

TOWN OF ALLENSTOWN  
Zoning Board of Adjustments  
16 School Street  
Allenstown, New Hampshire 03275  
March 27, 2019

**CALL TO ORDER**

The Allenstown Zoning Board of Adjustments meeting of March 27, 2019 was called to order by Chair Keith Klawes at 7:30 pm.

Chair Klawes called for the Pledge of Allegiance.

**ROLL CALL**

Present on the Board: Dawna Baxter, Jeff Gryval, Chad Pelissier, Keith Klawes

Others present: Matthew Peterson, Design Consultant for Hillside Design Group, LLC, representing 4NH Homes; Michael Duranty, abutter.

**OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS**

None.

**NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS**

- ZBA Case# 2019-01 – Melodie Fay/Bear Brook Canine Camp, LLC; Variance Request: Dog Boarding Facility- Zoned OSF-310 Deerfield Rd

Application withdrawn.

- ZBA Case# 2019-02 – 4NH Homes/Hillside Design Group, LLC Special Exception Request: Two-family dwellings – Zoned R2-166 Pinewood Rd

Ms. Baxter stated for the record that she is the administrator of her parents' estate, which includes a property on Pine Acres Road. She is not an abutter to the proposed development and said she can be objective regarding this case.

Mr. Gryval stated that they do not have a full board and the applicant has a right to be heard before a full board. Three affirmative votes will be required for approval.

Mr. Peterson indicated that he would like to proceed with four Board members. Beginning his presentation, he said that he has been in this business for 22 years. He took this project back after the last plan moved forward without meeting regulation requirements. The property consists of 18 acres on

Pine Acres Road, which includes existing wetlands and flood plains flowing down to the wetlands. The proposal is for four, two-family dwelling units, which is allowed under the Special Exception section of the Allenstown Zoning Ordinance. He stated that he would next address the nine criteria for a Special Exception.

1. 1. No hazard to the public or adjacent property on account of potential fire, explosion, toxic materials or hazardous activity.

Mr. Peterson said that this is a residential development and would not include any potential hazards such as fire, explosion, toxic materials or hazardous activities.

2. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood due to the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutants, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.

Mr. Peterson said that the proposed development is for three units on Pine Acres Road and one on Route 28. There would be no detriment to property values as there are seven single-family homes across the road with similar density.

3. No creation of a traffic safety hazard or unmitigated, substantial increase in the level of traffic congestion in the vicinity.

Mr. Peterson stated that seven driveways exist across the road and this plan would add four. His trip generation study shows an addition of 5.9 trips in the am between 7:00 and 9:00 am, and an addition of 7.92 trips during the pm peak hours. Pine Acres Road is a public way.

4. No excess demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools.

Mr. Peterson said that this residential development would make no excess demands on municipal services. The units would have wells and septic systems.

5. No significant increase of storm water runoff onto adjacent properties or public ways.

Mr. Peterson said that storm water runs to the brook and therefore would not increase runoff to adjacent properties or public ways.

6. In an appropriate location for the proposed use.

Mr. Peterson said that the location is appropriate because the proposed units are residential in a residential area.

7. No adverse effect on the health and safety of residents and others in the area and the proposed use shall not be detrimental to the use or development of adjacent or neighboring properties.

Mr. Peterson said that four residential units would have no adverse effect on health and safety.

8. In the public interest and in the spirit of the ordinance.



Mr. Peterson said that this residential development makes use of 18 acres of undeveloped land and is in the spirit of the ordinance, which allows multi-unit dwellings in an R2 area via Special Exception.

9. Requirements set forth in the ordinance for the particular use permitted by special exception.

Mr. Peterson said that a residential development meets the requirements set forth in the ordinance by special exception.

Mr. Peterson next presented some exhibits of the types of units proposed.

Mr. Duranty stated that there are six, not seven, homes across the road and that they are mostly one-story ranch homes set back 60 to 100 feet. Regarding the central characteristics of the neighborhood, this development would make the area 33% more dense. He said these could be rental condos. He also said that the proposed units are three stories higher and could be within 20 feet of the road. He asked if they could be moved back. Finally, he said that the fourth unit has less than the required 200 feet of frontage.

Mr. Peterson said that he is only before the ZBA for the Special Exception. Other issues will be addressed by the Planning Board. He said they are not looking for these to be rental units. He said they would be willing to set the units back 30 or 40 feet to better match the setbacks across the road.

Mr. Duranty said that the previous applicant made changes to the plan and told the Planning Board these were okay with the ZBA.

Mr. Gryval stated that Route 28 would not allow frontage or a driveway cut. All four units would have to be on Pine Acres Road.

Chair Klawes said that the four units would involve eight sales and any of these could become rentals unless there is a deed restriction.

Ms. Baxter asked if the driveways would be shared.

Mr. Peterson responded that each of the four, two-family units would have one driveway.

Mr. Duranty asked who would maintain the yards.

Mr. Peterson said that this would be in the condo agreement.

Ms. Baxter said that these appear to be condexes.

Chair Klawes said that one of the owners might be messy and the other one might be neat.

Mr. Gryval said that there is a different scenario across the road.

Mr. Peterson stated that there would be defined common areas and limited common areas, which would be in the deed. Each two-family unit would have a two-owner association.

Mr. Pelissier said that the Town Attorney would review the condo rules.

Mr. Peterson said he did not have the proposed rules with him, but that he would provide them.

Ms. Baxter stated that this is not different from others in town.

Mr. Gryval said that this is something new that he has never dealt with before. He said it is completely different from the current homes, which are all single-family homes.

Mr. Peterson said that they had looked at single-family homes but had decided that this plan leaves more open space.

Chair Klawes asked about metering the water.

Mr. Peterson said there would be no metering because there would be wells. Rules governing the maintenance of the wells and septic systems would be in the condo documents.

Ms. Baxter added that wells can be deeded.

Ms. Baxter asked about the height of these three-story buildings.

Mr. Peterson asked how buildings are measured in Allentown, since there are several ways. He said they would probably change the design to two stories, but reiterated that he was before the ZBA only for a Special Exception for duplexes.

Mr. Gryval asked Mr. Peterson to elaborate on how this is in the public interest and in the spirit of the ordinance.

Mr. Peterson responded that two-family units are listed as an allowed use with a Special Exception. He said this is not a dense development, not overly developed. He said they found it fit the character of the neighborhood. He said not everyone can afford a single-family home.

Ms. Baxter made a motion to enter into deliberations. Mr. Gryval seconded the motion, which carried unanimously.

The ZBA members addressed the nine criteria for a Special Exception.

1. No hazard to the public or adjacent property on account of potential fire, explosion, toxic materials or hazardous activity.

The four members agreed that the proposed development presents no hazard.

2. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood due to the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust or other pollutants, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.

Mr. Gryval said that this item presents one of several big questions he has. The existing homes are single family homes. Who will mow the lawn, shovel the driveway and paint the house?

Chair Klawes said that he is torn on this item as well, in terms of detriment to property values.

Mr. Gryval said that there is the potential that these will be rented and renters will not have the pride that comes with ownership.

Mr. Pelissier noted that State law allows accessory dwelling units in all cases, with the caveat that the owner must live in one of the units.



Mr. Gryval said that the intent there is for a mother-in-law or an adult child to occupy the second unit. He said he would argue that this is completely different.

Ms. Baxter said that Pine Acres Road has been developed in multiple phases. First there were mobile homes, followed by ranch homes and then two-story buildings. There is a variety on the road.

Mr. Gryval said that the abutting properties are single-family ranch homes.

Ms. Baxter said that the fourth lot only has 170 feet of frontage, but that is not a concern of the ZBA.

Mr. Gryval said that the change is to multi-family units.

Chair Klawes called for a response from each member as to detriment. Mr. Gryval, yes; Ms. Baxter, no; Mr. Pelissier, yes; Chair Klawes, yes.

Mr. Peterson said he wished to clarify that these are two-family units, not multi-units.

3. No creation of a traffic safety hazard or unmitigated, substantial increase in the level of traffic congestion in the vicinity.

The four members agreed that the proposed development presents no traffic safety hazard or unmitigated, substantial increase in the level of traffic.

4. No excess demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection and schools.

The four members agreed that the proposed development presents no excess demand on municipal services.

5. No significant increase of storm water runoff onto adjacent properties or public ways.

The four members agreed that the proposed development presents no significant increase in storm water runoff onto adjacent properties or public ways which they are aware of at this time.

6. In an appropriate location for the proposed use.

Chair Klawes said that this is similar to the second item. Mr. Gryval, no; Ms. Baxter, yes; Mr. Pelissier, no; Chair Klawes, no.

7. No adverse effect on the health and safety of residents and others in the area and the proposed use shall not be detrimental to the use or development of adjacent or neighboring properties.

The four members agreed that the proposed development presents no adverse health or safety effects.

8. In the public interest and in the spirit of the ordinance.

Chair Klawes stated that this proposal does meet the spirit of the ordinance.

Chair Klawes asked Mr. Duranty if he is representing just himself or other abutters as well.

Mr. Duranty said he is representing three abutters.

Ms. Baxter noted that 30 abutter notices were sent and none were returned as undelivered. She said that the neighborhood could use something different. Society is ever-changing.

Chair Klawes asked why the abutters supporting the development were not in attendance.

Mr. Pelissier said he doesn't go by the number of people in the room.

Ms. Baxter noted that single-family homes can be a problem, too.

Mr. Pelissier said that Chair Klawes is right that this proposal meets the spirit of the ordinance, but public interest is trickier.

Mr. Duranty said the biggest concern is the fact that these are two-family units.

Ms. Baxter said that a single-family home could be very large.

On this item the members voted as follows: Mr. Gryval, no; Ms. Baxter, yes; Mr. Pelissier, no; Chair Klawes, no.

9. Requirements set forth in the ordinance for the particular use permitted by special exception.

The four members agreed that the proposed development meets the requirement set forth in the ordinance.

Mr. Gryval made a motion to approve the Special Exception request for ZBA Case # 2019-02. Mr. Pelissier seconded the motion. A roll call vote was taken: Mr. Gryval, no; Ms. Baxter, yes; Mr. Pelissier, no; Chair Klawes, no.

The motion was defeated and the Special Exception was denied.

#### **UNAPPROVED MINUTES & UNSIGNED MINUTES**

No minutes were presented for approval.

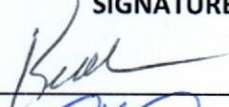
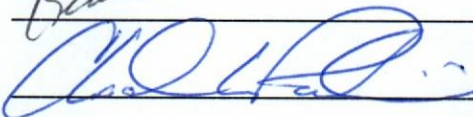

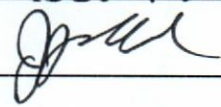
#### **CORRESPONDENCE & OTHER BUSINESS**

Chair Klawes stated that Roger Laflamme wishes to remain a member of the ZBA.

Chair Klawes stated that alternates are still needed for the ZBA.

#### **ADJOURNMENT**

Mr. Gryval made a motion to adjourn at 9:02 pm. Ms. Baxter seconded the motion, which carried unanimously.

SIGNATURE	MEMBER	DATE
	Keith Klawes, Chairman	<u>4/8/19</u>
	Chad Pelissier, Vice Chairman	<u>5/8/19</u>
	Dawna Baxter, Secretary	<u>5.8.19</u>
	Jeff Gryval, Member	<u>5-8-19</u>
	Roger Laflamme, Member	