

TOWN OF ALLENSTOWN
Zoning Board of Adjustment
16 School Street
Allenstown, New Hampshire 03275
June 24, 2020

CALL TO ORDER

The Allenstown Zoning Board of Adjustment virtual meeting of June 24, 2020 was called to order by Chair Keith Klawes at 6:35 pm. Chair Klawes called for the Pledge of Allegiance.

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 and typing it into your browser. You may need to download Zoom Software to participate. The conference link is #84028989610, password 062420.

ROLL CALL

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

Allenstown staff: Derik Goodine, Town Administrator

Others present: Mike Reed, President of Stebbins Commercial Properties (representing condo owner James Constable) and April Campbell, applicant

Chair Klawes called for the Pledge of Allegiance.

NEW BUSINESS

**ZBA Case #2020-04 – 50 Pinewood Road Number 4, LLC (Lot #105 Map #001-003) Zoned: CLI
Variance: Requesting Child Daycare Center - (Article X Section 1001)**

Mr. Reed began by saying that Ms. Campbell did a comprehensive job with the application.

Chair Klawes informed the applicant that written permission for the daycare center would be needed from the condo association and that the property owner, Mr. Constable, should be asking for the variance on her behalf.

Mr. Reed said there was no mention of this when Ms. Campbell got the application. No affidavit was mentioned. He said that Mr. Constable had written a letter to the Town stating that he had no opposition to the variance.

Chair Klawes confirmed that the letter was received. He asked if Mr. Constable owned the whole property or just one condo unit.

Mr. Reed said Mr. Constable owned just one unit. He asked if it was a Town requirement that the condo association gives written permission. He said he was not aware of that requirement.

Chair Klawes said he check with Allentown's Town Attorney, and she advised that, since Ms. Campbell is not the owner, they should have written permission from the association.

Mr. Reed noted that the Town has the letter from Mr. Constable.

Chair Klawes said that Mr. Constable needs permission from the condo association.

Mr. Reed said he didn't believe other owners have a right to hold back a use permitted by variance. He said that \$300 had been spent on abutter notices. He said that if any abutters objected, they would be joining the meeting tonight. I want to be on record, he said, that if no such provision exists, we are doing something we don't need to do. He emphasized that the abutters had been notified.

Mr. Gryval stated that this is a great use of the property. He asked who gets the property tax bill and said the property owner should be the one applying for the variance.

Chair Klawes asked who owns the property.

Mr. Reed said it was owned by the association.

Mr. Goodine noted that the application showed no sketch for the layout of the daycare center.

Mr. Gryval said that if the association owns all of the property, this request relates to 2,900 square feet, approximately 25-30% of the entire property. He said they would need to see a map to be exact.

Mr. Reed said he has been in this business for 35 years and has done this hundreds of times.

Mr. Gryval asked how they could know which part is to be fenced in.

Mr. Reed claimed this is a Planning Board issue.

Ms. Campbell said she didn't know they needed a sketch, and that she had drawn one for the condo association.

Mr. Gryval said that this is a wonderful use of the property. He said they should continue this hearing at the earliest date possible to help Ms. Campbell.

Mr. Pitaro said that he lives in a condo development, and anyone wishing to operate a business out of a condo unit would need the consent of the association. He said they would need to see pertinent parts of the condo documents.

Chair Klawes stated that Allentown zoning doesn't allow daycare businesses in this zone, which is why the variance is needed.

Ms. Campbell said she would appreciate a continuation.

Mr. Pitaro made a motion to continue this hearing to July 8, 2020.

Chair Klawes said they would do it earlier, if possible.

Mr. Reed asked to be sent a list of what they are looking for.

Mr. Gryval cautioned him that such a letter, with legal approval, could take a long time. He suggested that, in lieu of a letter, the applicant work with Town Administrator Goodine and Chair Klawes.

Mr. Reed said he would be happy with a laundry list.

Chair Klawes stated that the ZBA would require the following: permission of the land owner (in writing), permission of the building owner (in writing), the building owner's permission from the condo association, stating in writing that the use is okay or that permission is not needed; photographs and tax maps showing exactly what the property is and delineating the fence area; and a statement from the association that they know about the fenced area.

Ms. Baxter seconded Mr. Pitaro's motion for continuance.

A roll call vote was taken on the motion to continuance.

Dawna Baxter – aye

Jeff Gryval – aye

Chad Pelissier – aye

Matt Pitaro – aye

Keith Klawes – aye

The motion carried unanimously.

Chair Klawes informed the applicant that three affirmative votes would be needed for granting of the variance. He said they could try to hold the meeting earlier than July 8th, if possible.

Ms. Baxter said she thought that, once a date is set for a continuance, it can't be changed.

Mr. Pelissier said that the Planning Board typically sets the earliest date possible for the continuation and then meets briefly on that date to continue again, if necessary.

Ms. Baxter said this is done to avoid re-noticing.

Mr. Reed said that they have the schematics and the photographs.

Chair Klawes asked if June 30, 2020 would be a good date.

Mr. Reed said yes.

Ms. Baxter stated that she had told Mr. Constable that he would need condo association approval.

Mr. Gryval said that the first page of the application is missing a lot of information and is confusing because its title is Application for Appeal.

Ms. Baxter said she understands the confusion. That page, she said, is just used to capture the applicant's name and address, since the Application for Variance of Use or Area doesn't have lines for that. She said there is a box to check for a variance on that first page.

Chair Klawes said that would be a good topic for a workshop meeting.

Mr. Reed asked if the Allenstown ZBA has a checklist.

Ms. Baxter said that the Planning Board does, but not the ZBA.

Chair Klawes said he would reach out to Ms. Campbell if they need anything else.

UNAPPROVED MINUTES & UNSIGNED MINUTES

Mr. Gryval made a motion to approve the minutes of the April 22, 2020 meeting as written. Ms. Baxter seconded the motion.

A roll call vote was taken on the motion to approve the April 22nd minutes.

Dawna Baxter – aye

Jeff Gryval – aye

Chad Pelissier – aye

Matt Pitaro – aye

Keith Klawes – aye

The motion carried unanimously.

Ms. Baxter said she would put the minutes in RightSignature for the members to sign.

Mr. Pitaro thanked the members for the invitation to join the ZBA. He said he is happy to serve, finds it very exciting, and looks forward to learning a lot.

ADJOURNMENT

Ms. Baxter made a motion to adjourn at 7:31 pm. Mr. Pitaro seconded the motion.
A roll call vote was taken on the motion to adjourn.

Dawna Baxter – aye

Jeff Gryval – aye

Chad Pelissier – aye

Matt Pitaro – aye

Keith Klawes – aye

The motion carried unanimously.

ZBA
SIGNATURE PAGE
JUNE 24, 2020

SIGNATURE	MEMBER	DATE
____ Yes – Via Roll Call Voice Vote-	Keith Klawes, Chairman	____ 09.23.20
____ Yes – Via Roll Call Voice Vote-	Chad Pelissier, Vice Chairman	____ 09.23.20
____ Yes-Via Roll Call Voice Vote-	Dawna Baxter, Secretary	__ 09.23.20
_____	Jeff Gryval, Member	_____
____ Yes – Via Roll Call Voice Vote-	Matt Pitaro, Member	____ 09.23.20