

TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275
November 20, 2019

Call to Order.

The Allenstown Planning Board Meeting of November 20, 2019 was called to order by Chairman Mike O'Meara at 6:30 p.m. Chair O'Meara called for the Pledge of Allegiance.

Roll Call.

Present on the Board: Sandra McKenney, Diane Adinolfo, Mike Frascinella, and Mike O'Meara. Chad Pelissier arrived at approx. 8:20pm – excused earlier due to a ZBA Meeting).

Ex-Officio: Sandra McKenney


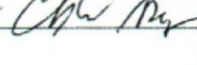
Residents of Allenstown: None – See Below

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Planning Board
16 School Street
Allenstown, New Hampshire 03275

Meeting Date: 11/20/2019

Sign-In Record

Print Name	Signature	Indicate applicable status	
		Allenstown Resident	If no, state Organization represented
Eric M. Hill		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Singer
CHARLES MORGAN		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OWNER
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Others Present: Matt Monahan, Central NH Regional Planning Commission
Arrived at 7:30 pm: Eric Mitchell, Eric Mitchell Associates; Charlie Morgan, CJL, LLC

Other Public Officials: None

Allenstown Staff: Derik Goodine (arrived at approx. 8:20pm)

OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

None

NEW BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- **Revised Conditional Use Permit application form and potential zoning changes.**

Mr. Monahan stated that he was not prepared to cover the Conditional Use Permit application. Chair O'Meara stated that the Board has been considering an ordinance change which would have the Building Inspector handling applications for Accessory Dwelling Units (ADUs). Ms. McKenney said her concern is that the part-time Building Inspector would be too busy for this.

Mr. Monahan then began his review of suggested zoning ordinance changes. Referring to page 27 he said it does not have to say 'uses not permitted.' There is a cross reference with Section 1102, the Home Business section. On page 28, he suggests adding, 'in accordance with the provisions of 1102.' Next, he referred to carport regulations. He explained that Section 602 on page 35 says that a Special Exception is needed if a carport encroaches on the setback. Yet, carports are not expressly permitted and are therefore prohibited. He added that page 37 is the same story.

Mr. Monahan next raised the issue of a proposal to sell of pizza made in a portable brick oven. Mr. Monahan said this is not quite to the level of needing a site plan but also is not a home operation. He said that Allentown's ordinance does not define casual sales from the front of one's home with no physical structure. He said that the town already has a good Flea Market ordinance, so they do not need to review that.

He referenced page 45, Section 1102, Home Occupations, which is under the Innovative Land Use RSA and for which the Planning Board issues a Conditional Use permit. This would require a Conditional Use application permit form; a public hearing; a sketch addressing traffic flow, parking, lighting and signage; a narrative about the type of business, the number of employees, parking, shipping and supplies, customers (present or not); hours of operation; an abutters list; a picture of the exterior of the home where the business is located (a snapshot will suffice); fees, and written waiver requests, if any. He added that the Planning Board would reserve the right to ask for additional information. At the meeting, the Planning Board will check for completeness and hold a public hearing. If the applicant demonstrates that the plan is acceptable, a Conditional Use permit will be issued.

Mr. Frascinella said that a description of home sales is missing.

Mr. Monahan said that there should be a reference to definition #85 on page 16. He added that if one or more of the conditions is not satisfied, the permit will be denied. For Home Occupations, he said, there are nine requirements:

- 1- Meets the definition of home occupation;
- 2- Uses not more than 33% of the home, with a variance needed for a larger percentage;

- 3- If the business is in a separate structure, it is reasonably similar to the home itself (not a sheet metal structure);
- 4- Business owned by an inhabitant of the dwelling who is on the premises;
- 5- No more than two (2) non-inhabitants as employees permitted;
- 6- Must meet any and all zoning requirements, including variances or Special Exceptions;
- 7- Lighting must be downcast and no signage with interior lights is allowed;
- 8- Parking sufficient for business customers plus two spaces for the home;
- 9- Permanent dumpsters must be screened.

Mr. Monahan added that ^{the} ~~he~~ Planning Board reserves the right to add conditions. He said that the applicant should provide a rendering of the general idea of signage. The Building Inspector has the final say. He said that Allenstown has a good signage ordinance. If a new or improved driveway permit is required, that becomes a condition of approval.

Next, Mr. Monahan looked at the definition and requirements for Casual Sales. He said the purpose is small-scale retail activities taking place at or on the property of a single-family home. The activity does not rise to the level of a Flea Market or a Home Occupation as described in the ordinance. Casual sales are limited by lack of any permanent commercial structures and the time and days activities are undertaken. Referring to Yard Sales, he listed the conditions: sale of miscellaneous items commonly associated with residential use, not just a single item, and not more than two consecutive days in a calendar year.

Ms. McKenney asked if that should say 'not more than two consecutive days in a month.'

Mr. Monahan said he feels that Yard Sales should not require permits.

Ms. McKenney said she believes that was done to control the number of Yard Sales.

Mr. Monahan related the conditions for an Outdoor Flea Market from page 60, Section 1120. These are allowed on Saturdays, Sundays and legal holiday Mondays. They may operate in the Spring, Summer and Fall from 7:00 am until 7:00 pm. They must have off-street parking, refuse collection, and not be detrimental to the neighborhood. He suggested they should be allowed between April 15th and October 15th and for no more than two consecutive days per month.

Ms. McKenney added that garage sales should be included here.

Mr. Monahan said Yard Sales should have its own section of the ordinance. He asked how the Yard Sale fee is collected.

Ms. McKenney said that \$2 is paid at Town Hall and a piece of paper is received.

Mr. Frascinella said this is excessive government interference.

Chair O'Meara said that, for \$2, it costs more to administer this.

Mr. Monahan said it is an aggravation.

Ms. McKenney said that they are planning a town-wide yard sale for next year.

Mr. Monahan said that is a good idea.

Chair O'Meara reported the consensus of the Board is to eliminate the two-dollar fee.

Mr. Monahan next addressed Minor Casual Sales otherwise prohibited by ordinance. He said he would take garage sales and tag sales out of this section because they are covered under Yard Sales. Minor Casual Sales would be activities like bake sales which have greater frequency and intensity than Yard Sales. They are authorized by the Select Board and are limited to Saturdays, Sundays and legal holiday Mondays. The Select Board shall impose terms and conditions necessary to ensure that such sales are not detrimental or injurious to the neighborhood. An organization shall sponsor these activities not more than two weekends per calendar month. They will require a Conditional Use permit. The Select Board will not hold a hearing. The applicant would be required to provide these: a simple application (what, where, who, when); a narrative; a sketch; and fees as set by the Select Board. The applicant shall demonstrate the following.

- 1- There will be no permanent structure, excluding temporary tents.
- 2- The activity meets the definition of Minor Casual Sale.
- 3- There will be no seating for customers.
- 4- They shall not operate more than two weekends per calendar month (Saturdays, Sundays, and legal holiday Mondays).
- 5- Hours of operation shall be between 7:00 am and 7:00 pm.
- 6- Adequate parking shall be available, with no street parking.
- 7- There will be no addition to impervious area.
- 8- Operation shall be limited to April 15th through October 15th.

Ms. McKenney questioned the limitation of two weekends per calendar month for an operation such as the pizza business discussed earlier.

Mr. Monahan next described a Major Casual Sale as either a retail activity occurring more frequently than a Minor Casual Sales but not to the threshold of a Flea Market or a Home Occupation or an eating establishment utilizing outdoor seating in a tent or lean-to with non-permanent or semi-permanent seating. A Conditional Use permit from the Planning Board would be required and would include the following items:

- 1- An application form (which has to be created).
- 2- A project narrative describing the retail use, number of employees, days and hours of operation and parking (how customers will patronize the business).
- 3- An abutters list.
- 4- A sketch.
- 5- Fees.

There shall be no permanent structures (excluding tents supporting sales). The applicant must agree that it meets the definition of Major Casual Sales. There must be adequate seating for customers. This applied to eating establishments only. They shall be allowed to operate only on weekends, defined as Saturdays, Sundays, and legal holiday Mondays. Hours of operation shall be 8:00 am until 7:00 pm. There will be adequate on-site parking, no street parking and no addition to the impervious surface. The approval criteria shall constitute the Conditions of Approval. Enforcement shall follow these steps: First offense – warning; Second offense – suspension for one month for Minor Casual Sales and suspension for one week for Major Casual Sales; Third offense - revocation of permit whereby the applicant may reapply after one year.

Upon the arrival of representatives from CJL, LLC, Chair O'Meara suspended the review of proposed ordinance changes at 7:35 pm.

- **Site Plan. CJL, LLC. PB Case #06-2019. Map 109 Lot 29-1 at 3 Chester Turnpike within the Business Zone and the Groundwater Protection Overlay District. CJL requests a site plan establish a mixed-use commercial site with a car storage, records management, and medical logistics company.**

Chair O'Meara introduced Eric Mitchell of Eric Mitchell Associates and Charlie Morgan of CJM, LLC. He stated that the ZBA had just granted a use variance by a vote of 4-0. This was required before this Board could address the Site Plan.

Mr. Monahan stated that this applicant received subdivision approval in October and has since requested Planning Board approval to change one condition of approval. The request is that the sewer and water build condition be changed to a bond (letter of credit). Mr. Monahan stated that the Technical Review Committee had good attendance and offered comments on parking, handicapped parking, traffic, and the GSS lease. The Fire Department presented items to be addressed, including fire-rating of walls, parking inside, interior suppression systems and a hazardous materials data sheet. He said that the Town Administrator asked if GSS could register all of its vehicles in Allentown. Mr. Morgan has agreed to check on that. The Highway Department said that if the daycare is expanded offsite, a drainage update will be required. The daycare would then create its own site plan.

Mr. Mitchell began by saying that Vault Motor Storage, which occupies about one-third of the building is not self-storage. Vehicles come in or go out by appointment only. Customers do not enter the building. Mr. Morgan has similar operations in Merrimack, Belmont and Salem.

Mr. Mitchell said that Morgan Records Management occupies one third of the building, storing banker boxes on racks and digitizing some files, which may have one or two employees. No customers are coming and going. Mr. Morgan has a Manchester records storage facility with 200,000 boxes.

Granite State Supply Services (GSS) will lease one third of the building. It is a distribution and warehouse operation. Items arrive on large trucks in the early morning hours and are then distributed via cargo vans and sedans (about 40 vehicles total) during the day. There are three

cargo bays. GSS delivers to banks, post offices, pharmacies, drug stores and office supply stores (i.e. Staples). During the ZBA hearing, he said, they had a phone conversation with the Operations Manager for GSS, who assured them that pharmaceuticals are always locked up and they have never had any security problems. The building is not used as a warehouse in the traditional sense of storage but rather to sort and organize items for delivery. Mr. Mitchell said that Mr. Morgan has renovated the outside of the building, put on a new roof and paved the parking lot. He said that they are asking for a waiver of the traffic study requirement. It has been agreed that right turns only will be allowed onto Route 28 (heading north), and vehicles will go around the property to get onto Route 3 (using Chester Turnpike & Granite Street to access the traffic light at the Route 3/Granite St. intersection).

Ms. McKenney said that she had concerns about safety at the daycare. She asked about the delivery hours for GSS.

Mr. Mitchell said that the large trucks arrive and are unloaded at 2:00 am. The smaller vehicles leave over a two-hour timeframe between 6:00 and 8:00 am. They open again at about 4:00 pm and shut down at 7:00 pm.

Mr. Morgan said that the playground at the daycare is fenced in, and GSS operates in the same manner as did Northeast Logistics which occupied the location previously.

Chair O'Meara said the conditions are the same as before.

Mr. Mitchell said that their plan shows the exterior lights, and the applicant is requesting a waiver of the requirement to provide an exterior lighting plan.

Mr. Monahan asked if the large trucks will be parked on site.

Mr. Mitchell responded that the large tractor trailers will not park at all; they will unload and leave. The smaller vehicles will be parked on-site.

Mr. Monahan asked if the records management business involves GSA approved or federal government documents.

Mr. Morgan said there are no government documents.

Regional Impact

Chair O'Meara asked for a motion regarding regional impact.

Mr. Frascinella made a motion stating that this project has no regional impact. Ms. Adinolfo seconded the motion. Chair O'Meara called for a vote on the motion.

Vote: Diane Adinolfo – yes, Sandra McKenney – yes, Michael Frascinella – yes & Michael O'Meara – yes.

The motion carried unanimously, and the Board determined that there is no Regional Impact.

Mr. Monahan said he wants to have as a condition of approval the book and page for the easements.

Mr. Mitchell asked about the location of the dumpsters and the screening requirement.

Mr. Morgan said that the screening creates a mess and he would prefer not to have it.

Ms. Adinolfo asked if they might be setting a precedent by not requiring screening of the dumpster.

Mr. Monahan asked what is there now and what is around it.

Mr. Morgan said it is on the side that faces Route 3.

Mr. Monahan asked if the daycare dumpster is screened.

Mr. Morgan said it is not. He said that with screening, they can't get at it, especially when it snows. He said the debris just floats around inside and that it is easier to clean when it is open.

Chair O'Meara stated the consensus of the Board is to drop this requirement from the list.

Waivers

Chair O'Meara asked for a motion regarding the two waiver requests. One is #32 – Lighting – 6-01-1 and the other is #54 - Traffic Study – 6-02-1.

Mr. Frascinella made a motion to approve the two waiver requests regarding lighting and traffic.

Ms. Adinolfo seconded the motion. Chair O'Meara called for a vote on the motion.

Vote: Diane Adinolfo – yes, Sandra McKenney – yes, Michael Frascinella – yes & Michael O'Meara – yes.

The motion carried unanimously, and the requester Waivers were approved.

Completeness

Chair O'Meara asked for a motion regarding the completeness of the application.

Ms. Adinolfo made a motion affirming the completeness of the application. Mr. Frascinella seconded the motion. Chair O'Meara called for a vote on the motion.

Vote: Diane Adinolfo – yes, Sandra McKenney – yes, Michael Frascinella – yes & Michael O'Meara – yes.

The motion carried unanimously, and the application was accepted as complete.

Public Hearing

Chair O'Meara opened the public hearing on the Site Plan at 8:05 pm.

Mr. Monahan asked about the letter of credit.

Mr. Morgan said that he has the letter of credit and will deliver it to Mr. Goodine tomorrow. He also said that he will work with the Fire Chief regarding his list of concerns and will comply with all that is asked.

There being no other members of the public present, Chair O'Meara closed the public hearing at 8:05 pm.

Mr. Monahan read the list of potential conditions of approval.

1. The applicant shall provide the Book and Page from the easement documents.
2. The applicant shall address the TRC concerns, including the two connection fees for Pembroke Water Works and the Allenstown Fire Department's approval of four issues: the fire-rating of the wall dividing the businesses, the parking layout inside for Vault Storage and GSS, the suppression system for the building and the racking system, and the hazardous materials data sheet.
3. The applicant shall comply with the requirement that GSS will make right turns only onto Route 28 North and will go around the property to turn onto Route 3.
4. Professional stamps and signatures and the owner signature shall be on the final plan, as well as the waivers granted and the conditions of approval.
5. The applicant shall provide the final plan as approved to the Planning Board in digital format.
6. The applicant shall record the Notice of Decision with the Merrimack County Registry of Deeds.
7. The applicant shall supply a copy of the ZBA use variance decision.
8. The applicant shall record the previously approved subdivision.

Site Plan Approval

Chair O'Meara asked for a motion of approval for the Site Plan.

Mr. Frascinella made a motion to approve the Site Plan for CJL, LLC. PB Case #06-2019. Map 109 Lot 29-1 at 3 Chester Turnpike. Ms. McKenney seconded the motion. Chair O'Meara called for a vote on the motion.

Vote: Diane Adinolfo – yes, Sandra McKenney – yes, Michael Frascinella – yes & Michael O'Meara – yes.

The motion carried unanimously, and the Site Plan was approved.

Chair O'Meara noted that Mr. Goodine joined the meeting at this time.

UNAPPROVED MINUTES

Chair O'Meara said that there are no minutes ready to be approved.

CORRESPONDENCE & OTHER BUSINESS

- Chair O'Meara reported that a site walk at Allenstown Aggregate was completed on November 6, 2019. He said they have made a substantial effort to remove the coal ash pile. He said that Mr. Goodine attended the walk, and that Town Attorney Somers will write up an extension to be signed by the Select Board and Allenstown Aggregate, probably setting November 2020 as the deadline.
- Chair O'Meara said he received from Pembroke a Regional Impact notice for a development at 373 Fourth Range Road. This is an R-3 Zone and Wetlands Protection District. It is for a 56-lot, open space development with onsite septic and wells. It has 95 acres of open space. The Pembroke Planning Board will meet on November 26th at 6:30. Allenstown Planning Board members are invited. He said he does not plan to attend.

Mr. Monahan said he will be responding to the DRI, and he noted that the development is in the middle of the woods.

Ms. McKenney said that the residents are fighting this.

Ms. Adinolfo said the neighbors don't want this.

- **Revised Conditional Use Permit application form and potential zoning changes. (continued)**

Chair O'Meara said the Board might not have time to complete the ordinance revision process to meet deadlines for the March Town Meeting.

Mr. Goodine noted that the deadline for a notice of the first public hearing would be January 1, 2020. There will be a second hearing if issues are raised at the first hearing which need to be addressed. He said that the warrant for the Town Meeting goes up on January 27th.

Mr. Monahan said he would not be available on January 21st or 22nd.

Chair O'Meara said that he and Diane Adinolfo would be out of town from January 16th through January 22nd. Therefore, the other three members of the Planning Board would have to be in attendance at the January 22nd meeting in order to have a quorum.

Mr. Monahan said he would email the proposed ordinance revisions to Town Attorney Somers tomorrow for her review.

Mr. Monahan referred to page 64 regarding ADUs.

Chair O'Meara decided to hold off until next year on the decision about delegating this to the building inspector.

Mr. Monahan then referred to page 79 and said they should correct the citation. It is Section 1112, not 602-M, for cluster subdivisions. He said that the spelling of a word on page 81 needed to be corrected.

Mr. Pelissier joined the meeting at this time.

Ms. McKenney expressed concerns about unregistered vehicles. She said that only one unregistered vehicle is allowed at a home, but perhaps they should add 'uninspected' to that.

Mr. Monahan said that some people buy and register cars for parts, so that can be a problem.

Chair O'Meara asked if that could be legislated at the local level. He asked Mr. Monahan to check on this.

SCHEDULING NEXT MEETING

Chair O'Meara said the next meeting will be on December 4, 2019 beginning at 6:30 pm. He said they would be reviewing the final version of the ordinance changes.


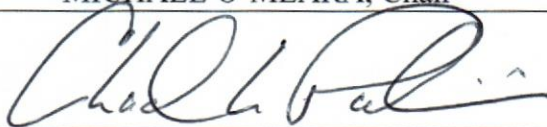
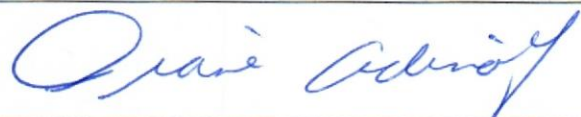

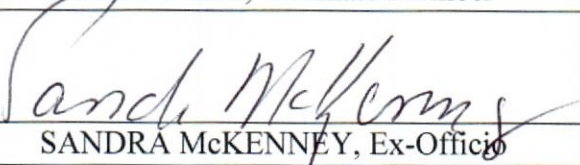
ADJOURNMENT

Ms. Adinolfo made a motion to adjourn at 8:48 pm. Ms. McKenney seconded the motion.

Vote: Diane Adinolfo – yes, Sandra McKenney – yes, Chad Pelissier – yes, Michael Frascinella – yes & Michael O'Meara – yes.

The motion carried unanimously, and the meeting was adjourned.

Signature Page

Approval:	
	12/04/2019
MICHAEL O'MEARA, Chair	DATE
	12/4/19
CHAD PELISSIER, Vice Chair	DATE
	12-4-19
DIANE ADINOLFO, Member	DATE
	12/4/19
MICHAEL FRASCINELLA, Member	DATE
N/A.	
ROBERT LEE, Alternate Member	DATE
	12-04-19
SANDRA McKENNEY, Ex-Officio	DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	MICHAEL O'MEARA, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	DIANE ADINOLFO, Member	DATE
	MICHAEL FRASCINELLA, Member	DATE
	ROBERT LEE, Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE

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Sign-In Record

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