

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
June 10, 2015

Call to Order.

The Allenstown Zoning Board Meeting for June 10, 2015 was called to order by The Chair at 6:36pm.

Roll Call.

Present on the Board: Eric Feustel, Chris Roy, and Diane Demers.

Others Present.

Residents of Allenstown:

Others Present: Mike Perron, Thomas Holin, Katherine Holin, Roberty Haverty, Donald Dumont, Paul Davidson, Denise DeBlois, Wayne DeBlois, Kanayo Lala PE, Lej Ganden, Preu Frielece.

Other Public Officials:

Allenstown Staff: Dana Pendergast

Review and Approve Minutes

Mrs. Demers stated the minutes were originally sent out to everyone and she had made changes based on everyone's input.

Motion. Mr. Roy made a motion to approve the minutes of October 8, 2014. Mrs. Demers seconded the Motion. There was no additional discussion.

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

Motion. Mr. Roy made a motion to approve the minutes of May 25, 2015. Mrs. Demers seconded the Motion. There was no additional discussion.

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

Case# 2015-0002 North Andover Rosa Trust 48 Allenstown Rd. Lot# 109-47 Business Zone Special Exception Article VIII section 801

The Chair informed the Board that they do not have a full Board tonight and they do have the right to a full Board. He stated they only need to have positive three votes which means they would need to be unanimous tonight.

The Project Manager explained the property was originally one lot and has since been subdivided. He explained the proposed apartments on the subdivided lot with road access and covered parking. He stated both buildings will be at different heights and one building will be wheelchair accessible. He showed them the floorplan for each building. He stated they will be able to create 14 units between the two buildings.

The Chair asked if the residents at the apartments will have access to Letendre Ave and Granite Street or only to the new road. The Project Manager stated the proposed buildings will have access to both Letendre and Route 3 but not Granite Street. He explained Granite Street is higher than the lot and would be too steep.

A resident asked The Project Manager if he is looking to put about forty people in the buildings. The Project Manager stated they would be putting about forty eight people in them. A resident stated they are adding forty more people on Letendre Avenue which is a quiet street. The Project Manager stated it would mostly be the handicap people using Letendre. He stated they also have the right to use the Family Dollar road because of how things were subdivided. He stated until the proposed road to Route 3 is built the residents can use the Family Dollar parking lot. A resident expressed further concern of the apartment buildings in the neighborhood.

The Project Manager stated they are here to get permission from the Zoning Board to put the resident building in the business zone. He stated Letendre Ave has multi-family homes. A resident stated Letendre Ave does have multi-family homes however looking at the design of the apartment buildings; it looks a lot larger than a multi-family home.

The Project Manager stated the snow removal will come from the building and go against the Letendre Ave side of the lot. A resident stated doing so with the snow will be an issue and will flood their basements for 16a, b, and c. Mr. Pendergast stated the snow removal is an issue for the Planning Board and is not what they are here to discuss tonight. He stated the Zoning Board is to allow them to put the building where they want to put it and the storm water issue will be dealt with at another time. The Project Manager stated the apartment buildings will have its own storm water system.

The Project Manager stated there will be over 85 feet between the apartment building and the home at 16 Letendre Ave. He stated they will keep the tree line between the properties as well.

A resident asked if there are other buildings around like Letendre which are zoned for apartment buildings. The Chair stated there are no other buildings around which are as big as the buildings being proposed. A resident asked if the people who are going to be renting this will be Section 8. The Project Manager stated they are treating the property like a condo association and the people buying it will buy the whole property.

A resident asked if the construction will cause them to repave Letendre and Granite which could cause their taxes to go up. The Project Manager stated the work will not affect Letendre and Granite. He stated Letendre is only going to be dug up in front of his property. There was discussion of the water and sewer for the proposed property.

A resident asked if they will have covered parking spaces on the proposed property. The Project Manager stated they would have covered parking spaces. He stated they will have a shed over it so they don't have to worry about their cars in the wintertime. A resident asked where visitors will park. The Project Manager stated there will be enough parking around the buildings for visitors. There was also discussion of where the driveway was going to be.

The Project Manager stated the only excavation will be for doing the driveway and the foundations.

The Project Manager corrected himself with the number of units stating it should be 11 units instead of 13 units. Mrs. Demers asked how they are going to accommodate parking assuming most people have 2 cars. The Project Manager stated the zoning only requires one space per unit. Chief Pendergast stated The Project Manager was going to try to make arrangements with Family Dollar for parking but he doesn't think it will work. The Project Manager stated they may be able to build a couple of extra sheds for visitors to park.

A resident asked where the residents would park when there was snow. The Project Manager stated they will not be parking on the driveway so it will be clear for the plows. A resident asked if the street going to Letendre Ave will be a two way street. The Project Manager stated it will be a two way street.

A resident stated going in and out of Route 3 and suggested they have an exit go out the back way between the restaurant and Granite Street. The Project Manager stated they will have a road going out the back.

Robert Haverty, owner of the land with the pond, expressed concern with the road going out to his land. The Project Manager stated the road will not be going onto his land. He stated it is

shown on the drawing as a proposed town land which was approved in 2012. The resident stated there is no access through his land so The Project Manager may want to check with the Planning Board regarding the plan.

Chief Pendergast explained there is a right away which comes in through the bottom of the parking lot and gives access to the proposed property. He showed the Board where on the map the access way is coming through. He explained all of this would be ironed out with the Planning Board and all Zoning does is allow them to put the two building on the property. The resident stated if the Zoning Board's decision is based on the plan then they are getting inaccurate information.

Mrs. Demers stated the issue she is having is if they don't know if there is a back way out of the property there will be a lot of traffic going on Letendre Ave.

Denise DeBlois, the restaurant owner, stated the back of the restaurant is a right of way and not a through street. She stated no one maintains it and she has seen quite a few cars get stuck there.

A resident stated the proposal and the street don't seem to match. He stated to him it looks like apartment buildings going into family homes.

The Chair stated the area is zoned for business and they could have a McDonalds over there. A resident stated they should be putting something in for what it is zoned in for.

Mr. Roy asked all present to sign in before they leave.

A resident asked if this was approved when the groundbreaking would start. Chief Pendergast stated they would probably be starting next spring.

Mr. Davidson stated this would put us in an awkward position. He explained he lives at 16 Letendre Ave and has two small children. He stated if they were to sell the condo he is afraid people would think they were part of the apartment building. He also expressed concern for the safety of his children.

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

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

The Chair informed the public they cannot speak with them during the deliberation. He asked Chief Pendergast if he had the rest of the application. Chief Pendergast stated he only received

the one page. The Chair stated it is a multi-page application and thus the application is incomplete. He asked The Project Manager where the rest of the application is as it is a multi-page application. The Project Manager stated he gave them what he received. Chief Pendergast stated they sent him more pages. The Project Manager stated he thinks the other pages were not applicable to him. He stated there should be two pages which they have.

Chief Pendergast stated the Board would just need to grant the special exception and they don't need the five points of the law.

The Chair asked what the special conditions which need to be met. Chief Pendergast stated they need to meet all the zoning requirements.

Mrs. Demers asked what the special exception. Chief Pendergast stated it would be to allow the multi-family in the industrial zone. Mrs. Demers read the ZBA RSA 674:33,IV stating " a location zoning may provide a special exception to the terms of the ordinance. The special exception shall be made in harmony with the general intent and purpose of the ordinance and shall be in accordance with the general or specific rules pertained in the ordinance."

Mrs. Demers stated her question is when The Project Manager bought the property did he realize it was in a business zone. Chief Pendergast stated he has owned the property for multiple years. Mrs. Demers asked The Project Manager if they knew it was a business zone. The Project Manager stated they knew it was a business zone.

The Chair asked if they own the Family Dollar property as well. The property owner stated they used to own it but they have since sold it. The Chair expressed concern of making a change in the zoning from business to personal use. Mrs. Demers stated the town has very little business use zoning. The Chair stated as a resident he would think they would rather have the proposed buildings than a business however he has not heard that from the residents tonight. Mrs. Demers stated she thinks the issue is it is too many units all at once. Mr. Roy stated he thinks it is going to cause a lot of havoc in the neighborhood.

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

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

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

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

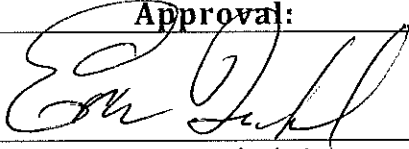
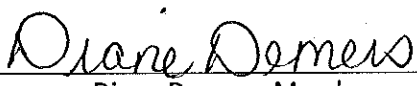
The Chair informed The Project Manager the motion was denied to allow the special exception and he has thirty days starting tomorrow to appeal their decision.

The Project Manager asked if they would need to come before the Zoning Board if they were to want to put a strip mall on the property. The Chair stated they do not need to come to the Zoning Board for a strip mall as it is a business. Chief Pendergast stated they would have to go to Planning Board.

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. Feustel– Yes; Mr. Roy – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

The Chair declared the meeting adjourned at 7:26pm.

Amendment Approvals:		
Amendment Description:	Approval:	Date:
		7/22/15
	Eric Feustel, Chair	DATE
	Christopher Roy, Member	DATE
		7/22/15
	Diane Demers, Member	DATE