

**TOWN OF ALLENSTOWN  
Planning Board  
16 School Street  
Allenstown, New Hampshire 03275  
August 19, 2020**

**CALL TO ORDER**

The Allenstown Planning Board Meeting of August 19, 2020 was called to order by Chairman Mike O'Meara at 6:30 p.m. Chair O'Meara called for the Pledge of Allegiance.

Chair O'Meara next read a statement establishing authority to hold an electronic meeting, along with remote viewing and listening guidelines.

As Chair of the Allenstown Planning Board, I, Mike O'Meara, 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 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 (will be):

- a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.*** We have a Zoom conference calling session set up for those listening. The instructions are on the Town website on the Planning Board agenda page.
- b) *Providing public notice of the necessary information for accessing the meeting.*** We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Town of Allenstown Planning Board page attached to the agenda for this meeting.
- c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.***
- d) *Adjourning the meeting if the public is unable to access the meeting.***

Chair O'Meara informed listeners that Facebook Live is not monitored. The official platform for the meeting is the conference telephone line.

**ROLL CALL**

Present on the Board: Mike Frascinella, Sandy McKenney, Diane Adinolfo, Chad Pelissier, Mike O'Meara, Alternate Matt L'Heureux

Ex-Officio: Sandra McKenney

Residents of Allenstown: Melissa Clement  
John Clement  
Ryan Carter

Others present: Matt Monahan, CNHRPC  
Vincent Iacozzi, Allenstown Aggregate  
Aaron Ferman, Allenstown Aggregate  
Jeff Burd, RJB Engineering for Allenstown Aggregate  
Matt Peterson, Optimus Senior Living  
Christian Boysen, Optimus Senior Living  
Eric Mitchell  
Fred Milky  
Chad Peco

Allenstown Staff: Derik Goodine, Town Administrator  
Brian Arseneault, Code Enforcement Officer

Other Public Officials: None

## **OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS**

### **▪ Allenstown Aggregate, LLC. Continuation of Application and Public Hearing**

Mr. Monahan stated that the Planning Board, at its July 15<sup>th</sup> meeting, deemed that this development is not one of regional impact. The requested waiver was granted, and the application was voted complete. The Public Hearing was opened but was continued because the report of the Town's engineer had not been received.

Chair O'Meara re-opened the Public Hearing at 6:35 pm.

Mr. Burd stated that there is a lot to address from the engineer's report, which is very long. Some items, he said, aren't applicable to this project because of the active quarry at the property. There is no contract with the owner because the developer/contractor is the owner. He said he also has some questions on the Planning Board regulations. Referring to page 4, under erosion control, he said, the engineer says the applicant should add a note that slope and channel details should be installed according to the manufacturer's specifications. The details are on the plan regarding slope and ditch stabilization, he said. He asked if they might need a waiver. Next, under storm water management report section, it says a plan should be provided. He said that a report had been done, but the plan should be done after construction, not at the stage of Planning Board approval. The third item is about the calculation of the effective impervious cover recharging the groundwater. Because they have a variance for commercial development, as opposed to the RA designation for the area, he said they should be allowed 70% impervious cover, not 20%.

Mr. Iacozzi asked if other commercial regulations apply here, or flow with it. If so, the impervious cover should be a moot point.

Mr. Monahan said he would check into that.

Mr. Burd continued, saying that #5 on page 5 calls for reviewing the cut area near the northeast corner of the parking lot to see if additional permitting is required. This area, he said, is an extension of the quarry.

Chair O'Meara stated that Allentown Aggregate got a lot line adjustment for this development, and that the Planning Board is guided by the Town's engineer on these technical matters.

Mr. Monahan stated that RSA 155-e and Allentown's excavation regulations guide this. There is a distinction between excavation done in a quarry for the sale of the materials excavated and excavation for construction, such as the digging of a cellar. He said he thinks the Town's engineer is referring to a slope and stabilizing it.

Mr. Iacozzi said that in the reclaimed area of a quarry it is done by permit, and the slopes are left as they are supposed to be.

Mr. Monahan suggested that he, Mr. Burd and Mr. Trainque schedule a three-way conference call to try to resolve these issues.

Mr. Iacozzi said that was a great idea. Referring to the members of the Planning Board, he said they are as familiar with the property as the engineer is. He said there are a lot of grey areas.

Chair O'Meara said there are some grey areas, but he would not say that there are a lot. He added that the distinction between contractor and owner is not relevant.

Mr. Iacozzi stated that there is an overlap of permits. He said they already have several for all 117 acres and this is an active area. He stated that there is a disconnect, and the engineer should hear their side.

Mr. Monahan said it is helpful to put this in the context of other permits for the whole site.

Mr. Burd continued, referring to #10 on page 5, which says the applicant should include suitable documentation of pollutant loading analysis from an approved model. He asked if they need a waiver for this.

Mr. Monahan said this is about potential pollutants.

Mr. Burd referred to #3 under the Plans section, which suggests having plans for topsoil and planting vegetation in the back of the building to cover disturbed ground. This, he said, will be done for the front of the building but the back overlaps with the quarry and is a staging area.

Chair O'Meara said that the Planning Board could look at that issue.

Mr. Frascinella stated that he believes in minimizing hardships placed on developers. He said that anything they do is an improvement over the existing five (5) acres of quarry dust.

Mr. Burd referred to page 6, which says the applicant should show all erosion and sediment control measures. He said they did not get into that with the plan, adding that this is an active construction site with a SWIP for the quarry.

Chair O'Meara said the Planning Board can make a judgment call on that.

Mr. Burd said that there were a lot of good comments. He noted that it is now August and they are late now getting started with the project. He asked if a special Planning Board meeting could be scheduled.

Mr. Iacozzi asked if a special Planning Board meeting could be scheduled for next week, if Mr. Burd can complete his work on the application by then.

Chair O'Meara said they could schedule a tentative meeting for August 26<sup>th</sup>, at which time the meeting could be continued, if all issues can be resolved by then.

▪ **Optimus Senior Living. Continued from July 15<sup>th</sup>**

Mr. Monahan recapped the actions taken at the July 15<sup>th</sup> meeting. He said it was deemed that this development is not one of regional impact. The requested waivers were granted, and the application was voted complete. The Public Hearing was opened but was continued because the report of the Town's engineer had not been received. These comments have now been received and Mr. Peterson of Keach Nordstrom Associates (KNA) is present to present the revised plans.

Mr. Monahan referred to the bottom of page 2 of his review and said that the three (3) Conditional Use Permits (CPU) are tied to the engineering comments. He said that the Planning Board's motion on approval should call out the three (3) CUPs. He said that all checklist items have been resolved, and there are no issues with the Site Plan. The waiver buffer was approved, and they must now address the corresponding CUP regarding the 50-foot buffer. There is a reminder about working with the Building Inspector on signage. Another item to consider is the State Dredge and Fill permit. The wet pond toward the back on the eastern side of the property will serve the function of how to process the water and protect habitats. The standard administrative conditions of approval will apply, including the digital formatting of the plan, payment of fees, listing waivers on the plan, and filing the Notice of Decision with the Registry of Deeds. He said he has grouped the administrative conditions of approval together with this plan and will continue to do this with future applications. Above and beyond that, he said, are the engineering issues, Fire Department access, and traffic on Route 28. He said there should be a plan note that the Operations and Maintenance Plan is filed with the Registry of Deeds so it will be linked with the Notice of Decision. Administrative conditions include two State permits, a bond for public improvements, stamps and signatures, waivers and conditions on the final plan, digital formatting of the final plan, recording of the Notice of Decision and the inspection piece. He said that Mr. Peterson will respond to the storm water and traffic issues on the engineering report. The first CUP is separation to groundwater; the second is for impervious coverage to be at 26% versus the allowed 20%; and the third is the 50-foot wetlands buffer after construction.

Next, he reviewed the Standards for Relief which apply to all CUPs. First, the modifications must be consistent with the purpose of the ordinance, with the developer's best effort made to minimize impact. The second is that the modified design must meet the performance standard of the ordinance, and the last standard is met because the plan satisfies state and federal regulations.

Chair O'Meara re-opened the Public Hearing at 7:18 pm.

Mr. Peterson displayed an aerial photograph to show small changes made in the plan. He indicated the wetland areas. He stated that this is a 126-unit senior living facility with two (2) access points at the front corner. He said that he has added a sidewalk from the employee parking lot to the building, with no change in the design of the building. He said that a cooling tower, two generator/transformer pads, and a condenser pad have been added to the design. At the dining hall area, the door has been pushed back one foot to be out of the drive aisle. At the request of the Police Department, they will have a "Turn Left for Route 3" sign. There are some minor changes regarding grading and drainage. They have one tree inside a filter box filled with mulch, and they have added a second one, as DES sees these as treatment facilities. The plan had a groundwater recharge area which the Wetlands Bureau asked them to take out of the 50-foot buffer. It is a closed-drain system. The 50-year elevation of the wetland pond is 298.94 feet. The berm at the top is 300 feet. The original plan called for a plastic pipe, but the Wetlands Bureau said the critters prefer the grooves on the reinforced concrete piping (RCP), so that is what they will use. The off-property flow has been reduced substantially. Regarding erosion control, the Alteration of Terrain (AOT) review asked us to add phasing, with construction of the ponds first and then construction of everything else once the ponds are stabilized. He said that the engineer asked for a double line of silk fence around the wetland.

Mr. Peterson continued. Under the Utility Plan, the grease trap was moved to be near the kitchen. When initially designed, he said, he didn't know where the kitchen would be. ASC was concerned about the flatness of the system in that area and recommended a grinder at the site. Returning to the Site Plan, he said that Note #21 states the applicant is responsible for the construction, maintenance and ownership of all storm water systems on the site. He said he has also provided a specific site architectural plan, addressing height, design and other elements specific to this facility. The Landscaping Plan, he said has three minor changes. Three trees were shifted to make room for the condensers. They still have a substantial buffer along the abutting property because they want to be good neighbors. There is no change in the lighting plan, he said, and no increased wetlands impact. For traffic, Mr. Peterson said they first used ITE trip generation information. There were only five (5) cases available for the study, and these were mostly much larger facilities. A graph was used, but Hoyle/Tanner asked that a calculus formula be used. Mr. Monahan supplied data showing 1,000 trips per day on Chester Turnpike, with 148 trips per day for the morning commute and 148 trips for the evening commute related to this facility. What we learned is that the peak for senior living facilities is from 11:00 am until 1:00 pm, so the facility adds only 24 actual morning and evening trips for this facility. Mr. Boysen had suggested a method using what he calls a clone site, using data from a similar Optimus facility, placing tubes to obtain actual trip data. Mr. Peterson said they were also asked about line of sight and are confident that they have no concerns with that issue, given that they exit onto a straight, flat road.

Looking at the three CUP's, he said the Town's engineer was looking for one foot of separation from the seasonal high-water mark. The water height is at about 298; the highest is 304. The building is at 306.25 feet and they have to tie back into Chester Turnpike at a set elevation at two places, so it can't realistically be raised any higher. The applicant's justification for 26% impervious area, versus the recommended 20%, is that they have a lot of open space, have added other wetlands, and have improved the buffer. Regarding the third CUP, he indicated the 'created buffer', which will be disturbed and the valuable wetland buffer to which there is no impact. He said they have to obtain an AOT permit and a wetland permit.

Ms. McKenney asked where they laid the pipe for the 2017 traffic study.

Mr. Peterson said that was one of their facilities in Connecticut.

Mr. Monahan said the study in Allenstown was in 2019 and the tube was placed somewhere north of Granite Street. He said he doesn't know exactly where they put it. He said these Planning Commission Traffic Counts are on our website.

Ms. McKenney said a lot of people use Chester Turnpike to get to Bear View Crossing.

Mr. Peterson said that makes sense.

Mr. Monahan said that roads are ranked from A to D, with A being the best and D the worst. Factors such as width, traffic counts, wait times, and road conditions are considered. He noted that the ITE guide's case study was of only five facilities, a very small sample, as compared with those done for gas stations, which may include 2,000 cases. He noted that this facility is much different than a gas station, and the right turn only signage for will mitigate traffic concerns.

Ms. McKenney agreed that traffic is not a problem.

Chair O'Meara said the incremental traffic is inconsequential in the total scheme.

Mr. Frascinella said that Granite State Shuttle generates lots more additional traffic.

Mr. Peterson said that if you ask yourself where these people will be going, it is typically an early lunch.

Mr. Pelissier said his only concern is truck traffic from the quarry and businesses on the street. He said the Select Board could consider allowing no thru truck traffic.

Mr. Clement said he has a few concerns. The new rip-rap and the pipe across the turnpike are draining into the Optimus property. He said they seem to have dug into cat o' nine tails and wetlands and dumped it there. The water didn't get to flow down to Routes 3 and 28. He said he is not sure what the purpose was for going across the turnpike. They put in the storage facility and it got filled in four feet. Water was forced uphill to Granite Street and Chester Turnpike. He asked for confirmation that the Optimus development would put no additional water to his yard.

Mr. Peterson said there would be no additional water flowing to his yard. Hoyle/Tanner and DES have reviewed and approved the plan. Documents have been filed with the State and Allenstown. The Wetlands Bureau has received your letter as well, he said.

Mr. Clement said that Optimus is doing its best. He said it is not fair to Optimus what other property owners did.

Mr. Goodine said that water from the storage units doesn't go into Granite Street because there is no culvert in the driveway. All water is stored underground in 'junction boxes' and is slowly released. They have a bio garden out front on Chester Turnpike. He said he doesn't know about the culvert at 3 Chester Turnpike.

Mr. Pelissier said that is part of the MS-4 system and has been there for a long time.

Chair O'Meara stated that Optimus is capturing water and reducing the potential flow to abutting properties.

Chair O'Meara closed the Public Hearing at 7:58 pm.

#### Approval of Application

Chair O'Meara stated that the Board will next consider approval of the application.

Mr. Frascinella said this is the most extensive site plan he has seen.

Ms. Adinolfo said the facility is a nice improvement for the area.

Chair O'Meara read the Conditions of Approval:

1. The applicant shall comply with suggested revisions made by the Town's Engineer.
2. Final plans should show fire access in accordance with the Fire Department's requirements. Also, a plan note should specify other fire protection elements will be required by the Fire Department.
3. Traffic directional signage to instruct right turns only on Route 28; no left turns.
4. The Operations and Maintenance Plan as specified on sheet 1 of 18 shall be maintained by the property owner in perpetuity in accordance with the requirements of the Allenstown Permanent Post-Construction Ordinance and the New Hampshire Department of Environmental Services Alternation of Terrain Permit.
5. Administrative Conditions of Approval as listed on the CNHRPC Optimus Senior Living SECOND REVIEW memo, dated August 18, 2020.

Chair O'Meara read the Conditional Use Permit requests:

1. To allow the applicant to construct the infiltration system within one foot of seasonal highwater mark, where four feet is required. This is to meet the requirement of groundwater recharge, and based on the following two reasons, KNA believes the current design is in line with the Town of Allenstown regulations. First, this infiltration area is only infiltrating non-contaminated soils, the area being directed to infiltrate is the

remaining undeveloped area on site; and second, due to the highwater table or removal of soils on this parcel, KNA is unable to meet the four-foot requirement. At the highest point on site the applicant is only six feet above the existing wetlands, which makes it almost impossible, if not completely impossible, to obtain four feet of separation once stormwater facilities are designed.

2. To allow a total impervious area of 26% where 20% is allowed. KNA believes the proposed layout protects the most viable wetland complex while developing the parcel with sound engineering practices.
3. To allow encroachments into the 50-foot wetland buffer. KNA has impacted about 90% of what we believe have been manmade wetlands; however, we have left 100% of the 50-foot buffer around the most critical wetland complex on site.

Ms. McKenney made a motion to approve the application as presented and discussed, including the Conditions of Approval and the three Conditional Use Permits. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call voice vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the Site Plan application was approved.

Chair O'Meara congratulated the applicant and welcomed Optimus to Allentown.

Mr. Boysen and Mr. Peterson thanked everyone for their help and assistance.

## **NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS**

### **▪ CJL Lot Line Adjustment**

Mr. Monahan stated that the applicant, CJL, LLC, submitted an application for Map 109 Lots 29 and 29-1, totaling 5.86 +/- acres on land owned by the same for the purpose of adjusting the lot line between the two sites resulting in 0.36 acres being conveyed from Lot 29-1 to Lot 29. The site is located at 3 Chester Turnpike, within the Business Zone. The current uses on the sites are a document storage site and a daycare; they are not proposed to change. Nearby or abutting uses to the site include commercial, retail and restaurant uses.

Mr. Monahan said the only major issue is a revised drainage, water, and sewer easement, which was included in the submittal. This should be reviewed by the Town's attorney, and if necessary, signed by the Town prior to recording. He said this is really an agreement between parties. He said Attorney Somers will find out if the Town needs to sign the revised easement. The impervious area will be less than 70% for each parcel.

Mr. Mitchell said that 15,000 square feet will be moved from 29-1 to Lot 29. The daycare will buy the parcel and add 15,000 square feet to it. Pavement in the corner will be cut out, and at that point the impervious surface will be less than 70%. There is one change in the easement; three properties now share the cost for the maintenance of the driveway. Now, only the owner of Lot 29-1 will pay those maintenance costs. Each will have its own utilities and the lot for the daycare will be larger.

Ms. McKenney asked about the location of the barrels recently under discussion.

Mr. Goodine indicated the area where the impervious pavement is to be removed.

#### Regional Impact

Ms. McKenney made a motion stating that this is not a development of regional impact. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call voice vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the application was deemed not to be a Development of Regional Impact.

#### Completeness

Ms. Adinolfo made a motion stating that the application is complete. Mr. Frascinella seconded the motion.

Chair O'Meara called for a roll call voice vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the application was considered complete.

Chair O'Meara stated that there are no waiver requests.

#### Public Hearing

Chair O'Meara opened the Public Hearing on this lot line adjustment at 8:22 pm.

Mr. Arsenault said he has concerns about the removal of the impervious materials.

Chair O'Meara said they would make it a condition of approval.

Chair O'Meara closed the Public Hearing at 8:24 pm.

#### Approval of Application

Ms. McKenney made a motion to approve this lot line adjustment application. Ms. Adinolfo seconded the motion.

Chair O'Meara read the following Conditions of Approval:

1. Revised water & sewer easements
2. Easement review by the Town Attorney
3. Professional stamps and signatures
4. Conditions on final plan
5. Final plans in digital format
6. Confirm removal of impervious materials

Chair O'Meara called for a roll call voice vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the lot line adjustment was approved.

▪ **Other New Business as necessary**

Ms. McKenney stated that Matt L'Heureux is a good addition to both the ZBA and the Planning Board.

**UNAPPROVED MINUTES**

Ms. McKenney made a motion to approve the minutes of the August 5, 2020 meeting as written. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the minutes for August 5, 2020 were approved as written.

**CORRESPONDENCE & OTHER BUSINESS**

Chair O'Meara shared a notice from Hooksett about a Wireless Communication facility proposed for 180 Londonderry Turnpike, Map 43, Lot 4. The Hooksett ZBA will hold a hearing on September 8, 2020 at 6:30 pm in the Town Building at 35 Main Street in Hooksett.

**SCHEDULING OF NEXT MEETING**

Chair O'Meara reminded Board members of the Special Meeting tentatively scheduled for August 26<sup>th</sup> at 6:30 pm.

**ADJOURNMENT**

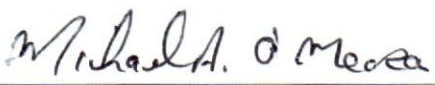
Ms. Adinolfo made a motion to adjourn at 8:32 pm. Ms. McKenney seconded the motion.

Chair O'Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye,  
AND Michael O'Meara – Aye.

The motion carried unanimously, and the meeting was adjourned.

**SIGNATURE PAGE**  
**Planning Board**  
**August 19, 2020**

<b>Approval:</b>	
	26-AUGUST-2020
MICHAEL O'MEARA, Chair	DATE
Yes, as corrected – Via Remote Roll Call Voice Vote	26-August- 2020
CHAD PELISSIER, Vice Chair	DATE
Yes, as corrected – Via Remote Roll Call Voice Vote	26-August- 2020
DIANE ADINOLFO, Member	DATE
Yes, as corrected – Via Remote Roll Call Voice Vote	26-August- 2020
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
MATTHEW L'HEUREUX, Alternate Member	DATE
Yes, as corrected – Via Remote Roll Call Voice Vote	26-August- 2020
SANDRA MCKENNEY, Ex-Officio	DATE

**SIGNATURE PAGE**  
**Planning Board**  
**August 19, 2020**

<b>Amendment Approvals:</b>		
<b>Amendment Description:</b>	<b>Approval:</b>	<b>Date:</b>
	MICHAEL O'MEARA, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	DIANE ADINOLFO, Member	DATE
	MICHAEL FRASCINELLA, Member	DATE
	MATTHEW L'HEUREUX, Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE