

**Allenstown Planning Board  
16 School St.  
Allenstown, New Hampshire  
03275**

**Allenstown Planning Board Meeting Minutes**

**Date:** September 18, 2013

**Location:** Allenstown Town Hall

**Time:** 6:30 PM

Note: Although these minutes may contain direct quotes, they are not verbatim. Many sections contain a general description the remarks of the participants as interpreted as both indicated by the transcriber and should not be relied upon as the actual intent of the participant's statement. Additionally, many statements have been omitted, condensed and generalized based on the interpretation of the transcriber as to the relevance, content, specificity, accuracy, and/or conformity to any applicable statute. The transcriber assumes no liability for the contents of the document.

**Meeting was opened by Chris Roy at 6:41 p.m.**

**BOARD MEMBERS PRESENT:** Chairman Chris Roy, Vice Chair Chad Pelissier, Ex-Officio Jeff Gryval, and Andrea Martel (arrived at 7:45 PM).

**BOARD MEMBERS ABSENT:**

**PUBLIC MEMBERS PRESENT:** Dana Pendergast, Building Inspector

### **UNAPPROVED MINUTES:**

Jeff made a motion to accept the minutes of September 4, 2013 as written. Chad seconded the motion. Motion passed and minutes signed.

### **RECEIPT OF APPLICATIONS AND PUBLIC HEARINGS:**

No applications or public hearings.

### **OLD BUSINESS:**

- a. Meet with Building Inspector to discuss gravel pit owners.
  - Dana informed the Board that Armand had sent his paperwork in; received word from Plourde that he was grandfathered; all gravel pits are currently working outside the permit; stated that Plourde was requested to complete the Excavation Report and submit to Planning Board before November 1, 1991 and has not done so to date.
  - Dana recommended to the Board the schedule a meeting with each gravel pit owner and let the owners bring the required paperwork to meeting. Jeff suggested sending a letter to each owner and requesting the information they need to bring to the meeting. Chris and Matt will draft a letter for the Board to review at the next meeting.
- b. Update on Allentown Aggregate (AA) if needed.
  - Dana updated the Board as follows: there has been no new information from AA; the requested extension has expired; have not received a payment that was requested; and the application submitted is still incomplete.
  - Jeff suggested that the Board inform AA why the application is incomplete and state that the Board is concerned about what is happening at the pit site.
  - Chad made a motion to call the Allentown Aggregate application for site plan incomplete without prejudice for the following reasons: 1) extension time frame has passed, no new information has been provided as requested during approval of extension, and 2) items are still missing from the review memo.
    - i. During motion Chad also stated the reasons the extension was granted: additional application material from them needed to be received by Friday, September 6<sup>th</sup>. This was not received.
    - ii. Additional amount of \$6,000 be posted for escrow no later than close of business on August 21<sup>st</sup>. This was also not received.
    - iii. The number and nature of items missing for all three applications was extensive: Site Plan, Conditional Use Permit and 155E Permit;
    - iv. Incomplete fees;
    - v. Existing conditions plan incomplete;
    - vi. No drainage study provided;
    - vii. Plan seems to propose uses that are not consistent with the Zoning Ordinance primarily the solid waste collection.
  - Zoning Ordinance Article VI (Open Space and Farming Zone: OSF) -

NHDES issued a Letter of Deficiency (#WMD-13-001) that specified that the piles in question on the site were categorized as "solid waste" and the facility would require a Solid Waste Permit from NHDES. Subsequent contact with NHDES staff has confirmed that the piles on the site are still categorized as solid waste. Additionally, solid waste facilities are not a permitted use within the OSF zone. Given these factors, the site currently does not comply with the requirements of the OSF zone. The Planning Board cannot approve a site plan proposing a land use that does not comply with the Zoning Ordinance.

- Zoning Ordinance Article IX, Sections 1114 and 1115 - per a letter dated 14 February, 2013 from the Allenstown Building Inspector indicates that the existing operation is in violation of this portion of the ordinance.
- Zoning Ordinance Article XXIV (Groundwater Protection Overlay District: GPOD) - As state above, the site could be considered a solid waste facility and in violation of the OSF Zone requirements due to the presence of the solid waste. Additionally, the GPOD does not permit solid waste facilities either. As the plan set does not depict where the overlay line delineating the zone is located, it cannot be determined if the site currently (and may continue to) violate this ordinance as well.
- Lastly, there are several criteria that trigger the development of a Stormwater Management Plan in accordance with Article XXV of the Zoning Ordinance. One of these is blasting of bedrock. As the site currently does, and will continue to engage in blasting in the future, a Stormwater Management Plan will be required in accordance with Zoning Ordinance Article XXV.
- Zoning Ordinance Article XXV (Permanent Post-Construction Stormwater Management Ordinance: PSMO) - As there is, and will continue to be blasting of bedrock on the site the provisions of this ordinance will apply, most notably the development of a Stormwater Management Plan.
- Roll Call Vote: Chris, I; Chad, I; Jeff, I; Andrea (not present). Motion passed.
- Board discussed the next steps to take. It was decided that the Chairman would speak with Legal Counsel before moving forward with any actions.

#### **NEW BUSINESS:**

- a. Review and discuss language for warrant article regarding Zoning Ordinance.
  - The Board discussed removing the restrictions on membership for the fire chief, fire prevention officer, Sewer Commission, and Board of Selectmen. Andrea will have Matt add the language for the Board of Selectmen and then bring to next meeting for review.

- b. Discuss modifications to RSA 79E per request from Bob Haverty.
  - Reviewed letter from Bob Haverty requesting adding Map 109 Lot 095 to the Incentive Zone per RSA 79E.
  - Dana stated that the correct RSA that he believes that Mr. Haverty is referring to is RSA 162-K. The Board reviewed both RSA's and requested Dana contact Mr. Haverty and get clarification on what he is requesting and report back to the Board at next meeting.
- c. Start discussing updates to CIP.
  - Andrea will contact Stephanie and get clarification on what needs to be updated and who can accomplish this task and report to Board at next meeting.

**CORRESPONDENCE AND OTHER BUSINESS:**

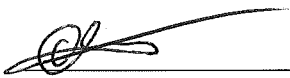
- a. Chad asked if there was a condition of approval regarding Chestnut Drive and requesting that the surveyor place granite bound markers. Chris will contact Donigan and/or surveyor and find out why this has not been completed. Chad will also follow up with the Town Administrator
- b. Reviewed abutter notification from Town of Bow. Board did not see any issues. No members are available to attend the Public Hearing.

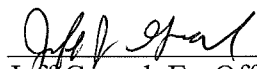
**STAFF UPDATE:**

- a. No updates.

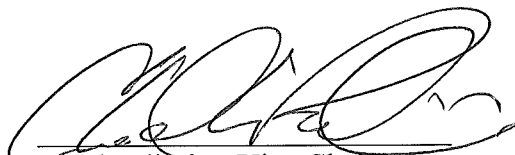
**ADJOURN:**

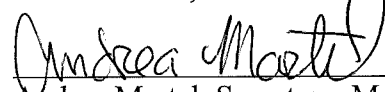
With no further business to discuss, Andrea made a motion to adjourn the meeting. Jeff seconded the motion. Motion was voted on and unanimously passed. Meeting was adjourned at 8:30 pm.

  
Chris Roy, Chairman

  
Jeff Gryval, Ex-Officio

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Member

  
Chad Pelissier, Vice Chairman

  
Andrea Martel, Secretary, Member

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Alternate