



Zoning Board of Adjustment

Town of Allenstown

16 School Street

Allenstown, NH 03275

Tel: (603)-485-4276

Fax: (603) 485-8669

APPLICATION FOR VARIANCE OF USE OR AREA

Before you undertake completing this application we strongly encourage you to read the entire application first. Upon reading the entire application go back and answer the questions 1 through 5 with as much specific factual detail as required. The obligation of demonstrating facts sufficient to support your appeal is your responsibility. Use the "Required Documentation Checklist" to assist you in properly collecting the necessary data and providing responses that factually support your position.

The undersigned hereby requests a variance of [] USE or ☒ AREA to the terms of Article XI Section 1113.1 and asks that said terms be waived to permit: _____

1113.5

2 Access points along the Chester Turnpike within
250' of each other and to allow for a
side access within 500' of the main Rd.

You are required by law to demonstrate:

1. That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because: _____

See enclosed letter

2. That the granting of the variance will not be contrary to the public interest because: _____

see enclosed letter

3. That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:

Answer a-c if your application is for a "USE" variance:

a. As applied to the petitioner's property will interfere with the petitioner's reasonable use of their property, considering the unique setting of the property in its environment for the following reasons: _____

b. As specifically applied to the petitioner's property has no fair and substantial relationship to the general purposes of the zoning ordinance for the following reasons: _____

c. If relieved by a variance, will not injure the public or private rights of others for the following reasons: _____

Answer aa-bb if your application is for an "AREA" variance:

aa. An area variance is needed to enable the applicants proposed use of the property given the special conditions of the property because: _____

See enclosed Letter

bb. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because: _____

See enclosed Letter

4. That through the granting of relief by a variance substantial justice will be done because: _____

5. The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because: _____

See enclosed Letter

Signature: _____

Date: _____

3/12/20'

March 12, 2020

Town of Allenstown
Zoning Board of Adjustments
16 School Street
Allenstown, New Hampshire 03275

Re: Variance Applications – Optimus Senior Living Site Plan
Tax Map 109; Lot 17
15 Pinewood Road – Allenstown, New Hampshire 03275
KNA Project # 2019-1126-1

Dear Chairman and Board Members:

The above referenced parcel is being submitted for multiple Variances from the Town of Allenstown Zoning Board of Adjustment. The property is located at 15 Pinewood Road and is proposed to be a senior living facility. The Variance requests are from (1) **Article XI: Supplemental Regulations; Sections 1113.1 and 1113.5**; to allow the applicant to construct two access driveways along Chester Turnpike within 250 feet of each other and to allow a “sideage” driveway closer than 500 feet to the main road; KNA will be present to further discuss the Variance at the scheduled hearing

1. *That there will not be a diminution of value of the surrounding properties as a result of the granting of this variance because:* **The applicant is requesting the zoning board allow two driveway curb cuts along Chester Turnpike within 250 feet of each other and 1 within 500 feet of the main road, both of these request would not have any effect on surrounding property values as they don't create any negative building or site impacts that would effect surround properties values.**

2. *That the granting of the variance will not be contrary to the public interest because;* **The public interest in this article would be to ensure safe access to and from any potential development and with the proposed driveways to be constructed on a side street and not the main roadway system the applicant feels that this requests is actually in the public's interest, as well as having two points of access for a senior living facility that will require regular ambulance services the more points of access the less chance of circulation issues on site.**

3. *That enforcement of the zoning ordinance will create an unnecessary hardship in that the zoning restriction:*

aa. An area variance is needed to enable the applicants proposed use of the property given special conditions of the property because: Based on the fact that the applicant is NOT ALLOWED to access the property from the Route 28, the wetlands that exist on site, and nature of the proposed senior housing use with access only from the Chester Turnpike, are a few of the special conditions of this property.

bb. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance because: Again

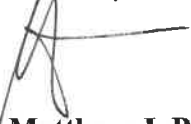
based on the limited access points the property has the applicant has no other way to achieve safe access to the site.

4. That through the granting of relief by a variance substantial justice will be done because. By the Zoning Board of adjustment granting this variance substantial justice would be done in that it would allow the applicant to access the proposed development for the needed senior living units in the Town of Allenstown.

5. The use, for which the variance is requested, will not be contrary to the spirit of the ordinance because: The applicant believes that the reason to limit the locations of driveway and sideage access is to ensure public safety while traveling to and from the development and the applicant believes that the proposed locations of access for this development are not contrary to the spirit of the ordinance.

If you have any questions or comments, please contact me at (603) 627-2881.

Sincerely,



Matthew J. Peterson
Senior Project Manager
Keach Nordstrom Associates
10 Commerce Park North, Suite 3B
Bedford, NH 03110

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

ARTICLE XI - SUPPLEMENTAL REGULATIONS

Nothing in this Article shall relieve a property owner/applicant from complying with any other applicable provisions of the Allenstown Zoning Ordinance, including the provisions of any overlay districts or supplemental regulations or ordinances. In the event there are any conflicts between this Article and any other provisions of the Allenstown Zoning Ordinance, the more restrictive requirement shall control, with the exception of any applicable overlay districts at which time the provisions of the applicable overlay district(s) shall control.

Section 1101 Accessory Uses

Nothing herein shall be construed to forbid an accessory use which is customary and incidental to the dominant use is permitted under this Ordinance, and if such accessory use is not injurious or detrimental to the neighborhood.

Section 1102 Accessory and Home Occupation

Nothing herein shall be construed to prevent a physician, surgeon, dentist, musician or a member of another recognized profession from conducting a business in his residence or in an adjoining accessory building, nor shall this Ordinance be construed to prevent the carrying out in a residence of a customary home occupation, including dressmaking or music instruction, provided that such business or occupation shall not be injurious, noxious or objectionable to the general neighborhood.

Section 1103 Proposed Streets

After a line of a future street is placed on the official map of the Town, buildings shall be set back from such line as though it were a street line.

Section 1104 Surface Waters

All setbacks from surface waters shall be consistent with RSA 483-B, as amended. Any surface waters not governed by RSA 483-B shall have no structures constructed within forty (40) feet of the high water mark.

Section 1105 Obstructions

No wall, fence or other structure, vehicle(s) including, but not limited to cars, trucks, boats and campers, signage, trees, shrubs or other growth on the property shall obstruct the view as to cause danger to traffic on a public way. No fence shall exceed eight (8) feet in height in any zone. Fences shall be constructed with materials approved by the Building Inspector. No plastic (construction) or other construction fencing shall be permitted as permanent fencing.

Section 1106 Casual Sales

Casual sales, such as garage sales, yard sales and tag sales, when otherwise prohibited by the ordinance, may be authorized by the selectmen for Saturdays, Sundays and legal Monday holidays on

Section 1113 Lot Access

1. There shall be no less than 500 feet between access points (i.e. driveway permit) serving a single lot of record after March, 2011. This shall apply to all new lots created after March, 2011 or undeveloped lots of record existing in March, 2011. Developed lots of record having more than one access point shall be considered existing nonconformities.
2. Shared driveways (i.e. one driveway serving two lots) are permitted by right in all zones within Allentown for single family dwellings and duplexes. A shared driveway shall serve no more than 2 lots.
3. Commercial developments (excluding single family homes and duplexes) on parcels in all zones are permitted to and encouraged to share access and/or parking whenever feasible. Though frontage may be counted on one street, access to another street via the lot containing the shared access/parking is permissible. The adequacy of shared parking facilities shall be made on a case by case basis and shall ultimately be considered by the Planning Board during formal major and minor site plan review or by the building inspector when site plan review is not required (i.e. when only a building permit is required). When access or parking is to be provided for on an abutting or nearby lot the applicant must provide a permanent written agreement from the landowner of the nearby or abutting lot indicating that access and/or a specific number of parking spaces will be shared in perpetuity or until the land use expires or changes. Such an agreement will "run with the land" and shall not expire based upon ownership.
4. For parcels fronting on US Routes 3 and/or 28 that are undeveloped and do not have a permitted access (i.e. driveway permit, either from the State of New Hampshire or the Town of Allentown) the Planning Board may permit access on a "backage" or "sideage" road (i.e. not on Rt 3 or 28) while counting frontage along Rt 28 or Rt 3 to meet the "frontage" requirement per the Allentown Zoning Ordinance. The same provisions shall also apply to developed lots seeking redevelopment provided that the applicant abandons existing access onto Route 3 or 28.
5. Sideage. Proposed access/driveways on "sideage" roads must be no closer than 500' from the nearest intersection.

Section 1114 Obnoxious Uses Barred

Notwithstanding any other provision of this Ordinance, no use shall be permitted in any zone which is injurious, noxious, offensive or detrimental to the neighborhood or to the public by reason of the emission of odor, fumes, dust, smoke, vibration, or noise, or because of pollution of groundwater or surface water, or for any other deleterious reason.

Section 1115 Waste Disposal Sites

No trash or garbage dump, sanitary landfill, or hazardous waste disposal facility shall be located in any zone, except such municipal or governmental uses as are immune from this Zoning Ordinance under State law, and then only to the extent required by the State law.



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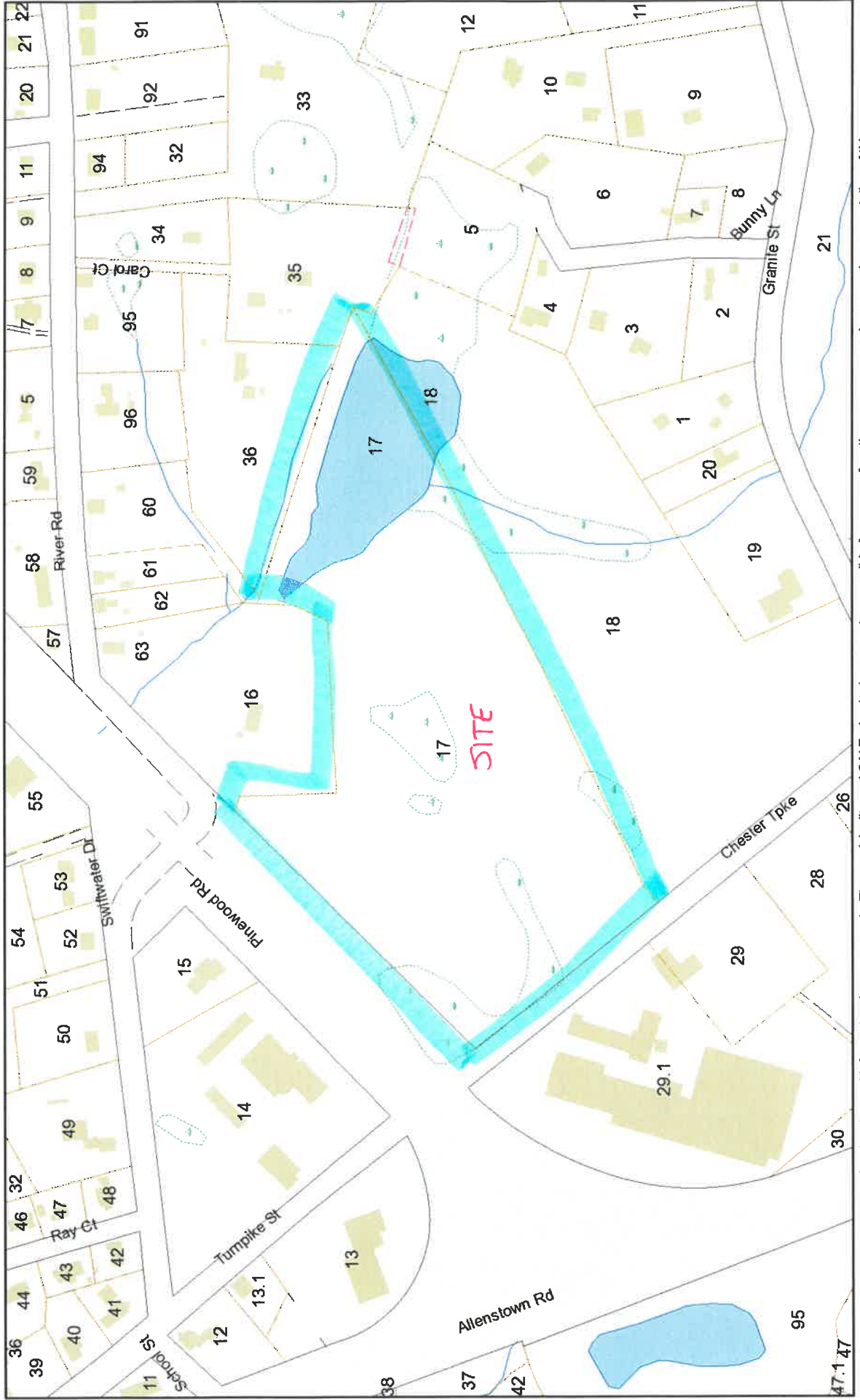
Allenstown, NH

CAI Technologies
Precision Mapping Geospatial Software

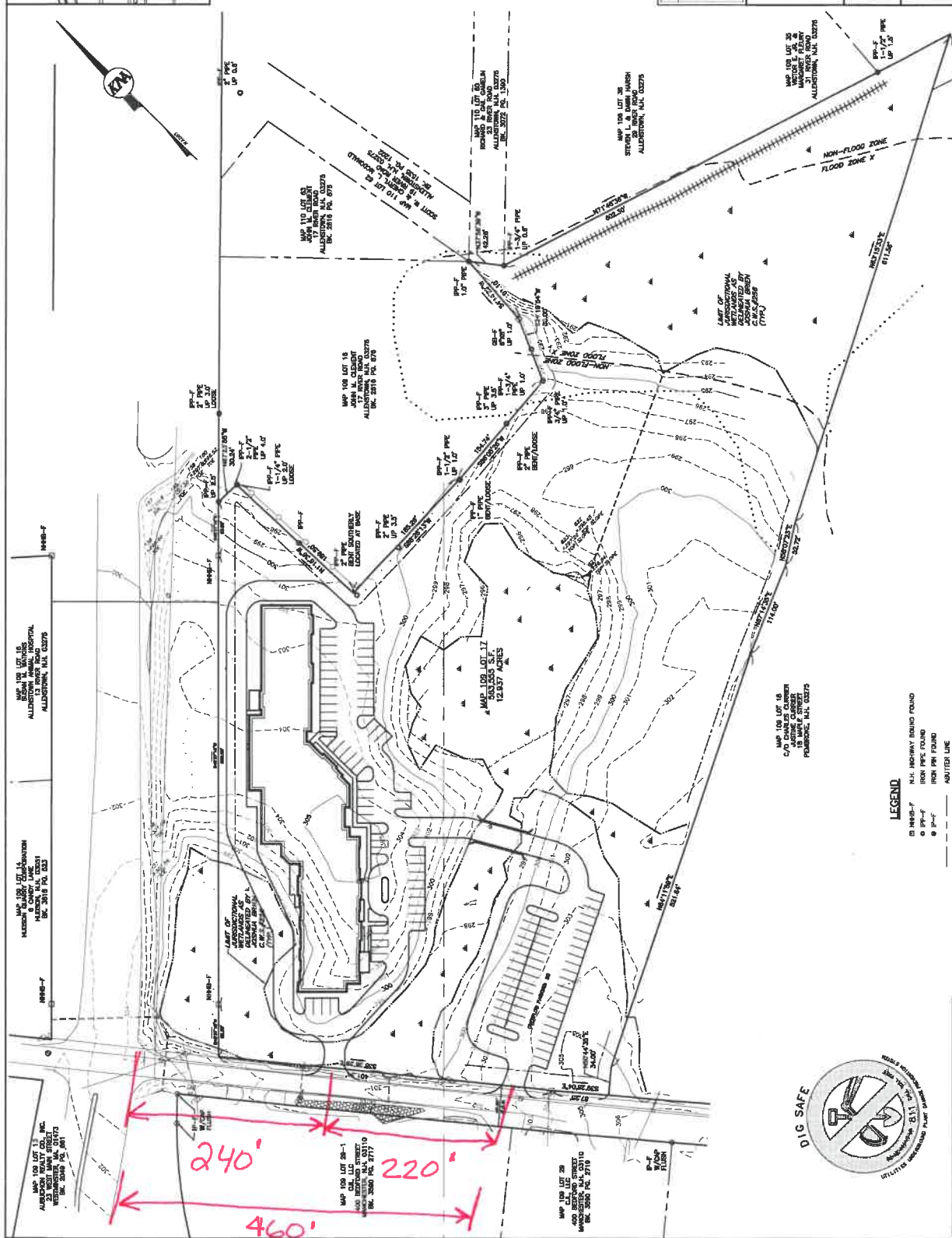
1 inch = 274 Feet



March 12, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



NOTES:

- [illegible]

REFERENCE PLANS



TOWN OF ALLENSTOWN PLANNING BOARD

DATE OF APPROVAL: _____
CERTIFIED BY CHAIRMAN: _____
SECRETARY: _____

OVERVIEW PLAN

MAP 109 LOT 17
15 PINEWOOD ROAD
ALLENSTOWN, NEW HAMPSHIRE
MERRIMACK COUNTY

OWNER OF RECORD:

OWNER OF RECORD:
MARIA J. LEITE, TRUSTEES
OCEAN REALTY TRUST
72 BLUE STONE CIRCLE
PORT MYERS, FL 33913
P.O. BOX 3450 977 854

KNA
KEACH-NORDSTROM ASSOCIATES, INC.

Civil Engineering Land Surveying Landscape Architecture
10 Commerce Park North, Suite 3B, Bedford, NH 03110 Phone (603) 637-2341

ISNOTHEAT

[illegible][illegible][illegible]

DATE: MARCH 1, 2020	SCALE: 1"=80'
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PROJECT NO: 19-1125-1	SHEET 1 OF 3
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WETLAND SCIENTIST'S CERTIFICATION:

JOSHUA BRIEN, CERTIFIED WELAND SCIENTIST #258 OF REACT-NORSTROM ASSOCIATES, INC. OF BELLEVILLE, NH PERFORMED THE DELINEATION OF JURISDICTIONAL WELANDS IN FEBRUARY OF 2020 USING THE TECHNICAL CRITERIA IN THE CORPS OF ENGINEERS WELAND DELINEATION MANUAL (TECHNICAL REPORT Y-67-1, JANUARY 1967).

LICENSED WETLAND SCIENTIST

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN WAS FOLLOWED TO THE BEST OF MY DIRECT SUPERVISION. FURTHER, THAT THE FIELD SURVEY MADE BY THIS OFFICE DURING THE PREVIOUS YEAR HAS A RELATIVE ERROR OF CLOSE TO 1% (1:10,000) OR BETTER.

LICENSED LAND SURVEYOR

SURVEYOR'S CERTIFICATION:

HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. FURTHER, THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY MADE BY THIS OFFICE DURING FEBRUARY OF 2020. SAID SURVEY HAS A RELATIVE ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) OR BETTER.

LICENSED LAND SURVEYOR	DATE
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UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN DRAWN FROM FIELD SURVEY INFORMATION AND OR PLOTTED FROM EXISTING DRAWINGS. KEACH-HORSTROM ASSOCIATES, INC. MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES DEPICTED COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, KEACH-HORSTROM ASSOCIATES, INC. DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE ACCURATELY LOCATED. THE LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. KEACH-HORSTROM ASSOCIATES, INC. HAS NOT PHYSICALLY LOCATED THE UNDERGROUND PORTIONS OF THE UTILITIES.
