

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
Allenstown Town Hall -16 School Street
Allenstown, New Hampshire 03275
June 28, 2023

CALL TO ORDER

The Allenstown Zoning Board of Adjustment Meeting of June 28, 2023 was called to order at 6:36 pm by Chair Klawes.

Chair Klawes called for the Pledge of Allegiance.

ROLL CALL

Present on the Board: Diane Adinolfo, Keith Klawes (Chair), George Lemire, and Joanna Rush.

Allenstown Staff: Derik Goodine, Town Administrator & Brian Arsenault, Building Inspector & Code Enforcement Officer.

Members absent: Steven LaPorte

Others Present: Kim Fisher, resident, Craig Moore, NH Signs, and Peter March, NH Signs.

I. OLD BUSINESS/RECIPT OF APPLICATIONS& PUBLIC HEARINGS

a. None

II. NEW BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS

a. ZBA Board will vote on the following ZBA position: Chair, Vice Chair and Secretary

Chair Klawes nominated Diane Adinolfo as Secretary.

George Lemire seconded the motion.

No further discussion.

Roll call:

Keith Klawes – Aye

JoAnna Rush – Aye

George Lemire -Aye

Diane Adinolfo – Aye

Motion passed. 4-0

Ms. Adinolfo nominated Keith Klawes for Chair.

Ms. Rush seconded the motion.
No further discussion.

Roll call:
Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Chair Klawes nominated George Lemire as Vice Chair.
Ms. Adinolfo seconded the motion.
No further discussion.

Roll call:
Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

b. The following applications have been submitted for review and public hearing by the Zoning Board of Adjustment:

Variance Application: New Hampshire Signs, Agent for Uma Realty, LLC & Suncook River Convenience Store ZBA Case # 2023-01 for 270 Pinewood Road. (Lot #409 Map #013) Zone District: Industrial Requesting

Chair Klawes made a motion that the application is complete.
Mr. Lemire seconded the motion.
No further discussion.

Roll call:
Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Chair Klawes made a motion to not have the applicant read the application tonight; they will submit the completed application to the minute taker for the minutes.
Ms. Adinolfo seconded the motion.

Roll call:

Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Mr. Arsenault stated he wanted to give a brief overview. The existing sign encroaches on the front set back, but the existing sign is not going to be altered. The existing sign has a height that exceeds the zoning, but the existing sign is not going to be altered. The square footage of the existing sign exceeds what is allowed in the ordinance but that is not going to change the square footage. They are before you because they would like to have a read-a-board which is pretty standard now for gas stations. That is the gist of this case. He recommends the Board go through the five steps, the five variance criteria one at a time and make a motion whether or not anybody has a concern.

Chair Klawes asked the abutter that was present at the meeting if she had anything she would like to speak to or ask or add?

Ms. Fisher said not at that time. She received a letter in the mail and was curious as to what was going to be discussed.

Chair Klawes made a motion to close that portion of the public hearing for this application and go into deliberation.

Ms. Adinolfo seconded the motion.

Roll call:

Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Chair Klawes said as they go through deliberation, they will go through the five criteria. Keep track if you agree or do not. Remember if you vote no on any of their criteria, you cannot vote yes to grant the variance. In your mind if they have not proven one of the criteria, and you vote no they did not prove that or it is not worthy, then you cannot vote for the variance and there needs to be three votes in the affirmation so all motions need to be made in the positive from that.

Facts to support this request:

1.The variance will not be contrary to the public interest;

The sign has been in its current state for 10 plus years without comment or complaint. Moving it 15 ft. into the property and reducing it in height by 2’6” and halving it in size would make it less visible, harder to read, and would reduce traffic safety. As for the digits, the proposed LED signs simply replace manual changers. They are static at all times, unless the prices change. Manual

changers are difficult to change in windy or icy conditions and are prone to failure – the letters fall out from time to time. As a result, they are often in a state of disrepair.

Chair Klawes said he would agree with all that. He has driven by that sign many times and it has been hard to read. It was hard to tell how much the gas prices were.

Chair Klawes then stated to the applicant that they have a right to have this heard before a full board, and right now there are only four out of five members and the other member could not be there. He asked the applicant if they are ok with going forward with this knowing they need to have three affirmatives.

The applicant stated they would like to go forward.

Chair Klawes agreed with this supporting fact.

Mr. Lemire agreed and feels it is a good thing for the town.

Ms. Adinolfo stated she has no questions or comments and agreed as well.

Ms. Rush stated she agreed also.

2. The spirit of the ordinance is observed;

The aim and spirit of the ordinance is to protect and improve the livability and quality of life in Allenstown through sign regulations that protect property rights and property values. This change makes the sign easier to read and easier to change and benefits the owner.

Chair Klawes completely agreed with this.

Mr. Lemire agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

3. Substantial justice is done;

Moving the sign away from the road and reducing it in size and height attracts considerable cost, and reduces the effectiveness of the sign. It seems that doing this serves no useful purpose, especially since the sign has been an undisturbed part of the landscape for so long. Allowing this station to present prices in the same way as other local stations would be equitable. This proposal asks only for the town to recognize the switch in technology which would aid employees and make its sign more visible to customers.

Chair Klawes completely agreed with this.

Mr. Lemire totally agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

4. The values of the surrounding properties are not diminished;

The digital signs proposed are new and more visually appealing; the sign structure remains unchanged. Allowing this change will not result in a change in the essential character of the neighborhood, or harm to health, safety, and welfare.

Chair Klawes stated he does not see how it could diminish anything completely agreed with this.

Mr. Lemire agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

5. Unnecessary Hardship

a. Owing to special conditions to the property that distinguish it from other properties in the

area, denial of the variance would result in unnecessary hardship because:

- i. 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 because:**

This site is a gas station, which in of itself is a unique use. Gas stations are one of the few businesses that have to change prices regularly. Technology has changed, the old method of changing prices limits the owner to using outdated manual price changes which are incapable of being interfaced into his network as he wishes, subject himself to an increased risk of employee injury, and incur higher maintenance costs of manual changers.

Chair Klawes stated he looks at the safety of the employees. He agreed with this.

Mr. Lemire agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

- ii. The proposed use is a reasonable one because:**

This is a practical, unobtrusive way of adopting new technology.

Chair Klawes agreed with this.

Mr. Lemire totally agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

b.Explain how if the criteria in paragraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The ability to display 2 prices on one reader board by toggling reduces the number of digits, and thus the clutter. The Mobil site has 3 digits, 2 of which show cash and credit prices.

This site would use one plus the toggle to achieve the same. There is no benefit to the public that would out-weight the hardship on the application if the variance were denied.

Chair Klawes agreed with this.

Mr. Lemire agreed with this.

Ms. Adinolfo also agreed.

Ms. Rush agreed.

Chair Klawes asked the Board if they had any questions or concerns for the Applicant.
Ms. Adinolfo said she would like to see the full address on the sign.
Chair Klawes agreed that it was a bit confusing.

Ms. Adinolfo made a motion to come out of deliberation.
Mr. Lemire seconded the motion.
No further discussion.

Roll call:

Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Chair Klawes made a motion to allow NH Signs and Suncook River Convenience Etc. to grant the variance.
Ms. Adinolfo seconded the motion.
No further discussion.

Roll call:

Keith Klawes – Aye
JoAnna Rush – Aye
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 4-0

Chair Klawes reminded the applicant that there is a thirty day appeal period so if you go forward with this before the 30 day period, someone could appeal it and back it up. He congratulated the applicants. He also thanked Mr. Arsenault for his help with this application.

III. UNAPPROVED MINUTES & UNSIGNED MINUTES

a. Any ZBA 2022

Ms. Adinolfo made a motion to accept the minutes of the Zoning Board of Adjustment for the Town of Allenstown conducted on March 23, 2022.
Mr. Lemire seconded the motion.
No further discussion.

Roll call:

Keith Klawes – Aye

JoAnna Rush – Abstained
George Lemire -Aye
Diane Adinolfo – Aye
Motion passed. 3-0-1

Chair Klawes stated that they will have to have another meeting in two weeks time to approve the minutes from this meeting.

IV. CORRESPONDENCE& OTHER BUSINESS

a. None

V. STAFF UPDATE

a. None

VI. ADJOURN

Ms. Rush made a motion to adjourn at 7:00 pm.
Ms. Adinolfo seconded the motion.

DRAFT

ZONING BOARD OF ADJUSTMENT
SIGNATURE PAGE
JUNE 28, 2023

SIGNATURE

MEMBER

DATE

_____ Keith Klawes, Chairman _____

_____ Diane Adinolfo Secretary _____

_____ Steve LaPorte, Member _____

_____ George Lemire, Vice Chair _____

_____ Joanna Rush, Member _____