



Zoning Board of Adjustment

Town of Allenstown

16 School Street
Allenstown, NH 03275
Tel: (603)-485-4276
Fax: (603) 485-8669

pd 292.00 ch# 4045
on 4/27/16
KR

APPLICATION FOR VARIANCE OF USE OR AREA

I hereby apply for a hearing requesting a VARIANCE to the terms of Article VII Section 703.5 of the Town of Allenstown Zoning Ordinance

Case #: 2016-0001

Applicant Patsy Malo Tracy Dugan Telephone: [REDACTED]

Address: 28 River Rd Allenstown NH 03275

Email: Rnm219@comcast.net

Owner: Patsy Malo Tracy Dugan Telephone: [REDACTED]

Address: 28 River Rd Allenstown NH 03275

Email: Rnm219@comcast.net

Property Address or Location: _____

Tax Map 105 Lot # 7 Zone: Residential RI

Property Description (Length of Frontage, Side and Rear Lines, Etc.): _____

Property is listed as 8.9 acres but due to size of property a site map is located on back of file showing property lines, as per were the shelter will replace barn along river rd length of property is 100ft by 300ft wide with old building 3.5 feet away from property marker and 111ft away from road and 147ft away from back marker.

Proposed Use or Existing Use Affected: We will be taking down to old structures that sit on the proposed new side one being 20ft wide x 30ft long and other being 10ft wide x 20ft long and replace with new steel structure being 26ft wide by 42ft long. Diagrams of proposed building being taken down and now being put up on back page.

ZBA meeting 7/13/16

Why Does Your Proposed Use Require An Appeal To The Zoning Board Of Adjustment? _____

The proposed of this Building is Required because size of older Building and size of new Building is larger by 4 FT wide and 10 FT longer than new Building but the to old Structures are 1) 20 FT wide & 32 FT long and other is 10 FT wide & 20 FT long these are too dangerous to continue to use and new Structure will be safer.

All information must be filled out completely and required documentation submitted with application in order to be accepted.

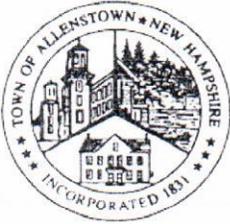
Applicant: Francis Dominguez Patsy E Malo Date: 4-27-16
(Signature)

Owner: Patsy E Malo Date: 4-27-16
(Signature- If not same as applicant)

FOR DEPARTMENT USE ONLY

Case No. _____

Date filed: _____ Received By: _____ Fees: _____



Zoning Board of Adjustment

Town of Allenstown

16 School Street

Allenstown, NH 03275

Tel: (603)-485-4276

Fax: (603) 485-8669

APPLICATION FOR VARIANCE OF USE OR AREA

Before you undertake completing this application we strongly encourage you to read the entire application first. Upon reading the entire application go back and answer the questions 1 through 5 with as much specific factual detail as required. The obligation of demonstrating facts sufficient to support your appeal is your responsibility.

The undersigned hereby requests a variance to the terms of Article _____ Section _____ and asks that said terms be waived to permit: A NEW Structure.

This new structure would be 42x26 MADE OF STEEL AND ALUMINUM ROOFING
FOR PURPOSE OF STORAGE TRACTOR AND GARDEN INSTRUMENTS INTO SUN WEATHER
PROTECTION

THIS WOULD BE REPLACING TO OLDER STRUCTURE THAT ARE NOW CURRENTLY
USED THAT ARE BEYOND REPAIR AND NOT ABLE TO BE FIXED.

You are required by law to demonstrate:

1. That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because: _____

THERE WILL BE NO LOSS OF VALUE TO SURROUNDING PROPERTIES BECAUSE
WE WILL BE TAKING THE OLDER AND EYE SORE BUILDING DOWN
AND REPLACING WITH NEW STEEL STRUCTURE WITH ALUMINUM ROOF.
THAT WILL ACTUALLY MAKE PROPERTY MORE ATTRACTIVE TO ALL APPLICANTS THAT
CAN SEE THEM.

2. That the granting of the variance will not be contrary to the public interest because: _____

The two old structures are in clear site of other properties and are in terrible shape and both will be taken down and one new structure will be put in its place. The one new structure will be ten feet longer and 45 feet wide to the front instead of two structures one being 20 feet wide by 32 feet long and other being 10 feet wide x 20 feet long. The new structure will be 26 feet wide by 42 feet long. There is a diagram on back of report to show differences between what is there and what will be new.

3. That the literal enforcement of the zoning ordinance will create an unnecessary hardship because:

A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area because::

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property for the following reasons:

WE ARE JUST REPLACING OLD STRUCTURES WITH NEW STRUCTURE TO BE SET IN SAME LOCATION BUT Bigger AND NEWER

b. And, the proposed use is a reasonable one for the following reasons:

IT WILL ALLOW US TO KEEP OUT TRACTORS AND EQUIPMENT UNDER COVER AND CONTINUE TO MAINTAIN UPKEEP AND HAVE A BETTER LOOKING BUILDING

If the criteria in subparagraph (A) above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it

from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. The definition of "unnecessary hardship" set forth in subparagraph (3) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

4. That through the granting of relief by a variance substantial justice will be done because:

This will allow us to take down our old structure that are falling apart and replace with new and sturdy structure. This will improve the look and quality of the house around up.

5. The use, for which the variance is requested, to the spirit of the ordinance will be observed because:

We will be replacing the new structure with the other structures were and not changing the view or site of any adjacent around the lot were the new building will be.

Signature: Troya Dwayne Dickey E. Moore

Date: 4-27-16

Upon recording return to:
Cleveland, Waters and Bass, P.A.
P.O. Box 1137
Concord, New Hampshire 03302-1137
ATTN: Monica Marcotte

MCRD Book 3213 Page 1762

NH DRA DP-4-L

C/H
L-CHIP



A-07134

22-44
2-0
25-

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS that **PATSY E. MALO, Successor Trustee of the DUGUAY FAMILY TRUST**, an irrevocable trust created under an Agreement dated December 30, 2002, of Allenstown, County of Merrimack and State of New Hampshire (mailing address of Trustee: 28 River Road, Allenstown, New Hampshire 03275), for consideration defined below, grants to **PATSY E. MALO**, a married woman, and **TRACY A. DUGUAY**, a single man, both having a mailing address of 28 River Road, Allenstown, County of Merrimack, State of New Hampshire 03275, as tenants in common, **WITH FIDUCIARY COVENANTS**, two (2) certain tracts or parcels of land with the improvements thereon, situated in the Town of Allenstown, Merrimack County, State of New Hampshire (the "Premises"). The Premises is more particularly described as follows:

Tract 1

A certain parcel of land with the buildings thereon located on the northeasterly side of the highway leading from Allenstown Village to Allenstown Depot, more particularly bounded and described as follows:

Beginning at the northwesterly corner of land heretofore conveyed to Emma J. and John Snelders, located on the north side of the aforesaid highway, thence northwesterly by the aforesaid highway 100 feet to a stone bound at the southwest corner of land conveyed to Arnold Edstrom by deed dated October 20, 1944; thence northeasterly by said Edstrom land 300 feet to an iron pipe; thence southeasterly 100 feet to land now or formerly of Heymans and Snelders; thence southwesterly by said Heymans and Snelders land 300 feet to the bound first described.

Excepting that portion taken by the State of New Hampshire for highway purposes as set forth in instrument recorded in the Merrimack County Registry of Deeds at Book 786, Page 522.

Tract 2

A certain tract of land on the North side of River Road in said Town of Allenstown, bounded and described as follows:



LT1-2-770431-1



LT2-3213-1762-4

Beginning at an iron pipe on the north side of the aforesaid River Road in said Allenstown, at the southeast corner of land conveyed to Ovila P. and Marie Ange Cantars by deed dated June 10, 1947; thence Northeasterly by said Cantars 300 feet to an iron pipe; thence Northwesterly by said Cantars land 175 feet to a stone post at land now or formerly of Louis I. Gagne; thence northeasterly by said Gagne land about 228 feet to the brook; thence northwesterly by said brook and land of said Gagne about 250 feet to the northwest corner of said Gagne land; thence southwesterly by said Gagne land about 212 feet to a squared stone post at the southeast corner of land conveyed to Emma J. Snelders and John Snelders by deed dated Dec. 14, 1943; thence northwesterly by said Snelders land 200 feet to a squared stone post at the southeast corner of land conveyed to Joseph and Hazel Duguay by deed dated August 12, 1948; thence continuing Northwesterly by said other land of the Duguays 100 feet to the northeast corner of said Duguay land; thence northeasterly by land conveyed by Jonas Cooke et als to Wilfred L. and Roase N. Poitrs by deed recorded at Book 729, Page 484 to the Suncook Valley Railroad right of way and land now or formerly of Bates; thence southerly by said Bates land about 391 feet to land conveyed to Harold Augier by deed dated August 2, 1949; thence southwesterly by said Augier land about 550 feet to a stone post at the Northeast corner of land conveyed to Rico and Kziah Risatti by deed dated October 17, 1946; thence northwesterly by said Risatti land 150 feet to a stone post at the northwest corner of land now or formerly of Risatti; thence westerly about 141 feet to a stone post located 16 ½ feet easterly of the northeasterly corner of said Cantara land; thence southwesterly by a line parallel with and 16 ½ feet distant therefrom the east line of said Cantara land 300 feet to the north side of said River Road; thence northwesterly by said River Road 16 ½ feet to the first described bound.

Excepting and reserving a small portion of the above tract that was conveyed by Joseph P. Duguay and Hazel H. Duguay to Donat A. Perron and Catherine J. Perron by deed dated June 11, 1960 and recorded in the Merrimack County Registry of Deeds at Book 863, Page 346.

Meaning and intending to describe and convey Tract I and Tract III in Quitclaim Deed of Joseph P. Duguay and Hazel M. Duguay to Joseph P. Duguay and Hazel M. Duguay, Trustees of the Duguay Family Trust, dated April 10, 2003 and recorded in the Merrimack County Registry of Deeds at Book 2517, Page 1993. For further reference, see also deed of Joseph P. Duguay and Hazel M. Duguay, Trustees of the Duguay Family Trust to Joseph P. Duguay and Hazel M. Duguay, Trustees of the Duguay Family Trust dated March 8, 2004 and recorded in the Merrimack County Registry of Deed at Book 2631, Page 1168.

The foregoing conveyance is made subject to rights granted to Normand A. Malo by life estate deed of the within grantor of even or near date herewith recorded in the Merrimack Country Registry of Deeds. It is the intent of the within grantor that this conveyance shall include all of the grantor's right, title and interest in and to the Premises as a remainderman following the termination of the life estate created by the within-described life estate deed to Normand A. Malo, together with

the right to occupy and possess the Premises in common with said Normand A. Malo during his lifetime.

Tract I and II as described herein are subject to a Lot Merger Agreement between Joseph P. Duguay and Hazel M. Duguay, Trustees of the Duguay Family Trust, and the Town of Allenstown, dated December 22, 2003 and recorded in the Merrimack County Registry of Deeds at Book 2631, Page 1165, pursuant to which such parcels are merged and treated as a single tract or parcel of land.

The foregoing conveyance is further made subject to all easements, covenants, restrictions, conditions and any other matters of record to the extent in force and applicable, including, but not limited to, the following:

1. Right to pass over a private way owned by Joseph Duguay and Hazel Duguay being 16 1/2 feet wide running from River Road to the tract conveyed to Donat and Catherine Perron. Said right further described in the deed from Joseph P. Duguay and Hazel H. Duguay to Donat A. Perron and Catherine J. Perron dated June 11, 1960 and recorded in the Merrimack County Registry of Deeds at Book 863, Page 346.

2. Utility easement to New England Telephone and Telegraph dated June 1, 1960 and recorded in the Merrimack County Registry of Deeds at Book 868, Page 308.

This conveyance is a distribution to the beneficiaries pursuant to ARTICLE III of the Duguay Family Trust and is therefore not subject to the real estate transfer tax under RSA 78-B:2.

The undersigned, Patsy E. Malo, Successor Trustee of the Duguay Family Trust, under Trust Agreement created by Joseph P. Duguay and Hazel M. Duguay, dated December 30, 2002, has full and absolute power in said trust agreement to convey any interest in real property or improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof. The undersigned certifies that she is still the Trustee of the Duguay Family Trust, under Trust Agreement dated December 30, 2002 and that said trust is still in full force and effect.

EXECUTED this 14 day of Sept, 2010.

DUGUAY FAMILY TRUST,
u/a/d December 30, 2002

By: Patsy E Malo
Patsy E. Malo, Successor Trustee

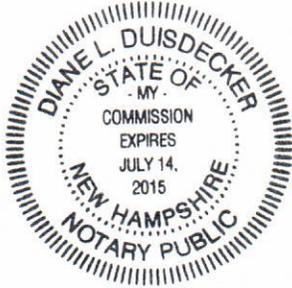
STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

The foregoing instrument was acknowledged before me this 14 day of September 2010, by Patsy E. Malo, Successor Trustee of the Duguay Family Trust, u/i/d December 30, 2002.

Diane L. Duisdecker

Notary Public/Justice of the Peace

My Commission Expires:



MERRIMACK COUNTY RECORDS

Kathi L. Gray, CPO, Register



PINEWOOD ROAD

KIMBERLY LANE

RIVER

ROAD

IN CONTESTION

1.1
2.24 Ac

1.2
1.0 Ac

4
14.5 Ac

30
1.7 Ac

16
0.357 Ac

17
0.537 Ac

23
0.74 Ac

27
1.1 Ac

14
0.23 Ac

13
0.23 Ac

18
0.259 Ac

19
0.249 Ac

21
0.61 Ac

22
0.69 Ac

24
0.43 Ac

25
0.857 Ac

26
1.0 Ac

59
2.7 Ac

5
1.4 Ac

7
8.9 Ac

8
0.69 Ac

10
0.23 Ac

12
0.233 Ac

9
0.23 Ac

11
0.23 Ac

87
0.65 Ac

88
0.64 Ac

89
0.68 Ac

90
0.83 Ac

91
0.94 Ac

92
1.0 Ac

94
0.23 Ac

95
0.95 Ac

96
0.87 Ac

34
0.724 Ac

32
0.46 Ac

36
2.9 Ac

35
2.1 Ac

33
5.477 Ac

246

211

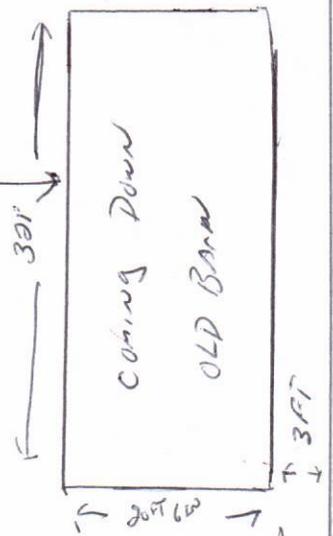
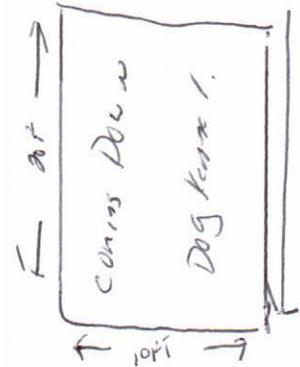
760 FT

OLD STRUCTURE

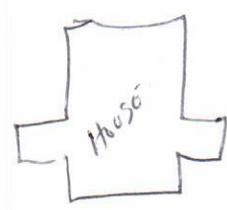


300 FT

76 FT



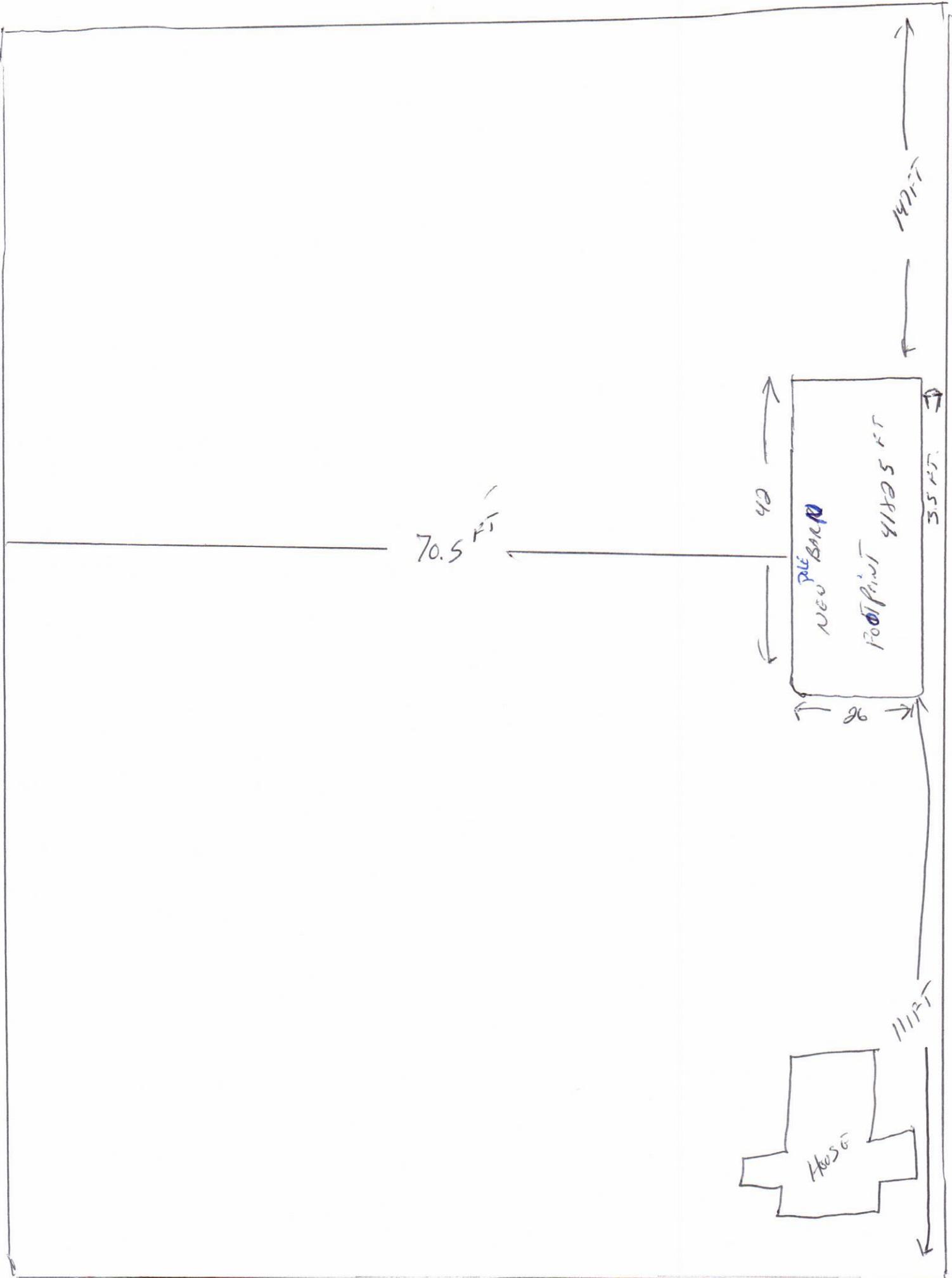
300 FT



111 FT

100 FT

RIVER ROAD



70.5 FT

149 FT

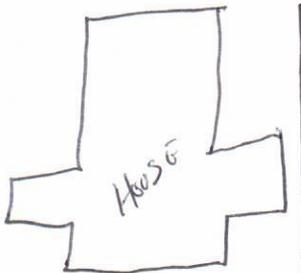
40

NEW PILE BARR
FOOTPRINT 41 x 25 FT

3.5 FT

96

11 FT



River Rd



100 foot Abutters List Report

Allenstown, NH

April 26, 2016

20x12 = \$250
Application 40
\$290

Subject Property:

Parcel Number: 105-007
CAMA Number: 105-007
Property Address: 28 RIVER ROAD

Mailing Address: MALO, PATSY E. DUGUAY, TRACY A.
28 RIVER ROAD
ALLENSTOWN, NH 03275

Abutters:

Parcel Number: 105-004
CAMA Number: 105-004
Property Address: 65 PINWOOD ROAD

Mailing Address: SUNCOOK BUSINESS PARK
65 PINWOOD ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-005
CAMA Number: 105-005
Property Address: 26 RIVER ROAD

Mailing Address: EDSTROM, ROBERT A.
26 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-008
CAMA Number: 105-008
Property Address: 30 RIVER ROAD

Mailing Address: THIBEAULT, ROGER & NOELLA ETAL
30 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-009
CAMA Number: 105-009
Property Address: 34 RIVER ROAD

Mailing Address: HARRIS, PAULA JO
34 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-010
CAMA Number: 105-010
Property Address: 36 RIVER ROAD

Mailing Address: ALLENSTOWN, TOWN OF
16 SCHOOL STREET
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-012
CAMA Number: 105-012
Property Address: 2 KIMBERLY LANE

Mailing Address: SIMPSON, LEE A. SIMPSON, ANN C.
2 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-013
CAMA Number: 105-013
Property Address: 4 KIMBERLY LANE

Mailing Address: LESSARD, MICHELLE
4 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-014
CAMA Number: 105-014
Property Address: 32 RIVER ROAD

Mailing Address: LESSARD, MICHELLE
4 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-015
CAMA Number: 105-015
Property Address: 6 KIMBERLY LANE

Mailing Address: MERRILL, SCOTT D. MERRILL, DONNA
MARIE PISIELLO
6 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-016
CAMA Number: 105-016
Property Address: 8 KIMBERLY LANE

Mailing Address: WEBBER, KRISTEN J. PELCHAT,
RONALDO J.
8 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓



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4/26/2016

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100 foot Abutters List Report

Allenstown, NH

April 26, 2016

Parcel Number: 105-017
CAMA Number: 105-017
Property Address: 5 KIMBERLY LANE

Mailing Address: TIGGES, ROBERT TIGGES, KAREN
5 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-018
CAMA Number: 105-018
Property Address: 3 KIMBERLY LANE

Mailing Address: GAGNE, STEVE M. GAGNE, HEATHER J.
3 KIMBERLY LANE
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-021
CAMA Number: 105-021
Property Address: 42 RIVER ROAD

Mailing Address: SEIBEL, AMANDA L.
42 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-022
CAMA Number: 105-022
Property Address: 44 RIVER ROAD

Mailing Address: BRYANT, MICHAEL JON
44 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-023
CAMA Number: 105-023
Property Address: 46 RIVER ROAD

Mailing Address: HARVEY, RUSSELL
46 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-024
CAMA Number: 105-024
Property Address: 48 RIVER ROAD

Mailing Address: VERRECCHIA, LILIANA N. LACHANCE,
JEAN-ROBERT
48 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-025
CAMA Number: 105-025
Property Address: 50 RIVER ROAD

Mailing Address: ANTOSH, KAREN I. ANTOSH, WAYNE E.
50 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-027
CAMA Number: 105-027
Property Address: 54 RIVER ROAD

Mailing Address: QUESSEY, RAYMOND QUESSEY,
SANDRA
54 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-028
CAMA Number: 105-028
Property Address: 56 RIVER ROAD

Mailing Address: LAVERDIERE FAMILY REVOC TRUST
LAVERDIERE, ROBERT J., TRUSTEE
56 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-030
CAMA Number: 105-030
Property Address: OFF RIVER ROAD

Mailing Address: MARTINEAU, JOHN J.
58 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-089
CAMA Number: 105-089
Property Address: 43 RIVER ROAD

Mailing Address: MANUS, STARR M REVOCABLE TRUST
STARR M MANUS TRUSTEE
PO BOX 482
CONCORD, NH 03302 ✓

Parcel Number: 105-090
CAMA Number: 105-090
Property Address: 41 RIVER ROAD

Mailing Address: KLEINER, DANIEL W. KLEINER, AMY
41 RIVER ROAD
ALLENSTOWN, NH 03275 ✓



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4/26/2016

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100 foot Abutters List Report

Allenstown, NH

April 26, 2016

Parcel Number: 105-091
CAMA Number: 105-091
Property Address: 39 RIVER ROAD

Mailing Address: LANGILLE, RUSSELL RAY
39 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-095
CAMA Number: 105-095
Property Address: 27 RIVER ROAD

Mailing Address: CHAPUT, DENNIS A. BAXTER, DAWNA
27 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 105-096
CAMA Number: 105-096
Property Address: 25 RIVER ROAD

Mailing Address: HAMEL, ALBERT C. HAMEL, RITA D.
25 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 106-034
CAMA Number: 106-034
Property Address: 33 RIVER ROAD

Mailing Address: SMITH, RANDY S. SMITH, ANGELA M.
33 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

Parcel Number: 106-035
CAMA Number: 106-035
Property Address: 31 RIVER ROAD

Mailing Address: FLEURY JR., VICTOR E. FLEURY,
MARGARET
31 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

x Parcel Number: 110-059
CAMA Number: 110-059
Property Address: 24 RIVER ROAD

Mailing Address: POITRAS, RICHARD POITRAS,
PRISCILLA
24 RIVER ROAD
ALLENSTOWN, NH 03275 ✓

105-001-001

Presidents'
Pro ~~Business~~ Parks
50 pine wood rd
Allenstown NH 03275 ✓

105-002

Dame Hollis Properties LLC
60 pine wood rd.
Allenstown NH 03275 ✓



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