

**TOWN OF ALLENSTOWN**  
**Planning Board**  
**Allenstown Town Hall –16 School Street**  
**Allenstown, New Hampshire 03275**  
**Meeting Minutes**  
**December 15, 2021**

**Call to Order**

The Allenstown Planning Board Meeting of December 15, 2021 was called to order at 6:30 PM by Chair Michael O'Meara. Chair O'Meara called for the Pledge of Allegiance.

**Roll Call**

Present on the Board: Chair Michael O'Meara, Diane Adinolfo, Sandy McKenney, Chad Pelissier, via – Zoom Mike Frascinella, at 6:33 pm.

There being a quorum of Board Members physically present at the meeting location, this constituted a legal meeting of the Allenstown Planning Board.

Excused: N/A

Ex-Officio: Sandy McKenney

Residents of Allenstown: None.

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

Others present: Matt Monahan – Central New Hampshire Regional Planning Commission

Public Officials: None

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

- Chair O'Meara said that with regard to 17 and 19 Townhouse Road, they need to make a change to Condition 1. He was informed that because of the size of the development of two units, it would be recorded with the Merrimack County Registry of Deeds. He said normally if its 10 or greater, it would be reviewed by the Attorney General's Office. He modified the language with today's date and Condition 1-1 now reads: "The condominium declaration documents are recorded at the Merrimack County Registry of Deeds Office prior to conveyance or sale of any unit." At the end of the document, he put a footnote that says, "This document was updated on the 15<sup>th</sup> of December, 2021 to clarify that the Notice of Decision was to be recorded at the Registry of Deeds and not the Secretary of State's Office."

By unanimous consent, the Planning Board agreed with this change.

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

- **Public Hearing to amend the zoning ordinance to improve organization, clarity, and consistency. This amendment does not contemplate any change to the Zoning Ordinance in policy or substance.**

Chair O'Meara said the Legal Department did have some concerns and he forwarded that information to the Board. He said for tonight, because the final version has not been published yet for a second public hearing, they can only look at what was published for December 15<sup>th</sup>.

He said they will have a second public hearing in January once they review the recommended changes and publish what is to be the final document. He believes they can have it on January 19<sup>th</sup> and still meet the requirements. Mr. Monahan said tonight, they can open the public hearing and walk through the general changes and then he can circle back and touch upon what the attorney recommended. He said Brendan and Sharon said to make sure that the Board votes on each of those changes.

### Public Hearing

Chair O'Meara opened the public hearing portion of the meeting at 6:38 pm.

There were no members of the public present that wished to provide comments. He left the public meeting open in the event that a member of the public joins the meeting.

Mr. Monahan shared the calendar and said on the 6<sup>th</sup> of January they can post in the newspaper for the public hearing, but they have until January 31<sup>st</sup> to hold the hearing.

### Feedback from the Legal Department:

Mr. Monahan said the first real change is in Section 202.6 and the attorney recommends with regard to "Accessory Structure" deleting the words "for example, a garage, utility shed or greenhouse." He said the attorney recommends deleting these because it could cause problems in the future. Chair O'Meara said they could table this particular one and discuss further at the next meeting. Mr. Pelissier said the average layperson would not know what an accessory structure is without examples. Mr. Arsenault would also like to leave it in.

Chair O'Meara said the consensus is the Board would like to include examples. He suggested the wording "including but not limited to." Mr. Arsenault would like to delete the word "utility" before shed.

Ms. Adinolfo made a Motion to add the wording "including but not limited to" and delete the word utility from Section 202.6 (definition of Accessory Structure) for the next public meeting. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Mr. Monahan said we don't have to draft a warrant article right now.

Chair O'Meara said that the legal department considers this to be a substantive change and they can move forward as long as they agree and publish for next public hearing and put on the warrant article.

Mr. Monahan said the next suggestion is with regard to 202.49, "Condo Conversions." He said legal recommends deleting "Structure with two or more living units." Mr. Arsenault would like this phrase to stay in the ordinance.

Ms. Adinolfo made a Motion for the definition of "Condo Conversions" is a "structure with two or more living units for the use of individual families including the common ownership of the land." Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Mr. Arsenault said he noted that the attorney said there was not a definition of "child day care" in the original ordinance and he reminded the Board why they made this distinction. Chair O'Meara said the attorney says that it causes confusion with the other child care definitions but disagrees. The Board is in agreement that this should remain.

Ms. Adinolfo made a Motion that the definition of "Day Care Child" shall remain what it currently is and shall be included as a substantial change at the next public hearing. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed 4-0-1.

Mr. Monahan said "Effective Date" is going to be deleted because it is redundant.

Mr. Monahan said the attorney recommended deleting the term "farm." Mr. Arsenault said they kept the three definitions together under farm and thinks the attorney's comment is irrelevant. Chair O'Meara said they will leave that as is until the next public hearing.

The Board also left in the definition for "Farming" until the next public hearing.

Mr. Monahan said with regard to flea market, the attorney would like to keep it the way it was originally. Mr. Arsenault said the Board should consider taking a vote to restore only that section with regard to "flea markets may have food vendors who sell snacks and drinks to the patrons." He said that would alleviate the attorney's concern and you can apply that same statement to indoor flea markets as he just suggested in his comment. Mr. Monahan said he thinks of a flea market more of what they changed it to.

Ms. Adinolfo made a Motion to modify the definition of indoor flea market to say, "A type of bazaar where inexpensive or secondhand goods are sold or bartered. Flea markets may have food vendors who sell snacks and drinks to the patrons." Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Ms. Adinolfo made a Motion to modify the definition of outdoor flea market by adding a sentence to say, "Flea markets may have food vendors who sell snacks and drinks to the patrons" and to add this definition to the next public meeting. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

With regard to Section 202.117-121- "Manufacturing," the attorney recommends removing manufacturing as a preface for all of those definitions. Chair O'Meara recommends that they leave the word manufacturing as part of the definitions 202.117 through 202.121.

Mr. Pelissier made a Motion to retain the word manufacturing as part of the definitions currently labeled at Sections 202.117 through 202.121, 202.125 and 202.126, and include them with the revisions at the public hearing. Ms. Adinolfo seconded the motion.

Roll call voice vote was taken.

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

The Motion passed.

Mr. Monahan said the next suggestion is with regard to the language involving motor vehicles should be deleted for clarity, but they have already done that.

Mr. Arsenault said the attorney has concerns about whether if it's a matter of right in the business zone vs. a special exception. He said that was not the Board's intention and he thinks leaving it is okay. Chair O'Meara said it was their intent to group similar zoning type ordinances together, and they are not proposing to change anything as to how things are handled. He said that they should leave the term public utility in the definition as it is currently proposed.

Ms. Adinolfo made a Motion to keep Section 202.157, 202.158 and 202.159 as currently written and to be included in the proposed ordinance revisions at the next public hearing. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Mr. Frascinella said when they were doing the revisions, they were doing it more as a subtopic of a public utility so it could be found easier under the definitions and their intent was not to change anything.

Mr. Monahan said the same situation is true for restaurant and retail store.

Mr. Arsenault asked if they should put a disclaimer since most is being kept in. He said perhaps the town attorney could say something to the effect that it is done to facilitate finding terms within the definitions. Mr. Monahan said he will talk to the Attorney about doing this.

Ms. Adinolfo made a Motion to add an informative statement at the beginning of the Definitions Chapter (subject to review by the Town Attorney) to indicate that the prefixes on the list of definitions are a way to organize related terminology and it is not intended to change the content of the definition language. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Chair O'Meara said that comment in Section 202.191 is a comment to remove the definition of Severability Clause and for 202.283, the Attorney made the following comment "there were a number of definitions that cited this statute and then repeated the statutory definition verbatim." He said, "The Town should consider deleting the verbatim definitions by leaving the statutory references. This would help cut down on unnecessary text in the ordinance." Chair O'Meara said sometimes it is helpful to have that language, but they had plans to cut it anyway.

There was further discussion amongst the Board regarding Chapter 5, Establishment of Zones.

Chair O'Meara said that legal was saying it was a substantive change with regard to the word "street" which is to be deleted on p. 51. He said legal is saying by changing it to "Class V or better public way", they could potentially be denying the ability for a landowner in an OSF zone to construct single family dwellings as a matter of right. Mr. Arsenault said they should think about it, and they do not want to take anyone's property rights away by changing this.

Chair O'Meara said they should back out of this change and revert back to the original definition.

Ms. Adinolfo made a Motion to reject the proposed changes and revert back to the original definition as contained in the original published ordinance 601.1. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

With regard to Section 602.1.F, Chair O'Meara said that legal would recommend removing the word "Commercial" and that the Town should carefully consider any changes to the limits on removal of gravel. The attorney said that by using the word commercial in front of the words "removal of fill, gravel, stone or loam from the premises" that this indicates that it is sold for profit. Chair O'Meara said that what the attorneys understood this to mean was not their intent (ie. by using the word commercial) but maybe that is how it reads. He said their intent was to reflect not the removal of such items by an individual but by a commercial entity.

Mr. Monahan said if the attorney interprets it opposite of what was intended, an applicant could as well.

Ms. Adinolfo made a Motion that with regard to Section 602.1.F and 602.1.J, the word "Commercial" shall be removed in the next version of the ordinance for the next public hearing. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Chair O'Meara said with regard to Section 605, "Uses Not Permitted," they do agree with the attorney's comment that this is a substantive change. Mr. Monahan said he doesn't have any issues with the content, and it can be included in the next version.

Mr. Arsenault said there is a height restriction in the residential section on p. 53, but not on p. 51 with regard to open space and farming. Mr. Monahan said he thought that it is driven by fire apparatus and what can get up there, so he would suggest using the same as listed in 703 for residential.

Chair O'Meara said they will modify the introduction for Section 604 to state "All structures shall be no closer than 20 ft from any street, and no closer than 30 feet from any rear or side lot line. No residential structure shall exceed 2 stories or 30 feet in height from the ground to the highest point or no less than three sides of the structure exclusive of accessory chimneys or accessory antennas."

Mr. Pelissier made a Motion to modify the introduction for Section 604 to add the following: "No residential structure shall exceed 2 stories or 30 feet in height from the ground to the highest point or no less than three sides of the structure exclusive of accessory chimneys or accessory antennas." Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Mr. Pelissier made a Motion to revise Section 701.4 and 701.5 to add "or Indoor" to the permitted uses for municipal recreation and private recreation. The Motion was seconded by Ms. Adinolfo.

Roll call voice vote was taken.

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

The Motion passed 4-0-1.

Chair O'Meara said there was a comment from the Attorney regarding Section 702.1 which is "Municipal Uses." Mr. Monahan said if they want to delete it, it's a substantial change. Mr. Arsenault said the Board can vote on it, and it can be deleted.

Ms. Adinolfo made a Motion to delete Section 702.1, "Municipal Uses" and include it in the ordinance language for the next public meeting. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Ms. Adinolfo made a Motion to add under Section 704.3, Uses Not Permitted, the following language: "In a Residential Zone, no land, building, structure or premises shall be used for a coal yard, lumber yard or any other purpose injurious, noxious or offensive to the neighborhood by reason of emission or odor, fumes, dust, smoke, vibration, noise or other cause." Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Chair O'Meara said for Chapter 8, the attorney recommends deleting Community Center and Family Child Care Home as each of these uses is allowed in a residential zone, and therefore there is no need to restate them. Mr. Arsenault and the Board would like to keep it as it is, and they were okay with the redundancy.

Ms. Adinolfo made a Motion with regard to Section 901.9, to add the language "without living space" and bring forward as a substantive change to the next public hearing. Ms. McKenney seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed.

Ms. Adinolfo made a Motion with regard to Section 1105.9 to add the language, "In a Business at a Residence, no land, building, structure or premises shall be used for a coal yard, lumber yard or any other purpose injurious, noxious or offensive to the neighborhood by reason of emission or odor, fumes, dust, smoke, vibration, noise or other cause." The Motion was seconded by Ms. McKenney.

Roll call voice vote was taken.

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

The Motion passed.

Chair O'Meara suggested tabling any further discussion until the next meeting. He suggested they meet again on the 29<sup>th</sup> of December to continue the review.

### **UNAPPROVED MINUTES**

- **December 01, 2021**

Ms. McKenney made a Motion to approve the meeting minutes from December 01, 2021 as written. Ms. Adinolfo seconded the Motion.

Roll call voice vote was taken.

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

The Motion passed, and the minutes for December 01, 2021 were approved as written.

### **CORRESPONDENCE & OTHER BUSINESS**

None.

### **STAFF UPDATE**

None.

### **SCHEDULING OF NEXT MEETING**

Proposed date for next meeting is December 29, 2021 which will be a continuation of the public hearing on the Zoning Ordinances, and a continuation of legal feedback in preparation for a second public hearing in January, 2022.

### **RECESS**

Chair O'Meara said they will recess the meeting at 9:01 pm until a time and date certain of December 29<sup>th</sup> at 6:30 pm at Allentown Town Hall. He said the public hearing will not be re-noticed.

Mr. Pelissier made a Motion to adjourn at 9:04 pm. Ms. Adinolfo seconded the Motion.





Roll call voice vote was taken.

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

The Motion passed.



**SIGNATURE PAGE**  
**Allenstown Planning Board**  
**December 15, 2021**

Approval:	
	12/29/2021
MICHAEL O'MEARA, Chair	DATE
YES - VIA REMOTE VOICE VOTE	12-29-2021
CHAD PELISSIER, Vice Chair	DATE
	12/29/2021
DIANE ADINOLFO, Member	DATE
	12/29/2021
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
N/A, Alternate Member	DATE
	12-29-21
SANDRA MCKENNEY, Ex-Officio	DATE

**SIGNATURE PAGE**  
**Planning Board**  
**December 15, 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
	N/A Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE