

**Town of Chester  
Zoning Board of Adjustment  
April 16, 2019  
Town Hall  
7:00 pm  
Approved Minutes**

**Members Present:**

Vice-Chair Kevin Scott  
Jack Cannon  
Adam Maciaszczyk  
Richard Snyder, Alternate  
Courtney Cashman

**Members Absent:**

Chair Billie Maloney  
Matt Gelinas, Alternate  
Joseph Hagan, Selectman Liaison  
Jean Methot, Alternate

**Guests:**

Mr. John Cassell  
Mr. Ralph Cassell  
Mrs. Mylene Cassell  
Selectman Cass Buckley  
Mr. David Venditti

And other persons unknown to the minute taker

**Agenda**

1. Call to Order/Roll Call
2. Approval of Minutes – March 19, 2019
3. Spring Seminar - Registrations
4. Rules of Procedure – Review/Update – Tabled
5. Non-Public 91A:3(ii)(I) advice of legal counsel - Tabled
6. Hearings:
  - The request of John Cassell on behalf of Ralph Cassell and Mylene Cassell  
For Variances  
From Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements)  
To permit subdivision of the property into two lots, both with 145' frontage where 290' are  
required for the construction of a new residential home  
On the property known as 203 Lane Road, Map 12-10-6 in the R-1 zone
7. Adjournment

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

44       By Roll Call Vice-Chair Scott called the meeting to order at 7:00 pm. Present were: Vice-Chair  
45       Kevin Scott, Rick Snyder, Adam Maciaszczyk, Jack Cannon and Courtney Cashman. Mr.  
46       Snyder is the active alternate for this meeting.

47       Vice-Chair Scott read out loud the Public Hearing Notice as well as the 30-Day Notice.

48       **2. Approval of Minutes - Tabled**

49       Vice-Chair Scott asked if the Board had reviewed the minutes of the March 19, 2019 meeting –  
50       yes; and to indicate if there were any changes – none.

51       ***Mr. Maciaszczyk motioned to approve the March 19, 2019 minutes, as written. Mr. Snyder***  
52       ***seconded the motion, with four abstaining due to absence, one in favor and none***  
53       ***opposed, motion tabled.***

54       **3. Spring Seminar**

55       Administrative Assistant Hoijer registered five members with the NH Office of Strategic  
56       Initiatives (OSI) concerning the Spring Seminar on June 1<sup>st</sup>. Mr. Maciaszczyk is unable to  
57       attend; Mrs. Cashman will go in his place. Mr. Cannon is unable to attend. Admin Hoijer will  
58       see if anyone is interested in attending in Mr. Cannon's place, otherwise cancel one registration  
59       before the May 24, 2019 deadline.

60       **4. Hearings:**

61  
62       **The request of John Cassell on behalf of Ralph Cassell and Mylene Cassell**  
63       **For Variances**

64       **From Article 5, Section 5.3.5, Table 1 (Table of Dimensional Requirements)**  
65       **To permit subdivision of the property into two lots, both with 145' frontage**  
66       **where 290' are required; for the construction of a new residential home**  
67       **On the property known as 203 Lane Road, Map 12-10-6 in the R-1 zone**  
68

69       Vice-Chair Scott summarized the application, which is for variances from Article  
70       5, Section 5.3.5 Table 1 for the subdivision of two lots with frontage of 145' which  
71       would have less than the required 290' frontage concerning the property at 203  
72       Lane Road.

73  
74       Vice-Chair Scott explained that the Zoning Board of Adjustment is a quasi-judicial  
75       board and there were five members present to vote on this application which  
76       would require the affirmative vote of three members to approve or deny the  
77       application. Mr. Cassell asked for clarification whether that meant a majority?  
78       Vice-Chair Scott clarified that for example had only three members been present  
79       to vote, the affirmative vote of all three of those members would be required.  
80

81       Vice-Chair Scott explained in order for the Board to vote affirmatively on the  
82       application, all of the five points of law: public interest, spirit of the ordinance,

83 substantial justice, diminished values and unnecessary hardship criteria would  
84 need to be satisfied. Vice-Chair Scott read out loud from the Zoning Board of  
85 Adjustment Variance Worksheet "Requirements for Granting a Variance." Vice-  
86 Chair Scott noted unnecessary hardship establishes special conditions unique to  
87 the property that distinguish it from other properties in the area.

88  
89 Vice-Chair Scott questioned the applicant concerning the Attorney who filed the  
90 application, who was not present. Mr. Cassell explained that this attorney no  
91 longer represented him, and the attorney had only notified them nine days ago  
92 that he could not represent them as he had taken a job with the State. Mr.  
93 Cassell noted that he scrambled to find another attorney at the last minute, but  
94 that Attorney Bisson had only received a copy of the materials today and spoke  
95 with him for the first time today and as such advised him that he was not  
96 prepared and available to represent him at tonight's hearing. Vice-Chair Scott  
97 advised the applicant he was entitled to be represented by an attorney and that if  
98 he wished to consult with his new representative the application could be  
99 continued until next month. Mr. Snyder added that the previous attorney  
100 intended to supplement, at this hearing, the items that were not on the checklist.

101  
102 Mr. Cannon asked what prompted the attorney to fail to appear? Mr. Cassell  
103 stated he told him he closed his practice. Mr. Cannon asked if the new attorney  
104 had read the application submitted by the prior attorney? Mr. Cassell was unsure  
105 if he had time to review it. Mrs. Cassell indicated she preferred to continue the  
106 hearing.

107  
108 Mr. Buckley asked what would happen if the new attorney filed a substantially  
109 different application and notice to the abutters? Mr. Snyder indicated that the  
110 Zoning Board of Adjustment could not provide the applicant with legal advice on  
111 how to proceed in that circumstance and would imagine the new attorney would  
112 offer arguments and advice on how he would like the matter to proceed.  
113 Some of the options could include closing the hearing, withdrawing the  
114 application and starting the process over.

115  
116 Mr. Cassell indicated he would prefer to continue the hearing until next month.

117  
118 ***Mr. Snyder moved that the application of John Cassell on behalf of Ralph***  
119 ***Cassell and Mylene Cassell be continued until May 21, 2019 at 7 PM. Mr.***  
120 ***Maciaszczyk seconded the motion, with all in favor, approved 5-0-0.***

126 Mr. Buckley asked about Right-to-Know requests and whether the information  
127 would be available to the public for inspection prior to the next hearing and how  
128 that information could be obtained. Ms. Hoijer advised that any member of the  
129 public could request the information from the office.

130

131 **5. Adjournment**

132 ***Mr. Maciaszczyk motioned to adjourn the meeting at 7:29 PM. Mr. Cannon***  
133 ***seconded the motion, with all in favor, so moved.***

134 Respectfully submitted,

135

136

137 Nancy J. Hoijer,  
138 Recording Secretary