

TOWN OF ALLENSTOWN  
Zoning Board of Adjustments  
16 School Street  
Allenstown, New Hampshire 03275  
September 25, 2019

**CALL TO ORDER**

The Allenstown Zoning Board of Adjustments meeting of September 25, 2019 was called to order by Chair Keith Klawes at 6:37 pm. Chair Klawes called for the Pledge of Allegiance.

**ROLL CALL**

Present on the Board: Dawna Baxter, Jeff Gryval, Keith Klawes, Chad Pelissier

Others present: Eric Mitchell

**NEW BUSINESS**

Chair Klawes stated that they would consider Case #2019-05 - CJL, LLC – 3 Chester Turnpike (109-29 & 29-1 & 2) Zoned: Business- Variance: Article VIII Section 804.e – Dimensional Restrictions -No more than seventy (70%) percent of the land area of any lot may be covered by buildings or structures.

Mr. Mitchell stated that his office prepared this plan, and the applicant/owner of two parcels at 3 Chester Turnpike (also on Route 3 and Route 28) will be asking the Planning Board for a lot line adjustment and the creation of three separate parcels at this address. He said there is a big building and a smaller building comprising Lot 109-29. A day care center has a lot line down the middle of the building, which is why they are requesting a lot line adjustment. He said the applicant will not be adding buildings or pavement. They have done some resurfacing and some drainage improvements. They have put in a detention pond and run-off has been reduced 50%. There is an existing State-owned detention pond, and they are in compliance with NHDOT. A forebay in detention pond collects sediment, and deep well catch basins also capture sediment. The entire area was 73% impervious and will be 70.8% after the adjustments. Therefore, the area will be less non-conforming. The new middle lot, 29-2, will be 70.8% impervious. Lot 29-1 will be 71.7% impervious once adjusted; originally it was 73.9%

Mr. Gryval asked about the ultimate goal, as they have never had an applicant asking to separate lots to be taxed more.

Mr. Mitchell said that all of the property currently has one owner; this cleans up the property so that each could be sold separately.

Mr. Gryval made a motion to recess the meeting at 6:47 pm so that copies could be made. Ms. Baxter seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.



Mr. Gryval made a motion to return to public session at 6:50 pm. Ms. Baxter seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.

Mr. Mitchell presented responses to the five criteria:

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

Mr. Mitchell stated that there would be no adverse effect to public interest if the lots have slightly more impervious area than 70%

(2) The spirit of the ordinance is observed.

Mr. Mitchell stated that the action does not threaten public health, safety or welfare. The proposed change does not increase the impervious area.

(3) Substantial justice is done.

Mr. Mitchell stated that the benefit to the applicant does not outweigh the loss to the general public.

(4) The values of surrounding properties are not diminished.

Mr. Mitchell stated that the amount of impervious area is not increased.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Mr. Mitchell stated that the three buildings are already there. The percentage of impervious land changes for the individual lots, but the total is less. Also, actions have been taken by the applicant to improve the control of sediment via the forebay and deep well catch basins.

Mr. Gryval made a motion to enter into deliberation. Ms. Baxter seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.

Mr. Gryval asked if granting this variance would allow the lot line adjustment and create a third lot, but would not allow more impervious area.

**Chair Klawes said that was the way he saw it. They cannot put anymore buildings up without going before the Planning Board.**

Mr. Gryval suggested that, if all Board members agree, they could agree to stipulate that all criteria have been met.

Ms. Baxter, Mr. Pelissier and Chair Klawes agreed.

Mr. Gryval made a motion to grant the variance from Article VIII, Section 804.e – **Dimensional Restriction** – *No more than 70% of the land area of any lot may be covered by building or structures*. Ms. Baxter seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.

Chair Klawes advised the applicant's representative, Mr. Mitchell, that there is a 30-day appeal period.

Mr. Pelissier made a motion to approve the minutes of the July 31, 2019 meeting as written. Mr. Gryval seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.

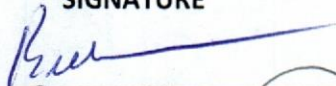
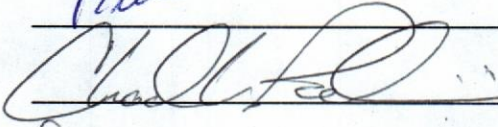
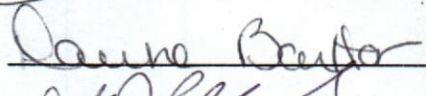
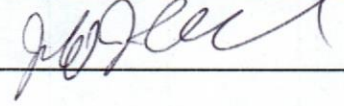
Chair Klawes made a motion to adjourn at 7:00 pm. Mr. Gryval seconded the motion. A roll call vote was taken on the motion: Mr. Gryval – aye; Ms. Baxter – aye; Mr. Pelissier – aye; Mr. Klawes – aye. The motion carried unanimously.



ZBA

SIGNATURE PAGE

September 25, 2019

SIGNATURE	MEMBER	DATE
	Keith Klawes, Chairman	11-20-19
	Chad Pelissier, Vice Chairman	11/20/19
	Dawna Baxter, Secretary	11.20.19
	Jeff Gryval, Member	11.20.19
	Roger Laflamme, Member	