

TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275
October 07, 2020

CALL TO ORDER

The Allenstown Planning Board Meeting of October 07, 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 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 being the conference telephone line.

ROLL CALL

Present on the Board: Mike Frascinella, Sandy McKenney, Diane Adinolfo, Mike O'Meara

Chad Pelissier joined the meeting at 7:34 pm

Ex-Officio: Sandra McKenney

Residents of Allenstown: None

Others present: Sharon Somers, Town Attorney
Matt Monahan, CNHRPC
Brian Arsenault, Code Enforcement Officer and Deputy Health Officer

Allenstown Staff: Derik Goodine, Town Administrator

Other Public Officials: None

Chair O'Meara stated that they would start with New Business, followed by Old Business.

NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Planning Board review and recommendation to the Select Board for the purchase of land located at Map 113, Lot 42 for potential Rail Trail development, in accordance with NH 41:14-a**

Chair O'Meara stated that the Select Board has asked the Planning Board to review and make a recommendation regarding the purchase of land - Map 113, Lot 042. This would be for potential Rail Trail development, in accordance with NH 41:14-a.

Ms. McKenney stated that the Select Board has been negotiating for the purchase of two parcels of land in order to continue the Rail Trail to Hooksett and Pembroke. The owner has added a third parcel for sale and is making this a package deal. It is a small, narrow lot for which the town currently has no use, but it must be purchased in order to get the other two lots.

Mr. Goodine reported that the third parcel is priced at \$3,900.00 and might be used as a parking lot.

Mr. Frascinella said that this is an 'all or none' proposition.

Chair O'Meara stated that the Select Board will be making the final decision on this and is looking for a recommendation from the Planning Board. By voice vote, he obtained the unanimous recommendation of the Planning Board members to proceed with the purchase.

Ms. Somers left the meeting, saying that she is looking forward to reviewing the proposed Zoning Ordinance changes.

- **Review of Preliminary 2021 Planning Board Budget**

Chair O'Meara presented the Planning Board's proposed budget for 2021, along with actual expenses for 2020. He said there are not a lot of changes. The proposed budget is up \$440.00 from the current year, which is a 3.1% increase.

Ms. McKenney made a motion to approve the proposed budget increase of \$440.00 (+3.1%) for 2021. 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, Michael O'Meara – Aye.

The motion carried unanimously.

OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Continuation of the review/consideration of potential changes to the Zoning Ordinance and/or Site Regulations**

Chair O'Meara reported that the Town Attorney has reviewed the proposed dumpster ordinance that was discussed at the Board's last meeting. The language was revised to establish two categories of dumpsters: permanent and temporary.

Mr. Goodine said that the permanent ones are the commercially designed, large containers with closable lids and sliding doors, which are permanently placed at a business location. The second category is the temporary roll-off dumpsters, which are usually 'open at the top and characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The container is designed to be transported by special roll-off trucks. Roll-offs are commonly used to contain loads of construction and demolition waste or other waste types.'

Chair O'Meara stated that, per the proposal, screening would be required for permanent dumpsters, and businesses would have six (6) months from the date of adoption to comply.

Mr. Arsenault stated that there is another category of dumpster-type containers to consider, the Sealand containers/iPods. For these, there is no ordinance and no limitation. It is a problem in many communities.

Mr. Monahan said it would be a good idea to add these to the ordinance.

Chair O'Meara asked Mr. Arsenault to add his suggested revisions to the draft.

Ms. McKenney asked about fines.

Mr. Goodine said that is another section of the ordinance.

Chair O'Meara stated that the Planning Board cannot set fines; that is up to the Select Board.

Mr. Monahan asked if Ms. Somers wants this to be a land use ordinance or a police powers ordinance.

Chair O'Meara responded that it is to be a land use ordinance, part of the Zoning Ordinance.

Mr. Arsenault said that the noise ordinance comes into play, with the emptying of dumpsters in the early morning hours.

Mr. Monahan said that this is a good point.

Mr. Arsenault agreed to add that to his suggested revisions.

Mr. Monahan stated that they should have two (2) public hearings, after which the proposed ordinance would be placed on the ballot as a warrant article. If the first public hearing results in no changes to the proposed ordinance, a second public hearing is not required.

Chair O'Meara stated that the first public hearing would be held on December 16, 2020, with a notice published 12 days prior.

Ms. McKenney raised the concern of messy front yards and suggested looking at Raymond's ordinance on this.

Chair O'Meara said that this would be a separate potential ordinance.

Ms. McKenney asked about the regulations for the Open Space and Farming zone, as far as what is allowed.

Mr. Monahan said he would have to do some research because of its subjective nature. What would be the intent? How would it be enforced?

Ms. Adinolfo asked about old vehicles creating a junk yard. She asked Mr. Arsenault to suggest some towns which have dealt with this.

Mr. Arsenault said he didn't have any suggestions. He stated that he participated in an NHMA webinar about the distinction between a junk yard and a 'junky' yard. He agreed that hoarding is an issue, but he said that Police Chief Stark has found that property rights seem to win out in court.

Mr. Monahan said that is a slippery slope because of property rights. He recalled another Planning Board discussion about registered versus unregistered vehicles and inspected versus uninspected vehicles.

Ms. Adinolfo asked about industrial equipment and other items being kept in yards.

Chair O'Meara said that is a separate ordinance, different from the one for dumpsters. He asked if vehicles could be registered but not inspected in New Hampshire.

Mr. Monahan said that they could be. The State doesn't limit the number of uninspected vehicles which can be kept on a property.

Mr. Monahan stated that the household waste issue goes back to land use versus police powers ordinances. The Public Health angle is the better way to go, he said, but more research is needed.

Mr. Arsenault said that Raymond's dumpster ordinance requires that trash be collected and removed weekly, which indirectly forbids the accumulation of household waste in front yards.

Mr. Arsenault asked if Mr. Monahan could elaborate about the MS-4 and the post construction ordinance.

Mr. Monahan said that all that is needed is to schedule a public hearing, which could be done on December 16th, along with the proposed dumpster ordinance public hearing.

Mr. Frascinella said that (c) under Item 6, Prohibited Uses, is not a prohibited use and should be moved.

Chair O'Meara said that would be corrected. He then asked for advice about researching junk versus junky yards.

Mr. Monahan said that checking with the NHMA is the best way to go.

Chair O'Meara said that he and Ms. Adinolfo would work on this.

Chair O'Meara referred to a June 29th email from Mr. Frascinella regarding restructuring Article 11 to make it more user friendly and better organized.

Mr. Frascinella said that he was checking on references to casual, home-type sales or non-commercial sales and saw that this section of the ordinance is a hodgepodge of items. He said he is not advocating any changes to the substance, just a regrouping of the information. He said there should be a separate chapter for Signs, which is eight pages long. There could be another one for Building & Land Use Regulations.

Chair O'Meara said this is a great idea and would require some work. It would be a restructuring, not a change of content.

Mr. Pelissier joined the meeting at 7:40 pm.

Mr. Monahan said it would be important to make sure the internal references are correct. A public hearing would be held, and the information in the email from Mr. Frascinella could be used in the public hearing document.

Chair O'Meara said he would check with legal regarding the correct way to seek approval of this reorganization. It could be addressed at the Town Meeting in March, and the actual work on this could begin. He added that it would be a lot of work.

Mr. Arsenault suggesting replacing the word 'building' with 'structure' or 'dwelling' because 'building' tends to refer to its use as a verb, even though all three words can be nouns or verbs.

Chair O'Meara said he would check with legal about their previous work on the casual sales section of the ordinance.

UNAPPROVED MINUTES

▪ September 16, 2020

Ms. Adinolfo made a motion to approve the minutes of the September 16, 2020 meeting as written. 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.

CORRESPONDENCE & OTHER BUSINESS

Chair O'Meara announced that the NHMA will be holding a virtual Land Use Law Conference on October 31, 2020 from 9:00 to 3:00 pm. The cost is \$70.00. He asked members to let him know if they would like to attend.

Mr. Arsenault said that he has information about conference which he will send to the Planning Board members.

SCHEDULING OF NEXT MEETING

Chair O'Meara announced October 21, 2020 as the date of the next meeting.

ADJOURNMENT

Ms. Adinolfo made a motion to adjourn at 7:49 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
Allenstown Planning Board
October 07, 2020

Approval:	
<i>Michael A. O'Meara</i>	<i>28-OCT-2020</i>
MICHAEL O'MEARA, Chair	DATE
Yes – Via Roll Call Voice Vote	28-Oct-2020
CHAD PELISSIER, Vice Chair	DATE
Yes – Via Roll Call Voice Vote	28-Oct-2020
DIANE ADINOLFO, Member	DATE
Yes – Via Roll Call Voice Vote	28-Oct-2020
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
MATTHEW L'HEUREUX, Alternate Member	DATE
Yes – Via Roll Call Voice Vote	28-Oct-2020
SANDRA MCKENNEY, Ex-Officio	DATE

SIGNATURE PAGE
Planning Board
October 07, 2020

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	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