

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
October 28, 2020

CALL TO ORDER

The Allenstown Zoning Board of Adjustments virtual meeting of October 28, 2020 was called to order by Chair Keith Klawes at 7:39 pm.

Chair Klawes made the following statement regarding the virtual (electronic) meeting:

As Chair of the Allenstown ZBA, I, Keith Klawes, find that, due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are utilizing a conference call line, Zoom video conferencing, and Facebook Live for this electronic meeting. All members of the ZBA have the ability to communicate contemporaneously during this meeting through one of these platforms, and the public has access to the same – to listen and, if necessary, participate. Access the Zoom platform by dialing 603-485-7321, password 1234, or by clicking on the website link or typing it into your browser. The conference link, which is the official platform, is #810-3731 2385, password 102820. Facebook Live is available but not monitored. If anyone has a problem, please call 207-595-0310 or email d.goodine@allenstownnh.gov. In the event the public is unable to access the meeting, it will be adjourned and rescheduled. The meeting will only be adjourned if the video links fail and a quorum of the Zoning Board is needed on the conference call. Please note that all votes taken during this meeting shall be done by roll call, beginning with a roll call attendance.

Chair Klawes called for the Pledge of Allegiance.

ROLL CALL

Present on the Board: Dawna Baxter, Keith Klawes, Jeffrey Gryval, Matt Pitaro, Matt L'Heureux

Allenstown staff: Derik Goodine, Town Administrator; Brian Arsenault, Code Enforcement Officer

Others present: James Batchelder, applicant

OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

None.

NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **ZBA Case#2020-07 – 1 Mount Delight Road (Lot#402 Map#150) Administrative Decision: Dimensional Restrictions (Article VI-Section 603.c) Requesting Shed exceeding the max of 200 sq ft-7 ft to eaves – 10 ft to ridge, to be classified as a barn under RSA 21:34.**

Mr. Batchelder stated that the shed he is proposing is barely visible from Mt. Delight Road and not visible at all from any other road. He said it exceeds the maximum allowed shed dimensions by 184 square feet, being 24 feet by 16 feet and 12 feet, two inches high with a slanted roof. It has a dirt floor and would be used to store his tractor and some tools. His property, he said, is about 3.8 acres and is isolated. In the back are two ravines and Pease Brook. The next property is about one eighth of a mile down the road. There is a 30-acre swamp on the other side. He stated that he operates an aviary, a bee farm, and thus his business is classified as agricultural, per State law. He said he lost all of his bees this year but plans to restock in the spring. His father, he said, owns the property across the street where they make maple syrup and have done some logging.

Ms. Baxter said that the Building Inspector, Steve Paquin, contacted Mr. Monahan of the Central NH Regional Planning Commission about this situation, and Mr. Monahan suggested that Mr. Batchelder continue with his appeal of the Administrative Decision, based on the fact that an aviary operation is classified as an agricultural activity, and if he is unsuccessful with the appeal, he should apply for a variance.

Chair Klawes noted that Mr. Batchelder already has one shed on the property. He asked why this new structure couldn't be classified as a barn.

Mr. Arsenault said it could be a barn, a garage or a shed. He asked why this was brought before the ZBA for action.

Ms. Baxter said it is an appeal of an Administrative Decision.

Mr. Arsenault said that garages, barns and sheds are all accessory buildings.

Mr. Gryval asked if anyone was present to oppose the structure.

Chair Klawes responded no.

Mr. Gryval asked how the ZBA could help this resident.

Chair Klawes said he could apply for a building permit for a barn.

Ms. Baxter said that he has submitted an application already.

Mr. Pitaro said that the application is well-done, very complete.

Mr. Gryval made a motion to enter into deliberation. Ms. Baxter seconded the motion.

A roll call vote was taken on the motion.

Dawna Baxter - Aye

Jeff Gryval - Aye

Matt Pitaro - Aye

Matt L'Heureux - Aye

Keith Klawes – Aye

Voted unanimously in favor.

Ms. Baxter asked if they should refund the money paid by Mr. Batchelder.

Mr. Pitaro asked if there was a fee for submitting an application.

Ms. Baxter responded no, but that the applicant paid for the abutter notices and for the newspaper notice. She said that amounts to about \$300 or \$400.

Mr. Gryval made a motion to return to public session. Mr. L'Heureux seconded the motion.

A roll call vote was taken on the motion.

Dawna Baxter - Aye

Jeff Gryval - Aye

Matt Pitaro - Aye

Matt L'Heureux - Aye

Keith Klawes – Aye

Voted unanimously in favor.

Mr. Gryval made a motion to grant administrative relief to the applicant. Mr. Pitaro seconded the motion.

A roll call vote was taken on the motion.

Dawna Baxter - Aye

Jeff Gryval - Aye

Matt Pitaro - Aye

Matt L'Heureux - Aye

Keith Klawes – Aye

Voted unanimously in favor.

Ms. Baxter stated that she would prepare the Notice of Decision to be filed with the Registry of Deeds.

Mr. Gryval said the application could simply change from a shed to a barn.

Mr. Goodine asked about refunding Mr. Batchelder.

Mr. Batchelder said that he is fine with paying the expenses incurred.

CORRESPONDENCE & OTHER BUSINESS

Chair Klawes said that the next meeting is scheduled for November 11th, which is Veterans Day. He said they would be taking up three (3) cases at that meeting. He said that the Planning Board has been very busy lately, and the EDC meets every other week, resulting in scheduling challenges. He asked if anyone would object to moving their meetings to Tuesday or Thursday, and no one objected.

Ms. Baxter suggested that they start meeting on Tuesdays in 2021.

Mr. Gryval said he could not be at the November 11th meeting.

Ms. Baxter said she would notify the three (3) applicants scheduled for that meeting that they would not be able to be heard before a full Board and give them an option of rescheduling. She said that all three of the cases are for car lots.

Chair Klawes stated that they needed to elect a new Vice Chair.

Mr. Gryval nominated Mr. L'Heureux for the position of Vice Chair. Ms. Baxter seconded the motion. A roll call vote was taken on the motion.

Dawna Baxter - Aye

Jeff Gryval - Aye

Matt Pitaro - Aye

Matt L'Heureux - Aye

Keith Klawes – Aye

Voted unanimously in favor.

Mr. L'Heureux stated that the current zoning ordinance makes no reference to tiny homes, and he suggested that they put tiny homes on a future agenda for discussion.

Chair Klawes said that was a good idea.

Mr. Arsenault said that if they are wooden and on wheels, they are recreational vehicles. And, since the State of New Hampshire requires a two-bedroom septic design, they would not work in NH. He added that they are not practical for this area of the country.

Chair Klawes said that perhaps the ZBA and Planning Board could meet together to draft a warrant article creating an ordinance for this.

Mr. Goodine said that only the Planning Board can propose ordinances.

Mr. Gryval said that this Board cannot present ordinances, but it would be good to be ahead of the curve.

Ms. Baxter said she has had calls about tiny homes. They want to be self-sufficient, with no water and sewer. She said she cannot give them clear answers.

Mr. Goodine said they should also look at zoning for Airbnb's and for 'tenters' who rent land to put up tents. He said they need guidance on short-term rentals.

Mr. Arsenault said that temporary rentals could only be for 30 days and that the tiny homes are not practical in the Northeast.

Mr. L'Heureux said that some are classified as mobile homes.

Mr. Gryval said this should be put on an agenda. He added that mobile homes in this area must be certified for the Northeast.

Chair Klawes said they have discussed having a workshop meeting, and these would be good topics for that.

Mr. Pitaro said they should be open to 'crazy requests.'

ADJOURNMENT

Ms. Baxter made a motion to adjourn at 8:30 pm. Mr. Pitaro seconded the motion.

A roll call vote was taken on the motion.

Dawna Baxter - Aye

Jeff Gryval - Aye

Matt Pitaro - Aye

Matt L'Heureux - Aye

Keith Klawes – Aye

Voted unanimously in favor.

ZBA
SIGNATURE PAGE
OCTOBER 28, 2020

SIGNATURE	MEMBER	DATE
____ Yes-Via Roll Call Voice Vote _____	Keith Klawes, Chairman	____ 11.11.20
____ Yes-Via Roll Call Voice Vote ____	Dawna Baxter, Secretary	____ 11.11.20
____ Yes-Via Roll Call Voice Vote _____	Jeff Gryval, Member	____ 11.11.20
____ Yes-Via Roll Call Voice Vote _____	Matt Pitaro, Member	____ 11.11.20
____ Yes-Via Roll Call Voice Vote ____	Matt L'Heureux, Vice Chair	____ 11.11.20