

TOWN OF ALLENSTOWN  
Planning Board  
16 School Street  
Allenstown, New Hampshire 03275  
July 10, 2019

**Call to Order.**

The Allenstown Planning Board Meeting of July 10, 2019 was called to order by Chairman Mike O'Meara at 6:30 p.m. Chair O'Meara called for the Pledge of Allegiance.

**Roll Call.**

Present on the Board: Diane Adinolfo, Sandra McKenney, and Mike O'Meara. The Chair later noted that Mike Frascinella arrived after the start of the meeting.

Chair O'Meara declared a quorum of three members and thus a legal meeting.

Ex-Officio: Sandra McKenney

Residents of Allenstown: None – See below:

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Allenstown, New Hampshire 03275

Meeting Date: 07/10/2019

Sign-In Record

Print Name	Signature	Indicate applicable status	
		Allenstown Resident	If no, state Organization represented
John Bisson	<i>[Signature]</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Brady Sullivan Properties
Derek Goodire	<i>[Signature]</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Others Present: Sharon Somers, Town Attorney;  
John Bisson of Cronin, Bisson & Zalinsky in Manchester, Attorney for Brady Sullivan developers;  
Matt Monahan, Central NH Regional Planning Commission.

Excused: N/A

Other Public Officials: None

Allenstown staff: Derik Goodine, Town Administrator

## **OLD BUSINESS**

- **Proposed revisions to the Allenstown Zoning Ordinance, Article XXIII**
- **Suncook Village Infill Development District, Revisions to the Official Zoning Map to expand the Suncook Village**
- **Infill Development District; and an expansion of the RSA: 79-E Tax Incentive Zone boundaries**

Ms. Somers stated that she and Matt Monahan have prepared a revised version of the ordinance. She said that what they would be working on tonight is how to give direction to applicants, abutters and the Planning Board, which will play a significant role in the administration of the ordinance. It is still very much a work in progress, she added. The Planning Board's statutory authority to be able to do this is the Innovative Land Use Control statute, which specifically allows authority for zoning ordinances to be administered by the Planning Board and to set up standards by which to do that. Regarding the development standards, some are traditional. Matt Monahan tells me that allowable lots are smaller for density in the overlay district. Setbacks, density, parking, signage, and ADU's are included in the zoning ordinance now. Items more typically in the site review domain are bulk and scale, building orientation, privacy, pedestrian access, lighting, landscaping and architecture. These are softer – more subjective. Specific to mill redevelopment proposals are these two categories: First, residential units have to have common area, though what that would consist of is not specific. Then, when there is a mix of residential and non-residential, the non-residential must be on the first floor and residential on the second and higher levels. What you may want to do, she said, is to try to identify the items which have to be met unconditionally – black and white issues. Conditional use permits may need a variance or special exception first from the ZBA. The same applies to density issues. A lot of this is organizational.

Mr. Monahan said that, when looking at lot size, they must look at the whole district, not just the mill. The underlying zone is R1, requiring 10,000 square feet.

Chair O'Meara asked about the mechanism for appeal if this is not met. He asked if it would be the ZBA.

Ms. McKenney said it should be the Planning Board because we will be on top of it.

Ms. Somers: If the lot size is not met, the options are a variance, a waiver or a black and white denial. She said a variance is best in terms of potential fallout such as court action. A waiver is mushier.

Mr. Frascinella asked why the lot size for commercial and residential is so small.



Mr. Monahan explained that in a mixed-use area, greater density is the goal. Where they have town sewer and water, this is easier. When a septic and well are needed, one-half acre is the minimum. From an economic development standpoint, a lot of non-residential uses is desirable. That is what the infill district is about.

Chair O'Meara said they should keep in mind that they are only considering the Allenstown side of the river. Legally, he said, one of the best ways to go is a variance because it is the most legally defensible. So, applicants would go before the ZBA for a lot-size variance.

Mr. Monahan said that lot size, setbacks and density (Section 2306 A, B, & C) go hand-in-hand and are best handled with a ZBA variance.

Mr. Frascinella asked how tall the mill is.

Ms. Somers said it is 65 feet tall.

Mr. Monahan suggested keeping in mind that this is for redevelopment only; not for a new mill. He continued, saying that items related to being consistent with the neighborhood in architectural design, size and scale are subjective. Items under the CUP, as part of the site plan, would be waivable by the Planning Board.

Ms. Somers said that these would be waivable if the project is small and does not require a site plan review.

Chair O'Meara said that this makes sense. He also said that Section 2306 (F) regarding ADU's speaks for itself. It has its own section.

Mr. Monahan said they could cut this out from this article entirely because it is addressed separately.

Ms. Somers said she agreed.

Mr. Monahan said that privacy requirement of Section 2306 (G) could be treated like D and E of the same section. Privacy would be optimized, and infringement minimized. The language 'create opportunities' is subjective.

Ms. Somers asked if there was language in the site regs addressing this.

Mr. Monahan said there is not; he said they could amend the site regs. He continued, addressing Section 2306 (H) on parking. He said that enough parking in the mill area and in the rest of the district means not on the street. For a small development, parking on the street might be acceptable.

Mr. Frascinella said it could say 'the side with the largest area square footage.'

Mr. Bisson said there is never enough parking. He is concerned with all of the orientation language. They have to balance the number of units with the amount of parking. As a minimum, they want one spot per unit on site.

Ms. Somers said that 1112 addresses this.

Mr. Bisson said, regarding orientation, why does it matter?

Mr. Monahan said that the intent is to hide the parking. That doesn't work for the mill. When you are dealing with an existing property versus a new one, you have to do your best. The overlay district aims to be pedestrian friendly. The mill is different, but pavement has to be broken up for drainage and heat glare. In the background is the MS4 which requires tracking of impervious surface. The goal is to find the best way to get enough parking and minimize impervious coverage. Landscaping, he said, is in the site plan regs.

Ms. Somers said that Section 1112 simply doesn't apply to the CUP application. Number 8 addressed the number of parking spaces and, to assist the Planning Board, they may need a parking study to determine the number of required spaces. The CUP waiver may still be needed as a relief valve. The issue regarding the back of the building also may need a CUP waiver. The question is whether or not there is a hardship.

Mr. Monahan said the challenge is how to balance everything. He asked if the developer was looking for one parking space per unit or per bedroom.

Mr. Bisson said they would sacrifice two-bedroom units if there is not enough parking.

Mr. Monahan asked about using an abutting lot down the road for off-site visitor parking.

Mr. Bisson said it would depend upon how far away it would be.

Mr. Frascinella asked if shrubbery and landscaping could be used to mitigate parking in the front.

Mr. Monahan said they need to balance the number of parking spaces with the green space. He said that depressed islands of vegetation are sometimes used to manage stormwater. It all has to be triangulated. The question is how to summarize Section 2306 (H).

Ms. Somers said that the parking ordinance is not applicable to the CUPs. They would have to be treated as separate items under the CUP process.

M. Monahan said that architecture, facades, and the rooflines should blend. This is subjective and could be part of the CUP process, waivable by the Planning Board.

Chair O'Meara said he agreed.

Mr. Monahan said the town created a new signage ordinance only three years ago. He said this could be struck entirely, like the ADU section.

Chair O'Meara said they would delete Section 2306 (K).



Mr. Monahan said that Section 2306 (L) regarding lighting is in the site plan regs. This could be treated the same as architectural design. He suggested deleting the last sentence.

Mr. Frascinella asked if they would require full cut-off lighting, as in malls and parking lots.

Mr. Monahan said there are four requirements: Outdoor lighting does not glare on abutters or streets. Indirect lighting is to be used on signs advertising goods/services. Moving, fluttering, blinking or flashing lights are not allowed. Lighting necessary for advertising, safety and security are the only uses allowed. He said they could use the full cut-off lighting terminology in the site plan regs, and he said he also likes the term 'downcast' lighting.

Ms. Somers said that for small applications not requiring a site plan, items could be waivable under the CUP process.

Mr. Monahan said there is a decent number of landscape regulations sprinkled throughout the site plan regs. He said this could be treated like lighting. Landscaping should be street-side oriented or along lot lines adjacent to the street. It should be used to break up impervious parking areas, and rooftop gardens and landscaping are encouraged where practical. For small projects, a CUP waiver would be available.

Chair O'Meara said it made sense.

Mr. Monahan next suggested looking at the Mill Redevelopment Standards. These relate to multi-family residential and other non-residential uses, and are in addition to the general development standards outlined in Section 2306. Relief from Section 2306 (C) addressing density, Section 2304 about Permitted Uses, and Section 2306 (K) regarding signage would be via a ZBA variance. Relief from all other standards would be through the CUP waiver process.

Ms. Somers said she will clarify the wording and make this readable.

Ms. Somers said this should be removed and replaced. She suggested removing the section about adequate parking. Then she addressed the common areas requirement which says that common areas shall be provided for gathering and could include but are not limited to gardens, parks, game rooms, pools, community rooms, cafes and gyms. She said that the term 'common areas' is vague and asked the Board how they want to think of this.

Mr. Bisson said there is a distinction between common areas, usually hallways and stairways, and amenities. He said that the word 'shall' is bothersome.

Ms. Somers suggested the term 'common space to gather,' which could be negotiated between the Planning Board and the developer.

Chair O'Meara said they do not want it to be just a stark building with no place to gather.

Mr. Monahan suggested this could be benches.

Mr. Bisson said that common areas is a legal term and traditionally means a club house, to which this property does not lend itself.

Mr. Frascinella suggested the use of the singular 'common area.'



Mr. Monahan said they could delete (C) of Section 2307 and the last sentence of (D).

Chair O'Meara agreed that the issue was dealt with elsewhere.

Mr. Bisson asked about paid laundry services provided for the residents which are not on the first floor.

Mr. Monahan said it would be okay, that this is not the same as renting space for a commercial enterprise. He then said that the last topic to go over would be the CUP and site plan processes. He first noted that these may be undertaken concurrently or sequentially. The Planning Board would provide the application forms, either for the CUP process only or for both the CUP and the site plan. The Planning Board would have the authority to request studies. Finally, a narrative would be required. He said the Standards of Review would work as well for a small dentist office as for a mill. First, the use is permitted or is authorized by a ZBA variance or a special exception. Second, density would either meet the standard or be allowed via variance or special exception. Third, items B through M in Section 2306 need to be edited. Mr. Monahan said he and Ms. Somers will work on this. Next would be compliance with 2307 regarding mill redevelopment only. The rest, he said are standard. They include not materially endangering public health or safety; compatibility with the neighborhood and adjoining or abutting uses; no substantial adverse impact on highway or pedestrian safety; no substantial adverse impact on resources, including the natural resources of Allentown.

Ms. Somers said that 'resources' should be more specific, perhaps 'public facilities,' referring to sewer, schools, fire and police.

Mr. Monahan said that natural resources would be groundwater, wetlands and surface water.

Ms. Adinolfo said that the technical review covers these items.

Mr. Monahan suggested moving the mill redevelopment standards after H.

Chair O'Meara said that regional impact is already covered.

Mr. Monahan said that waivers from the provisions of the ordinance would have to meet these criteria: The project would meet all requirements except for the one for which a waiver is sought. Relief would be consistent with the provisions of this article. The relief would result in a better design, or there is a non-financial hardship rendering it impossible to comply. Finally, he said, is the appeal procedure.

Ms. Somers said that '...a better design' is subjective, and she suggested '...will bring the project more into compliance with the standards.'

Chair O'Meara said there is more work to be done.

Mr. Bisson said his clients will regret that there is only one mill in Allentown!

## **OLD BUSINESS**

- None

## **UNAPPROVED MINUTES**

The Chair requested a motion to approve the minutes of the June 19, 2019 meeting as written. Motion to approve made by Diane Adinolfo. Motion seconded by Sandy McKenney.

Vote: Sandy McKenney–Yes, Mike Frascinella–Yes, Mike O’Meara–Yes, and Diane Adinolfo–Yes.

Motion passed, and the minutes for June 26, 2019 were approved as written.

## **SCHEDULING OF NEXT MEETING**

Chair O’Meara set July 31, 2019 at 6:30 as the date and time for the next Planning Board meeting.

## **ADJOURNMENT**

There being no further business before the board, the Chair requested a motion to adjourn. Motion to adjourn made by Diane Adinolfo. Motion seconded by Sandy McKenney.

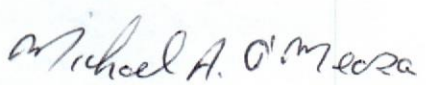

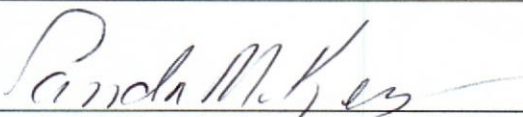
Vote: Sandy McKenney–Yes, Mike Frascinella–Yes, Mike O’Meara–Yes, and Diane Adinolfo–Yes.

Motion passed, and the meeting was adjourned at 8:03 p.m.

**SIGNATURE PAGE**

**Planning Board**

**July 10, 2019**

Approval:	
	7/31/2019
MICHAEL O'MEARA, Chair	DATE
Excused	
CHAD PELISSIER, Vice Chair	DATE
Excused	
DIANE ADINOLFO, Member	DATE
	7/31/19
MICHAEL FRASCINELLA, Member	DATE
Excused	
ROBERT LEE, Alternate Member	DATE
	07-31-19
SANDRA MCKENNEY, Ex-Officio	DATE



<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
	ROBERT LEE, Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE

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Meeting Date: 07/10/2019

## Sign-In Record

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