

**TOWN OF ALLENSTOWN**  
**Planning Board**  
**Allenstown Town Hall -16 School Street**  
**Allenstown, New Hampshire 03275**  
**Meeting Minutes**  
**June 16, 2021**

**Call to Order**

The Allenstown Planning Board Meeting of June 16, 2021 was called to order at 6:32 PM by Chair O'Meara. Chair Michael O'Meara called for the Pledge of Allegiance.

**Roll Call**

Present on the Board: Chair Michael O'Meara, Diane Adinolfo, Sandy McKenney, Chad Pelissier, Matt L'Heureux (Alternate)

Excused: Michael Frascinella

Ex-Officio: Sandy McKenney

Residents of Allenstown: None (also see below)

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

Meeting Date: 06 / 16 / 2021

Sign-In Record

		Indicate applicable status	
Print Name	Signature	Allenstown Resident	If no, state Organization represented
Jason Franklin		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	FRANKLIN ASSOCIATES
George (Skip) Kelley		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	MDGF LLC
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Others present: Brian Arsenault, Code Enforcement Officer (remote and alone)  
Matt Monahan, CNHRPC (remote and alone)  
Jason Franklin, Franklin Associates (Agent for Applicant)  
George (Skip) Kelley, MDGF, LLC (Applicant)

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

Public Officials: None

The Chair advised that the Applicant had a right to a hearing before the full Board. Mr. Franklin agreed to continue today although not all the members of the Planning Board were present.

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

- **Fireworks Ordinance**

Chair O'Meara said he and Ms. Adinolfo did some research and found one in Auburn, NH. He drafted a potential fireworks ordinance for Allenstown. He does not think it can be a Planning Board ordinance, but the Selectboard would have to take this up. He said the draft ordinance refers back to NH RSA 160.

Ms. Adinolfo said in a drought it can be a fire danger. She said an ordinance would give people leverage if someone's house was set on fire. Mr. Goodine says it doesn't restrict them from using the fireworks. Ms. Adinolfo said the requirements are reasonable. Chair O'Meara said they could make the draft ordinance stricter by limiting it to weekends or restricting hours.

Chair O'Meara said at the next Board meeting, he would like to do a live review of this and reach a consensus. Mr. Goodine said they want to invite the Chiefs of Police and Fire, as well as the Code Enforcement Officer. Mr. Pelissier thought that issue should be on the ballot for Town vote, and not decided by a Board.

Mr. Goodine said that the Selectboard could decide, or they could push it out to public meeting. Chair O'Meara said he will table this for further discussion once the Board has reviewed the draft.

- **Affordable Housing/Tiny Homes**

Chair O'Meara said that he did come across a proposed New Hampshire Tiny House Bill that has not been approved yet at the State level, NH HB 588 and he also came across an update that was done by the Tiny House Alliance to amend RSA 674:74 definition by inserting after Section 73 the following definition:

*Tiny house means a structure for year-round occupancy.*

*As used in this subdivision, "tiny house" means a structure intended for year-round occupancy that meets the requirements of the state building code, as defined in RSA 155-A, and is of smaller square footage than may be normally permitted by local zoning requirements, and may include single-room structures, and which is built on either a permanent foundation or on a chassis that is suitable for registration for transport on public highways of the state.*

He said that new Section 674:75 under General Requirements:

*Shall contain facilities for eating, sleeping, cooking and sanitation.*

*I. All houses that meet the definition of "tiny house" in RSA 674:74 shall contain facilities for sleeping, eating, cooking, and sanitation.*



*II. All municipal and state building codes for single-family dwelling units shall apply to tiny houses including, but not limited to, zoning, fire, safety, emergency vehicle access, attachments to electricity, plumbing, and public or private sewer systems, if required.*

He said that for Section 674:76 Requirements for tiny houses on wheels:

*Must have 3<sup>rd</sup> party certification seal.*

*Any tiny house on wheels shall be mounted on a chassis that is licensed, registered with state and local governmental agencies, and inspected. A tiny house on wheels shall also have a seal from a third-party inspection company authorized to provide such certification for tiny homes or recreational vehicles, which indicates that the structure has successfully passed inspection at specific stages of construction for compliance with safety, structure, and energy efficiency standards. Such seal shall be permanently affixed to the tiny house. A local engineer shall certify the connection of the tiny house to the chassis.*

He said for Section 674:77 individual tiny houses:

*Tiny houses in all zoning districts that permit single family dwellings.*

*I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow tiny houses as a matter of right in all zoning districts that permit single-family dwellings and may allow in its discretion tiny houses in all other districts.*

*II. If a municipality permits detached accessory dwelling units pursuant to RSA 674:73, it shall permit a single tiny house as a detached accessory dwelling unit. Municipalities allowing tiny houses pursuant to this paragraph may require additional lot area if it has such a requirement for detached accessory dwelling units, and may require the tiny house meet the municipality's zoning dimensional standards for detached accessory dwelling units if such standards exist. A property may include either an accessory dwelling unit or a tiny house, but not both.*

*III. A tiny house used for habitation shall be connected to both a public water system or a private well and to a public sewer system or a subsurface wastewater disposal system that has been approved by the department of environmental services. Alternatively, a tiny house used for habitation may include self-contained drinking water and sanitary systems. A self-contained wastewater system may not discharge any waste or liquid.*

*IV. (a) If built on a chassis, a tiny house used for habitation shall be taxable as real estate, but shall not otherwise be regarded as real property.*

*(b) If a tiny house is located on the land of another, the owner of the tiny house shall be liable for property taxes on the tiny house according to RSA 72:7-a unless exempted under RSA 72:7-d.*

*(c) A tiny house may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.*

*(d) When a tiny house on wheels is removed from a property, the owner of such a tiny house shall notify the municipality in order to remove the property tax liability.*



There was discussion regarding whether a town can be more restrictive than the State. Ms. Adinolfo said they will have to be careful, so people do not build tiny houses in their relative's yard.

He said for Section 674:78 tiny house parks:

*Tiny houses in group park settings of at least 4 units.*

*Municipal zoning ordinances shall also make provision for locating tiny homes in group park settings of at least 4 units, in which no more than one of the units may be the park property owner. Units shall be adequately spaced to allow for access by firefighting apparatus. The overall lot size shall be at least 10,000 square feet, but if the park is not served by public water and sewer, then the park or units shall meet the minimum overall lot-size standards for a community system. The property owner shall have the discretion to use either individual lots or a single lot and either individual or community wastewater and drinking systems.*

Chair O'Meara said it was introduced in January and last looked at in March.

He said he came across a 2018 zoning ordinance from the Town of Andover that has a definition of a tiny house as:

*a dwelling having a minimum ground floor area of less than 480 sq. ft. outside measurement. Tiny houses are permitted by special exception in Agriculture and Residential districts. Tiny houses are permitted by special exception in Rural Residential districts.*

He said under general performance standards, they say,

*except for tiny houses, every building to be used as a residence shall have a minimum ground floor area of 480 square feet outside measurement. He said for Item H: tiny houses shall not be permitted in the Forest or Agriculture or Village Districts. Tiny houses, with or without wheels, shall require a special exception in all other districts.*

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

- **Subdivision and Lot Line Adjustment Application. Franklin Associates, on Behalf of MDFG LLC. Case #01-2021**

Chair O'Meara introduced Mr. Franklin and Mr. Kelley who appeared before the Planning Board to seek approval to adjust the lot line between two lots and subdivide the additional lot. (Planning Board Case #01-2021 at Map 402, Lot 141 and Mount Delight and Kettle Rock Road in the Open Space and Farming (OSF) Zone.).

Mr. Franklin made a presentation on behalf of the Applicant. He showed the Board the plans. (Link to the Public Notice and Survey Plan can be found at: <https://www.allentownnh.gov/planning-board/agenda/planning-board-meeting-agenda-06-16-2021>).

Ms. McKenney asked if one person owns all the land. Mr. Franklin said yes.

Mr. Franklin said they are proposing to adjust the lot line for the parcel in Deerfield and it will shift further to the northeast, and they will adjust the lot lines between 141-2 and 141-1. He said once the lot lines get adjusted, they are proposing to subdivide 141-1 in



Allenstown and Lot 18 in Deerfield which will be the new lot. He said there will be a total of four lots.

Ms. McKenney asked if they will be building in Allenstown. Mr. Franklin said no, all of the houses will be in Deerfield. He said they have started building a home which is substantially completed, and they obtained a building permit through the Town of Deerfield.

Mr. Arsenault asked about a note on the left side of the plan indicating that there will be no further subdivision of the land in Allenstown without a variance and that should be mentioned. Mr. Arsenault asked if they are planning on moving forward with a variance or could it be struck from the record. Mr. Monahan said that it is informational for anyone who pulls the plan knows that the Town lines do not create a subdivision in Allenstown. Mr. Monahan said they could instead say, "a plan should indicate that the lot portion in Allenstown cannot be further subdivided without frontage on a Class V Road or a variance for frontage" so as not to leave it as an open-ended variance.

Chair O'Meara said Mr. Arsenault and himself attended the Deerfield Planning Board meeting for which the application was approved. He said the Deerfield Planning Board approved the changes on the Deerfield side with the following conditions:

- 1) the Applicant is to meet with the Deerfield Selectboard for building on a Class VI road;
- 2) the boundary monuments must be set; and 3) the Allenstown Planning Board must sign off on the plans.

Mr. Monahan said with regard to his Review Memo, he is going to start on p. 2 with "Major Issues." He said for completeness, they need to make sure the waivers are addressed. He said the Plan should be signed by the Town of Deerfield as a Condition of Approval.

As for TRC comments, he said they include wetlands in Allenstown, and make sure Deerfield abutters are on the list.

Mr. Monahan said on p. 4 regarding concerns, the first one is regarding fees. Mr. Franklin confirmed the fees were submitted. There was also a concern regarding septic and well locations. Mr. Franklin said there are no septic or well locations in Allenstown.

Chair O'Meara said they have the W-9, fee acknowledgment form, and two checks - one in the amount of \$750.00 and the other in the amount of \$920.38.

Mr. Monahan said that stamped signatures as well as several other items were a condition. He said #9 is a subdivision reg. issue and they did address it with a waiver. Mr. Monahan said there are no issues for zoning.

Chair O'Meara said he did send a letter to Deerfield on behalf of the Planning Board advising them of the meeting to give them an opportunity to attend or to provide written comments. He said he just checked his email and they have not submitted any comments.



Mr. Monahan continued to share his Review memo with the Board, including digital format, fees and conditions listed on the final plan.

Mr. Arsenault asked if they are going to do a monument for every zig and zag in the wall. Mr. Franklin said they were just doing major corners on the Allenstown side and the major lot.

Mr. Arsenault asked if they can put in an accessory building on the Allenstown portion of the property, such as a barn. Mr. Monahan said he thought they could, but they would need to hit the setback requirements and look at their zoning and adhere to all of the zoning requirements on the Allenstown side. He said if it overlapped both towns, you would have to take it as one lot and it would have to adhere to the zoning requirements of both towns. Ms. Adinolfo said there would have to be more discussion on it since the address would be in Deerfield.

Mr. Arsenault said that there currently is no plan to build in Allenstown, but what could happen when the property gets sold? He just wants to make sure he would be able to issue a permit and perhaps there could be a footnote on the plan. Mr. Monahan said they could frame it as "Any accessory structures on the Allenstown side shall comply with Allenstown's zoning" or something similar to that effect. Mr. Arsenault said the Planning Board can make a decision to allow accessory building as long as they meet the setback requirements. After discussion, Chair O'Meara said it would read "Accessory structures are permitted in accordance with setback requirements." Mr. Arsenault agreed.

#### Determination of Regional Impact

Chair O'Meara said the Board is required to make a determination whether this application is an application of regional impact. The Board agrees it is not.

Ms. Adinolfo made a Motion to that this application from Franklin Associates on behalf of MDGF, LLP does not have regional impact. Ms. McKenney seconded the Motion.

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

The Motion was unanimously approved, and the application was determined not to have regional impact.

#### Requested Waivers

Chair O'Meara said there were 3 waivers requested., including

- 1) Item 17- setback lines. They are requesting a waiver showing setback lines in Allenstown due to there being no planned development for the land in Allenstown,
- 2) Item 40- environmental assessment. The applicant is requesting a waiver of the environmental assessment due to there being no planned development in Allenstown; and
- 3) Item 58- lot shape. They applicant is requesting a waiver of lot shape due to there being no planned development in Allenstown.

Ms. Adinolfo made a Motion to approve the three waivers as read by Chair Mike O'Meara. Ms. McKenney seconded the Motion.



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

The Motion was unanimously approved, and the requested Waivers were granted.

#### Determination of Completeness

Chair O'Meara said the Board is required to determine whether the application was complete.

Ms. Adinolfo made a Motion that the application is complete. Ms. McKenney seconded the Motion.

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

The Motion was unanimously approved, and the Application was determined as complete.

#### Public Hearing

Chair O'Meara opened the public portion of the hearing at 7:24 pm for anyone who would like to provide comments, inputs, or concerns. Given that there were no comments, Chair O'Meara closed the public portion of the meeting at 7:24 pm.

#### Potential Condition of Approval

Mr. Monahan reviewed the potential conditions of approval.

1. A plan note should indicate that the lot portions in Allenstown cannot be further subdivided without frontage on a Class V Road or a variance for frontage is granted.
2. The following Items from Planner Concerns need to be addressed: 4-8, 13, and 14.
3. Plat signed by the by Town of Deerfield Planning Board.
4. That a plan note indicates that there are currently no wells and septic systems nor are any proposed for the portions of the lots in Allenstown.
5. That accessory structures may be built on the Allenstown portion of the lots provided that they meet the setback requirements as established in the Zoning Ordinance.
6. General Administrative Conditions of Approval, including the following:
  - a. Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
  - b. All waivers granted and conditions of approval need to be on the final plan.
7. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format.

#### Approval of Application

Ms. Adinolfo made a Motion to approve the subdivision and lot line adjustment application, Case No. 01-2021. The Motion was seconded by Ms. McKenney.

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

The Motion was unanimously approved with the conditions as read by Mr. Monahan and the application was approved

Mr. Monahan noted that the Notice of Decision will be out by the end of the week.

### **UNAPPROVED MINUTES**

- **May 19, 2021 & June 2, 2021**

Mr. O'Meara did send out the Planning Board minutes for May 19, 2021, and June 2, 2021.

Ms. McKenney made a Motion to approve the minutes dated May 19, 2021, and June 2, 2021, as written. Ms. Adinolfo seconded the Motion.

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

The Motion was unanimously approved and the minutes for May 19 & June 02, 2021, were approved.

### **CORRESPONDENCE & OTHER BUSINESS**

Mr. Goodine said they will be hearing about a strip mall very soon. Mr. Arsenault said it is still in its early stages and a couple of renditions of what the building will look like will be sent soon.

### **STAFF UPDATE**

None.

### **SCHEDULING OF NEXT MEETING**

Chair O'Meara said the tentative date for next meeting is July 21, 2021.

### **ADJOURN**


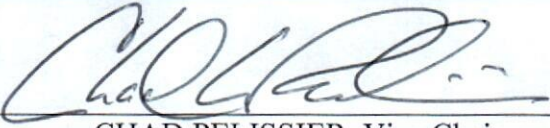



Ms. McKenney made a motion to adjourn the meeting at 8:00 pm. The motion was seconded by Ms. Adinolfo. Roll call vote was taken.

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

The Motion was approved unanimously, and the meeting was adjourned.



**SIGNATURE PAGE**  
**Allenstown Planning Board**  
**June 16, 2021**

Approval:	
	7/21/2021
MICHAEL O'MEARA, Chair	DATE
	7/21/21
CHAD PELISSIER, Vice Chair	DATE
	7/21/21
DIANE ADINOLFO, Member	DATE
	7/21/21
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
MATTHEW L'HEUREUX, Alternate Member	DATE
	07-21-21
SANDRA MCKENNEY, Ex-Officio	DATE



**SIGNATURE PAGE**  
**Planning Board**  
**June 16, 2021**

<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



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Planning Board  
16 School Street  
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## Sign-In Record

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