

TOWN OF ALLENSTOWN
Planning Board
Allenstown Town Hall –16 School Street
Allenstown, New Hampshire 03275
Meeting Minutes
July 21, 2021

Call to Order

The Allenstown Planning Board Meeting of July 21, 2021 was called to order at 6:33 PM by Chair O'Meara. Chair O'Meara called for the Pledge of Allegiance.

Roll Call

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

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)

Public Officials: None

OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Chapter by Chapter Review of the Zoning Ordinance, including revision to Solid Waste Management Chapter 22**

Mr. Pelissier said he read this the other day and it was wrong top to bottom and he made some notes, but it would take less to rewrite it.

Mr. Pelissier said we have a contract with Casella not the Town of Concord, and we have been away from the co-op since 2012-2013. He said that could be changed in the document, reflecting the agreement. Chair O'Meara read the change as, "The Town has entered into an agreement with a contract resource for the collection and disposal of solid and recycled waste."

Chair O'Meara said there are certain terms that are no longer applicable and will need to be searched and deleted from the document.

Mr. Frascinella asked if they could get rid of the "as adopted" statement. Chair O'Meara said it depends because it looked like an agreement.

There was a discussion regarding “Acceptable Waste” and “Non-Acceptable Waste” or hazardous waste. Chair O’Meara said they could say, “As a result of residential pick ups or deliveries, but excluding hazardous waste, unacceptable waste and other solid waste.” Mr. Arsenault and Mr. Pelissier agreed with the proposed wording change.

Mr. Pelissier said they should make the definition of commercial more broad, maybe word it as “any such establishment that is for profit entity.” Mr. Pelissier said he and Mr. Arsenault can get together to further discuss the commercial waste offline.

Mr. Pelissier said he has a better definition from the Department of Environmental Services for “Hazardous Waste.”

There was discussion regarding the definition of solid waste. Mr. Pelissier said that “other solid waste” should be switched to “universal solid waste.”

Mr. Arsenault said the next definition should say “consisting of two units or less” not three, and should also clarify three units or more are considered commercial. Mr. Pelissier said they used to pick up at any house, even 6 units, but the Selectboard changed to 3 units. He said he hesitates to change it to three in this ordinance because he would have to pull the trash from every three unit in town and he believes there were 43 of them. Chair O’Meara said they could carve out for this chapter “residential for the purposes of this Chapter means all single-family dwellings consisting of three units or less.” Mr. Pelissier said he agreed.

Mr. Arsenault said he was involved with a lot of multi-families turning into condominiums and at that point, they did not do trash pick-up and wondered if they should mention anything? Mr. Pelissier said he can’t think of any four families that are condominiums off the top of his head, but that does not mean there are not any. Mr. Goodine said that a condo has different owners so he thought that the trash would be picked up. Chair O’Meara and Mr. Arsenault said they could add owner-occupied, individual condominium units to the wording.

Chair O’Meara clarified it now reads, “For the purposes of this chapter, residential now means all single dwellings and multi-family dwellings consisting of three units or less per parcel and owner-occupied condominiums.” Mr. Pelissier said anywhere there is a condo unit that is on private property and not on a public road, they do not pick up the trash.

Mr. Monahan said that at some point, there may be an application before the Board for a duplex. He said whether one person owns the duplex or not, it is still considered two houses. He said it’s a subdivision technically, but at the end of the day, the Board cannot deny that application just to change that form of ownership. Mr. Pelissier said he always handled the condos on private property like the homeowners’ co-ops for the parks in Town. He said there are private roads that the legal department said they cannot put their equipment on, and they do not pick up trash or plow for these houses or condos that are not on a public way.

Chair O’Meara suggested at the end of the sentence, after “owner-occupied condominiums,” add “excluding dwellings and condominiums not on public? ways.”

Ms. Adinolfo asked how they identify private ways. Mr. Pelissier said they do not.

Mr. Arsenault asked if they want to look at unacceptable waste separately. Mr. Pelissier said they could do that at the same time they discuss hazardous waste.

Chair O'Meara asked Mr. Pelissier if they wanted to table the rest of Chapter 22 until the next meeting.

Mr. Pelissier said that a lot of it deals with them trying to control where other entities in Town bring their solid waste and wanted to know if they should leave that in vaguely or pull it out and deal with it another day. Ms. Adinolfo said leaving it in could cause confusion. Mr. Goodine said he thinks there will be other companies, but doesn't think they will go back to Co-op and will have to see how it plays out. Chair O'Meara said they should take it out and make it as simple as possible and they can revisit it again if needed.

Mr. Arsenault said the next Chapter is Telecommunications Tower and Antenna, and that is typically an organization that comes in looking for that as opposed to a resident. He does not feel as though there are any changes unless there is something that will need to be negotiated. Mr. Monahan said he agreed with Mr. Arsenault.

Mr. Frascinella asked if they could delete the word "Ordinance" from all of the chapters, since the topic is the chapter name. Chair O'Meara said not all chapter's reference ordinance. He said each of these chapters are its own ordinance.

Chair O'Meara said they still start on Chapter 24 at next meeting.

- **Fireworks Ordinance**

Chair O'Meara said with regard to the Fireworks Ordinance, a proposed draft was distributed at the last meeting. Ms. McKenney said that fireworks should just be set off on their own property. Chair O'Meara said Mr. Pelissier could set them off at a party on his property, with his own permission. Ms. McKenney said her concern was people using their neighbor's property when they were not at home and without permission. There was a discussion of the Board regarding written permission to show a police officer if one to show up.

Ms. Adinolfo said the draft sets good boundaries on property lines.

There was a discussion as to whether the ordinance applies to co-ops.

Chair O'Meara highlighted a few items in the document including the timing of the fireworks. Chair Frascinella said that 10-11 pm seemed excessive. Chair O'Meara said the intent is to provide some regulation but also freedom for people to enjoy the fireworks, and that in the middle of July, it gets dark later. He said that this ordinance was based on what other towns have done.

Mr. Pelissier commented on an officer from another Town who said they don't chase the fireworks ordinance and they have more important things to do.

Chair O'Meara said this might help with people complaining if they know it is permitted between certain hours. He said that he believes the draft ordinance meets the goal of providing a framework. Mr. Arsenault agreed with Chair O'Meara.

There was a discussion about linking the website regarding current fire danger to the ordinance. Chair O'Meara said it now reads as "As determined by the Fire Chief of the Town of Allenstown or the New Hampshire Division of Forestry and Lands..."

Ms. Adinolfo said it's a person's responsibility to figure out the rules and regulations around what they are doing. Mr. Pelissier said fire danger or drought information should be on the Town's website and that is a lot of responsibility on the person who runs the website. Mr. Monahan said the state park website for Bear Brook may have information. Mr. Frascinella said he found something under www.nh.gov regarding fire danger. Mr. Pelissier said we should be assured that the information is local as opposed to regional. Chair O'Meara said they will do further research.

Ms. Adinolfo said that she thought the draft language would give people leverage that if something were to happen, they could pursue it legally.

Mr. Frascinella said the section on permissible fireworks, he cannot find any place that says what is permissible. Chair O'Meara said it is in the NH RSA 160-C.

Mr. Arsenault said in the section regarding penalties, it says a fine "per day." Mr. Pelissier said it should state "per occurrence."

Ms. McKenney said it should be a Warrant Article and let the people decide. Chair O'Meara said he is fine with that. Mr. Pelissier said it is a hot button issue, but he does not know how many are for and against. Mr. Goodine said whatever is drafted should be sent to the Selectboard to see if they should pass it themselves or go to Town Meeting, and he said he has a feeling they will put it out to the voters.

- **Affordable Housing/ Tiny Homes**

Chair O'Meara said this topic will be tabled until next meeting.

NEW BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

None.

UNAPPROVED MINUTES

- **June 16, 2021**

Ms. Adinolfo made a Motion to approve the June 16, 2021 minutes as written. The Motion was seconded by Ms. McKenney.

Roll call vote was taken.

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

The motion was unanimously approved and the minutes for June 16, 2021 were approved as written.

CORRESPONDENCE & OTHER BUSINESS

- **Pembroke Planning Board- Abutter Notice- Minor Subdivision Application**

Chair O'Meara said they did get an Abutter Notice from the Town of Pembroke Planning Board for a special use permit in accordance with Article 143-68.E, Aquifer Conservation District for residential use over the aquifer. He said this is their Tax Map 941, Lot 10 located at 409-415 Buck Street in the Medium Density- Residential (R1) Zone and the Aquifer Conservation and Wetland Protection in their town. He said they will have a meeting on this on July 27, 2021 at 6:30 pm at the Pembroke Town Hall during a regular meeting of the Board.

- **Resignation**

Chair O'Meara said Matt L'Heureux resigned from the Planning Board as an alternate member as he is moving after accepting a job out of town, which leaves a vacancy as an alternate on the Planning Board but also on the Zoning Board. He said that Ms. Adinolfo has graciously agreed to be a representative on the ZBA as a member of the Planning Board.

Roll call vote was taken to accept Mr. L'Heureux's resignation.

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

The motion was unanimously approved.

Mr. Pelissier made a Motion to nominate Ms. Adinolfo to the Zoning Board of Adjustment, which was seconded by Ms. McKenney.

Roll call vote was taken.

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

The motion was unanimously approved.

- **ZBA Workshop**

Chair O'Meara said there was a ZBA workshop that is being put on by the Town Attorneys on July 28th at Town Hall at 6:30 pm.

STAFF UPDATE

None.

SCHEDULING OF NEXT MEETING

The date for the next meeting is August 04, 2021.

ADJOURN

Ms. Adinolfo made a motion to adjourn meeting which was seconded by Ms. McKenney at 8:22 pm.

Roll call vote was taken.

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

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

SIGNATURE PAGE
Allenstown Planning Board
July 21, 2021

Approval:	
<i>Michael A. O'Meara</i>	<i>04-AUG-2021</i>
MICHAEL O'MEARA, Chair	DATE
N/A – Not Present	N/A
CHAD PELISSIER, Vice Chair	DATE
Yes – Via Roll Call Voice Vote	August 04, 2021
DIANE ADINOLFO, Member	DATE
Yes – Via Roll Call Voice Vote	August 04, 2021
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
N/A, Alternate Member	DATE
Yes – Via Roll Call Voice Vote	August 04, 2021
SANDRA MCKENNEY, Ex-Officio	DATE

SIGNATURE PAGE
Planning Board
July 21, 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