

TOWN OF ALLENSTOWN
Zoning Board of Adjustments
16 School Street
Allenstown, New Hampshire 03275
March 14, 2018

Call to Order

The Allenstown Zoning Board of Adjustments meeting of March 14, 2018 was called to order by Chair Feustel at 6:40 p.m.

Chair Feustel called for the Pledge of Allegiance.

Roll Call

Present on the Board: Eric Feustel, Chad Pelissier, Dawna Baxter, Jeff Gryval

Others Present: Brian Jones, Allen & Major Associates; Mark and Melissa Murphy, 201 Highland LLC

Chair Feustel stated that New Business would be taken up before Old Business.

NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

Case # 2018-01-15 – Chester Turnpike Variances – Articles VIII, Section 801 & Article XXV, Section V.C.6.b

(The development and operation of a self-storage facility within the Business District (B4) and within the 50-foot no-disturbance vegetative area)

Chair Feustel noted that there were no disclaimers.

Mr. Jones of Allen & Major Associates stated that he was joined by Mark and Melissa Murphy, 201 Highland LLC. He referred to a variance requested and granted in 2015 and said this request is virtually the same as the 2015 request. The layout has changed a bit and the only significant difference is that there is no car wash proposed this time. He presented to the Board a copy of that approved 2015 request. The applicant is looking for two variances for a proposed self-storage facility. The first is a use variance from the requirements of Article VIII, Section 801 and the second is a variance from Article XXV, Section V.C.6.b. requiring a 50-foot non-disturbance vegetative buffer. The location is 15 Chester Turnpike (Map 109; Lot 28) at the intersection of Granite Street and Chester Turnpike. He presented a formal application for the two variances, saying that B4 zoning does not list self-storage as an acceptable use and so they are requesting a variance. The wetlands on the property are manmade (jurisdictional) and due to water draining from an adjacent roof. The 285 square feet of wetlands would not exist if the building were not there. He presented pictures taken February 15, 2018, demonstrating that this a disturbed area.

Chair Feustel asked about the propane tank seen in the pictures.

Mr. Jones said that the tank is on neighboring land. He went on to address the five criteria for a variance, saying that the proposed use is not contrary to public interest because the lot now has no significant value and this use will provide services to the general public and tax revenue for Allenstown. There is also apt to be enhanced security because of closed circuit monitors. Regarding the second criteria he claimed that the spirit of the ordinance is observed because all dimensional requirements have been met and this use is more aesthetically pleasing than what is there now. It is a use consistent with existing businesses such as Rite-Aid and Dunkin' Donuts, and the existing buffer has already been disturbed. He went on to say that justice will be served because the property now is not used and this self-storage facility will provide services to the public and tax revenue for the Town. He said that the values of surrounding properties will not be diminished, given that there are old cars and empty dumpsters there now. Finally, he asserted that literal interpretation of the ordinances would result in unnecessary hardship for the property owner because the proposed use is reasonable, would provide services to the public and is complementary to the established allowed uses. Self-storage facilities create low traffic volume, deter crime because they are closed at night, and in this case would also deter crime compared with the vacant lot which exists now. Also, the wetlands would not even exist if not for the adjacent property's roof drainage. There is no fair and substantial reason that the ordinances should be enforced.

Chair Feustel asked if the main entrance would be from Route 3 or from Chester Turnpike.

Mr. Jones responded that his thinking is to make the main entrance from Chester Turnpike, with a gated entrance from Route 3 for personnel only. There would also be an emergency exit onto Route 3.

Mr. Klawes stated that this variance was granted just over two years ago but has expired, which is why the applicant has returned.

Chair Feustel stated that there appear to be no significant changes – just the elimination of the car wash and a configuration of six smaller buildings versus three larger ones. He asked if the area would be paved.

Mr. Jones said that it would, and the design allows for water to be collected and treated under the pavement. The redesigned footprint will make snow plowing easier.

Ms. Baxter asked when they expect to begin construction.

Mr. Jones responded that they hoped to begin in about three months.

Ms. Baxter asked if they had other self-storage facilities.

Mr. Jones responded that they have five such facilities, the closest being in Northwood.

On motion of Mr. Gryval, duly seconded by Mr. Klawes, it was voted to enter into deliberation.

Chair Feustel stated that he is okay with the proposal. He said he was mostly concerned about the differences between this proposal and the 2015 one.

Mr. Gryval agreed with the Chairman and said that there was as lengthy discussion about the details when the variances were requested and granted in 2015.

Mr. Jones said that customers would not be able to 'run a business' out of the facility because there is no power source available.

Ms. Baxter stated that Matt Monahan of the Central NH Planning Commission has been consulted and there are no State requirements for setbacks – only local ordinances.

Mr. Gryval said that he was on the Planning Board when the relevant wetlands ordinance was written, and it was concerned with the Suncook River, not situations like this 'puddle.'

Mr. Klawes asked why the plans for a car wash were abandoned.

Mr. Jones responded that it was a business decision.

Chair Feustel called for roll call votes on the five criteria for granting variances. He said that they would consider both variances together if there were no objections.

- That there will not be a diminution of value of the surrounding properties as a result of the granting of these variances. Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.
- That the granting of the variances will not be contrary to the public interest: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.
- That the literal enforcement of the zoning ordinances will create an unnecessary hardship: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.
- That through the granting of relief by variances substantial justice will be done: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.
- With the use for which the variances are requested, the spirit of the ordinance will be observed: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.

On motion of Mr. Gryval, duly seconded by Ms. Baxter, it was voted to come out of deliberation.

Mr. Gryval made a motion to approve the variance for Article VIII, Section 801. The motion was duly seconded by Ms. Baxter.

A roll call vote was taken on the motion: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.

Mr. Gryval made a motion to approve the variance for Article XXV, Section V.C. The motion was duly seconded by Ms. Baxter.

Mr. Pelissier said that '6.b.' needed to be added to the description.

Mr. Gryval amended his motion, referencing Article XXV, Section V.C. 6.b. Ms. Baxter seconded the amendment.

A roll call vote was taken on the amended motion: Mr. Gryval, yea; Ms. Baxter, yea; Mr. Klawes, yea; Chair Feustel, yea; Mr. Pelissier, yea.

Chair Feustel cautioned the applicant that there was a 30-day appeal period, and if they began construction prior to the end of that period, they would be doing so at their own risk.

On motion of Mr. Klawes, duly seconded by Ms. Baxter, it was voted to approve the minutes of the January 24, 2018 meeting, as amended to correct the named speaker in two places on page 3, changing it from Mr. Pelissier to Chair Feustel.

On motion of Mr. Gryval, duly seconded by Mr. Klawes, it was voted to adjourn at 7:18 p.m.


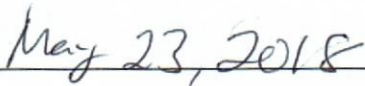
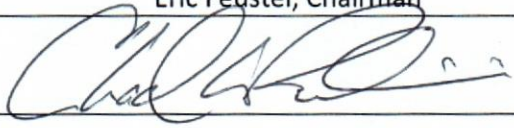
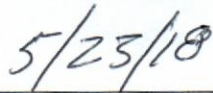
ERIC FEUSTEL, CHAIRMAN

TOWN OF ALLENSTOWN
ZONING BOARD OF ADJUSTMENTS
PUBLIC MEETING MINUTES

March 14, 2018

Signature Page

Original Approval:

	
Eric Feustel, Chairman	DATE
	
Chad Pelissier, Vice-Chairman	DATE
Jeff Gryval, Member	DATE
Dawna Baxter, Member	DATE
Keith Klawes, Member	DATE