

TOWN OF ALLENSTOWN
Planning Board
Allenstown Town Hall –16 School Street
Allenstown, New Hampshire 03275
Meeting Minutes
August 17, 2022

Call to Order & Pledge of Allegiance

The Allenstown Planning Board Meeting of August 17, 2022 was called to order at by Chair Diane Adinolfo at 6:30 PM. Chair Adinolfo called for the Pledge of Allegiance.

Roll Call

Present on the Board: Diane Adinolfo, Mike Frascinella, Sandy McKenney, Chad Pelissier

Ex-Officio: Sandy McKenney

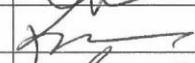
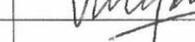
Residents of Allenstown: None – See below:

Page 1 of 1

TOWN OF ALLENSTOWN
 Planning Board
 16 School Street
 Allenstown, New Hampshire 03275

Meeting Date: 8 / 17 / 2022

Sign-In Record

Print Name	Signature	Indicate applicable status	
		Allenstown Resident	If no, state Organization represented
Catherine Cournoyer		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hillsbrook Village
Robert Kelley		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hillsbrook Village
Chris Ratté		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	"
VIREN GORI		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	" "
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Allenstown Staff: Derik Goodine – Town Administrator
 Brian Arsenault, Code Enforcement Officer (remote & alone)

Others present: Robert Kelley, Esq., representing Hillsbrook Village
 Catherine Cournoyer, representing Hillsbrook Village
 Viren Gori, Gori & Associates, architect

Christopher Ratte, Esq.
Chad Sico, Project Manager (Remote & Alone)
Matt Monahan, Central NH Regional Planning Commission
Mike O'Meara – Volunteer Administration

Public Officials: None

OLD BUSINESS/ RECEIPT OF APPLICATIONS & PUBLIC HEARINGS

None.

New Business/ Receipt of Applications & Public Hearings

- **2 Chester Turnpike- Optimus Senior Living (Hillsbrook Village)
Owner /Applicant to discuss the comparison between the recently granted NH Fire
Marshall variance of July 2022, and the Planning Board's Notice of Decision for Case #
06-2020, dated August 20, 2020**

Robert Kelly said he is probably the best representative to educate the Board as to the nature of the use of assisted living and memory care. He said in his view, based on the variance, the project hasn't really changed.

Ms. Adinolfo reminded the group that this is the Planning Board, not the Zoning Board so there are different considerations involved.

Mr. Kelley said they are really talking about a Special Permit that enabled the project to move forward in the dimension they agreed on, and he is assuming none of those dimensions have changed. He said that is why he invited the architect in case that issue was raised.

Mr. Kelley said this is a change of form and not substance. When the architect designs the building, they are looking at who is going to use it, which in his experience is typically 80 years old and up and going through declines in their health and decreased function that goes with that. He said there is no bright line between the age that you are independent vs. when you need assisted living services. There are four basic categories that they (as an industry) support: 1) independent living; 2) assisted living; 3) memory care; and 4) nursing. Mr. Kelley said the building is designed so that every resident in the building has an equal right to every common area, salon, fitness center, activities, dining, pub, etc. He said that's a bit different for memory care due to the oversight that is necessary.

Mr. Kelley said because of the fire code trumping the building code, the design has changed from independent living next to assisted living and memory care, to the two floors on top. He said nothing else has changed in this building other than that.

The fire code requires them to label floors 3 and 4 as R2 apartments and he thinks the Planning Board would have a concern that they are advertising to 28-year-old individuals (which they are not).

Mr. Kelley said if the property offers independent living units in the same building, you shall comply with building and fire requirements. The overarching desire from the aging services organizations is to allow seniors to have choice as to age and place. The industry is set up so the individuals can transition from Independent to Assisted Living or Memory care seamlessly.

He suggests they review the Special Permit to make sure the language includes the uses he has described and if it has to be amended, then they move to amend it. He doesn't see a need for any change to what they have already presented to the Board.

Mr. Kelley said the Fire Marshall didn't mention that Assisted Living is always defined differently for the Zoning Board because it's not really residential, but also commercial. He said it's a hybrid of both.

He said the facility has been designed to be a very safe building with sprinklers everywhere and areas of refuge and they work really well with the Fire Marshall's office.

Ms. McKenney asked what the age limit was for the residential area. Mr. Kelley said in New Hampshire, age is 65. He said he wants the language on the Special Permit to be tightened up so they cannot rent to a 30-year-old. Mr. Kelley said the Special Permit needs to reflect that they are limited to offering residential living to persons that are aged people that need supportive services.

He said the process of how the evacuation occurs matters and the independent living on the 3rd and 4th floor need to be able to evacuate themselves. He said this is why stacking is important in NH.

He said the final issue with the Fire Marshall's office was they asked the architect to get a backup opinion letter and currently, their issues are fully resolved. He said they are very close to getting a sign off on the license.

Attorney Ratte introduced himself and concurred with Mr. Kelley.

Mr. Arsenault said what they have here is the State Fire Marshall not recognizing the 3rd and 4th floor. He said it concerns him and maybe the owner/applicant and his attorney be asked as to whether the state Fire Marshall or state licensing is even looking at the 3rd and 4th floor. Mr. Kelley said the 3rd and 4th floor does comply with the building code. Mr. Arsenault said he would like to put that in writing as well as tighten up the Notice of Decision from the Planning Board. Mr. Kelley said they are offering residential living with support services.

Mr. Arsenault also would like to get something from the State Fire Marshall to tweak the part of the 3rd and 4th floor being "residential" apartments and expand upon it further. Mr. Kelley does not think the Fire Marshall will extend that because they would have to relate it to a use issue. He said residential assisted living is still considered residential which is an allowable use in this district. Mr. Kelley agreed that they are going to provide some limitations on the accessory use, so it is compatible with the assisted living.

Mr. Arsenault said his other concern is whether the 3rd and 4th floor will be reviewed by the state Fire Marshall for the sprinklers, etc. Mr. Sico said the Fire Marshall's office has been through every square foot of the building and they have fixed anything that was asked, just as how they have reviewed the 1st and 2nd floor.

Mr. Kelley said as owners, they are required to provide a fire plan for evacuation purposes, and they will have a separate fire plan for the 3rd and 4th floor and they have already submitted a draft of that to the local fire department. They would do this for the 3rd and 4th floor, just as they would for the 1st and 2nd floor because the whole building would have to be evacuated in its entirety. Mr. Arsenault asked if he would be against having the Town hire an engineering firm for a peer review. Mr. Kelley said if that is what the Fire Marshall wants, then they would comply.

Mr. Monahan said it was reassuring to hear that their particular license won't allow for a 30-year-old to rent one of these units. He said it would be great if they could just add some language that reflects that.

Chair O'Meara said once they get the document, they can make sure everyone is on the same page and is talking about the same thing and in same manner. Mr. Kelley said if they could get the original notice in word, they can add some language to it.

Mr. Monahan wanted to make the Applicant aware that they record Site Plan Notices of Decision at the Registry.

Mr. Sico wanted to confirm that the Fire Marshall had looked at the 3rd and 4th floor but he can reach out to them to see if there is anything else they can share to back this up.

Mr. Goodine said the Town's engineering firm and legal team will have to review this document.

He said there should be some type of covenant on the plans filed at the Registry of Deeds that says they are accessory apartments at a living facility and that it complies with licensing. It will also give the Town some assurance as to how that will be maintained. Mr. Kelley said by using the term "accessory," it has to be wedded to the assisted living, and to provide non-medical support services. He said having a single owner is also important.

Mr. Pelissier asked how close they were to opening. Mr. Kelley said he believes that the most current date right now is January.

Mr. O'Meara said the Planning Board meetings that are in September are on the 7th and 21st. He is suggesting the 21st to revisit this and review some material.

UNAPPROVED MINUTES

- **August 03, 2022**

Ms. McKenney made a Motion to approve the meeting minutes of August 3, 2022 as written. Mr. Pelissier seconded the Motion.

Roll call vote was taken.

Sandy McKenney- Aye, Diane Adinolfo- Aye, Chad Pelissier, Abstain, Michael Frascinella- Aye.

The Motion passed, and the minutes for August 03 were approved as written.

CORRESPONDENCE & OTHER BUSINESS

- **Phased Development Proposal- Update to the Board**

Tabled per agreement with Chair Adinolfo.

- **House Bill 1661**

Mr. O'Meara said that although it is not on the agenda, he provided some information on a recent webinar from the NH Municipal Association on House Bill 1661. House Bill 1661 changes the law for the training of the Planning Board and Zoning Board in the form of 30 question tests. He said you can also take the test anonymously or not, and a 65% pass rate is required. He said most of the requirements go into effect next week, so

they were not given much time. It was also noted that the tests are optional for Planning & Zoning Board Members.

He said under Sec. 71 of this bill requires “that any fee which a city or town imposes on an applicant shall be published in a location accessible to the public during normal business hours or the fee shall be waived.”

Mr. O’Meara said they already have a fee sheet which they have published. However, he said that on page 2 of the handout provided to the Members, it says they would like a separate document labeled as “Notice of Land Use Board Fees under RSA 673:16, III, that provides a complete listing of fees charged for land use board applicants.” Therefore, they may have to adjust the wording and he asked the Board whether they want to do that.

Mr. Arsenault said that he had heard that taking the test was not required nor will it be frowned upon if you did not take it nor be challenged by an applicant because the Board did not pass successfully. Mr. O’Meara clarified that it is optional and just a suggestion at this point.

Mr. Monahan said he did not think that they needed a Public Meeting to change the name of the fee sheet.

Referencing HB 1021, Mr. O’Meara said on the last page of the handout, it discusses what is a “Primarily Religious” use of land. He said it basically prohibits preventing any land use for religious purposes. He said this doesn’t trump a federal or a state statute.

Mr. Goodine handed out a Concord Monitor article on this subject which discusses the timeline and some of the concerns. He said the House Bill also discusses Workforce Housing.

Mr. O’Meara said the other thing for the Selectboard to know is that HB 1661 eliminated the ability of the Selectboard to approve an application extension from the Planning Board if a planning application cannot be acted upon or approved within the statutory time requirements. He said the only other option for the Planning Board is to deny the application without prejudice and allow the applicant to reapply.

- **STAFF UPDATE**

None.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER UPDATES

- **Updates to the Planning Board if any**

Mr. Arsenault said he took a call from a resident on Deerfield Road who has a two-acre lot and she wanted to subdivide it to one acre so her son could build a house. He informed her that currently the zoning if you have a large lot is 5 acres. Mr. Goodine had mentioned that he was looking at a grant program that could change the zoning.

Mr. Goodine said that now, with regard to Planning Board decisions, you now need to have all the Statement of Facts on why it was denied or approved. He said that he believes they are trying to help the housing crisis. Mr. Pelissier said you also have to take into consideration the building of roads and paving. He said the last he heard was that it was \$3 million per mile.

SCHEDULING OF NEXT MEETING

Mr. O’Meara said for the September 7th meeting, he would like to ask the Board to come with any ideas to revise the Zoning Ordinances. The next meeting will be September 07, 2022 at 6:30 pm in Town Hall.

ADJOURN

Ms. McKenney made a Motion to adjourn. Mr. Pelissier seconded the Motion.

Roll call vote was taken.

Sandy McKenney- Aye, Diane Adinolfo- Aye, Chad Pelissier, Aye, and Michael Frascinella- Aye.

The Motion passed, and the meeting was adjourned at 8:04 pm.

**SIGNATURE PAGE
Allenstown Planning Board
August 17, 2022**

Approval:	
DIANE ADINOLFO, Chair	DATE
CHAD PELISSIER, Vice Chair	DATE
	N/A
MICHAEL FRASCINELLA, Member	DATE
N/A	N/A
N/A, Member	DATE
N/A	N/A
N/A, Alternate Member	DATE

	N/A
SANDRA MCKENNEY, Ex-Officio	DATE

DRAFT

SIGNATURE PAGE
Planning Board
August 17, 2022

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	DIANE ADINOLFO, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	MICHAEL FRASCINELLA, Member	DATE
	N/A, Member	DATE
	N/A Alternate Member	DATE
	SANDRA McKENNEY, Ex-Officio	DATE