

TOWN OF ALLENSTOWN
Planning Board
Allenstown Town Hall –16 School Street
Allenstown, New Hampshire 03275
Meeting Minutes
March 01, 2023

Call to Order

The Allenstown Planning Board Meeting of March 01, 2023 was called to order at 6:32 PM by Chair Diane Adinolfo. Chair Adinolfo called for the Pledge of Allegiance.

Roll Call

Present on the Board: Diane Adinolfo, Sandy McKenney, Michael Juranty, Michael Frascinella.

Excused: Chad Pelissier
Ryan Beaudry

Ex-Officio: Sandy McKenney

Residents of Allenstown: None

Allenstown Staff: Derik Goodine, Town Administrator
Brian Arsenault, Code Enforcement Officer

Others present: Kaitlyn Sheridan – Alternate Member*
Matt Monahan – Central New Hampshire Regional Planning Commission
Mike O'Meara – Volunteer Administration

* With only four full members present, Chair Adinolfo invited Ms. Sheridan to participate as a full member of the Board at this meeting.

Public Officials: None

OLD BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

None.

NEW BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

- Case Law - At the request of Chair Adinolfo, Ms. Sheridan provided a synopsis of current case law as it relates to Short-Term Rentals, including those of surrounding states.

Ms. Sheridan discussed several instances of litigation in NH related to STR's.

- An example out of Portsmouth (from 2019) involving an LLC was discussed where a property was made available as an STR primarily during summer months. The Portsmouth Zoning Ordinance designated the area where the property was located for "Residential Dwelling Units", with all other uses excluded. The LLC took the position that this was a Residential Dwelling Unit, whereas the city's position was that it was transient in nature, similar to hotels and the like, which was specifically prohibited. Based on current ordinances, the Court agreed and allowed the city to shut down the STR.
- An individual in the Town of Conway (from 2022) was using a Residential Dwelling Unit as an STR. A Residential Dwelling Unit in Conway requires a kitchen. The Court ruled in favor of the individual as the property did contain a kitchen and the Town did not have any ordinance permitting or prohibiting use as an STR. Although almost opposite to the

Portsmouth decision, the outcome was as a result of the specific ordinance language in Conway. The key takeaway is that definition of an STR is key!

- It is possible that there may shortly be another NH case where the Town of Northumberland is restricting an individual's use of a property for STR.
 - Maine – the state of Maine is similar to NH in that it has no specific laws regarding STR's, instead leaving it up to towns to make ordinances.
 - Vermont – while the state of Vermont does have some statutes and regulations regarding STR's, those are geared more towards taxation (i.e., meals, etc.), with all other regulation left up to individual towns.
 - Massachusetts – the Commonwealth of Massachusetts does have many regulatory schemes covering STR's, with nothing left up to towns – all state regulated.
- STR Survey – Chair Adinolfo introduced the draft STR Survey and provided some background and reasoning for the proposal, explaining that with town elections taking place in March, it provided an opportunity to provide residents with information on STR's, to gather their input and comments, and to poll them on what regulations, if any, the PB should consider for Allenstown.

With that in mind, Chair Adinolfo and Mr. O'Meara developed a draft of a survey document that could potentially be used to gather this information, reviewed it with Mr. Monahan of CNHRPC, and wanted to discuss it with the Board to gather further feedback, input, changes, additions, etc. in time to use at the March 2023 town meeting.

There followed a general and comprehensive review and discussion of each proposed question, and the proposed definition for a Short-Term Rental in Allenstown. The consensus outcome was a revision of the proposed definition, modification of several questions, and the elimination of proposed Question 7 related to limitations on the number of STR's in any given zone. The resultant six-question survey is attached to and forms part of these meeting minutes and will be used to solicit input and feedback from residents on STR's at the March 14th Town Meeting.

UNAPPROVED MINUTES

● February 15, 2023

Ms. McKenney made a Motion to approve the meeting minutes of February 15, 2023 as written. Ms. Sheridan seconded the Motion.

Roll call vote was taken.

Diane Adinolfo- Aye, Sandra McKenney- Aye, Michael Frascinella- Aye, Michael Juranty- Aye, and Kaitlyn Sheridan- Aye.

The Motion passed, and the minutes for February 15, 2023 were approved as written.

CORRESPONDENCE & OTHER BUSINESS

● CNHRPC 2023 Traffic Study Request

Mr. Monahan discussed traffic studies that are routinely conducted across NH and how that information is used to inform decision making across the state regarding traffic planning on the state and municipal level.

- **Eversource**

Members were advised of work that Eversource will be performing on its transmission lines during the coming weeks.

- **Hooksett Abutter Letter**

Members were advised of an abutter letter that was received from Stantec Consulting Services Inc. on behalf of the Town of Hooksett Conservation Commission regarding Phase IV of the Proposed Hooksett Riverwalk Trail. In particular, abutters were advised of a pending application to the NH Wetlands Bureau for temporary and permanent impacts to the wetlands for a culvert and stream crossing within a former railroad bed to extend the existing Riverwalk Trail system to Allenstown and connect to the existing Allenstown Rail Trail at the town line. This notification is for information only at this time.

STAFF UPDATE

None.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER UPDATES

Kettle Rock Road – Mr. Arsenault advised the Board that the BOS is planning to move forward with a consultant to look at and help determine if an historical “road” called Pease Road in that area is actually an existing Class V or VI road, or not, to help with determining frontage and other requirements for potential development in the area. Research into the matter is currently ongoing.

Potential PB Application – Mr. Arsenault advised of the possibility of a property owner that might be interested in adding another building to a large piece of property that they own, which was previously subdivided, resulting in a successful business on the subdivided parcel. Information only at this time.

SCHEDULING OF NEXT MEETING

Mr. O’Meara said the next meeting is scheduled for March 15, 2023.

ADJOURN

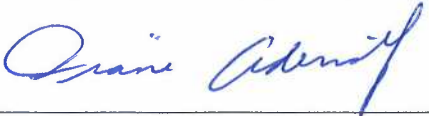

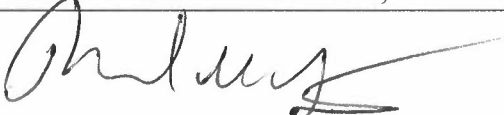

Ms. McKenney made a Motion to adjourn. Ms. Sheridan seconded the Motion.

Roll call vote was taken.

Diane Adinolfo- Aye, Sandra McKenney- Aye, Michael Frascinella- Aye, Michael Juranty- Aye, and Kaitlyn Sheridan- Aye.

The Motion passed and the meeting was adjourned at 8:08 PM.

SIGNATURE PAGE
Allenstown Planning Board
March 01, 2023

Approval:	
	4-5-23
DIANE ADINOLFO, Chair	DATE
EXCUSED	N/A
CHAD PELISSIER, Vice Chair	DATE
	4-5-23
MICHAEL FRASCINELLA, Member	DATE
	4/5/23
MICHAEL JURANTY, Member	DATE
RYAN BEAUDRY, Alternate Member	DATE
REMOTE - VERBAL APPROVAL	4-5-2023
KAITLYN SHERIDAN, Alternate Member	DATE
	04/05/23
SANDRA MCKENNEY, Ex-Officio	DATE

SIGNATURE PAGE
Planning Board
March 01, 2023

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	DIANE ADINOLFO, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	MICHAEL FRASCINELLA, Member	DATE
	MICHAEL JURANTY, Member	DATE
	RYAN BEAUDRY, Alternate Member	DATE
	KAITLYN SHERIDAN, Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE



Town of Allenstown Planning Board

Short Term Rentals ("STR") Survey

Short Term Rental: Airbnb, Vrbo, Home Away, Private Rental, etc.

Proposed Definition - Town of Allenstown Short Term Rental ("STR")

STR: "A dwelling unit where transient lodging is provided for a fee for stays not to exceed 30 nights, and where the dwelling unit would normally be considered a residential living unit that is not associated with regulated commercial activities such as a hotel, motel, bed-and-breakfast, or rooming/boarding/lodging house."

Circle your response

1	Should the Town of Allenstown allow Short Term Rentals?	Yes	No
If yes, please continue. If no, you do not need to continue.			
2	Should the Town of Allenstown Planning Board develop an ordinance to regulate STR?	Yes	No
3	Should the Town of Allenstown require STR to register with the town?	Yes	No
4	Should the Town of Allenstown require a permit for STR?	Yes	No
5	Should STR be restricted to certain zones within the Town? <i>For example, Residential, Commercial/Light Industrial, Open Space & Farming?</i>	Yes	No
If Yes to Question 5, please complete # 5.a, 5.b, 5.c & 5.d.			
If No, please go to # 6 below.			
	5.a Allowed in homes in a Residential Zone	Yes	No
	5.b Allowed in homes in a Commercial/Light Industrial Zone	Yes	No
	5.c Allowed in homes in an Open Space and Farming Zone	Yes	No
	5.d Allowed in all zones	Yes	No
6	What should the Planning Board be concerned about if developing an ordinance?		
	On-Street Parking	Yes	No
	Increased Traffic	Yes	No
	Trash/Littering	Yes	No
	Excessive Noise	Yes	No
	Police, Fire, or EMS Responses	Yes	No
	Signage – Advertising the STR	Yes	No
	Other – Please add in Comments Section Below	Yes	No

Please enter any additional comments here (use back of survey if additional space is needed):