

TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275
January 4, 2017

Call to Order.

The Allenstown Planning Board Meeting for was called to order by Vice Chair, Chad Pelissier at 6:35.

Roll Call.

Present on the Board: Chad Pelissier, Vice-Chair; Diane Adinolfo, member; Larry Anderson, member.

Ex-Officio: None

Others Present.

Residents of Allenstown: See below for residents and other persons attending:

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

Meeting Date: 1/04/2017

Sign-in record

Print Name	Signature	Indicate applicable status	
		Allenstown Resident	If no, state Organization represented
Don Higginson	<i>Don Higginson</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Higginson Land Services
Mike Galle	<i>Mike Galle</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4NH Homes
Marilyn Bitchelder	<i>Marilyn Bitchelder</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lorraine Vincent	<i>Lorraine Vincent</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Candia Campbell	<i>Candia Campbell</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	New Hampshire Soccer Association
Mike Jurenty	<i>Mike Jurenty</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A Lutter
Steve Tierney	<i>Steve Tierney</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Cynthia Emery	<i>Cynthia Emery</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
John Emery	<i>John Emery</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Dawn Landry	<i>Dawn Landry</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Others Present: Matt Monahan, CNHRPC

Other Public Officials: None

Allenstown Staff: Dana Pendergrast, Fire Chief

OLD BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS

None

NEW BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS.

4NH Homes, submitted an application for Map 108, Lot 8, and totaling 32.7 +/- acres on land owned by Michael Nickerson for the purpose of creating a twelve lot cluster subdivision.

Dan Higginson from Higginson Land Services presented an overview of the plan which is described below:

The applicant, 4NH Homes, submitted an application for Map 108, Lot 8, and totaling 32.7 +/- acres on land owned by Michael Nickerson for the purpose of creating a twelve lot cluster subdivision. The site is located at Route 28 and Pine Acres Road, within the R2 Zone and the Agricultural Conservation Overlay. Of the 32.7 acres, 25 would remain conservation land. The houses would be single family homes.

The applicant has attended a prior Planning Board meeting to provide an overview of the plan to build houses, however there were no detailed plans provided at that time. The applicant also has applied to the ZBA for variances for the following:

The undersigned hereby requests a variance to the terms of Article _VI_ Section 601. a._ and asks that said terms be waived to permit:

A cluster residential subdivision in the R2 zone with a density as allowed per the R2 zoning ordinance.

The undersigned hereby requests a variance to the terms of Article _VI_ Section 602. N. 3. C._ and asks that said terms be waived to permit:

Individual Subsurface Disposal Systems on each lot.

The undersigned hereby requests a variance to the terms of Article _VI_ Section 701. a._ and asks that said terms be waived to permit:

A cluster residential subdivision in the R2 zone with a density as allowed per the R2 zoning ordinance.

The ZBA granted the variances.

Matt Monahan explained the role of the Planning Board which includes a review subdivision regulations and consideration of regional impact. There are four action items to work through:

1. Application completeness, driven by subdivision regulations

2. Act on regional impact
3. Consider all waivers
4. Act on the application

The applicant has reached out to the Town of Pembroke and has obtained feedback. Additionally noted, when there is land shown in two towns, the registry of deeds requires that each town sign the plan. The feedback from the Town of Pembroke is as follows:

RE: Subdivision application for subdivision on Pine Acres Rd. and Route 28.

Dear Mr. Roy:

I am writing this letter for the record as Town of Pembroke's abutter response to the above referenced subdivision application.

The Pembroke Planning Board briefly reviewed the plans and the project narrative for the subdivision at their meeting on December 13, 2016.

While the Town of Pembroke does not anticipate a direct impact, the Planning Board does have concerns about flooding, lot layout design, and locations for the septic systems and wells, particularly the overlapping well radii.

The following is the summary of the review of the Central NH Regional Planning Commission and the Allenstown Technical Review Committee comments.

CNHRPC **INITIALLY** reviewed the following plans and documents:

- A plan set entitled CLUSTER SUBDIVISION PLAN PREPARED FOR 4NH HOMES LLC. LAND OF MICHAEL NICKERSON TAX MAP 102 LOT 8 NH ROUTE 28 AND PINE ACRES ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 24, 2016 and consisted of two sheets as prepared by Higginson Land Services of Henniker, NH.
- A Town of Allenstown Subdivision Application Form.
- A Town of Allenstown Fee Acknowledgement Form.
- A Town of Allenstown Subdivision Checklist.
- A letter from Higginson Land Services describing the nature of the application.
- A waiver request.
- An abutters list.
- A ZBA variance application to allow a cluster in the R2 with R2 density.
- A ZBA variance application to allow individual subsurface disposal systems on each lot of the cluster.

The following items were received by CNHRPC on December 5, 2016 and were considered with this **UPDATED** review memorandum:

- A revised plan set entitled CLUSTER SUBDIVISION PLAN PREPARED FOR 4NH HOMES LLC. LAND OF MICHAEL NICKERSON TAX MAP 102 LOT 8 NH ROUTE 28 AND PINE ACRES ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 24, 2016 and consisted of two sheets as prepared by Higginson Land Services of Henniker, NH.

- Test Pit Data.

TOWN OF ALLENSTOWN SUBDIVISION CHECKLIST & SUBDIVISION REGULATION REQUIREMENTS

The following are advisory comments based upon the Town of Allenstown Subdivision Regulations and Subdivision Checklist Requirements used during the consideration of materials received by CNHRPC pertaining to this proposal.

Overall Summary: The applicant is seeking approval to create a 12 lot cluster subdivision with a 13th lot retained for conservation purposes. Major areas of focus for the project will include:

- Major Issues:
 - Pembroke Planning Board will need to sign the plan. Additionally, regional impact will need to be acted upon.
 - Review and comment on the open space by the Conservation Commission and the Board of Selectmen is advised.
 - Management of the open space is not clear. If it is to be accepted by the Town, the Board of Selectmen must accept it. If it is to be managed by a third party or to be shared by the homeowners it needs to be described as such. Lastly, deeds should specify ownership and management requirements. Disposition and management of the open space should be described in a plan note.
 - Drainage compliance with the Stormwater Management Ordinance needs to be addressed. Town's engineer may be needed to review.
 - State subdivision approval will be required.
 - Some of the well radii are located in roadways. A release of liability would be needed for these to remain.
 - Driveway permits will be required prior to the issuance of building permits. This should be listed on the plan as a condition of approval.
 - Plan for monumentation setting needs to be addressed.
- Technical Review Committee Comments:
 - Town Administrator:
 - Conservation Commission needs to review the proposal.
 - Any easement for the Town would need to be reviewed by the Board of Selectmen.
 - Where is the driveway for 8-12? Applicant answer: will show on revised plans.
 - Well radius in the road needs to be addressed.
 - A buffer or fence should be provided for the lot along Route 28 to minimize noise.
 - Town Planner:
 - Stormwater is a concern for MS4 compliance.
 - Planning Board likely to want engineering feedback given the project's proximity to the river.
 - Driveway Permits will be needed following planning board approval.
 - Building Inspector:
 - Will there be driveway culvers? Applicant answer: none proposed.
 - Road Agent:
 - Where will the drainage go? Applicant answer: to the back and infiltrated before reaching the river.
 - Police: No comments.
 - Fire: No comments.
 - Water: No comments.

- Sewer: No comments.
- Potential Conditions of Approval:
 - Disposition and management of the open space should be described in a plan note. Draft deeds should be presented to the Town for review as applicable.
 - Signature block on sheet 2 needed.
 - Review and comment by Conservation Commission and Board of Selectmen.
 - Tie to NH State Plan system.
 - All stamps and signatures of professionals will need to be on the final plan set (surveyor and wetland scientist).
 - Receipt of State Subdivision approval.
 - A release of liability is needed for all wells that contain portions of the radii in roadways.
 - Driveway permits will be required prior to the issuance of building permits. This should be listed on the plan as a condition of approval.
 - Plan note should indicate that monuments will be set under the supervision of the surveyor before the conveyance of any lots.
 - A buffer or fence should be provided for the lot along Route 28 to minimize noise.
 - Signature by Pembroke Planning Board.
 - Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
 - All waivers granted and conditions of approval need to be on the final plan.
 - Any other conditions sought by the Board.
- Potential Course of Action:
 - Applicant's presentation.
 - Planner presents concerns in this memorandum.
 - Board makes determination of regional impact.
 - Board acts on waivers.
 - Board acts on completeness.
 - Board opens public hearing.
 - Board closes public hearing, deliberates and votes.

Allenstown Subdivision Checklist Requirements:

1. Checklist Item 22 (5.02.b) – All stamps and signatures of professionals will need to be on the final plan set (surveyor and wetland scientist).
2. Checklist Item 23 (5.02.c) – Tie to NH State Plan system not addressed.
3. Checklist Item 33 (5.02.g.1) – Plan not signed by surveyor regarding the setting of monuments not addressed.
4. Checklist Item 36 – Compliance with Stormwater Management Ordinance cannot be addressed until engineering study is resolved.
5. Checklist Item 38 (5.02.h) – New electric not shown as underground.
6. Checklist Item 39 (5.02.j) – Erosion Control Measures not addressed.

Waivers Requested from Subdivision Regulation Items:

The applicant has requested a waiver from the following sections of the Subdivision Regulations:

- Article V Section 5.02.j for a drainage analysis.
- Article Section 6.02.g (5) for flag lots.

The request for relief for a full drainage study could be reasonable if some other information was provided given the sandy soils and the distance from the river. A letter, signed and stamped by the applicant's engineer describing the impact of the development on stormwater and its relationship to the Stormwater Management Ordinance would be ideal.

The waiver request with regard to flag lots seems reasonable given that the development is for a cluster subdivision that seeks to not include a new road. The flag lot setup allows for all lots to access the existing roadway. One thing to consider would be to move the access ROW for lot 102/8-9 to the other side of lot 8-3 and to move the access way for lot 8-7 to the other side of 8-1.

Allenstown Zoning Ordinance Requirements:

7. The following variances were granted by the ZBA resulting in zoning compliance:
 - Article VI, Section 601.a and Section 701.a to allow a cluster subdivision in the RS zone with the density as allowed per the R2 zoning.
 - Article VI Section 602.N.3.C to allow individual subsurface disposal systems on each lot.

DEVELOPMENT OF REGIONAL IMPACT

8. In accordance with RSA 36:56, the Board shall determine if the proposal is a development of regional impact:
"A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact." That said, the proposal could be seen as having a regional impact with Pembroke due to the proximity of the river and the fact that Pembroke needs to sign the plan.

OTHER COMMENTS

The following are advisory comments based upon commonly held planning principles and the review of the plans received. These comments represent the opinion and professional discretion of the reviewer in considering the materials received in relation to this proposal.

9. Review and comment on the open space by the Conservation Commission and the Board of Selectmen is advised.
10. The board should consider engineering review for the drainage issues.
11. Discussion point for the Board: is there any possibility of spreading the driveways out? For instance, could the driveway for lot 8-9 be moved to the other side of lot 8-3, and also, for lot 8-7, could the driveway be moved to the other side of lot 8-1.
12. Noise may be an issue for the lot located along Route 28. A fence or vegetative buffer could resolve this issue.
13. A release of liability is needed for all wells that contain portions of the radii in roadways.
14. Any conditions of approval and waivers granted should be listed on the final plan to be signed.

Given the nature of the proposal and the items submitted, the application could be considered substantially complete once issues pertaining to drainage and compliance with the stormwater management ordinance have been resolved.

Any item indicated in this memo as missing from the plan could be a condition of approval if the Board felt such item(s) are relevant and are not waived. If the Board chooses to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C shall apply. If the application is accepted as complete, the Planning Board can enter into a public hearing if such a hearing was properly noticed in accordance with 676:4D.

Matt asked about the current plan regarding the layout of driveways and whether the driveways could be placed in between each house. The reply from Dan Higginson was that they did not want to surround each house with driveways.

Regional impact was reviewed. Larry Anderson made a motion that there is no regional impact. Motion seconded by Diane Adinolfo. VOTE: Larry Anderson—yes, Diane Adinolfo—no, Chad Pelissier—no. The motion did not pass. There is regional impact that must be further considered.

The requested waivers were discussed

1. Tie to NH State Plan system not addressed.
2. Checklist Item 33 (5.02.g.1) – Plan not signed by surveyor regarding the setting of monuments not addressed.
3. Checklist Item 36 – Compliance with Stormwater Management Ordinance cannot be addressed until engineering study is resolved.
4. Checklist Item 38 (5.02.h) – New electric not shown as underground.
5. Checklist Item 39 (5.02.j) – Erosion Control Measures not addressed.

Matt recommended that the meeting be opened to public hearing to obtain feedback from abutters. The meeting was opened by the public by Chad Pelissier.

Dawn Landry asked about a follow up public hearing and whether there would be a written notice to the abutters. Matt Monahan replied that there would not be another notification to the abutters, and a date will be provided during tonight's meeting. The meeting minutes will be posted on the Town of Allenstown Planning Board tab of the Allenstown website.

Mike Juranty stated that the plan previously presented to the ZBA is not the same as what was presented at tonight's meeting. The number of houses was half of what is presented tonight. Dane Pendergrast explained that the plans presented to the ZBA had bigger lots and they did explain that this was not the final plan. The plans presented to the ZBA were for the purpose of obtaining the variances. The survey work had not been done prior to the previous meetings. Dan Higginson explained that until the land had been surveyed and the wet lands had been mapped, the proposed plan could not be completed. Marilyn Batchelder asked a question

has to be a minimum of 40,000 square feet. What is done, at the most basic level, is take the total size of the lot (after taking out nonbuildable areas like wetlands) and divide by the land available.

Mike Juranty asked about the tracks of land versus the agricultural conservation district requirements, regarding wetlands. The regulations that he referred to stated that if conflicts exist between chapters of cluster housing and wet lands requirements, the wetlands requirements have precedence. Matt asked Dan Higginson to depict the wetlands on the plan. Dan Higginson depicted the wetlands and explained that the plan contains 11.4 acres of open space which yields the land needed for the 12 lots, not including the 12 lots. Matt asked how much square footage contains wet lands. Dan replied that 11.48 acres are dry. This allows for buildable land equivalent to over 12 lots. Matt calculated the figures for the group using the lot sizes vs the 11.48 acres of dry land. Matt calculated that 20 lots were available to be built. Due to discrepancies between calculations, Dan Higginson said he would provide all calculations in a detailed email to Matt. The figures will be available for the next meeting.

Lorraine Vincent stated that the proposed build area used to be a swamp and when there are large amounts of snow or rain, that area becomes flooded. She also mentioned that when she had her well replaced, she had to move it to a location on her property to keep required distances from the main road and neighbor's property. The proposed plan of houses does not hold to the same requirements that she was held to.

A question was asked as to whether the school is prepared to accept additional enrollments due to the proposed additional housing. Diane Adinolfo asked about the increased traffic in the area due to the additional housing. Matt explained that the State has a formula used to determine traffic impact. A question was asked about set backs regarding wells and septic. Dan provided a reply that the wells and septic systems are within the requirements. The DES regulates the distances and approvals of septic and well systems. Matt explained that there are approximately 10,000 to 11,000 cars on Rte 28. It is unknown as to the impact of the proposed houses.

An abutter explained that the current house lots on Pine Acres Road are one acre lots and some of them experience issues with their wells. Dan explained that these wells would be deeper wells that are not likely to experience low water levels. John Emery asked how many board members have driven down Pine Acres Road to look at the road and envision 12 driveways opening on to the street. Diane Adinolfo expressed an opinion that this type of housing plan is something that you would see in Manchester and not in Allenstown. It was expected that the plan would be one road with a cul-de-sac with a few houses around it. Chad Pelissier expressed that the flag lots were a concern and the Planning Board had never allowed this type of lot plan. The intent of the cluster housing is that there would be a development type plan with one entrance from a main road and not numerous driveways on to an existing street.

The next meeting will be February 1, 2017 at 6:30 pm. at the Allenstown Town Hall. Dan Higginson will provide all calculations for the next meeting. The school will be consulted as to potential impact. Larry Anderson asked a question as to where the recommended wall would be located. It was explained that the wall was a recommendation due to road noise from Rte 28.

REVIEW OF UNAPPROVED MINUTES.

Larry Anderson made a motion to accept the minutes of December 21, 2016 meeting. Diane Adinolfo seconded the motion. Vote: Chad Pelissier—yes, Larry Anderson—yes, Diane Adinolfo—yes. Motion passed.

IV. CORRESPONDENCE & OTHER BUSINESS:

None


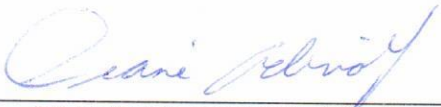
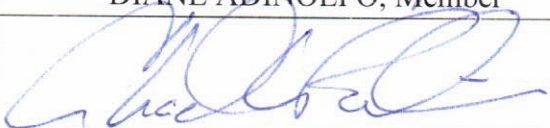
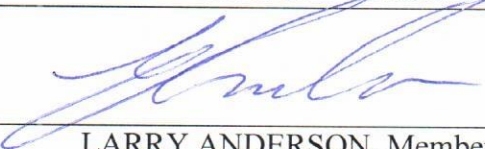
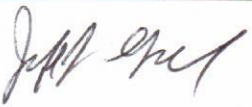
V. STAFF UPDATE:

None

VI. ADJOURN

A motion was made by Larry Anderson to adjourn the meeting. Motion seconded by Diane Adinolfo. Vote: Chad Pelissier—yes, Larry Anderson—yes, Diane Adinolfo—yes. Meeting adjourned at 8:40pm.

Signature Page

Approval:	
	1/18/17
CHRISTOPHER ROY, Chair	DATE
	1/18/2017
DIANE ADINOLFO, Member	DATE
	1/18/17
CHAD PELISSIER, Member	DATE
	1-18-17
LARRY ANDERSON, Member	DATE
	1-18-17
JASON TARDIFF, Ex-Officio	DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	CHRISTOPHER ROY, Chair	DATE
	DIANE ADINOLFO, Member	DATE
	CHAD PELISSIER, Member	DATE
	LARRY ANDERSON, Member	DATE
	JASON TARDIFF, Ex-Officio	DATE

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