

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
February 25, 2015

Call to Order.

The Allenstown Zoning Board of Adjustment Meeting for February 25, 2015 was called to order by The Chair at 6:36pm.

Roll Call.

Present on the Board: Eric Feustel, Tim Baldasaro, Gina Baldasaro, and Chris Roy.

Excused: Diane Demers and Rich Daughen

Others Present.

Residents of Allenstown: William and Sharon Gelinis

Others Present: Joe Wicker, surveyor.

Other Public Officials:

Allenstown Staff:

Meeting with William Gelinis regarding Case #2015-001

The Chair advised Mr. Gelinis he was entitled to be heard before a full board and since there are only four of them tonight he can postpone the meeting if he would like to. Mr. Gelinis stated he was fine with going forward.

Mr. Wicker stated he is working with Mr. and Mrs. Gelinis on the site plan. He stated there were inspections done on other commercial properties in the area and with irregularities with what was the approved site plan to what currently exists. He stated one of the issues they have is the variance issue.

Mr. Wicker stated the existing building was approved by the site plan and it shifted 14 inches when it was built when the requirement is 14.7 feet. He stated it was a good faith error when they built the building. The Chair asked if it was surveyed prior to construction. Mr. Wicker stated there was a site plan but he is not sure where it got shifted as they didn't do the layout. He stated the encroachment is a little triangle that comes into the two square feet.

Mr. Wicker stated the second issue is the salt storage shed. He stated it was built seven or eight years ago. He stated they have a paved bottom with concrete blocks and the roof is only there for environmental purposes. He stated the shed is 9.5 feet on the east side and 10.3 on the west side where 15 feet is required.

Mr. Wicker stated should the Zoning Board approve the variances it will not reduce the value of the surrounding properties.

The Chair asked who owns the land next to Mr. Gelinas' property. Mr. Roy stated it is owned by Fort Mountain Timber. Mr. Wicker stated it is another commercial use property. Mr. Gelinas stated he gets along with the abutter and his shed is not on the abutter's land.

Mr. Wicker stated he doesn't think keeping the building and shed in their current locations are not contrary to the public interests and keeps in the spirit of the ordinance. He stated to reconfigure or remove the building or shed would take some effort and expense on the behalf of the Gelinas and where they have existed this way they are self-reported violations.

The Chair asked if the shed has been taken care of with the tax assessor. Mr. Gelinas stated it has been taken care of.

Mr. Wicker stated because of the amount of effort they are going through Mr. Gelinas wants to add some pavement to the back. He stated if the variance is denied they would end up moving the shed to a location within compliance.

The Chair stated the new asphalt is not part of the variance request and if that would be encroaching. Mr. Wicker stated the new asphalt would be part of the site plan approval and would not be encroaching.

Mr. Baldasaro asked if the neighbor tries to sell his property and the salt shed is in the way, would it stop him from selling it. Mr. Wicker stated the salt shed is on Mr. Gelinas' property. Mr. Gelinas stated the neighbor doesn't have a problem with all of this.

The Chair asked if the side where the encroachment exists is industrial zoning. Mr. Wicker stated it is zoned industrial. Mr. Roy showed the Chair where on a map the different zones and property lines are.

The Chair asked the Board if they had any questions for Mr. Gelinas or Mr. Wicker. There were no questions.

The Chair asked the Board if they wanted to hear both variances together. The Board agreed to hear them together.

Motion. Mr. Roy made a motion to go into deliberation. Mr. Baldasaro seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Baldasaro-Yes. The Chair declared the Motion passed.

The Chair asked if the board agrees that granting the variance is not contrary to the public interest. The board members agreed.

The Chair asked if the board agreed variance is in the spirit of the ordinance. The board members agreed.

The Chair asked if the board agreed substantial justice is done. The board members agreed.

The Chair stated the proposed use will not diminish surrounding property values. The board members agreed.

The Chair asked if the board agreed that literal enforcement creates unnecessary hardship. The board members agreed.

The Chair asked if the board agreed that use is reasonable. The board members agreed.

Motion. Mr. Roy made a motion to come out of deliberation. Mrs. Baldasaro seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Baldasaro-Yes. The Chair declared the Motion passed.

Motion. Mr. Roy made a motion to grant the variance. Mr. Baldasaro seconded the Motion.

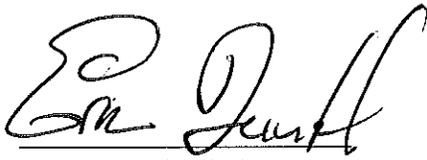
A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Baldasaro-Yes. The Chair declared the Motion passed.

The Chair advised Mr. Gelinas anyone could appeal the decision within 30 days starting tomorrow. He stated they go forward at their own risk.

Motion. Mrs. Baldasaro made a motion to adjourn. Mr. Baldasaro seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Baldasaro –Yes; Mr. Roy – Yes; and Mrs. Baldasaro-Yes. The Chair declared the Motion passed.

The Chair declared the meeting adjourned at 6:56pm.



Eric Feustel, Chairman



Christopher Roy, Member

Gina Baldasaro, Member

Timothy Baldasaro, Member

Richard Daughen, Member

6/10/2015
Date

