

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
December 8, 2015

Call to Order.

The Allenstown Zoning Board of Adjustment Meeting for December 8, 2015 was called to order by The Chair at 6:35pm.

Roll Call.

Present on the Board: Eric Feustel, Chris Roy, Jeff Gryval, and Robert Bergeron.

Others Present.

Residents of Allenstown: Charles Currier

Others Present: Brian Jones, Alan & Major Associates, LLC and Mr. Vincent Iacozzi

Other Public Officials:

Allenstown Staff: Dana Pendergast, Building Inspector.

Case# 2015-0007 A Grossman Suncook, LLC 15 Chester Turnpike Lot# 109-028 Business (B4) Zone Variance Article VIII Section 801

Chief Pendergast advised Mr. Jones anything presented to the Board has to stay with them. The Chair also informed him there were only four members present tonight and not the full Board. He stated they will need three affirmative votes in order for the variance to pass.

Mr. Jones of Alan & Major Associates introduced himself to the Board. He informed them he was representing 201 Highland LLC and the land owner, A Grossman LLC. He stated 201 Highland LLC has an option to purchase the lot for which they are seeking a variance. He stated the variance would be to allow a self-storage facility where the use is not allowed.

Mr. Iacozzi stated he is a representative of one of the optioneers of the property. Mr. Gryval asked what an optioneer is. Mr. Iacozzi stated they have a hard money deposit on the property based on the due diligence for the variance and other permits.

Mr. Jones stated he brought an enlargement of the drawing submitted which he will leave with the Board. He stated the property in question is 15 Chester Turnpike. He stated the proposal would be to construct a car wash as well as self-storage. He stated there is water and sewer available. He stated there is frontage on Chester Turnpike and some on Route 3. He stated the access would be on Chester Turnpike.

Mr. Jones stated for question one there will not be a diminution of the value of the surrounding properties as a result of granting this variance because the lot is currently vacant, overgrown, and surrounding properties include several vacant tracks of land which store cars and dumpsters.

Mr. Jones stated for question two the granting of the variance is not contrary to public interest because the lot is currently vacant and does not provide any value to the community. He stated by allowing the use in this district, this project will bring local and convenient services to the community as well as additional tax revenue to the town. He stated the project will also bring enhanced security and be more ecstatically pleasing than the current state of the lot.

The Chair asked about enhanced security. Mr. Jones stated it will be lit and manned and not a vacant lot. The Chair asked if it will be manned 24 hours. Mr. Jones stated not 24 hours but there will be security cameras.

Mr. Jones stated for question three the literal enforcement of the zoning ordinance will create an unnecessary hardship 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 requesting a variance from the terms of the zoning ordinance to allow the self-storage component of the project. While self-storage is an allowed use only in the commercial/light industrial zone (across the street from the subject parcel), the operational characteristics of self-storage differ significantly from those within that zone and include; self-storage generates low traffic and low crime, facilities are closed at night with limited access, self-storage projects often bring enhanced security, and facilities frequently have noise-reducing qualities, such as acoustical buffering from major highways, roadways.

Mr. Jones read subpart B “the proposed use is a reasonable one for the following reasons: it is similar in nature to the surrounding businesses in terms of offering to services to the general public and complimentary to the allowed uses within this district.

Mr. Jones read question 4 “that granting of relief by a variance substantial justice will be done because: the existing vacant parcel of land is not being utilized; therefore the proposed project will bring convenient services to the residents as well as additional tax revenue to the Town.”

Mr. Jones read question 5 “the use, for which the variance is requested, is in the spirit of the ordinance will be observed because: the proposed building will meet the land usage set-backs, frontage and building height requirements. The surrounding businesses including Dunkin Donuts, Rite Aid, Sully’s, Family Dollar and the Irving Station provide residents the convenience of staying local to attain their goods and services. The proposed use will do the same.”

The Chair stated they need to consider not considering the tax revenue as they are not allowed to consider.

The Chair asked Chief Pendergast what the reason is for prohibiting self-storage in the zone. Chief Pendergast stated it is because the property is light industrial zone. He stated the property is in an area where one side of the street is one zone and the other side is a different zone. The Chair stated there was a similar case for a body shop.

Chief Pendergast stated he has a bunch of questions but he can’t ask them because of his job as the Building Inspector.

Chief Pendergast explained their new sign ordinance got pulled because of the new Superior Court case which just came down. He stated the case limits what the towns are allowed to limit signs to so they pulled the ordinance.

Chief Pendergast stated the variance for a sign will have to go before the attorneys. He stated the current sign ordinance is very limiting. The Chair stated as long as they stay within the current ordinance, they don’t need to come before the committee. There was further discussion of the current sign ordinance.

The Chair asked if there will be any access from Route 3 or just Chester Turnpike. Mr. Jones stated he believes the intention is to create some sort of cross easement through the properties that would allow access through the existing. Mr. Iacozzi stated there is an encroachment issue with the Dunkin Donuts drive thru. He stated the drive thru overhangs the property line so there is some negotiating which needs to be done. He stated there will be no separate entrance for their property out to Route 3 at all; the main access will be through the rear. Chief Pendergast stated there will be access from behind Dunkin Donuts.

Chief Pendergast asked if it will be fenced in and gated. Mr. Iacozzi stated it will be fence in but he doesn’t know if it will be gated. Chief Pendergast pointed out the different businesses on properties surrounding the proposed lot. He stated they are all commercial properties currently.

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

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

The Chair asked if the first question was true; is there will not be a diminution of value to the surrounding properties as a result of the granting of this variance because it is a vacant lot. The Board stated yes to this.

The Chair asked if the second question was true; the granting of the variance will not be contrary to the public interest. The Board said yes to this.

The Chair asked if the third question part A was true; literal enforcement – no fair and substantial relationship exists between the general public purposes of the ordinance provision to the property. The Board said yes to this.

The Chair asked if the third question part B was true; the proposed use is reasonable. The Board said yes to this.

The Chair asked if the fourth question was true; through the granting of relief is substantial justice done. The Board said yes to this.

The Chair asked if the fifth question was true; the use, for which this variance is granted, will the spirit of the ordinance be observed. The Board said yes to this.

Motion. Mr. Roy made a motion to come out of deliberations. Mr. Gryval seconded the Motion. There was no additional discussion.

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

Motion. Mr. Roy made a motion to grant the variance for 15 Chester Turnpike Lot 109-028 Case #2015-007. Mr. Gryval seconded the Motion. There was no additional discussion.

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

The Chair stated if there is an appeal for any reason there is a 30 day window starting tomorrow.

Other Business

Chief Pendergast asked the Chair if he received the copy of the rules for the ZBA which he had sent him. He stated it is pretty extension and should encompass everything the attorney discussed

with them a few months ago. He stated he can send it out to everyone else and then they just need to adopt it. He stated it covers when they need to have meetings and where they are going to be held as well as many other items.

The Chair stated there should be a provision which says members do not discuss grant interviews to the media independently. Chief Pendergast stated he believed it was a town policy. Mr. Gryval stated if anyone receives a phone call and they are uncomfortable answering they can pass it onto Mr. Mulholland.

The Chair asked if Mr. Iacozzi has asked for a date. Chief Pendergast stated they have not. He stated the town has met all their requirements and the burden is now on the applicant. He stated the applicant asked for a continuous as there is nothing submitted. The Chair asked if they have to reapply. Chief Pendergast stated they have to reapply and notify the abutters. The Chair stated they are outside their window. Chief Pendergast stated they had up to 30 days to ask for an appeal which they did. He stated the Board notified the applicant they will rehear the meeting.

The Chair asked how long they have for the rehearing. Chief Pendergast stated they have a year.

Chief Pendergast asked if they are good to reschedule things back to Wednesdays for the ZBA meetings. The Chair stated yes they could go back until Wednesday. There was discussion about speaking to Mrs. Demers about her scheduling conflicts.

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

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

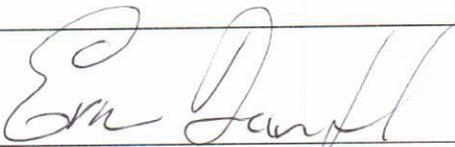
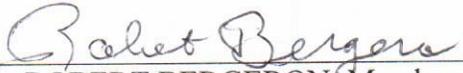
The Chair declared the meeting adjourned at 7:12pm.

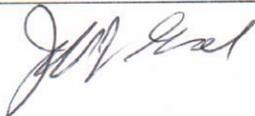
TOWN OF ALLENSTOWN
ZONING BOARD OF ADJUSTMENT
PUBLIC MEETING MINUTES

December 8, 2015

Signature Page

Original Approval:

	3/9/16
ERIC FEUSTEL, Chair	DATE
	3/9/16
CHRISTOPHER ROY, Member	DATE
	3/9/16
ROGER LAELAMME, Member	DATE
	3/9/16
ROBERT BERGERON, Member	DATE
DIANE DEMERS, Member	DATE



3-9-16

Amendment Approvals:

Amendment Description:	Approval:	Date:
	ERIC FEUSTEL, Chair	DATE

	CHRISTOPHER ROY, Member	DATE
	ROGER LAFLAMME, Member	DATE
	ROBERT BERGERON, Member	DATE
	DIANE DEMERS, Member	DATE