

TOWN OF ALLENSTOWN
Zoning Board of Adjustments
16 School Street
Allentown, New Hampshire 03275
May 23, 2018

Call to Order

The Allentown Zoning Board of Adjustments meeting of May 23, 2018 was called to order by Chair Feustel at 6:33 p.m.

Chair Feustel called for the Pledge of Allegiance.

Roll Call

Present on the Board: Eric Feustel, Chad Pelissier, Dawna Baxter, Keith Klawes

Others present: David Roy, Lucille Roy, Diane Adinolfo

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Case # 2018-02 - 52 Al's Avenue – Variance – Article VII Section 703. b. 2. A garage accessory to a one or two-family dwelling need not be set back more than ten (10) feet from the rear line lot.

Chair Feustel advised the applicants that they were entitled to a hearing before the full Board, and that if they chose to proceed, three affirmative votes would be needed.

Mr. Roy agreed to proceed with only four members present.

Ms. Baxter stated that, in the interest of full disclosure, she helped Mr. and Mrs. Roy prepare their application.

Chair Feustel said that if she did not give them advice, it was not a conflict.

Ms. Baxter affirmed that she did not give the Roys advice.

Mr. Roy began, saying that he and his wife own both 52 and 54 Al's Avenue. They plan to sell 54 Al's Avenue and live in 52 Al's Avenue. They wish to construct a 24 by 24-foot garage and are requesting a variance from the requirement of placing the garage at least ten feet from the rear property line. One corner has six feet and the other has nine feet.

Ms. Adinlofo, 3 Diane Avenue, is an abutter in the rear and is fine with the proposal for the garage. Her property has a house and a barn, and she stated that the garage will actually create privacy.

Mr. Roy noted that there are mature lilac bushes which also create privacy.

Mr. Klawes read to the Board a handwritten statement from another abutter, Anthony Wright, 50 Al's Avenue, which stated that he had no objection to the proposal for a garage. He said it does not block his view.

Ms. Baxter stated that all abutters picked up their notices.

Chair Feustel asked if emergency vehicles would have access to the barn.

Mr. Pelissier affirmed that they would.

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

Chair Feustel asked the members for comments regarding the first condition: That the granting of the variance will not be contrary to the public interest.

Mr. Klawes asked about the purpose of a ten-foot setback.

Mr. Pelissier responded that it is mainly for emergency access.

Mr. Klawes asked if the Board would be setting a precedent or if granting the variance might be a problem if the property is later sold.

Mr. Pelissier said that a garage is not as concerning as a house. He added that this Board does not set precedents.

Chair Feustel asked the members for comments regarding the second condition: The use for which the variance is requested will not be contrary to the spirit of the ordinance.

Chair Feustel noted that the application states that the garage will not interfere with plowing and servicing of the cul-de-sac.

Chair Feustel asked the members for comments regarding the third condition: Through the granting of relief by a variance, substantial justice will be done.

Chair Feustel said that this is a reasonable use of the land.

Chair Feustel asked the members for comments regarding the fourth condition: The values of surrounding properties are not diminished as a result of the granting of this variance.

Chair Feustel noted that the application states that there will be a fence and there are mature lilac bushes which partially obscure the garage.

Chair Feustel asked the members for comments regarding the fifth condition: Literal enforcement of the ordinance would create an unnecessary hardship.

Chair Feustel said that this is the only place they could build the garage.

On motion of Mr. Klawes, duly seconded by Ms. Baxter, it was voted to return to public session.

Ms. Baxter moved to approve the requested variance. The motion was seconded by Mr. Klawes.

Mr. Pelissier asked if the proposed garage has a 20-foot setback in the front.

Mr. Klawes asked if the black line is the property line. If so, they do not have a 20-foot setback.

Mr. Pelissier then said that the application applies only to the rear setback; the front is not part of the application. He said that if the Board approves this variance, Building Inspector Steve Paquin will visit the property and he may or may not determine that a variance is needed for the front setback.

Chair Feustel said that the Board should state very clearly in their decision that this is only a variance for the setback in the rear.

Ms. Adinolfo said that she has no problem if the garage is set further back, closer to her property line.

Chair Feustel suggested that the applicants could come back with an amendment, which would be less costly than a new application.

Mr. Pelissier said that the abutters would have to be notified anyway.

Ms. Baxter said another notice would have to appear in the newspaper as well.

Ms. Baxter withdrew her motion to approve the variance.

Mr. Klawes withdrew is second to the motion to approve the variance.

Mr. Pelissier made a motion to grant the variance with a rear setback of at least two feet. Mr. Klawes seconded the motion.

A roll call vote was taken on the motion:

Dawna Baxter, aye; Chad Pelissier, aye; Keith Klawes, aye; Eric Feustel, aye.

The motion carried.

Chair Feustel advised the applicants that there is a 30-day appeal period, so if they begin construction prior to that, they will do so at their own risk.

UNAPPROVED AND UNSIGNED MINUTES

On motion of Mr. Pelissier, duly seconded by Ms. Baxter, it was voted to approve the minutes of the February 28, 2018 meeting. Mr. Klawes abstained from voting because he was not in attendance at the meeting.

On motion of Mr. Pelissier, duly seconded by Ms. Baxter, it was voted to approve the minutes of the March 14, 2018 meeting. Mr. Klawes abstained from voting because he was not in attendance at the meeting.

STAFF UPDATE

Chair Feustel stated that he would be moving out of Allentown on July 1, 2018, so a new chairman will be needed. He said that Mr. Pelissier as vice chairman would probably be asked to serve as the chairman.

Mr. Pelissier said that he already serves on several other committees.

Chair Feustel said that this Board should have five members and two alternates. He asked the current members to make every effort to recruit volunteers. He added that this is a quasi-legal board, which could intimidate potential volunteers.

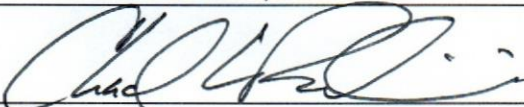
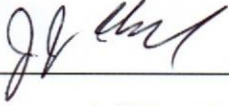


Mr. Klawes asked for an update on the 4 NH Homes application.

Chair Feustel said that Sharon Somers suggested that the applicant prepare a revised application but they chose to go to court instead.

On motion of Mr. Klawes, duly seconded by Ms. Baxter, it was voted to adjourn at 7:31 p.m.

ERIC FEUSTEL, CHAIRMAN

TOWN OF ALLENSTOWN
ZONING BOARD OF ADJUSTMENTS
PUBLIC MEETING MINUTES
May 23, 2018

Eric Feustel, Chairman	DATE
	9/26/18
Chad Pelissier, Vice-Chairman	DATE
	9-26-18
Jeff Gryval, Member	DATE
	9/26/18
Dawna Baxter, Member	DATE
	9/26/18
Keith Klawes, Member	DATE

