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**Town of Chester
Zoning Board of Adjustment
September 18, 2018
Town Hall
7:00 pm
Approved Minutes**

7 **Members Present:**

8 Chair Billie Maloney
9 Jack Cannon
10 Adam Maciaszczyk
11 Matt Gelinias, Alternate
12 Jean Methot, Alternate
13

14 **Members Absent:**

15 Vice-Chair Kevin Scott
16 Courtney Cashman
17 Richard Snyder, Alternate
18 Joseph Hagan, Selectman Liaison
19

20 **Guests:**

21 Penny Williams
22 Christine Gelinias
23 Eric Mitchell
24 Jerome Gesel
25 Attorney John Cronin
26 Adam Gaudet
27 Fire Chief Greg Bolduc
28 Mike Oleson, Road Agent
29

30 And other persons unknown to the minute taker
31

32 **Agenda**

- 33 **1. Call to Order/Roll Call**
34 **2. Correspondence**
35 **3. Approval of Minutes – August 21, 2018**
36 **4. Unfinished Business**
37 **Sign Addendum to Rules of Procedure – Consistent Voting & Notification of**
38 **Assocs.**
39 **NHMA Conference September registration for November 14-15, 2018**
40 **New hours**
41 **5. Hearings/Continuances:**
42 **Theodore Ian MacLean, M/L 002-082-000, 82 Pulpit Rock Road (R1)**

43 **Adam Gaudet d/b/a 603 Realty (Mary Gesel, Trustee of the Francis Gesel Rev.**
44 **Trust of 2009, Owner)**
45 **M/L 016-009-000, 15 Chester Street (R1)**
46 **Eric C. Mitchell & Associates, Inc. ((Mary Gesel, Trustee of the Francis Gesel Rev.**
47 **Trust of 2009, Owner)**
48 **M/L 016-009-000, 15 Chester Street (R1)**

49 **6. Adjournment**

50

51 **1. Call to Order/Roll Call**

52 Chair Maloney called the meeting to order at 7:01 pm. By Roll Call were present: Jean Methot,
53 Jack Cannon, Billie Maloney, Adam Maciaszczyk, Matt Gelin. Chair Maloney advised that
54 alternates Jean Methot and Matt Gelin would be voting on tonight's hearings.

55 **2. Correspondence**

56 Ms. Hoijer provided the Board members with copies of correspondence received from Mr.
57 MacLean requesting a continuance and from the Lieutenant Scott E. Newman of the Chester
58 Fire Department.

59 **3. Approval of Minutes – August 21, 2018**

60 Chair Maloney asked if the Board members had a chance to review the minutes. All answered
61 affirmatively. Chair Maloney recommended changes to Line 373 and Mr. Methot recommended
62 grammatical changes to Line 123.

63 ***Mr. Methot motioned to accept the minutes of August 21, 2018 as amended. Mr. Gelin***
64 ***seconded his motion. Mr. Methot abstained due to absence from that meeting. With 4***
65 ***voting in favor, and 1 abstention, none opposed, so moved.***

66 **4. Old Business**

67 **Addendum to Rules of Procedure – Voting & Notification**

68 Chair Maloney provided copies to the Board members of the proposed Changes to Rules of
69 Procedure which were distributed and reviewed at two previous meetings, to reflect the
70 recommendations from the Spring conference relative to consistent voting and notice to
71 associations, which the Board voted to approve at last month's meeting.

72 Mr. Maciaszczyk and Mr. Methot who were absent from last month's meeting signed the
73 Addendum.

74 **NHMA September registration for November 14-15, 2018 Conference**

75

76 Chair Maloney reminded that registration for the November 14-15, 2018 NHMA Conference
77 would be opening sometime in September and would let the members know if any of the topics
78 presented would be of benefit to the ZBA. Chair Maloney at that time and polled the members
79 to see who were able to attend. Mr. Cannon stated that he would have a conflict where it's on a
80 weekday; Mr. Gelin stated that he would be able to attend. Chair Maloney advised Ms. Hoijer
81 to register for two or three to attend the Conference.

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New Hours

Chair Maloney advised that the office was trying out some new hours, with a move to Tuesday afternoons from 2pm-5pm and Wednesdays from 8:30 am-12:30 pm, which were posted on the Town webpage. Ms. Hoijer added that she hoped for some public input to see if that was more convenient for those who could not make it in the morning.

5. Hearings

Mr. Maciaszczyk read out loud the Public Hearing Notice.

1. Theodore Ian MacLean, M/L 002-082-000, 82 Pulpit Rock Road (R1)

Chair Maloney advised that Mr. MacLean was working with Conservation and had requested another continuance until next month.

Mr. Methot motioned to continue Mr. MacLean's application until the next meeting (October 16, 2018 at 7:00 pm). Mr. Maciaszczyk seconded his motion, with all in favor, so moved.

2. Adam Gaudet d/b/a 603 Birch Realty (Mary Gesel, Trustee of the Francis Gesel Rev. Trust of 2009, Owner) M/L 016-009-000, 15 Chester Street (R1)

Chair Maloney advised that Mr. Gaudet had come before the Board previously in March to obtain a variance for Ordinances 5.3.2 and 4.2.1 for his realty business, which was allowed with two conditions, which were: Site Plan Review and signage to conform to ordinances. Chair Maloney reminded Mr. Gaudet that conforming signs were a condition for granting that variance. Mr. Gaudet apologized and explained that he had misunderstood when he received a variance for a commercial use in a residential zone that he had mistakenly believed it somehow changed the applicable regulations to those of commercial use going forward.

- i. Variances from Article 4, Section 4.2, Subsection 4.2.1 (expansion of a non-conforming use and/or upon a non-conforming lot) and Article 4, Section 4.4.2.1 to permit a 3'x5' sign on the wall, fifteen (15sf) square feet where four (4sf) square feet are permitted, located to the right of the entrance: where the quantity of signs, sizes and heights permitted has been and/or will be exceeded in the residential R1 zone**

Mr. Gaudet read his first application, which was for the 3'x5' wall sign.

Mr. Gaudet stated that there were other signs on the premises for the Restaurant and Ice Cream shop that hang from the roof and he did not believe those were as safe as the proposed wall-mounted sign.

Mr. Methot advised that a few days ago Mr. Gaudet had a 2'x3' sign in the window and did not believe the Town had jurisdiction over signs that were on the inside of the premises. Mr.

127 Gaudet advised that he had placed the sign there the day of a community event, temporarily,
128 and the Building Inspector asked him to remove it.

129
130 Mr. Maciaszczyk asked about the design of the sign. Mr. Gaudet advised that it was a simple
131 design similar to what was on the t-shirt that he was wearing.

132
133 Mr. Methot recommended that the Board first check with the Building Inspector and counsel, if
134 necessary, to see if Mr. Gaudet could in fact put a sign in his office window. Mr. Methot
135 recommended tabling this application until next month. Mr. Gaudet stated that he would still like
136 to proceed with the application but wished to cooperate with the Board.

137
138 ***Mr. Methot motioned to continue the hearing for the 3'x5' wall sign until the next meeting***
139 ***(October 16, 2018 at 7:00 pm). Mr. Cannon seconded the motion, with all in favor, so***
140 ***moved.***

141
142 ii. **Variances from Article 4, Section 4.2, Subsection 4.2.1 (expansion of a non-**
143 **conforming use and/or upon a non-conforming lot) and Article 4.4.2.1 to**
144 **permit a 21.5"x47' free-standing, seven (7sf) square foot sign, where four**
145 **(4sf) square feet are permitted, 5'7.5" above grade, on the existing sign**
146 **post structure beneath *Old Post and Center Scoop signs*, which sit eight**
147 **(8') feet from the property line and within ten (10') feet of a right-of-way,**
148 **with the top of the structure ten (10') feet above grade, where the quantity**
149 **of signs, sizes and heights permitted has been and/or will be exceeded in**
150 **the residential R1 zone**

151
152 Chair Maloney advised that this was for an approximately 2'x4' sign, total 8' where 4' are
153 allowed in R1. Chair Maloney displayed the photograph of the sign post that had been provided
154 and advised that this would be situated below the two current signs.

155 Mr. Gaudet read his second application concerning the proposed sign on the post, verbatim.

156 Mr. Gaudet explained that the use was a reasonable one as the planter where the post was
157 installed was already in place and had two signs, the same size, already in place. The existing
158 planter post helped with the flow of the parking lot.

159 Mr. Cannon asked if the two existing signs had required or received variances. Chair Maloney
160 advised that they had.

161 Chair Maloney asked if there was any comment from the public and being none, closed the
162 hearing to the public at 7:25 pm for deliberations.

163 Chair Maloney advised the Board to go over the five points.

164 Mr. Methot voted yes, on all five points and stated that the proposed use is a reasonable one.

165 Chair Maloney voted yes on all five points and stated, "the restriction applied to this property
166 does not serve the applicant in a fair and substantial way."

167 Mr. Maciaszczyk voted yes on all five points and agreed that it creates an unnecessary hardship
168 not having a sign.

169 Mr. Gelinas voted yes on all five points and stated, "I operate in sales." "Advertising is
170 necessary." "Trying to have any prospective clients find you without a sign."

171 Mr. Cannon voted yes on all five points and stated, "I do think if we denied this would create a
172 hardship trying to market and draw interest."

173 ***Mr. Maciaszczyk motioned to approve the Variances from Article 4, Section 4.2,***
174 ***Subsection 4.2.1 (expansion of a non-conforming use and/or upon a non-conforming lot)***
175 ***and Article 4, Section 4.4.2.1 to permit a 21.5"x47" free standing, seven (7sf) square-foot***
176 ***sign where four (4sf) square feet are permitted, 5'7.5" above grade on the existing sign***
177 ***post structure beneath Old Post and Center Scoop signs, which sit eight (8') feet from***
178 ***the property line and within ten (10') feet of a right of way. Mr. Methot seconded the***
179 ***motion, with all in favor, so moved.***

180 Mr. Maciaszczyk read the 30-Day Notice out loud.

181

182 **3. Eric C. Mitchell & Associates, Inc. ((Mary Gesel, Trustee of the Francis Gesel**
183 **Rev. Trust of 2009, Owner)**
184 **M/L 016-009-000, 15 Chester Street (R1)**
185

186 Attorney John Cronin appeared on behalf of the Gesels. Attorney Cronin discussed the history
187 of the premises which he stated engaged in commercial purposes prior to enactment of zoning.
188 Currently there is a Hobby Shop that makes toys for sale on the internet, a Realty Office, a
189 Restaurant, an ice-cream shop and three apartments. One apartment circa 1960s, the second
190 1970s and another approximately in 1991. The applicant has been working with the Fire
191 Department and Building Inspector to satisfy fire safety issues in accordance with their time
192 frame. A storage piece is the only remaining portion to be finished.

193 Chair Maloney advised that a Variance had been granted years ago with conditions (1999) and
194 that variance had been lost because the conditions were not addressed, not because of Site
195 Plan Review.

196 Attorney Cronin stated that he wished to reserve the right to make those arguments because
197 those conditions lacked specifics, time limits, and dates. Attorney Cronin opined that something
198 should not be taken away without due process. The Town for many years has attempted to
199 apply regulations to an old building.

200 Attorney Cronin continued that the applicant has made an effort to get the issues cleaned up
201 and is going before the Planning Board next week.

202 Eric Mitchell identified himself as the applicant's engineer and provided a copy of the proposed
203 parking lot plans to each of the Board members.

204 Mr. Mitchell explained that one factor to consider in determining the number of spaces required
205 was that the Center Scoop Ice Cream Shop operated seasonally and would not be open in the
206 Winter months which would allow them to use two of the 29 proposed spaces, #1 and 29 shown
207 on the plan, for snow storage.

208 Additionally, Mr. Mitchell pointed out that the hours of operation would allow for reasonable
209 sharing of the spaces because the Restaurant is only open until 1 pm and the Ice Cream shop
210 does not open until noon and stays open until 9 pm.

211 Attorney Cronin asked the Board if he should present all of the applications collectively or one at
212 a time.

213 Chair Maloney advised that they consider each application independently of each other and that
214 since the Road Agent was here they would start with the application that concerned snow
215 removal.

216

217 **i. Variances from Article 4, Section 4.5.2, Subsection 4.5.2.6 which requires a**
218 **minimum of eight (8') foot strips of land on three (3) sides of a parking lot for**
219 **storage of plowed snow; and to permit new parking spaces along Chester**
220 **Street without the required eight (8') snow storage area in the R1 zone**

221

222 Attorney Cronin presented the five criteria required in the application.

223 Mr. Cannon asked about Article 4.5.2.8 which states "Parking spaces shall be so arranged as
224 not to cause automobiles to back onto any street" and expressed concerns about whether
225 automobiles could back onto Route 121, indicating spaces #18-22.

226 Chair Maloney asked if there was a barrier there. Mr. Mitchell responded that there was not.

227 Mr. Cannon advised that he would like to see something to keep drivers from backing out.

228 Mr. Mitchell proposed 4-6' stop strips but recommended they be removed in Winter to facilitate
229 snow plowing.

230 Road Agent Mike Oleson identified himself adding that he has been plowing snow for the Town
231 which owns the adjacent property for 11 years. Mr. Oleson advised that this is a problem area
232 for enforcement. The snow would be plowed, pushed over and then pushed back. Spaces #1
233 and 29 could be a nuisance. Mr. Oleson advised that he simply does not want the snow to be
234 pushed onto Town property and those spaces should remain a green space.

235 Mr. Cannon stated that spaces #1 and 29 are paved areas and asked, "How would you control
236 snow storage?"

237 Mr. Mitchell stated that whoever is doing the snow removal would be responsible for making
238 sure it is not plowed onto other property. Mr. Mitchell recommended "No Parking" signs on
239 concrete posts and advised that once the snow builds up people will not be able to park there
240 anyway.

241 Mr. Gelinas asked about the 3rd spot for the snow storage (required by the ordinance). Mr.
242 Mitchell advised that on that side, spaces #1 and 29 would be adequate provided that when
243 snow builds up it will be removed and taken off site because they don't want a huge snow pile
244 building up on top of the septic.

245 Mr. Cannon asked about the timeline, as it would be snowing in about 6 weeks from now.

246 Attorney Cronin advised that the Ice Cream shop had a temporary Certificate of Occupancy that
247 expired at the end of this month (9/30/18) so that work would be done before next Spring when
248 the Summer business is about to ramp up added Mr. Mitchell.

249 Chair Maloney stated that she did not think there are enough places that you are going to push
250 all that snow.

251 Mr. Methot stated that he has experience plowing snow and that a pickup truck is not going to
252 handle this but if they will haul some of it out it should go fine.

253 Mr. Oleson responded that the history of enforcement is the problem, the snow won't be hauled
254 out.

255 Attorney Cronin advised that it was best for business and to keep tenants and customers happy
256 to keep the parking lot plowed, so he could not see why the applicant would not want to do that.

257 Chair Maloney asked if there were any other comments from the public and being none, closed
258 the hearing to the public at 8:12 for deliberations on this first application.

259 Attorney Cronin added that he did not believe spaces #1 and 29 need a variance as they are
260 pre-existing. A key determining factor is that the essential character will not be altered and as to
261 substantial justice that everyone would benefit. Attorney Cronin did not believe the values
262 would be affected and advised that if there were no hardship they wouldn't be here, it is a
263 reasonable use.

264 Chair Maloney asked if the parking spaces were in the same location as before or had been
265 moved forward toward the road.

266 Mr. Mitchell responded that Sheet 2 shows the spaces, previously in the State's right-of-way.

267 Mr. Mitchell advised that he was asked to submit information to the State who has jurisdiction.

268 Chair Maloney advised that one condition would be to obtain required State permits.

269 Mr. Mitchell advised that if they put in concrete stop bars in all the spaces during the non-winter
270 months, the snow banks that exist in the Winter months would stop cars from going over them.

271 Mr. Maciaszczyk advised that when the lot gets full, trucks already do. Mr. Mitchell advised that
272 they could put "No Parking" signs facing the street.

273 Chair Maloney asked about the two entrance/exits "What is the line of vision?" "If there is a box
274 truck parked, can you see past?" Mr. Mitchell advised that there was 10-12' before the fog line.

275 Mr. Oleson advised that the drivers must stop and then creep up and look out and that is not a
276 safe practice.

277 Attorney Cronin reminded that parking and other issues would be addressed at next week's Site
278 Plan Review hearing with the Planning Board.

279 Chair Maloney asked if there were any comments from the public and being none closed the
280 hearing at 8:12 pm for deliberations.

281 Chair Maloney voted yes on all five points and stated, "I am not crazy about this plan." "The
282 Town wants him to provide enough parking and bring everything up to date." "It would be
283 counterproductive for us to deny him." "It puts us between a rock and a hard place."

284 Mr. Methot voted yes on all five points and stated, “The Engineer gave us a drawing that
285 adequately addresses the snow removal process.” “As long as it is being followed, it shouldn’t
286 be a problem.”

287 Mr. Maciaszczyk voted yes on all five points and stated, “This is the best possible solution.”

288 Mr. Gelinas voted yes on all five points.

289 Mr. Cannon voted yes on all five points and stated, “Employees parking on Town property, they
290 won’t have to do that anymore.” “It’s what the Town wants.” “Been after for many years.” “This
291 begins to get us there.”

292 ***Chair Maloney motioned to approve the Variance from Article 4, Section 4.5.2,***
293 ***Subsection 4.5.2.6 to allow parking spaces along Chester Street not to have the required***
294 ***eight (8’) foot snow storage area, subject to the conditions stated below (indicating that***
295 ***all conditions would be voted on separate of this motion). Mr. Methot seconded the***
296 ***motion, with all in favor, so moved.***

297 ***Conditions:***

- 298 ***1. Excess snow to be taken off-site as needed;***
 - 299 ***2. Parking spaces #1 and #29 shown on Plan of Tax Map 16, Lot 9 Chester Street***
300 ***dated August 29, 2018 drawn by Eric C. Mitchell & Assoc., Inc. be posted “No***
301 ***Parking” in the Winter months; and***
 - 302 ***3. No snow storage from this property on Town property.***
- 303
- 304 ***ii. Variances from Article 5, Section 5.3.5 (Table 1) Table of Dimensional***
305 ***Requirements and Article 4, Section 4.2., Subsection 4.2.1 to allow expansion***
306 ***of parking within the forty (40’) foot front yard setback and within the twenty-***
307 ***five (25’) side setback requirement in the R1 zone***

308 Attorney Cronin presented the application to request proposed parking within the 40-foot front
309 yard and side setback. Attorney Cronin advised that this was a prior non-conforming use. The
310 key determining factor is that it would not alter the essential character of the neighborhood and
311 would satisfy the Town regulations, and everyone would benefit in their values from that.

312 Mr. Mitchell advised that Sheet 2 of the proposed plan shows spaces, one of which is in the
313 State right-of-way and one is next to. The State will ask us to submit information. Mr. Mitchell
314 advised that the State could put in “no parking signs” facing the street. Chair Maloney asked
315 about the line of vision. Mr. Mitchell advised that it was 10-12’ to the white line.

316 Mr. Olson added when cars stop, they have to creep out and it is not a safe practice.

317 Chair Maloney asked if there were any additional comments from the public and being none
318 closed the hearing to the public at 8:47 pm for deliberations.

319 Chair Maloney voted yes on all five points, stating “the Town has been wanting him to upgrade
320 the parking spaces.”

321 Mr. Methot stated, “the parking exists.” “It has been operational for a number of years.” “The
322 plan is reasonable. Mr. Methot stated that he did not agree with the conditions as he has

323 plowed snow and permanent bumpers would make it more difficult.” As to the conditions, Mr.
324 Methot voted – nay.

325 Mr. Maciaszczyk voted yes on all five points, stating “it gets the existing spots out of the right-of-
326 way, improving that can’t diminish values.”

327 Mr. Gelinas voted yes on all five points, stating “the use is reasonable.” “He needs more
328 space.”

329 Mr. Cannon voted yes on all five points, stating “it is a well laid-out plan.” “Sunday morning, the
330 restaurant creates a parking nightmare.” “It’s the right thing to do.” “No pros or cons or
331 negative impact to values.” Mr. Cannon suggested it be conditioned upon the installation of
332 parking bumpers to prevent backing up onto Route 121. Mr. Cannon agreed that the parking
333 bumpers should be permanently installed, stating “if you leave it as optional, it becomes an
334 option.”

335 **Mr. Methot motioned to approve the Variance from Article 5, section 5.3.5 (Table 1) Table**
336 **of Dimensional Requirements and Article 4, Section 4.2, Subsection 4.2.1 to allow**
337 **expansion of the proposed parking within the forty (40’) foot front yard setback and**
338 **within the twenty-five (25’) foot side setback, subject to the following conditions. Mr.**
339 **Maciaszczyk seconded the motion, voting: Maloney – aye, Methot – nay, Cannon -aye,**
340 **Gelinas – aye, Maciaszczyk – aye, approved 4-1 so moved.**

341 **Conditions:**

- 342 **1. Installation of fixed, permanent parking bumpers to be installed at parking spaces**
343 **#18-29 as shown on said plan, to prevent any unauthorized egress onto Chester**
344 **Street/Route 121;**
345 **2. Must obtain State permits as required by DOT.**

346

347 **iii. Variance from Article 4, Section 4.5.2, Subsection 4.5.2.3 “No required parking**
348 **space shall serve more than one use.” R1 zone**

349 Attorney Cronin presented the application which requested a variance to permit parking spaces
350 to be shared. Mr. Cronin stated this was not unusual with diversified uses. Attorney Cronin
351 added that this a prior non-conforming use, common law allows for reasonable expansion.

352 Mr. Mitchell advised that in the Winter months the Ice Cream shop would not be open and that
353 the Restaurant closes at 1 pm and the Ice Cream shop opens at noon. Mr. Mitchell advised that
354 three spaces would be reserved for the unoccupied residential storage area.

355 Chair Maloney asked if there were any comments or questions from the public and being none
356 closed this hearing to the public at 9:07 pm for deliberations.

357 Chair Maloney voted yes on all five points.

358 Mr. Methot voted yes on all five points.

359 Mr. Maciaszczyk voted yes on all five points.

360 Mr. Gelinas voted yes on all five points.

361 Mr. Cannon voted yes on all five points.

362 ***Chair Maloney motioned to approve the Variance from Article 4, Section 4.5.2,***
363 ***Subsection 4.5.2.3 to permit the parking spaces to serve more than one use, subject to***
364 ***conditions set forth below. Mr. Methot seconded the motion, with all in favor, so moved.***

365

366 **iv. Variances from Article 5, Section 5.3.5 (Table 1) Table of Dimensional**
367 **Requirements and Article 16.9, Section 16.9.2 and Article 4, Section 4.2,**
368 **Subsection 4.2.1 for expansion of a non-conforming use to permit an increase**
369 **in the maximum allowed impervious surface, in the R1 zone**

370 Mr. Mitchell advised that the applicant was seeking to permit expansion of the maximum
371 allowed impervious surface. 15% are allowed in the residential district. The property is currently
372 at 42% and seeking 48%.

373 Mr. Mitchell stated that impervious surface is required usually for two reasons. In the residential
374 district, people don't want all the trees cut down, leaving it more rural. In the commercial district
375 you want to limit roofs and paving so there are no drainage problems. Mr. Mitchell advised that
376 water will not flow quicker, will stay on the sit and go down into the ground.

377 Mr. Cannon asked if the lot would be repaved. Mr. Gesel answered, "not at this time."

378 Chair Maloney asked if there were any questions or comments from the public and being none,
379 closed this hearing to the public at 9:15 pm for deliberations.

380 Chair Maloney voted yes on all five points stating, "he has to increase parking spots." Chair
381 Maloney recommended the condition that there be no further increase to the impervious area.

382 Mr. Methot voted yes on all five points stating, "there is not significant runoff."

383 Mr. Maciaszczyk voted yes on all five points stating, "it would be silly not to as the previous
384 three or four were approved." Mr. Maciaszczyk agreed that the condition was a good one.

385 Mr. Gelinias voted yes on all five points stating that he liked the condition as well.

386 Mr. Cannon voted yes on all five points stating, "given tht we've given variances for the
387 expansion of the parking lot." "Increasing won't negatively impact drainage here." Mr. Cannon
388 asked if for conditions "subject to requirements of the Planning Board" could be added.

389 ***Chair Maloney motioned to approve the Variances from Article 5, Section 5.3.5 (Table 1)***
390 ***Table of Dimensional Requirements and Article 16.9, Section 16.9.2 and Article 4, Section***
391 ***4.2, Subsection 4.2.1 for expansion of a non-conforming use to permit an increase in the***
392 ***maximum allowed impervious surface to 48% subject to the following conditions. Mr.***
393 ***Methot seconded the motion. Chair Maloney – aye, Mr. Maciaszczyk – aye, Mr. Gelinias –***
394 ***aye, Mr. Cannon – aye, Mr. Methot – aye. Approved 5-0.***

395 **Conditions:**

396 **1. No further increase to impervious areas;**

397 **2. Subject to conditions as may be imposed by the Planning Board.**

398

399 v. **Variance from Article 5, Section 5.3.4 prohibited uses, a single-family or two-**
400 **family dwelling shall be permitted per lot; to permit two additional apartments**
401 **(3 total) in the R1 zone**

402 Attorney Cronin presented the application which requested two additional apartments on the
403 second floor. Attorney Cronin advised that these apartments have been existing, the applicant
404 previously had a variance and lost it due to unsatisfied conditions which have been corrected
405 with only the storage area to be completed.

406 Chair Maloney advised that she had spoken with the Building Inspector. He has proof of the
407 updates, we discussed the septic concerns. He looked at that. It looks fine.

408 Chair Maloney asked if the public had any comments or questions and being none closed this
409 hearing to the public at 9:30 pm for deliberations.

410 Chair Maloney voted yes on all five points, adding that as to conditions, she would recommend
411 those addressed in Lieutenant Newnan's letter of September 17th. Chair Maloney commended
412 Mr. Gesel on the considerable progress made.

413 Mr. Methot voted yes on all five points

414 Mr. Maciaszczyk voted yes on all five points

415 Mr. Gelinas voted yes on all five points, agreeing that the conditions should be done in 6-8
416 months.

417 Mr. Cannon voted yes on all five points

418 Mr. Cannon recommended for conditions, the three items referenced in Lieutenant Newnan's
419 letter. That could be a condition, that these things be addressed within the next year.

420 Attorney Cronin advised that the Ice Cream shop will be reopening in the Spring and the
421 conditions would be satisfied sometime between late Spring and early Summer. Mr. Gesel
422 advised that he preferred to have eight months.

423 ***Mr. Methot motioned to approve the Variance from Article 5, Section 5.3.4 to permit two***
424 ***additional apartments, subject to the following conditions. Mr. Maciaszczyk seconded***
425 ***the motion, with all in favor, so moved.***

426 ***Conditions:***

427 ***1. Outstanding issues addressed in the September 17, 2018 letter of Chester Fire***
428 ***Department Lieutenant Scott Newnan be corrected within 8 months, on or before***
429 ***May 17, 2019.***

430

431 **6. ADJOURNMENT**

432 ***Chair Maloney motioned to adjourn the meeting at 9:30 pm. Mr. Maciaszczyk seconded***
433 ***the motion, with all in favor, so moved.***

434 Respectfully submitted,

435

436

437 Nancy J. Hoijer,

438 Recording Secretary