0-0.***

Vice-Chair Scott read out loud from the Public Hearing Notice Section 6 of the DeBecker's application concerning snow storage. Mr. Koravos noted the blue squares on the site development plan where paved drive removed, the top of the parking lot and bottom left corner. Mr. Cannon clarified the third spot is behind the landscaping buffer. Building Inspector Bunker noted while the plan does not specifically meet the criteria of the ordinance they do have plenty of opportunity for snow storage.

Chair Maloney opened the hearing for public comment at 9:33 PM.

Mr. Koravos read the application into the record.

Vice-Chair Scott noted the space is adequate and he himself has plowed a lot of snow.

Chair Maloney noted it is a good plan and meets the five points; there is sufficient area and will not interfere and does not alter the spirit of the ordinance, threaten public health, safety or welfare. Substantial justice is done. Values will not be diminished because of the snow storage location. The use is reasonable and meets the five points.

Mr. Gregsak had no additional comments and Vice-Chair Scott agreed. Mr. Cannon noted a lot of good changes have been made to enhance operation of the business.

***Vice-Chair Scott motioned to approve the request of Erika DeBeckers and Erwan Dominique DeBeckers d/b/a Ark Animal Homecare, PLLC for a variance from Article 4, Section 4.5.2.6 to allow three snow storage areas (185 SF, 505 SF and 770 SF) to be utilized where the Ordinance requires eight foot (8') wide strips of land be provided on three sides for plowed snow storage as indicated by the blue square number six and the green square number 11 as depicted on the site development plan. Chair Maloney seconded the motion. A roll call vote was taken Maloney – aye, Scott – aye, Cannon – aye, Gregsak – aye and Walsh – aye. The motion passed 5-0-0.***

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

491

492 Vice-Chair Scott commended Mr. Koravos for detailing the maps and plans.

493

## 494 **7. Other Business**

### 495 **Appointment Times**

496 At the last meeting Vice-Chair Scott proposed that appointment times be left off the Public  
497 Hearing Notice in the event that applications conclude sooner than expected so that the public,  
498 abutters and interested parties will not miss the hearing. Chair Maloney noted if the agenda is  
499 busy she would like to continue with appointment times.

### 500 **Legislative/Legal Updates**

501 Chair Maloney reviewed past case law concerning requests for multiple variances and  
502 encouraged the Board to always vote based on the five criteria. Chair Maloney reviewed HB  
503 111, and case law concerning immunity, the Duty to Assist and the Right to Know Law and legal  
504 records.

505 Ms. Hoijer noted she has been offering to redact phone and email from applications newly filed  
506 and will redact this information as allowed from any RTK request or inspection.

## 507 **8. Adjournment**

508 ***Vice-Chair Scott motioned to adjourn the meeting at 9:10 PM. Mr. Gregsak seconded the***  
509 ***motion. A vote was taken, all were in favor, so moved.***

510 Respectfully submitted,

511

512 Nancy J. Hoijer,  
513 Recording Secretary