

**Central New Hampshire Regional Planning Commission**

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**SUBDIVISION APPLICATION, SECOND REVIEW**

**DATE:** AUGUST 11, 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 initially 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. Revised materials were received by CNHRPC on August 6, 2020.

Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC reviewed the plans for compliance with the Allenstown Subdivision Regulations and applicable requirements. A memorandum intended to apprise the Planning Board of submittal items required by the Allenstown Subdivision Regulations that were missing from the plan as well as zoning and general planning issues that should be considered with the proposed Subdivision was submitted to the Board and the Applicant on July 29, 2020. The Applicant has since submitted items and updated information in response to the July 29, 2020 review memorandum. 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 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 sheets 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.

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

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, with a revision date of July 31, 2020, and consisted of three sheets as prepared by Eric C. Mitchell and Associates, Inc.
2. A response letter to the first CNHRPC review memorandum signed by Eric Mitchell and dated July 31, 2020.

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.
- 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 1/3<sup>rd</sup> 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. Statements indicating adequate water and sewer capacity need to be provided.
  2. 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.
  3. Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
  4. All conditions of approval need to be on the final plan.
  5. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format.
  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 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 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:**

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

**Waivers Requested from Subdivision Regulation Items:**

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

**Allenstown Zoning Ordinance Requirements:**

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

**DEVELOPMENT OF REGIONAL IMPACT**

5. 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.

6. 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.
7. 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.
8. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
9. Any conditions of approval and waivers granted should be listed on the final plan to be signed.

### **COMPLETENESS AND PUBLIC HEARING**

Given the nature of the proposal and the items submitted, the application could be considered complete.

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.