

Central New Hampshire Regional Planning Commission

28 Commercial Street ❖ Concord, NH 03301
Telephone: (603) 226-6020 ❖ Fax: (603) 226-6023 ❖ www.cnhrpc.org



❖ Epsom ❖ Henniker ❖ Hillsborough ❖ Hopkinton ❖ Loudon ❖ Pembroke ❖ Pittsfield ❖ Salisbury ❖ Sutton ❖ Warner ❖ Webster ❖

SUBDIVISION APPLICATION, FIRST REVIEW

DATE: JULY 29, 2020
TO: ALLENSTOWN PLANNING BOARD
FROM: MATT MONAHAN, CNHRPC
SUBJECT: CJL LLC (CHARLIE MORGAN) LOT LINE ADJUSTMENT #07-2020
CC: ECM AND ASSOCIATES, INC. (via email)

DESCRIPTION OF THE PROPOSAL

The applicant, CJL, LLC, submitted an application for Map 109 Lots 29 and 29-1 and totaling 5.86 +/- acres on land owned by the same for the purpose of adjusting the lot line between the two sites resulting in 0.36 acres being conveyed from lot 29-1 to lot 29. The site is located at 3 Chester Turnpike, within the Business Zone. The current uses on the sites are a document storage site and a daycare and are not proposed to change. Nearby or abutting uses to the site include commercial, retail, and restaurant uses.

ADMINISTRATIVE DETAILS

CNHRPC received a set of plans for the proposed Subdivision on July 25, 2020. The plan sets reviewed were entitled LOT LINE ADJUSTMENT PLAN TAX MAP 109 LOTS 29 & 29-1 3 CHESTER TURNPIKE ALLENSTOWN, NH OWNER: CJL, LLC, 40 BEDFORD STREET, MANCHESTER, NH 03101 and dated July 24, 2020 and consisted of three as prepared by Eric C. Mitchell and Associates, Inc.. Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC has reviewed the plans for compliance with the Allenstown Subdivision Regulations and applicable requirements. This memorandum is intended to apprise the Planning Board of submittal items required by the Allenstown Subdivision Regulations that are missing from the plan as well as zoning and general planning issues that should be considered with this proposed Subdivision. It is recommended to the Planning Board that any waivers or deviations from the submittal requirements be requested by the applicant in writing.

SUMMARY OF SUBMITTED ELEMENTS

CNHRPC has reviewed the following plans and documents:

1. A plan set entitled LOT LINE ADJUSTMENT PLAN TAX MAP 109 LOTS 29 & 29-1 3 CHESTER TURNPIKE ALLENSTOWN, NH OWNER: CJL, LLC, 40 BEDFORD STREET, MANCHESTER, NH 03101 and dated July 24, 2020 and consisted of three as prepared by Eric C. Mitchell and Associates, Inc.
2. A Town of Allenstown Subdivision Application.
3. A Town of Allenstown Subdivision Checklist.
4. An abutters list.
5. A copy of a check from Eric C. Mitchell & Associates, Inc. number 1101 in the amount of \$500 and dated July 24, 2020.

6. A copy of a check from Eric C. Mitchell & Associates, Inc. number 1102 in the amount of \$971.60 and dated July 24, 2020.
7. A Town of Planning Board Fee Acknowledgement.
8. A Letter of Authorization.
9. A W9.
10. An easement for sewer, water, and drainage.

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.

SUMMARY HIGHLIGHTS AND MAJOR ISSUES

This overall summary highlights the major issues to be considered by the board with this application. Please refer to the whole memorandum for the full description of all the issues and concerns associated with the application, as well as additional details that pertain to the major issues listed below.

Major areas of focus for the project will include:

- Major Issues:
 1. A revised drainage, water, and sewer easement was included in the submittal. This should be reviewed by the Town's attorney, and if needed, signed by the Town prior to recording.
 2. Per comments from the Building Inspector the impervious area of both lots either needs to be less than 70% or a variance sought for impervious coverage. The Board could approve the plan if: 1) pavement is removed to result in less than 70% impervious on both lots; or, 2) the applicant obtains a variance prior to the Board granting an approval.

- Technical Review Committee Comments:
 1. Present at TRC: Eric Mitchell, representing the applicant; Matt Monahan, CNHRPC; Chad Pelissier, Road Agent; Derik Goodine, Town Administrator; Mike O'Meara, Planning Board Chair; Brian Arsenault, Building Inspector; Dawna Baxter, Building Department.
 2. E. Mitchell presents application: transfer about 1/3rd an acre from the larger lot to the day care lot. Impervious will be reduced and a new easement needs to be executed and recorded.
 3. B. Arsenault: a change in the lot sizing would trigger a need to revise the variance for impervious surface that was granted initially.
 - M. Monahan: can more pavement be cut on the larger parcel to get the impervious below 70%?
 - E. Mitchell: yes.
 - B. Arsenault: that would address the issue.
 4. C. Pelissier: no issues at this time.
 5. Police Department: no issues via email comment.
 6. Fire Department: no issues via email comment.
 7. D. Goodine: Do the BOS or the Planning Board have to sign the easement?
 - M. Monahan: lets check with the Town's attorney.
 8. D. Baxter: No issues at this time.

- Potential Conditions of Approval:
 1. If a variance is not granted for impervious coverage, pavement should be removed to result in less than 70% impervious on both lots.
 2. Statements indicating adequate water and sewer capacity need to be provided.
 3. The revised drainage, water, and sewer easement should be reviewed by the Town's attorney, and, if needed, signed by the Town prior to recording.
 4. Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
 5. All waivers granted and conditions of approval need to be on the final plan.
 6. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format.
 7. Notice of Decision to be recorded at the Merrimack County Registry of Deeds.
 8. Any other conditions sought by the Board.

PLANNING BOARD ACTIVITIES

1. CHAIR READS APPLICATION AS PRESENTED ON AGENDA:
Chair reads the Description of the Proposal and the Administrative Details on Page 1.
2. APPLICANT PRESENTS THE SUBDIVISION APPLICATION.
Following formal recognition by the Chair, the Applicant or agent presents an overview of the application (background, existing use, proposed use, what is around the site, any waivers, any other relevant items or considerations).
3. CHAIR CALLS FOR PLANNER TO SUMMARIZE CONCERNS ABOUT THE SUBDIVISION APPLICATION.
Following formal recognition by the Chair, the Planner discusses issues associated with the application. Items include: Major Issues, Technical Review Committee Comments, Checklist Requirements, Subdivision Regulations, Waivers Requested, Zoning Ordinance Requirements, Other Comments, and Completeness. These items are in the following PLANNER'S CONCERNS section.
4. CHAIR CALLS FOR CONSIDERATION OF REGIONAL IMPACT; PLANNING BOARD DELIBERATES AND VOTES.
Board must vote yes or no on regional impact. Refer to the following Development of Regional Impact section.
5. CHAIR CALLS FOR CONSIDERATION OF REQUESTED WAIVERS; PLANNING BOARD DELIBERATES AND VOTES.
Board must vote to approve or deny waivers requested. Refer to Waivers Requested from the following Subdivision Regulations section.
6. CHAIR CALLS FOR CONSIDERATION OF COMPLETENESS; PLANNING BOARD DELIBERATES AND VOTES.
Board must vote to accept the application as complete or deem it incomplete. If voted incomplete, a specific reason must be given (from checklist, regulations, or zoning) and it must be voted "incomplete without prejudice." Board can also continue the application to a specific future meeting if the applicant agrees. Refer to the following Completeness and Public Hearing section.
7. CHAIR OPENS PUBLIC HEARING.

Public hearing opened. Board listens to the concerns of abutters and considers the merits of the application. Board can continue the public hearing to a certain date if applicant is in agreement.

8. **CHAIR CLOSES PUBLIC HEARING; PLANNING BOARD DELIBERATES AND VOTES TO APPROVE OR DENY THE APPLICATION.**

Board votes to approve or deny the application as presented. Approval can be an approval or a conditional approval. If conditional approval, Chair calls for Planner to read potential conditions of approval (Board may add others at this time) prior to a motion being made by a member. If denied a specific reason or reasons must be specified in the motion.

PLANNER CONCERNS

Allenstown Subdivision Checklist Requirements:

1. Checklist Item 14 (5.01.c, 5.02.c & 5.02.e) – Topography and soil data not shown on the plan. This needs to be addressed for completeness.
2. Checklist Item 29 (5.02.k) – Wetlands and soil data not shown on the plan. This needs to be addressed for completeness.
3. Checklist Item 30 (5.02.m & 5.06.e) – Adequate water and sewer capacity have not been addressed. This should be a condition of approval.

Allenstown Subdivision Regulation Requirements:

4. No issues identified at this time, subject to the review of the Planning Board

Waivers Requested from Subdivision Regulation Items:

5. The applicant has not requested any waivers at this time.

Allenstown Zoning Ordinance Requirements:

6. Section 804.e – Per comments from the Building Inspector the impervious area of both lots either needs to be less than 70% or a variance sought for impervious coverage. The Board could approve the plan if: 1) pavement is removed to result in less than 70% impervious on both lots; or, 2) the applicant obtains a variance prior to the Board granting an approval.

DEVELOPMENT OF REGIONAL IMPACT

7. 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 does not appear to have a regional impact because of location in town and the natural of the proposal.

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.

8. A revised drainage, water, and sewer easement was included in the submittal. This should be reviewed by the Town's attorney, and if needed, signed by the Town prior to recording.
9. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format. Such a format shall be georeferenced drawings and may be CAD, Shape Files or GDB format.
10. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
11. Any conditions of approval and waivers granted should be listed on the final plan to be signed.
12. The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

COMPLETENESS AND PUBLIC HEARING

Given the nature of the proposal and the items submitted, the application could be considered complete once items 1 and 2 above have been addressed.

Incomplete applications may be continued if the Planning Board and applicant are in agreement to do so, or, short of such an agreement the Planning Board could vote the application "incomplete without prejudice," citing specific reason(s) and the applicant may reapply.

The Planning Board can enter into a public hearing if the application is deemed complete (provided such a hearing was properly noticed). Timelines set forth in RSA 676:4C will also apply.

NOTE TO THE APPLICANT: ALL REVISED MATERIALS MUST BE RECEIVED AT THE FOLLOWING EMAIL ADDRESSES NO LESS THAN 2 WEEKS PRIOR TO THE PLANNING BOARD MEETING:

mmonahan@cnhrpc.org dbaxter@allentownnh.gov planning@allentownnh.gov