

TOWN OF ALLENSTOWN
Planning Board
Allenstown Town Hall –16 School Street
Allenstown, New Hampshire 03275
Meeting Minutes
May 19, 2021

Call to Order

The hybrid (in-person and virtual) Allenstown Planning Board Meeting of May 19, 2021, was called to order at 6:30 PM by Chair Mike O'Meara. Chair O'Meara called for the Pledge of Allegiance.

Roll Call

Present on the Board: Sandy McKenney, Diane Adinolfo, Mike Frascinella, Michael O'Meara (all in-person), Chad Pelissier, Matt L'Heureux, Alternate (remote and alone).

Ex-Officio: Sandy McKenney

Residents of Allenstown: None

Others present: Brian Arsenault, Code Enforcement Officer (remote and alone)
Matt Monahan, CNHRPC (remote and alone)

Allenstown Staff: Derik Goodine, Town Administrator (in-person)

Public Officials: None

The following statement authorizing the Planning Board to hold a virtual meeting and providing the guidelines for participation, was read for the record.

As Chair of the 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 only limited space at the physical location to observe the meeting, thus we are broadcasting it virtually which is authorized pursuant to the Governor's emergency order. However, in accordance with the order, I am confirming that we are:

a) Providing access to the meeting via telephone and with additional possible access by video or other electronic means.

We will be utilizing a conference call and Zoom conferencing, and we will also be attempting to use Facebook Live as long as band width allows as an alternate video source for this electronic meeting. Facebook is not the official source for the meeting. All members of the Planning Board have the ability to communicate during this meeting through one of these platforms and the public has access to listen and if necessary, participate in the meeting by dialing (603) 485-7321, passcode 1234 or by clicking on the website at the address link provided in the meeting materials.

b) Providing public notice of the necessary information for accessing the meeting.

We previously gave the public notice 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 on the Town of Allenstown Planning Board page attached to the agenda.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.

We provided a mechanism to alert the public body during the meeting if there are problems with access. If anybody has a problem, please call (207) 595-0310 or email at ta@allenstownnh.gov. If there are audio problems or video problems, call the conference line to access the meeting.

d) Adjourning the meeting if the public is unable to access the meeting.

We will adjourn the meeting if the public is unable to access this meeting. In the event that the public is unable to access the meeting, it will be adjourned and rescheduled.

The meeting will only be adjourned if the conference call fails to work. The meeting may be paused if the video links fail, and a quorum of the Planning Board is needed on the conference call.

Please also note that all votes taken during this meeting will be done by roll call voice votes.

OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Chapter-By-Chapter Review of Zoning Ordinance**

Last meeting it was discussed that Chair O'Meara, Mike Frascinella, Brian Arsenault, and Matt Monahan meet separately to discuss the subject of definitions. Chair O'Meara said Mr. Arsenault had provided a discussion document for them to look at. Chair O'Meara said they would just deal with definitions for the evening.

Mr. Arsenault gave the details of the meeting on May 12th regarding definitions. With regard to "Accessory Agricultural Use". Mr. Arsenault is proposing that they call it "Agricultural Use (Accessory Use)." He said there would not be duplication for this definition.

Mr. Arsenault said that Business Use would now be "Business Use- Accounting, Bookkeeping and Administrative Support." He said now instead of two entries under the definition, there would only be one.

Mr. Arsenault said with regard to No. 12, "adult business" is something they have a chapter on, and he would like to place it under definitions, and also where they would now like to call a Glossary. So now it would be noted under a Table of Contents, but it would be also noted in the Glossary. Chair O'Meara said they are trying to put the terms and definitions found in one spot can be also found in the Glossary.

Mr. Arsenault said No. 13 is "adult day care." He said they will call it "day care" and "adults". He would keep the same definition and not duplicate for double entries. He said there is no definition for "child day care" and the Board needs to discuss. Chair O'Meara suggested they continue to move on.

Mr. Arsenault said the next entry is "Agricultural and Farming" which has a double entry under the Glossary. He said they also have the same definition under farming.

He said for #22, he is going to name the "Air Pollution Control App" to correct an acronym "APCA" with no definition. Chair O'Meara said if it is in red, they will redo the definition and combine the words in red so there are not two entries.

Mr. Arsenault said #31, they are going to create a title called "wetlands (buffer)", so they know what a buffer is. He said #36, they will be called it "Solar".

Mr. Arsenault said they decided to rename #41 and move it under "restaurant" portion of the definition, in front of cafe.

Mr. Arsenault said that under #47 for cluster housing is not complete and was fixed. Chair O'Meara said that if they reference the chapter, then they would have to do that in every definition. There was discussion about using all caps, underline, font or bold for the defined terms to stand out in the body of the document and all were in agreement that it should be done. The Board decided that bold italics looked the neatest of all the options.

Mr. Arsenault said #53 for "Commercial Greenhouse" and "Commercial Stable," is separate from residential. There was discussion from the Board about adding "for a fee" or "being boarded". Mr. Arsenault suggested using the term "for commercial purposes."

Mr. Arsenault said #60 for "Continuity of Conversions" was a problem with duplexes in town converting to a condominium and should it change from 3 units to 2 units. The Board agreed to change it to structure with 2 or more living units for the use of individual families including the common ownership of the land.

Chair O'Meara said for #62 they need to change from the "meaning of this Chapter" or the "meaning of this Ordinance."

Mr. Arsenault asked if convenience store should be under the category of retail or rename it retail/convenience store. Chair O'Meara agreed. He said #64 will be added to Manufacturing.

Mr. Arsenault said they are creating a new category called "Storm water." He said there are currently other definitions (erosion, etc.) that will be added to storm water.

Mr. Arsenault said they should have a definition for "Districts and Zones." Mr. Frascinella said they could have districts and add, "see also zones." Chair O'Meara said this would work because they are different, but you can have a district in a zone, and the zone would be the

bottom of the pyramid. Chair O'Meara said in keeping with the zoning map, zone is the governing definition within which they can refer to other entities such as district, overlay district, etc. Chair O'Meara suggested adding "zoning districts" and then within that there is an overlay district. He said most people understand what a zone is, and they could use that phrase "zone" and then "zoning districts" with examples, then "overlay district" with examples but it is located all under "Zone." He said they will put it at the end of the document under "zone."

Mr. Arsenault said Mr. Frascinella is dealing with "effective date."

Chair O'Meara said there was a lot of discussion regarding "Family Child Care Home" and what "no more than 6" means. He said that he is fine with the proposal to rename it to "Child Care Home (Family)" and then take the existing definition and move it under the heading. Chair O'Meara said it did not look like a license is required by the Town but there may be different rules under the State.

Mr. Arsenault said "Agricultural and Farming" will go under farming with other terms.

Chair O'Meara suggested for "fence" they add "artificially constructed barrier of metal, wood, or another artificial material." Ms. Adinolfo said fencing is typically 6 feet. Chair O'Meara said they don't have an ordinance on fencing and wondered if they should write something about the height. The Board agreed to add "up to 6 feet." Mr. Arsenault said he used to give out fence permits and there are grade issues. Mr. Frascinella said in other sections it says no more than 8 feet within a particular zone. Mr. Arsenault will look into this and provide proposed wording for a fence ordinance to the Board.

Mr. Arsenault said "filling station" will go under "gas station" and "vehicle" but keep the same definition.

Mr. Arsenault and the Board discussed indoor vs. outdoor flea market. Mr. Arsenault said there is no definition for yard sale. Mr. O'Meara said both should be under "flea market (indoor)" and "flea market (outdoor)" and would be in favor of dropping the word building in the outdoor definition. Chair O'Meara says it does not make sense that it would not qualify as an outdoor flea market unless there was a building nearby. Mr. Arsenault said commercial property is important to note as you cannot use residential property for a flea market. Mr. Monahan said there should be a differentiation between a yard sale and a flea market. Ms. Adinolfo suggested "A type of bazaar on commercially zoned property where items are sold." Mr. Arsenault said that flea markets can be ongoing. The Board is going to research and revisit this definition at a later date.

Mr. Arsenault said “nursery garden” should be “garden” to eliminate the confusion with nursery. Mr. Arsenault said they could move this under agricultural or farming, but Mr. O’Meara disagreed. The Board agreed to leaving it “nursery garden.”

Chair O’Meara said all references to burial grounds or graveyards should be “cemetery.”

Mr. O’Meara said that Mr. Frascinella and Mr. Arsenault will meet again to follow-up with the proposed changes discussed.

NEW BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Tiny Homes**

Chair O’Meara said at last meeting, Mr. L’Heureux wanted to discuss housing affordability and current ordinances to include Tiny Housing Ordinances, and Article 601.a and Article 1125.4. Mr. L’Heureux said there is currently not a lot of affordable housing and Tiny Housing Ordinances had come up with the zoning board before. He said they should differentiate between the Tiny House that is not mobile vs. the one that is on wheels such as a mobile home.

Chair O’Meara said this is a relatively new concept and it should be addressed as being allowed or not allowed in town and if it is allowed, then they must follow the existing codes. Mr. Arsenault said if it has wheels, it’s not considered housing. He said the Tiny Homes he has seen are homemade RV’s with a trailer. He said to be housing, you have to have a foundation, water and a two-bedroom septic system. Mr. L’Heureux asked why that needs to be required. Ms. McKenney said you cannot compare Holiday Acres with a Tiny Home.

Chair O’Meara asked if there was a commonly accepted size for a Tiny Home. Mr. Arsenault said one of the communities he had worked with had a 1,000 sq. foot minimum.

Chair O’Meara said a Tiny House is a standalone structure that is either mobile or not and wondered if the State has rules around it. Ms. Adinolfo said this could get complicated. Ms. McKenney said if the home was placed on someone’s property, they could only be there for 21 days. She said if the home was self-contained in someone’s yard it wouldn’t be taxable. Ms. Adinolfo said they should not allow it.

Mr. Arsenault asked if it is one lot for one home or cluster housing. Mr. L’Heureux said they could put them in a cluster housing scenario. Mr. L’Heureux said 5 acres is a lot of land to put a single house on it and the constraints that existed years ago no longer apply.

Chair O'Meara said he didn't feel he knew enough about this to make an informed decision and suggested that they conduct additional research. He did not think a decision should be made at this meeting.

Mr. L'Heureux said demographically, people are having less kids later in life. He said as far as affordable housing is concerned, there is lot size, infrastructure, clustering, and the way the market as it is. He said for the towns that do not have the ability to meet all of the requirements, you could put in a Workforce Housing Ordinance for continued affordability. Mr. L'Heureux said he could discuss the Workforce Housing RSAs for a workshop. He said the trends show the Manchester-Concord area is the fastest growing real estate market in the country, which means influx of people and increase in cost. He said the key is if a community offers a variety of housing types, they will be okay in the long run for complying with the RSAs.

Chair O'Meara suggested doing a one-hour workshop as a part of a Planning Board meeting. Mr. L'Heureux will put together a presentation.

- **Fireworks**

Chair O'Meara said there is currently no ordinance in town that regulates how, when and where people use fireworks.

Ms. McKenney said fireworks do not bother her, but a lot of people complain. Ms. Adinolfo said we need something in place to regulate it.

Mr. Arsenault said he thinks the Fire and Police Chair should give some input. Mr. Frascinella mentioned that dogs get stressed out. Ms. McKenney said last year was particularly bad because of COVID-19 and people being stuck at home.

Chair O'Meara will reach out to the Fire and Police Chair for more input on their thoughts on legality and enforceability.

- **Other**

Ms. Adinolfo wanted to bring up the parking or storing of commercial or personally owned equipment on the side of the street. She said there is one particular street where a trailer is parked for months and months. She said the other issue is people are spending a lot of money on houses and the neighborhood gets defaced.

Mr. Arsenault said this sounds less of zoning but more of a police issue. Ms. Adinolfo said the police are not touching the issue. Mr. Arsenault said he had discussions with Mr. Pelissier, and he thought it was a police and traffic issue. Mr. Pelissier agreed with Ms.

Adinolfo, and the width of this vehicle is just as bad as a dumpster. He said as a possible solution could be to say no parking on one side of the street. Mr. Pelissier said this issue will create an obstruction problem for the emergency vehicles. Ms. Adinolfo said if it is a work issue, that is different and should be addressed in the ordinance.

Mr. Pelissier said he did not know if the Planning Board has the ability to regulate this issue. Mr. Pelissier said the Board of Selectman has control over parking.

Chair O'Meara said Mr. Monahan is going to reach out to NHMA and they will also address it with the police.

Ms. Adinolfo said the in the town Facebook group, there was a person on Doust Road complaining that people are going in the woods and shooting guns at all hours of the night and whether there was an ordinance that addressed this. She asked who would address this issue. Mr. Pelissier said that he believed it was a state law that you cannot hunt in the darkness. Mr. Arsenault said that you have to be a certain distance from residential properties. Mr. Frascinella said the Rod and Gun club is limiting membership which is contributing to the problem and causing people to shoot elsewhere.

UNAPPROVED MINUTES

- **May 5, 2021**

Chair O'Meara said he needed to review two items on the May 5, 2021, minutes regarding who said what. Following review, Ms. McKenney made a motion to approve the minutes with the one correction from Mr. Monahan to Mr. L'Heureux on page 5. The motion was seconded by Mr. Frascinella.

Roll call voice vote was taken: Sandy McKenney- Aye, Diane Adinolfo- Abstain, Michael Frascinella- Aye, Chad Pelissier – Aye, Matt L'Heureux- Aye, and Michael O'Meara- Aye.

The motion passed and the corrected minutes for May 05, 2021, were approved.

CORRESPONDENCE & OTHER BUSINESS

Chair O'Meara said the state issued a driveway permit for 44 School Street and he provided a copy to Mr. Arsenault.

SCHEDULING OF NEXT MEETING

The next meeting is proposed for June 2, 2021, at 6:30 pm.

ADJOURN

Ms. Adinolfo made a motion to adjourn meeting which was seconded by Ms. McKenney at 8:53 pm.

Roll call vote was taken.

Sandy McKenney- Aye, Diane Adinolfo- Aye, Chad Pelissier- Aye, Michael Frascinella- Aye, Matt L'Heureux- Aye, and Michael O'Meara- Aye.

The motion was unanimously approved and the meeting was adjourned.

SIGNATURE PAGE
Allenstown Planning Board
May 19, 2021

| Approval: | |
|---|----------------------------|
| <i>Michael A. O'Meara</i> MICHAEL O'MEARA, Chair | <i>16-JUN-2021</i> DATE |
| Yes – Via Roll-Call Voice Vote CHAD PELISSIER, Vice Chair | 16-Jun-2021 DATE |
| Yes – Via Roll-Call Voice Vote DIANE ADINOLFO, Member | 16-Jun-2021 DATE |
| N/A – Excused MICHAEL FRASCINELLA, Member | N/A DATE |
| Yes – Via Roll-Call Voice Vote MATTHEW L'HEUREUX, Alternate Member | 16-Jun-2021 DATE |
| Yes – Via Roll-Call Voice Vote SANDRA MCKENNEY, Ex-Officio | 16-Jun-2021 DATE |

SIGNATURE PAGE
Planning Board
May 19, 2021

| 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 |