

Central New Hampshire Regional Planning Commission

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SITE PLAN APPLICATION, THIRD REVIEW

DATE: AUGUST 28, 2020

TO: ALLENSTOWN PLANNING BOARD

FROM: MATT MONAHAN, CNHRPC

SUBJECT: LOFTS AT 25 CANAL (CHINA MILL) #03-2020

CC: HAYNER/SWANSON (via email)

DESCRIPTION OF THE PROPOSAL

The applicant, One Wall Allenstown, LLC, submitted an application for Map 111, Lot 3 and totaling 8.25 +/- acres on land owned by the same for the purpose of creating 150-unit residential rental property. The site is located at 25 Canal Street, within the Industrial Zone and the Suncook Village Infill Development District. The current use on the site is industrial (manufacturing). Nearby or abutting uses to the site include some residential and the Allenstown Wastewater Treatment Plant.

ADMINISTRATIVE DETAILS

CNHRPC initially received a set of plans for the proposed Site Plan on May 29, 2020. The plan sets reviewed were entitled MAP 111 LOT 3 SITE PLAN LOFTS AT 25 CANAL, 25 CANAL STREET ALLENSTOWN, NEW HAMPSHIRE; PREPARED FOR BRADY SULLIVAN PROPERTIES, 670 NORTH COMMERCIAL STREET, MANCHESTER NH ; RECORD OWNER ONE WALL STREET ALLENSTOWN, LLC, 670 NORTH COMMERCIAL STREET, MANCHESTER NH and dated 15 May, 2020 and consisted of 34 sheets as prepared by Hayner/Swanson, Inc of Nashua, NH.

Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC reviewed the plans for compliance with the Allenstown Site Plan Regulations and applicable requirements. A memorandum intending to apprise the Planning Board of submittal items required by the Allenstown Site Plan Regulations that were missing from the plan as well as zoning and general planning issues that should have been considered with the proposed Site Plan was submitted to the Board and the Applicant on June 12, 2020. The Applicant submitted items and updated information in response to the June 12, 2020 review memorandum and a public hearing was begun on August 5, 2020. The hearing was continued to September 2, 2020.

Following the August 5, 2020 public hearing a transportation-specific Technical Review Committee (TRC) meeting was held and the applicant has since submitted updated plans and materials for consideration at the September 2, 2020 Planning Board meeting. This memorandum is intended to apprise the Planning Board of any issues that still remain.

SUMMARY OF SUBMITTED ELEMENTS

CNHRPC initially reviewed the following plans and documents:

1. A plan set entitled MAP 111 LOT 3 SITE PLAN LOFTS AT 25 CANAL, 25 CANAL STREET ALLENSTOWN, NEW HAMPSHIRE; PREPARED FOR BRADY SULLIVAN PROPERTIES, 670 NORTH COMMERCIAL STREET, MANCHESTER NH ; RECORD OWNER ONE WALL STREET ALLENSTOWN, LLC, 670 NORTH COMMERCIAL STREET, MANCHESTER NH and dated 15 May, 2020 and consisted of 34 sheets as prepared by Hayner/Swanson, Inc of Nashua, NH.
2. Architectural renderings entitled LOFTS AT 25 CANAL STREET 25 CANAL STREET ALLENSTOWN, NH, and dated April 3, 2020, and consisting of five sheets as prepared by Brady Sullivan of Manchester NH.
3. A cover letter dated May 21, 2020.
4. A Town of Allenstown Site Plan Application.
5. A Town of Allenstown Site Plan Checklist.
6. A Town of Allenstown Planning Board Fee Acknowledgement Form.
7. A Town of Allenstown Planning Board Fee Schedule.
8. A check in the amount of \$12,438.60 issued by 8 Commerce Drive, LLC, number \$6,304.80, and dated May 15, 2020.
9. A check in the amount of \$6,304.80 issued by 8 Commerce Drive, LLC, number \$6,304.80, and dated May 15, 2020.
10. A Project Narrative.
11. An abutters list.
12. A vicinity plan.
13. An aerial photograph of the property.
14. A warranty deed, Merrimack County Registry of Deeds, Book 3644, Page 1545-1552
15. Merrimack County Registry of Deeds, Book 576, Pages 460-462.
16. Merrimack County Registry of Deeds, Book 710, Pages 336-337.
17. Merrimack County Registry of Deeds, Book 745, Pages 210-213.
18. Merrimack County Registry of Deeds, Book 2020, Pages 62-69.
19. Merrimack County Registry of Deeds, Book 1185 Pages 307-310.
20. Merrimack County Registry of Deeds, Book 1217, Pages 486-487.
21. Merrimack County Registry of Deeds, Book 1383, Pages 37-42.
22. Traffic Impact Study prepared by Stephen Pernaw.
23. Fiscal Impact Study prepared by Mark Fougere.

The following additional items were received by CNHRPC and were considered with during the second review memorandum issued to the Planning Board for the August 5, 2020 Planning Board Meeting:

1. A waiver request dated July 28, 2020.
2. An email from Tom Zajac, PE, dated July 28, 2020 at 2:35 PM regarding the first CNHRPC memorandum.

The following additional items were received by CNHRPC and were considered with this **UPDATED** review memorandum:

1. A letter from the Allenstown Wastewater Treatment Facility dated August 27, 2020.
2. A memorandum from Hayner Swanson dated August 24, 2020 in response to the July 31, 2020 Hoyle Tanner review memorandum.
3. A memorandum from Stephen G. Pernaw, Inc. dated August 26, 2020 in response to the July 31, 2020 Hoyle Tanner review memorandum.

4. A plan set entitled MAP 111 LOT 3 SITE PLAN LOFTS AT 25 CANAL, 25 CANAL STREET ALLENSTOWN, NEW HAMPSHIRE; PREPARED FOR BRADY SULLIVAN PROPERTIES, 670 NORTH COMMERCIAL STREET, MANCHESTER NH ; RECORD OWNER ONE WALL STREET ALLENSTOWN, LLC, 670 NORTH COMMERCIAL STREET, MANCHESTER NH and dated 15 May, 2020 and consisted of 34 sheets with a revision date of August 20, 2020, as prepared by Hayner/Swanson, Inc of Nashua, NH.

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. As the Board chose to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C apply.

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. At the July 1, 2020 Planning Board meeting the Board voted that the proposal was a development of regional impact. Comments have been received from CNHRPC and the Town of Pembroke.
 2. At the August 2, 2020 Planning Board meeting, waivers were granted and the application was accepted as complete. The public hearing was also opened.
 3. The applicant has responded to initial comments made by the Town's Engineer. A second review is pending from the Town's Engineer and any conditional approval should require compliance with any final comments the Town's Engineer makes.
 4. Major areas of discussion at the September 2nd will focus primarily on the traffic mitigation additions made to the plans. The Board will need to determine if the proposed improvements are adequate to meet the concerns voiced. The mitigation strategies presented in the current plan set were derived from the previous Planning Board meeting as well as the traffic-specific TRC held on August 20, 2020 (comments from that meeting can be found below).
 5. The August 27, 2020 letter from the Allenstown Wastewater Treatment Plant requests that some sort of notification is made available in the Registry of Deeds regarding the proximity of the plant to the development. As the Town records notices of decision, a condition of approval should be that the proximity is specified in a plan note. This will result in notice being on the plan and at the registry.
 6. At the July 1, 2020 Planning Board meeting the applicant indicated that their parking spaces will be of a size smaller than permitted by the Zoning Ordinance. As such, a variance will be needed to allow for spaces of the requested size. As of the writing of this memorandum the applicant is pursuing a variance. If the variance is not granted the spaces will need to be revised to comply with the zoning ordinance in order for the plan to be approved.
 7. The applicant is pursuing RSA 79E tax relief from the Board of Selectmen for the project.

8. Easterly entrance depicts an all-way stop. This would require the approval of the Board of Selectmen.
- Initial Technical Review Committee Comments:
1. Present at TRC: Matt Monahan and Stephen Henninger, CNHRPC; Attorney John Cronin, Tom Zajac, Chris Lewis, and Stephen Pernaw representing applicant; Derik Goodine, Town Administrator; Brian Arsenaault, Building Inspector; Mike O'Meara, Planning Board; Jeff Backman, Allenstown Wastewater Treatment Plant; Matt Gagne, Pembroke Water Works; Chad Pelissier, Allenstown Highway Department; Mike Stark, Chief of Police; Paul St. Germain, Fire Chief, and, Evan McIntosh, Captain, Tyler Bannister, Allenstown Fire Department; Dawna Baxter, Building Department;.
 2. Comments included:
 - Recap of the process to date by J. Cronin, including a discussion that the 79E application with the Board of Selectmen is pending.
 - T. Zajac presents the application and proposal and presents plan; presents the Fiscal Impact Study; discusses the NHDES Permit By Notification.
 - S. Pernaw presents Traffic Study.
 - C. Lewis presents and overview of the architectural drawings of the building.
 - S. Henninger indicated that there are no real issues with the Traffic Study though those who do use Canal and Ferry Streets will notice an increase in the traffic.
 - D. Goodine indicated concerns about the traffic increases.
 - J. Backman indicated that there are concerns about the potential introduction of children walking to school along roads that trucks use to enter the Wastewater Treatment Plant. Would like to have a third party review of the Traffic Study.
 - M. Monahan indicated that the Town's Engineer would be involved in the review of the Traffic Study in addition to drainage and MS4 issues; T. Zajac indicated that was the applicant's assumption when they submitted escrow for the project.
 - C. Pelissier echoes all comments regarding traffic.
 - M. Monahan tried to summarize the traffic concerns: traffic increases and kids walking.
 - S. Henninger mentioned that the larger per capita costs should be part of the Fiscal Impact Study. This is important to explore given the potential for short term cost burdens to the Town during the period of 79E tax relief. Once that period had ended though, the project appears to be a net financial benefit to the town.
 - J. Cronin suggests S. Henninger and Mark Fougere who created the Fiscal Impact Study discuss the per capita analysis in detail. S. Henninger in agreement.
 - S. Henninger asks about the brownfields mitigation on the site; T. Zajac indicates that Tim Andrews from Nobis Engineering will be working on the mitigation and cleanup strategy.
 - M. Monahan asks each department head to provide comments. Responses as follows (more details in writing to be provided based on previous discussion with the applicant):
 - Water: nothing beyond what was previously discussed prior to TRC with regard to hookups.

- Sewer: nothing beyond what was previously discussed prior to TRC with regard to hookups and traffic.
 - Fire: no concerns nothing beyond what was previously discussed prior to TRC.
 - Police: no issues at this time.
 - Highway: no concerns nothing beyond what was previously discussed prior to TRC and regarding traffic.
 - Town Administration: no concerns nothing beyond what was previously discussed prior to TRC and during TRC regarding traffic.
 - All department heads to send more detailed comments to the applicant in writing.
- M. Monahan suggests that a future, traffic-specific meeting be set up to address issues. Applicants representatives, TA, and Highway Department agree.
3. Following the TRC, the following comments have been made by department heads:
- Per and email from the Pembroke Water Works: [The Pembroke Water Works Board] “will accept the water line changes over any connection fees. This needs to be accepted by Brady Sullivan and Tom said with all the changes that could come from Planning Board they don’t want to approve it until the changes are made. If they don’t accept the recommendations from the Board we will charge a connection fee to cover the cost of the work that needs to be done.”
- Secondary Traffic-Related TRC: A secondary TRC was held on August 20, 2020 in regards to traffic issues generated during the August 5, 2020 Planning Board haring.
1. Present at TRC:
 - Matt Monahan, Dean Williams, Steve Henninger, CNHRPC; Chris Lewis, John Cronin, Brady Sullivan; Derik Goodine (Town Administrator), Chad Pelissier (Road Agent), Jeff Backman (Waste Water Treatment Plant), Jim Rodger (Sewer Commission), Evan McIntosh (Fire Department), Town of Allenstown; Steve Pernaw, Pernaw Engineering; Jacob Sparkowich; Hoyle Tanner; Tom Zjac, Hayner Swanson.
 2. TRC comments include:
 - Tom Z: presents and overview of the project; of note is that based on Sewer Department truck data, truck traffic has opposite peak hour as commuters would (mid-day vs. morning/afternoon).
 - Steve P: discusses each comment regarding traffic as outline in the Hoyle Tanner review memorandum. Following this meeting a response memo will be coming.
 - Jeff B: will there be a decrease in the level of service (LOS) due to the increase in traffic? Steve P: responds that there will not be a decrease in LOS. Jeff B: asks if Jacob S: agrees, yes.
 - Tom Z: indicates that they will put in a sidewalk along their frontage and warning signs for pedestrians. Dean W: asks if they will fix the deteriorated sidewalks near where their proposed sidewalk will end to connect the two. Tom Z: answers yes, they will create new sidewalks and improve about 100’

or so of existing sidewalk to where Reynolds Street begins. Jeff B: would widening the road on the other side of Canal street be an issue? Tom Z: could widen on the other side.

- Dean W: will there be any improvements to the existing roadway (Canal)? Tom Z: at Canal and the northern driveway (i.e. 3-way intersection); varying widths along Canal Street.
- Dean W: what is the split of the traffic north vs. south? Steve P: 33% north, rest south; peak septic truck hours does not coincide with peak commuter car hours, Jeff B. agrees.
- Tom Z: are there any other comments/questions? Jacob S: need to digest more information. Dean W: also need to consider the impact of the delivery trucks (like Amazon).
- John C: public roads for all but it makes sense to make it safe; good progress today. Jeff B. agrees.
- Steve P: summarizes that there will be an increase in traffic but it is still less than past historic amounts.
- Dean W: wear and tear on the road is an issue; “T” up the 3-way intersection could help to keep things moving.
- Tom Z: the potential mitigation strategies could be: 1) new sidewalk along China Mill frontage to the intersection with Reynolds, would include upgrading portions of existing; 2) “T” the 3-way intersection; 3) cross walk across Canal Street linking the sidewalk to Reynolds.
- Dean W: anything that can be done for a multi-use trail instead of the sidewalk along Canal? It could link to the rail trail in Pembroke and Hooksett. Tom Z: could be part of it. Dean W: could it be on the other side of Canal down to Ferry Street? Tom Z: drainage and wet on the other side of Canal and some grade issues.
- Jacob S: there is a gap in the sidewalk along Reynolds between Canal and Whitten; can they address it? Tom W: they may be able to provide some connectivity in that area.
- Steve H: Would there be any improvements to the intersection at Ferry Street and Main? Steve P: Level of Service at that location would remain the same – as a “B.”
- Chad P: Ferry Street occasionally sees traffic back up at the intersection which can block the FD if they need to get out; did the traffic study consider that location? Steve P: it did, should be 1 car or less. Matt M. asks FD if there is an issue and Evan M. issue would be of minimal concern.
- Derik G: Canal Street has a pinch point and people will go left; adding cars will result in more complaints; can they widen the part of the street in front of their building? Also, can they put an LED light on the hill portion of Canal to warn drivers about pedestrians? Tom Z: we will look into it.
- Jeff B: when was the data for the study collected? Before COVID19? Steve P: March 11 and 12, before lockdowns.
- Matt M: next step will be to have applicant present mitigation strategies to Hoyle Tanner to confirm.

- Potential Conditions of Approval:

1. The mitigation of contaminated soil, including its removal, should be consistent with EPA and NHDES requirements outlined in any cleanup plan.
2. Compliance with any outstanding comments made by the Town's Engineer that may be identified in the forthcoming review memorandum.
3. That a plan note indicate that the property is nearby the Allenstown Waste Water Treatment Plant.
4. As a portion of the property is located in Pembroke, the applicant will need to secure the signature of the Pembroke Planning Board.
5. Standard administrative conditions of approval as listed below:
 - Receipt of all state permits.
 - Professional stamps and signatures (surveyor, engineer, 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.
 - Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format.
 - All areas of public improvement, including utilities, drainage structures, etc., shall be depicted on the final plans within the public right of way or in an easement deeded to the Town. Additionally, said easement areas shall be described in an executed deed and recorded at the Merrimack County Registry of Deeds.
 - Notice of Decision to be recorded at the Merrimack County Registry of Deeds.
 - All public improvements shall be inspected by the Town's Engineer. A bond, in an amount sufficient to cover the costs of such inspections shall be posted by the applicant in accordance with the Allenstown Site Plan Regulations.
 - A two-year performance bond to cover all public improvements in accordance with the Allenstown Site Plan Regulations shall be posted by the applicant.
6. 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 SITE PLAN 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 SITE PLAN 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, Site Plan 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 Site Plan 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 Site Plan Checklist Requirements:

1. Checklist Item 31 (6.01.k) –Any sign permit sought must be secured from the Building Inspector. There is no action for the Board to take on this issue; it is informational for both the Board and applicant (Allenstown Zoning Ordinance Article XI, Section 1111.4).

Allenstown Site Plan Regulation Requirements:

2. No issues, pending Planning Board review.

Waivers Requested from Site Plan Regulation Items:

The Board has granted the following waivers:

3. Site Plan Checklist Item 36 for new utilities being underground.
4. Site Plan Checklist Item 45 and Site Plan Regulation Section 7.01(a) for a 25’ wetland buffer during construction.

Allenstown Zoning Ordinance Requirements:

5. Article XI Section 1112.i – Parking spaces are required to be 20 feet by 10 feet and at the July 1, 2020 Planning Board meeting the applicant indicated that their parking spaces will be of a size smaller than permitted by the Zoning Ordinance. As such, a variance will be needed to allow for spaces of the requested size. As of the writing of this memorandum the applicant is pursuing a variance. If the variance is not granted the spaces will need to be revised to comply with the zoning ordinance in order for the plan to be approved.
6. Article V Section C.6.b – This section stipulates a 50’ vegetated wetland buffer/surface water buffer is required. If the buffer cannot be provided, the provisions of Section C.6.d and C.6.e shall control. The provisions of d and e require that stormwater impacts are minimized and efforts are made maximize water quality. Though the plan shows development within these areas, the development and impervious coverage is existing. Proposed stormwater improvements should improve the current situation and these elements would be included in the review of the Town’s Engineer as part of their review of Article V, Permanent Post Construction Stormwater Management Ordinance. As such, any recommendations made by the Town’s Engineer should be a condition of 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.” At the July 1, 2020 Planning Board meeting the Board voted that the proposal was a development of regional impact. As such, CNHRPC and Pembroke have provided comment.

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. As a portion of the property is located in Pembroke, the applicant will need to secure the signature of the Pembroke Planning Board as a condition of approval.
9. The mitigation of contaminated soil, including its removal, should be consistent with EPA and NHDES requirements outlined in any cleanup plan. This should be a condition of approval.
10. The Town’s Engineer is conducting a follow up review of the revised plans. The Board should require that the Applicant comply with any recommendations made in any forthcoming review memorandum issued by the Town’s Engineer.
11. The August 27, 2020 letter from the Allenstown Wastewater Treatment Plant requests that some sort of notification is made available in the Registry of Deeds regarding the proximity of the plant to the development. As the Town records notices of decision, a condition of approval should be that the proximity is specified in a plan note. This will result in notice being on the plan and at the registry.
12. There are several opportunities to enhance the proposal. The following represent a few discussion points that may be useful to the applicant in their design:
 - i. Bike racks on site.

- ii. Car charging stations.
 - iii. Loading docks and spaces (if deliveries are expected).
 - iv. Maintenance access for the hydro electric facilities in the lower levels of the building.
 - v. The roofs of the buildings could be ideal for photovoltaic systems.
 - vi. Debris in the river should be removed.
 - vii. A conservation easement for Hemlock Island could be a public benefit.
 - viii. Will any permeable pavement or grassed areas be used in parking?
 - ix. Subtle uses of color on facias, eaves, and overhangs could be attractive.
 - x. The Storehouse building could benefit from foundation plantings and other aesthetic improvements.
13. How will the existing 24” clay storm drain line interact with the new drainage system and will it need to be updated?
14. 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.
15. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
16. Any conditions of approval and waivers granted should be listed on the final plan to be signed.
17. The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

COMPLETENESS AND PUBLIC HEARING

As the application was deemed complete by the Planning Board, timelines set forth in RSA 676:4C apply.