



Town of Allenstown
Code Enforcement Officer
16 School Street
Allenstown, NH 03275
603-485-4276 ext. 125
barsenault@allenstownnh.gov

Letter of Denial for ZBA Variance Application – 2024-01

Date: January 24, 2024

Name of Applicant: Michael Donnelly
Phone: 603-219-6693
Address of Applicant: 617A Buck Street
Pembroke, NH 03275
Email of Applicant: ittakesavillage.pembroke@gmail.com

Name of Owner: Sunrise Community Baptist Church/Robert Bowden
Phone: 603-568-6863
Address of Owner: 44 Pinewood Road
Allenstown, NH 03275

Location of Property ID: 110-056
Zoning: Commercial/Light Industrial (CLI)
Street Address of Property: 44 Pinewood Road

Dear Applicant: You have been denied permission to allow the operations of a Group Child Care Center (7 or more), on an CLI zone property which is not an allowed use in CLI.

Denial is for the following reason(s): **Chapter 10; Section 1001. Uses**

You have the right to appeal this decision or request a variance from the Zoning Board of Adjustment where you will be assigned a hearing within 45 days based on state law.

Denied by: Brian Arsenault – Code Enforcement Officer

Attachments: Property Card
Zoning Ordinance References-Definitions/CLI Zone



Property Card: 44 PINWOOD ROAD
Town of Allenstown, NH

<p>NO PHOTO AVAILABLE</p>	<p>Parcel ID: 110-056 PID: 000110000056000000</p> <p>Owner: SUNRISE BAPTIST CHURCH Co-Owner: Mailing Address: 44 PINWOOD ROAD ALLENSTOWN, NH 03275</p>
<p>General Information</p>	<p>Assessed Value</p>
<p>Map: 000110 Lot: 000056 Sub: 000000</p> <p>Land Use: COM/IND Zone: CLI - COMM/LIGHT IND ✓ Land Area in Acres: 1.5 Current Use: N Neighborhood: N-E Frontage: 00 Waterfront: N View Factor:</p>	<p>Land: \$245,600 Buildings: \$182,500 Extra Features: \$6,600 Total: \$434,700</p> <hr/> <p style="text-align: center;">Sale History</p> <p>Book/Page: - Sale Date: 12:00:00 AM Sale Price:</p>
<p>Building Details</p>	
<p>Model Description: CHURCH Total Gross Area: 2240 Year Built: 1977 Building Grade: AVG-20 Stories: 1.00 STORY</p>	<p>Condition: GOOD Depreciation: 0 No. Bedrooms: 0 No. Baths: 1 Adj Bas: 0</p>



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

Town of Allenstown New Hampshire



Zoning Ordinance

Adopted February 18, 1978

Updated February 17, 2022

Effective Date March 8, 2022

Town of Allenstown, New Hampshire

16 School Street, Allenstown NH 03275

Chapter 2. Definitions

18. **Art Studio/Gallery** – Site where the creation or display of art takes place.
19. **Assisted Living Facility** – As defined per RSA 151-E:2.I and means a facility with individual living units where medical and social support services are provided on the basis of an individualized plan of care and which provides other common social support services.
20. **Bed & Breakfast** – As defined per RSA 175:1.VI and means a building or buildings regularly used and kept open as such in a bona fide manner for the feeding and lodging of transient guests. A bed and breakfast shall have at least 4 rentable rooms and an area of dining capable of accommodating the number of registered guests and be housed in the primary residence of the owners or operators and whose posted room rates shall include breakfast.
21. **Best Management Practice (BMP)** – Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.
22. **Bog** – A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions.
23. **Building** – A structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property or business activity i.e. houses, garages, factories and barns. Temporary structures such as tents are not buildings.
24. **Building/Contractor Yard** – A facility for the storage and maintenance of contractor's supplies and operational equipment.
25. **Building Height** – The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof. Not included are spires, TV antennae, chimney, or other part of structures which do not include potentially habitable floor space.
26. **Business Use - Accounting/bookkeeping/Administrative support** – Individual or organization engaged in the system of recording and summarizing business and financial transactions and analyzing, verifying, and reporting the results.
27. **Campground** – A plot plan of land upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.
28. **Carwash (commercial activity)** – A permanent or fixed place or business equipped for washing cars and other motor vehicles. May include: hand-wash facility where employees wash car by hand; coin-operated self-wash facility; in-bay automatics; tunnel wash facility; waterless car wash; and, steam car wash. A temporary car-wash activity (such as a fund raising event) is not included in this commercial car wash definition.
29. **Carport** – A structure having a roof with at least three sides intended to shelter a motor vehicle, equipment or materials.
30. **Child Care Center (Group)** – A building where care, protection and supervision is provided on a regular schedule, at least twice a week to seven (7) or more children including children of the adult provider.
31. **Child Care Home (Family)** – A private residence where care, protection and supervision are

Chapter 10. Commercial/Light Industrial Zone

Section 1001. Uses ✓

In a Commercial/Light Industrial Zone, land may be used and buildings erected or used for:

1. Hospitals
2. Municipal Uses
3. Schools
4. Filling stations and motor vehicle repair garages
5. Garden nursery/Commercial Greenhouse
6. Newspaper or job printing plants
7. Professional Offices
8. Banks
9. Public Recreation (Indoor or Outdoor)
10. Restaurants
11. Retail Sales of goods
12. Lumber Yards/Timber Operations
13. Retail Landscape Supply
14. Warehouses/self storage units
15. Food/Beverage processing
16. Building/Contractor Yard
17. Veterinary Office/Hospital
18. Personal Service of any size
19. Marine Sales/Service
20. Adult Daycare/Nursing Home/Assisted Living
21. Office Park
22. Lab/Research and Development/Biotechnology Research
23. Motor Vehicle Sales
24. Car Wash
25. Outdoor Flea Markets in accordance with **Section 1104. Outdoor Flea Markets**
26. Large Animal/Equine/Livestock Veterinary Facility
27. Consumable Manufacturing
28. Accessory Small-Scale Solar

Section 1002. Exceptions

Telecommunications Towers

Section 1003. Uses Not Permitted

In a Commercial/Light Industrial Zone, no land, building, structure, or premises shall be used for a coal yard, or for any other purpose injurious, noxious or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, noise, or other cause.

Section 1004. Dimensional Restrictions

The following restrictions apply in a Commercial/Industrial Zone:

1. No structure shall exceed three (3) stories or forty-five (45) feet in height from the ground to the highest point on any one side, exclusive of accessory chimneys or accessory antennas.
2. No structure shall be erected *closer than fifteen (15) feet to any side lot line*, such side lot line unless a fire wall, approved by the Fire Chief, shall protect both structures facing such side lot line.
3. No structure shall be erected closer than forty (40) feet to the nearest rear lot line.
4. When parking is provided other than in front of the building, a setback from the sidewalk line of not less than five (5) feet shall be required. When parking is provided in front of a building, a setback from the sidewalk line of not less than twenty (20) feet shall be required.
5. No more than seventy (70%) percent of the land area of any lot in the zone may be covered by buildings or structures.
6. No lot shall have less than seventy-five (75) feet frontage on any one accepted street.
7. Keeping of livestock may be permitted by the Zoning Board of Adjustment by special exception upon the applicant meeting the following conditions:
 - A. Livestock shall be housed in an appropriate structure.
 - B. Livestock shall not be kept closer than 250' to any abutting residence.
 - C. Livestock shall not be kept closer than 200' from any abutting property line.
 - D. All livestock housing shall be erected prior to allowing animals to be kept on the property.
 - E. Submission of a detailed manure management plan consistent with the Manual of Best Management Practices for Agriculture in New Hampshire.
 - F. The property is suitable for the keeping of livestock such as, but not limited to, grazing area, etc.
 - G. The keeping of livestock will not diminish surrounding property values.
 - H. The use shall be consistent with the character of the neighborhood.
 - I. The use shall not be contrary to the spirit of the zoning ordinance.
 - J. Submission of a surface water runoff plan which shall include, but is not limited to, the impact of runoff from the livestock operations on surface water, groundwater, abutting

Chapter 10. Commercial/Light Industrial Zone

properties and municipal sewers. The use shall not adversely impact surface water or groundwater, abutting properties or municipal sewers.

- K. Implementation of appropriate measures to mitigate odor, noise, and vectors and shall provide an appropriate visual buffer.
- L. The use shall not otherwise adversely affect the environment, public health, or safety.