

TOWN OF ALLENSTOWN  
Zoning Board of Adjustment  
16 School Street  
Allenstown, New Hampshire 03275  
July 22, 2015

**Call to Order.**

The Allenstown Zoning Board of Adjustment for July 22, 2015 was called to order by The Chair at 6:35pm.

**Roll Call.**

Present on the Board: Eric Feustel and Diane Demers.

Ex-Officio: Jeff Gryval

**Others Present.**

Residents of Allenstown: Steve Pimental, Stephanie Ferland, Ronald Ferland, and Darlene Mayland.

Others Present: Jody Moore, Allenstown School Board; Kris Raymond, Allenstown School Board; and Craig Moore, GDS Signs.

Other Public Officials:

Allenstown Staff: Shaun Mulholland, Town Administrator. Dana Pendergast, Code Enforcement Officer.

**Case# 2015-0003 Stephanie Ferland 5 Summers Avenue Lot# 112-212 Residential Zone  
Variance Article VII section 703C Variance for oversized shed**

The Chair informed Ms. Ferland because they only have three members tonight the vote has to be unanimous which she may choose to put off the meeting until they have five members. He also informed her she would lose the right of appeal since there are only three of them.

Mr. Ferland stated the lot number has changed from their first letter to their second letter. Chief Pendergast stated the correct lot number is Lot#102-021. The Chair stated it is correct on the application.

The Chair asked Mr. Ferland to present his case. Mr. Ferland stated I am looking to build a shed on my property. He stated I currently don't have out buildings of any sort, or a garage, I would like to build a shed to store my outdoor stuff.

The Chair asked the size of the shed. Mr. Ferland stated it's bigger, its 14 x 20 is what I would like to build which is bigger than what the town allows. Mr. Gryval stated 12 x 12 or 144 square feet, however you want to come up with it. Mrs. Demers asked we're considering this a shed over a garage. Mr. Ferland stated I don't have the room or the money for a garage which is why I want to do the shed.

The Chair stated that is the size of a small garage, but it's not going to be a garage. Mr. Ferland stated it's not going to be a garage no; it's going to have two three foot doors on the front of it for an entry. He stated the biggest thing that's going in there is a couple of snowmobiles.

Mrs. Demers asked the reason it needs to be so large. Mr. Ferland stated the snowmobiles are roughly four foot wide by ten foot long. He stated I've got a couple of those, snow blower, lawn mower, all kinds of yard tools and storage for some of the stuff in the house as well.

The Chair asked how big is your lot. Mr. Ferland stated its 80 x 125. The Chair stated it's a pretty small lot. Mrs. Demers showed the Chair the lot on the map.

The Chair asked Mr. Ferland can you tell us roughly speaking where it would go. Mr. Ferland stated you see right where her circle is. The Chair stated I do. Mr. Ferland stated on that side of the house I would like to put it between there and the fence line. The Chair stated you will also be encroaching on the setback. Mr. Ferland stated yes. Mr. Pimentel stated that impacts me the most.

The Chair asked Chief Pendergast if there was any problem with access for emergency equipment. Chief Pendergast stated it is a narrow area but if they want to continue when they are done he can go into the reason why they are in violation of the zoning. The Chair asked besides the setback is there more.

The Chair asked Chief Pendergast to address that now. Chief Pendergast stated the reason why they are here is they want a larger building , 136 square feet larger than the town allows by zoning. He stated he doesn't have the plans here and asked Mr. Ferland if he knows the ridge height. Mr. Ferland stated he doesn't know the ridge height. Chief Pendergast the ridge height is going to be restricted to ten feet from floor to ridge so if he has a seven foot wall it only gives a three foot ridge height. He stated they can only have a seven foot to the eaves from the floor.

Chief Pendergast stated the other issue, from what he can tell, they are going to be five feet off of the house and the zoning requires at least six feet from the house. Chief Pendergast stated the

way it reads is "a utility shed..." ,which it is larger than a utility shed, "...or a greenhouse no larger than 144 square feet of floor area with a height of not greater than 7 feet to the eaves and ten feet from the floor to the ridge need not be set back more than one foot and can be no closer than six feet to any residents."

Chief Pendergast asked Mr. Ferland could you move it backwards any. Mr. Ferland stated if I do that it's going to be in my back yard. Mr. Pimentel asked what did you [Chief Pendergast] say to the lot line. Chief Pendergast one foot to the lot line. Mr. Ferland stated he wanted to put it pretty close to the line. Chief Pendergast stated he is pretty close to the line. He stated the issue becomes a maintenance issue. He stated Mr. Ferland's eave will be encroaching on Mr. Pimental's property because it will be too close to the lot line and your [Mr. Ferland] water will be going onto his [Mr. Pimental's] property.

The Chair asked how much space we actually have between the house and the fence. Mr. Ferland stated it's roughly about nineteen feet. The Chair asked and this [the shed] is going to be fourteen. Mr. Ferland stated yeah.

The Chair asked and you're still okay with that in terms of emergency access. Chief Pendergast stated they are not going to get a fire truck back there. He stated if the shed catches on fire it will impact his house.

Mrs. Demers stated it is kind of vague stating "it may have a couple of windows, it may match the siding of the house." Mrs. Ferland stated I can't get the exact siding of the house so I had him write "may match" because I didn't know how close it was going to be. Mrs. Demers stated you are not sure of the roof pitch. She asked if there actual plans of the shed somewhere. Chief Pendergast stated there is a sketch of the shed. The Chair stated the sketch is not to scale.

The Chair stated you [Mr. Ferland] said you didn't want to place the structure too close to the house because of drainage and snow load issues. He asked what is the pitch of your roof, is your house roof going to pile snow onto the shed. Mr. Ferland stated no my house pitches front to back and I'm going to be on the side. He stated I know that the roof will have to be cleaned off and I'm obviously going to try to keep that walkway open. A resident stated I can vouch they do what they say they are going to do.

The Chair asked if there is a reason they put it on the other side of the house. Mr. Ferland stated I think I have a little less room on that side and I also have a couple of large pines trees, big boys, which I would like to get down eventually.

The Chair asked Chief Pendergast if there were any other issues besides the zoning violations he already mentioned. Chief Pendergast stated it is a narrow lot, under an acre, and the size of the

shed is an issue fire wise for him. He stated it is 136 feet larger than the town allows. He stated without having a plan he is assuming Mr. Ferland is going to keep it below ten feet on the ridge.

Mr. Ferland asked if it would help any if I downsized it to maybe a couple of feet narrower like 12 x 20. Mrs. Demers stated you are still over eight feet. Mr. Pimentel stated he will still be over the square footage but he cuts down on dimensions.

The Chair asked can you put it anywhere else on the property. Mrs. Demers stated it is a decent size back yard. Mr. Ferland stated I have my leech field and septic on one side of my yard. Mrs. Ferland stated on the left we have trees as well. Mr. Ferland stated it is limited with pine trees on that side of the yard.

A resident stated she lives across the street and she will be in full view of it. She stated she is okay with it. She stated Mr. and Mrs. Ferland are super people. Mrs. Ferland stated we also went around because we were told from the town hall to go around and have signatures prior to sending out everything and letting our neighbors know which we did. The Chair asked if anyone had an objection. Mrs. Ferland stated no one had objections. Chief Pendergast stated on the original paperwork each abutter filled it out.

Motion. Mr. Gryval made a motion to go into deliberation. Mrs. Demers seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel— Yes; Mr. Gryval – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

The Chair explained to the audience they could listen to them but they can't contribute to the conversation.

The Chair asked the Board what their feelings are. Mr. Gryval stated his feelings are it is awfully large and going on a small piece of property. He stated the drainage for the water and snow off the roof is definitely going to impact the neighbor. He stated the drainage coming off of their house will impact the shed roof so I am concerned about that. Mr. Ferland asked you know they will be pitching opposite ways right. Mr. Gryval stated actually no I didn't know, you haven't given us anything. Mr. Ferland stated I did; the house runs one way and then the shed's going to run the opposite, it's going to be turned. He stated it's not going to be lined up pitched the same way as the house.

Mrs. Demers stated I'm concerned because of the size. She stated it's just so much larger than what we allow. She stated to me it's more of a garage then a shed.

The Chair stated we can look at this item by item.

The Chair asked is the variance will not be contrary to the public interest. Mr. Gryval stated it depends on who the public is. He stated I'm not sure if they're aware of it but a variance to a zoning regulation goes to the property not the owner of the property. He stated the reason I bring that up is because this gentlemen could move next year, or you could move, and that structure will still be there for as long as anybody wants it there. He stated it's great that the neighbors don't care but that's not the only consideration that we have to make. The Chair stated we have to think about future residents and both families could have left.

The Chair asked is the spirit of the ordinance observed. Mr. Gryval stated he doesn't think it meets the spirit of the ordinance at all. The Chair stated I agree. Mrs. Demers stated there is too many different parts that are in contrary to it.

The Chair asked if substantial justice is done. He stated it's nice to be nice. He stated in a sense justice would be done; they would have what they are looking for without infringing on anyone else. He stated my thought is they make on that one.

The values of surrounding properties are not diminished. Mrs. Demers stated number four is an issue. She stated it is going to affect property values.

[Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship].

The Chair stated I think there is room on the property to build a shed that would be in compliance or in less violation.

Motion. Mr. Gryval made a motion to come out of deliberation. Mrs. Demers seconded the Motion. There was no additional discussion.

Motion. Mr. Gryval made a motion to grant the variance as requested. Mrs. Demers seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel— No; Mr. Gryval – No; and Mrs. Demers-No. The Chair declared the Motion failed.

The Chair stated your [Mr. Ferland] motion is denied for the reasons you just heard. He stated it's just too big for the space you are trying to put it and it violates the spirit of the ordinance. He stated we would like you to be able to do what you want to do but the position on your property just won't work. He stated you have 30 days starting tomorrow to appeal our decision to Superior Court if you wish, that's your propagative. He stated anyone else withstanding can appeal our decision.

Mr. Pimentel asked if he can also reapply for a different size. The Chair stated yes. He stated if it's within the setbacks and within that 144 feet, you don't even have to come to us, you simply

need your permit. Mr. Ferland asked can you say that one more time. The Chair stated if you come back with a different proposal to Chief Pendergast and it does not affect the setbacks and the square footage; basically if what you want to do complies with the ordinance you don't have to come to our committee again.

Mr. Ferland asked if I want to build a 12 x 12 shed in the back yard. The Chair stated if it didn't encroach then all you need is a permit.

A resident asked if they have a copy of everything that he needs so he doesn't have to apply. Chief Pendergast stated they can have a discussion about it later.

**Case# 2015-0004 Allenstown School District-AES 30 Main Street Lot# 112-212 Residential Zone Variance Article XI Section 1111 Variance for sign larger than 32 sq. ft.**

The Chair stated this is for the school district. He asked if you would tell us in your own words what you wish to do and who is speaking for the school board. Mrs. Moore stated Jody Moore, Chris Raymond and we also have Craig Moore of GDS Signs.

Mr. Moore stated I can start with a summary of what we are looking to do here. He stated again, I'm Craig Moore of GDS Signs, and I'm also a resident of Allenstown. He stated what we are looking to do is to update a very old sign that is up at the school right now with a changeable system, something they could do internally within the school. He stated one of the reasons we are here today is because we're proposing something slightly larger than what the town typically requires for square footage. He stated we are looking to increase the sign about 16 inches in height just for visibility and for the use of snow. He stated I think the biggest concern this year was snow.

Mrs. Demers asked how it's going to be as far as pulling out of the school, obstructing views. Mr. Moore stated we are still going within the same setbacks of the existing sign; we're actually using the same base which is there today. He stated you can't see over the current sign. Mrs. Demers asked so it's not wider. Mr. Moore stated it's no wider; it's actually a few inches narrower than the existing sign.

Mr. Moore stated since a lot of it is electronic, obviously you want that raised. He stated we looked at it with your [Mrs. Demers] idea of visibility. He stated not that it is ideal to look under a sign but it is going to be elevated a little bit more so you have a little bit more space.

The Chair asked how high is the sign presently and how high will it be. Mr. Moore stated it is actually listed on there [the application]. He stated the existing sign is 56 inches high and the proposed sign is 68 inches. Mr. Gryval stated it says the existing sign is 56 inches and the new one will be 58 inches high and asked if it's only going up two inches. The Chair stated I thought

he said 68 inches. Mr. Gryval stated I'm just looking at the page here and according to this its only two inches. Mr. Moore stated I apologize because there were a few different options being evaluated so it's correct.

Chief Pendergast asked if anyone knows what the size of the sign is now. Mr. Gryval stated it is 56 x 80 inches now. Mrs. Demers stated it looks like it's going to be 80 inches wide with the poles. Mr. Gryval stated according to the information here, it's going to be the same width and two inches higher. He stated if I'm looking at this correctly, we're going to see basically a new modern sign that's going to be two inches higher than what is there.

Mr. Gryval asked if that sounds right. Mr. Moore stated no. Chief Pendergast stated its 37 square feet right now. Mr. Moore stated I apologize I was actually on a road trip back from NY so I didn't have a chance to print it, I'm looking at a black and white copy that was just handed to me. He stated there was reason for it to be larger so if you don't mind, I'll actually go back to my email and look at it. Chief Pendergast stated [Anthony] told me it was 37 square feet right now. Mr. Moore stated right and I actually want to fill out the application and I'm looking at the application and it says 37.8 square feet. He stated the application is correct, I think the drawing is an outdated one. Mrs. Demers stated so the spec sheet is wrong.

Mrs. Demers asked Mrs. Moore if this sign is similar to the one at Pembroke Academy. Mrs. Moore stated it is. Mrs. Demers asked if it is about the same size as that one. Mrs. Moore stated I would say it's very similar, yes.

The Chair asked you are using the existing base. Mrs. Moore stated correct.

Mr. Moore stated the file I just sent you lists the sign at 72 inches. The Chair stated 72 inches instead of 58 inches. Mr. Moore stated it is not the 80 inches that we were previously talking about, the sign itself is 70 inches but then there are two 4 inch posts on either side. Mr. Gryval stated I didn't mean to get picky on the inch with you, what you were saying didn't jive with the picture; I didn't mean to be difficult. Mr. Moore stated nope that's fine, like I said I apologize for being unprepared.

Mrs. Demers stated so it actually is going to be 78 inches with the posts opposed to 80 so it will be a little bit better as far as seeing around the sign, pull out, because it will be a little bit narrower.

Mr. Moore stated what else we are looking at is the space below from the top of the foundation to the bottom of the sign is 13 inches in the existing photograph. Mrs. Demers asked if this [looking at spec sheet] is all open space. Mr. Moore stated that is all open space, correct. He stated the existing sign has 13 inches and the new sign has 26 inches. Mrs. Demers stated so in the long run I see this as being less obstructive.

Mr. Gryval asked if we have had any concerns from the Fire Chief or Police Chief for the size or positioning of the sign. Chief Pendergast stated nope. The Chair stated I think it's going to be marginally better. He stated even two inches, if they look at that sign and take two inches off it you could probably see another twenty feet down the road in the line of sight. He stated geography works in your favor here as long as it doesn't get any closer to the road. Mr. Gryval stated the way I was looking at it is with this being the clean line instead this; in my opinion it's going to be better.

The Chair stated technically the town doesn't need to come before the town committee to get approved. Mr. Gryval stated correct but it is courteous of them to do so. Mr. Moore stated I think that was the thought process to make the abutters and town aware of the change. Mrs. Demers stated I got questioned by one of the abutters and when I said it's going to be like PAs they were fine.

Motion. Mrs. Demers made a motion to go into deliberation. Mr. Gryval seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel- Yes; Mr. Gryval - Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

Chief Pendergast stated the only reason they are here is because 32 square feet is what the town requires and they are at 37 square feet. The Chair stated we're saying by the way it's proposed, it's probably 80 inches high is almost 7 feet.

The Chair asked if the variance is contrary to the public interest. The Board agreed it is not.

The Chair asked if it is in the spirit of the ordinance. The Board agreed it is.

The Chair asked if substantial justice is done. The Board agreed it is.

The Chair asked if the values of surrounding properties are not diminished. The Board agreed they are not diminished.

The Chair asked if literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He stated we didn't really consider that. He stated I would assume they would have to custom make a sign as opposed to having one that is already prefab. He stated the part about justice, to have a sign that would comply would require a complete redesign of the existing product that your company manufactures. Mr. Moore stated correct.

Motion. Mrs. Demers made a motion to come out of deliberation. Mr. Gryval seconded the Motion. There was no additional discussion.



A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Gryval – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

Motion. Mr. Gryval made a motion to grant the variance being requested by the Allenstown School Board. Mrs. Demers seconded the Motion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Gryval – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

Mr. Gryval asked when they think the new sign will come in. Mr. Moore stated it could be potentially within the next couple of weeks.

### **Review and Approve Minutes**

Motion. Mrs. Demers made a motion to approve the minuets from June 10, 2015. Mr. Feustel seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Gryval – Abstained; and Mrs. Demers-Yes. The Chair declared the Motion passed.

### **Discussion of 2016 Budget**

Mrs. Demers distributed the budget for the last year. She stated she ran an expenditure report for 2014 and 2013 to see how they have been tracking. She stated in 2013 they spent \$25, 2014 they spent \$260.77 and this year they spent \$272.66.

Mrs. Demers stated they have \$750 for minutes but currently they have spent \$44.90 on minutes.

The Chair stated the only things they have control over are minute's transcription, legal expense, and Zoning Consultant. He stated the petitioners are the ones paying the postage. Mrs. Demers stated publication is if they have some kind of books they reference which everything is online now.

The Chair stated legal expenses are one of those things if they need it it's nice to have it.

Mrs. Demers asked Mr. Mulholland how much they spend on Selectmen minutes. Mr. Mulholland stated it depends on how long the meetings go. He stated if they talk a lot it costs more money.

The Chair stated there needs to be some clarification between minutes and transcription. He stated minutes doesn't have to be detailed, it's simply has to say who spoke and there was discussion. Mr. Mulholland stated the key issue is going to be the discussion. He stated when

they ask a question and get a response they want all that in there because that's going to be the case when going before the court.

The Chair stated if it went to court they would have a complete transcription word for word. Mr. Mulholland stated they are going to take what you said in the minutes and make an appeal off of them which is why it's critical what occurs in these types of minutes are detailed.

Mrs. Demers asked Mr. Mulholland if he thinks cutting the minutes line down to \$400 would be enough. Mr. Mulholland stated it depends and asked what their budget target they have to meet. There was discussion about being given a directive to cut five percent from the budget and where to cut it.

It was determined there were no charges against advertising which there should be and to have Mrs. Demers look into it.

Chief Pendergast stated they can have DTC come in and offer free training. He explained they would do training on steps of the meeting, how the meeting should be run and other issues. There was further discussion of different types of training which would be beneficial for the Board.

Mrs. Demers suggested zeroing out the publication line because it's all available online.

The Chair asked what the five percent needs to be. Mr. Gryval stated it is five percent off of the the bottom line off of the budget.

The Chair suggested they cut back the advertising line.

The Board determined to zero out the publication line and cut down the advertising line to \$847 which makes up the five percent cut as directed by the Select Board.

Motion. Mr. Gryval made a motion to adjourn. Mrs. Demers seconded the Motion. There was no additional discussion.

A Roll Call Vote was taken: Mr. Feustel– Yes; Mr. Gryval – Yes; and Mrs. Demers-Yes. The Chair declared the Motion passed.

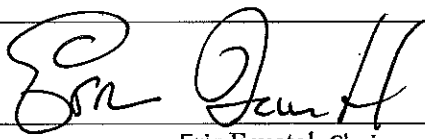

The Chair declared the meeting adjourned at 7:34pm.

TOWN OF ALLENSTOWN  
ZONING BOARD OF ADJUSTMENTS  
PUBLIC MEETING MINUTES

July 22, 2015

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**Signature Page**

Original Approval:	
 Eric Feustel, Chair	9/16/15 DATE
Christopher Roy, Member	DATE
 Diane Demers, Member	9/9/2015 DATE
Jeff Gryval, Member	DATE
Robert Bergeron, Member	DATE
Roger Laflamme, Member	DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	Eric Feustel, Chair	DATE
	Christopher Roy, Member	DATE
	Diane Demers, Member	DATE