

TOWN OF ALLENSTOWN
Planning Board
Allenstown Town Hall –16 School Street
Allenstown, New Hampshire 03275
Meeting Minutes
September 01, 2021

Call to Order

The Allenstown Planning Board Meeting of September 01, 2021 was called to order at 6:30 PM by Chair Michael O'Meara. Chair Michael O'Meara called for the Pledge of Allegiance.

Roll Call

Present on the Board: Diane Adinolfo, Sandy McKenney, Mike Frascinella, Chad Pelissier, and Michael O'Meara.

Ex-Officio: Sandy McKenney

Residents of Allenstown: None

Allenstown Staff: Derik Goodine, Town Administrator (in-person)
Brian Arsenault, Code Enforcement Officer (remote and alone)

Others present: Matt Monahan, CNHRPC (remote and alone)
Norm Chamberlain, Casella Waste Management (remote and alone)
Michael Walsh, Casella Waste Management (remote and alone)
Brian Goshen, Casella Waste Management (remote and alone)
Toni King, Casella Waste Management (remote and alone)

Public Officials: None

OLD BUSINESS / RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Review any final changes for the proposed administrative changes to the Allenstown Zoning Ordinance**

Chair O'Meara said they did get some feedback regarding Solid Waste, Chapter 22.

Mr. Pelissier said with regard to Curbside Collection, he wanted to make sure the times were correctly noted because he receives phone calls from the residents from time to time.

Mr. Arsenault asked if the brown lawn and leaf bag were added into the section, in two locations.

Chair O'Meara said they are now in the position to pull the document together and show the comparison from the existing ordinance to the new one, so he can get it to the Town Attorney. He said he would like it reviewed by the end of October.

Mr. Frascinella asked about the sunset clause and impact fee ordinance. Mr. Monahan said he added some language, and the last piece was about the ability to waive it. He shared his screen, so Mr. Frascinella was able to capture it for the ordinance.

Mr. Arsenault asked about the Appendix that showed the different zones, and will they insert it. Chair O'Meara said it will be inserted for final review.

- **Update and final decision on Fireworks Ordinance**

Chair O'Meara said he gave the Board a paper copy of the changes he made to the draft ordinance. He said he was able to take the feedback from Chief Stark and Chief St. Germaine. He added a new Section, 6.3 which now says "Enforcement shall be in accordance with the applicable parts of State and Local regulations as we produced in this section, and to also give the ability for enforcement discretion. Officials may exercise enforcement discretion or advise a warning vs. penalty regarding the penalties outlined in Section 7 of this ordinance on a case-by-case basis."

Chair O'Meara said section A112 are exactly what was discussed at the last meeting, regarding the NH RSA 160-C:11 – Possession and Display of Permissible Fireworks. He said the second item is B, which references NH RSA 644:2 on Disorderly Conduct. He said the third item C is the Allenstown ordinance 413:2 for loud and unreasonable noises involving persons. Chair O'Meara said under penalties, he added "enforcement discretion may be exercised in accordance with Section 6.3 of this ordinance."

He said they have to decide tonight what they want to do as a Board.

Ms. Adinolfo said it is not very restrictive vs. what we have today, but it tells people to be reasonable about it.

Chair O'Meara said there is a difference between what the ordinance requires and enforcement. He said this tells people what is acceptable, and enforcement is a different part of the ordinance. Mr. Pelissier said forcing someone to clean up may be a civil matter.

Ms. McKenney asked if they could use it as a trial for one year to see how it works for the Town. Chair O'Meara said they could include a sunset clause for it to expire in 12 months.

Ms. Adinolfo said she believes this ordinance benefits people who like to use fireworks.

Ms. Adinolfo said should they bring it to the next Selectboard meeting. Chair O'Meara said the Selectboard will have to make the decision about whether it goes before the Town in March.

Chair O'Meara asked Mr. Arsenault if he had any opinion about the sunset clause. He said he does not know the legislative process on that. Mr. Goodine said he would have to check with legal but usually you can have a sunset clause that says this ordinance will be effective until this date. Mr. Monahan said you could probably do it 365 days from the date of adoption.

Mr. Goodine said if the Town votes for the ordinance, and the expiration comes up, he thinks the Selectboard could adopt the ordinance again on their own if they wanted to. Chair

O'Meara said they could word it as: "This ordinance shall automatically expire 365 days from the date of adoption unless readopted by the Selectboard."

Chair O'Meara asked if it was the consensus of the Board that the Board recommend it to go forward to the Selectboard for consideration. The Board is in full agreement. Mr. Goodine said he can put it on the agenda for September 7th or September 20th. Chair O'Meara said the 20th is probably more reasonable.

NEW BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Site Plan. Casella Waste Management. Case #02-2021. MAP 105, LOT 38 at 102 and 104 River Road in the Commercial/Light Industrial Overlay District as well as the Agricultural and Groundwater Protection Overlay Districts. Casella requests a site plan upgrade to drainage facilities on the site.**

Mr. Chamberlain introduced himself and showed the Board the site plan via Zoom and made a short presentation.

He said they are proposing to cut a piece of pipe and to the right of that, they will install a pump station to pump the stormwater over into an existing manhole and they are going to run it into the gravel wetland. He said it would be put in on the edge of the existing pavement and put it back exactly the way it is today and there will not be any changes in drainage patterns. Mr. Chamberlain said they came to the Planning Board Committee for approval because they were within 100 ft. of a wetland. He said they will be using all stormwater erosion sediment control measures to prevent sediment from going out into the wetland, and everything will be stabilized afterwards.

Chair O'Meara clarified that they are not eligible for a waiver because it is within 100 ft.

Mr. Arsenault asked if they were going to set up erosion control prior to performing any work on the site. Mr. Chamberlain said yes. Mr. Arsenault also wanted to make sure that they check on a daily basis and during rain events to make sure they are stabilized. Mr. Chamberlain said they are using silt fencing and silt sock.

Mr. Monahan said after his review, he is looking to get Town Engineer feedback. He said on the check list side, there are no issues. Mr. Monahan said with regard to Regional Impact, it's not something he would typically cite as being a regional impact.

Chair O'Meara said the Town Engineer did provide a memorandum regarding the application, which, referencing the documents that were submitted by Casella, reads,

"These documents were reviewed for compliance with the town of Allentown Stormwater Regulations and MS4 Regulations based on Article XXV- Allentown Municipal Separate Storm Sewer System (MS4) Post-Construction Stormwater Management Ordinance, as well as engineering judgment. The comment(s) below represent Hoyle Tanner's professional opinion resulting from this review beginning with general comments pertaining to the received documents followed by comments directly related to review of the regulations."

1) We recommend that the applicant address the following items related to the Proposed Site Plan: a) we recommend that the applicant revise general note #9 to say Town of Allenstown instead of Auburn.

We have no other comments."

Determination of Regional Impact

Chair O'Meara said the Board must make a determination and vote on Regional Impact.

Ms. Adinolfo made a Motion that this Application does not have a Regional Impact. The Motion was seconded by Ms. McKenney.

Roll call vote was taken.

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

The Motion passed unanimously, and the Board determined that this was not an application of Regional Impact.

Completeness of Application

Chair O'Meara said the Board must make a determination and vote on whether the application is considered complete.

Ms. Adinolfo made a Motion that this Application from Casella Waste Management is accepted as complete. The Motion was seconded by Ms. McKenney.

Roll call vote was taken.

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

The Motion passed unanimously, and the application was accepted as complete.

Public Hearing

Chair O'Meara said there is a public hearing associated with the Application. The Chair opened the public hearing portion of the meeting at 6:49 pm, and invited comments from the public, Board members or Casella Waste Management at that time.

With no further comments forthcoming, Chair O'Meara closed the public portion of the meeting at 6:49 pm.

Approval of the Application

Chair O'Meara asked Matt Monahan to summarize any potential conditions of approval for consideration by the Board, prior to voting on final approval of the application.

Matt Monahan said that the Application should be compliance with any recommended changes made by the Town's engineer, and secondly, for general administrative issues which include professional stamps and signatures on the final plan, all waivers granted and the conditions of approval on the final plan, and that a final copy is provided to the Planning Board in digital format, and lastly, the Notice of Decision is recorded at the Registry of Deeds.

Chair O'Meara said that the changes he recommends the general note #9 will now state "Town of Allenstown" and not Auburn.

Ms. Adinolfo made a Motion to approve the drainage changes at 102 and 104 River Road as submitted by Casella Waste Management in the Site Plan Application with the conditions as read by Mr. Monahan. The Motion was seconded by Ms. McKenney.

Roll call vote was taken.

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

The Motion passed unanimously, and the application was approved with the stated conditions of approval.

UNAPPROVED MINUTES

- **August 18, 2021**

Ms. Adinolfo made a Motion to approve the August 18, 2021, minutes as written. The Motion was seconded by Ms. McKenney.

Roll call vote was taken.

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

The Motion passed unanimously, and the minutes of August 18, 2021, were approved.

CORRESPONDENCE & OTHER BUSINESS

Mr. Arsenault said he got an email from a company that wants to do minor modifications at their site on Allenstown Road on the side of the Irving Gas Station. He said they are in the process of sending him a plan and does not know if there will be any notification to their abutters. He said it is in the preliminary stage.

Mr. Frascinella asked if there was an update about ABGAS. Mr. Arsenault said their permit is in place until March of 2022. He said they posted on social media that they would be gone by September.

Ms. Adinolfo asked what their options are. Mr. Arsenault said they could take legal action but it's a costly approach. He said they may voluntarily pack up and leave this month, but he plans to speak with the lot manager. Mr. Arsenault said he does not know if they opened the second location.

Mr. Pelissier asked about the gravel pits and what did they decide. Chair O'Meara thought it was a three-year excavation permit. Mr. Monahan agreed, and they may be close to the expiration date.

Chair O'Meara said they can look it up. Mr. Monahan said Allentown Aggregate permit was issued in 2018 and it expires August 1, 2023. Mr. Pelissier asked if they gave Advanced Excavating & Paving five years as well. Mr. Monahan said they have five years as well, expiring on September 25, 2023. He suggested sending an email next year reminding them they have a year left.

STAFF UPDATE

None.

SCHEDULING OF NEXT MEETING

Chair O'Meara said the next meeting will be September 15, 2021, at 6:30 pm.

ADJOURN

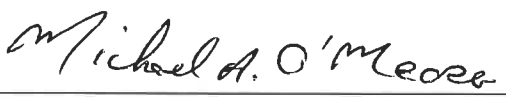

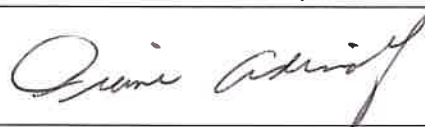
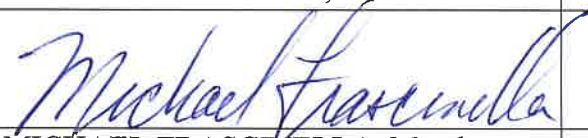
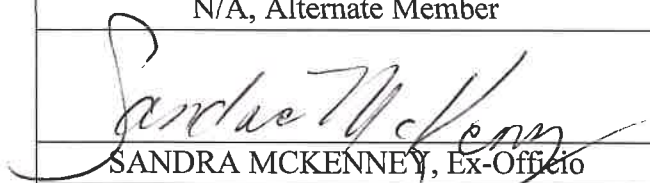
Mr. Frascinella made a motion to adjourn meeting which was seconded by Mr. Pelissier at 7:54 pm.

Roll call vote was taken.

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

The Motion passed unanimously, and the meeting was adjourned.

SIGNATURE PAGE
Allenstown Planning Board
September 01, 2021

Approval:	
	9/15/2021
MICHAEL O'MEARA, Chair	DATE
	9-15-21
CHAD PELISSIER, Vice Chair	DATE
	9-15-21
DIANE ADINOLFO, Member	DATE
	9/15/21
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
N/A, Alternate Member	DATE
	09-15-21
SANDRA MCKENNEY, Ex-Officio	DATE

SIGNATURE PAGE
Planning Board
September 01, 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
	N/A Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE