

TOWN OF ALLENSTOWN
Zoning Board of Adjustments
16 School Street
Allentown, New Hampshire 03275
July 12, 2017

Call to Order

The Allentown Zoning Board of Adjustments was called to order by Chair Eric Feustel at 6:36 pm.

Roll Call

Present on the Zoning Board of Adjustments: Roger Laflamme; Jeff Gryval; Eric Feustel, Chair; and Chris Roy, Vice Chair

Others Present

Dana Pendergast, Allentown staff
Justin Pasay, Town Counsel

Chair Feustel said that the purpose of the meeting is to discuss two new cases: 2017-0003 and 2017-0004, 4 NH Homes Cluster Variance. He said that Mr. Pasay is here to explain why we should meet with him in closed session.

Approval of Minutes

On motion of Mr. Roy, duly seconded by Mr. Gryval, it was voted to approve the meeting minutes of March 8, 2017.

On motion of Mr. Roy, duly seconded by Mr. Gryval, it was voted to approve the meeting minutes of February 22, 2017.

Chair Feustel asked about minutes for the meetings of December 14, 2016, and April 12, 2017.

Mr. Pendergast said he did not know about the December 14th minutes, but suggested that Mr. Feustel check his email for the April 12th minutes.

Staff Update

Chair Feustel reported that Mr. Roy is leaving the Board because he is moving out of Allentown. A new vice chairman will be needed.

On motion of Mr. Gryval, duly seconded by ???????, it was voted to table this item until there is an alternate present to be made a full voting member.

Mr. Pasay began his presentation regarding the 4 NH Homes Cluster Variance application. He said that he is filling in for his law firm partner, Sharon Somers, who usually provides counsel to the Board. He said that this application is complicated. It deals with two of three simultaneous processes in town. The first is the request for a re-hearing on the variance which was denied on April 12, 2017. The second is an appeal of the administrative decision from Mr. Pendergast which relates to the same underlying situation – the previous variance applications of August and September. The third seeks clarification from Mr. Pendergast as to whether or not a variance was required in the first place. These three overlapping processes are fact sensitive and legally nuanced. Per RSA 91-A: 2, a legal consultation with the town counsel is not a meeting subject to the Right to Know law. He advised that the Board should vote to continue the meeting to a later date and adjourn the current meeting. He has information to share based on a discussion today with the applicant, Mr. Pendergast, and Ms. Somers, who will be here at the next meeting.

Mr. Feustel announced that the meeting will not be re-noticed.


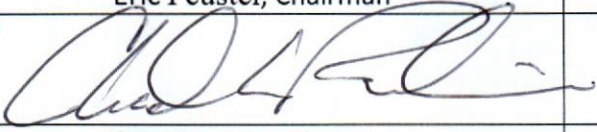


On motion of Mr. Gryval, duly seconded by Mr. Roy, it was voted to continue the meeting on August 16, 2017.

On motion of Mr. Gryval, duly seconded by Mr. Roy it was voted to adjourn at 6:52 pm.

TOWN OF ALLENSTOWN
ZONING BOARD OF ADJUSTMENTS
PUBLIC MEETING MINUTES

July 12, 2017

Signature Page

Original Approval:	
	9/5/17
Eric Feustel, Chairman	DATE
	9/5/17
Chris Roy, Vice-Chairman	DATE
	7-5-17
Jeff Gryval, Member	DATE
	DATE
	9-5-17
Roger Laflamme, Member	DATE

Dianne Baxter

9-5-17