

**TOWN OF ALLENSTOWN**  
**Planning Board**  
**16 School Street**  
**Allenstown, New Hampshire 03275**  
**September 02, 2020**

**CALL TO ORDER**

The Allenstown Planning Board Meeting of September 02, 2020 was called to order by Chairman Mike O'Meara at 6:31 p.m. Chair O'Meara called for the Pledge of Allegiance.

**ROLL CALL**

Present on the Board: Mike Frascinella, Sandy McKenney, Diane Adinolfo, Chad Pelissier, Mike O'Meara. Chair O'Meara said that Alternate Matt L'Heureux informed him that he might not be at this meeting.

Chair O'Meara next read a statement establishing authority to hold an electronic meeting, along with remote viewing and listening guidelines.

As Chair of the Allenstown Planning Board, I, Mike O'Meara, find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are (will be):

**a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.*** We have a Zoom conference calling session set up for those listening. The instructions are on the Town website on the Planning Board agenda page.

**b) *Providing public notice of the necessary information for accessing the meeting.*** We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Town of Allenstown Planning Board page attached to the agenda for this meeting.

**c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.***

**d) *Adjourning the meeting if the public is unable to access the meeting.***

Chair O'Meara informed listeners that Facebook Live is not monitored. The official platform for the meeting is the conference telephone line.

Ex-Officio: Sandra McKenney

Residents of Allenstown: None

Others present: Matt Monahan, CNHRPC  
Vincent Iacozzi, Allenstown Aggregate  
Aaron Ferman, Allenstown Aggregate  
Jeff Burd, RJB Engineering for Allenstown Aggregate  
Tom Zajak, Engineer, Hayner/Swanson for Brady Sullivan  
Sharon Somers, Town Attorney  
John Cronin, Counsel for Brady Sullivan, Cronin, Bisson & Zalinsky, PC  
Chris Lewis, Project Architect for Brady Sullivan  
Steve Pernaw, Stephen G. Pernaw and Company, Traffic Expert  
Jeff Backman, Allenstown Sewer Department Superintendent  
Jim Rodger, Allenstown Sewer Department

Allenstown Staff: Derik Goodine, Town Administrator  
Brian Arsenault, Code Enforcement Officer

Other Public Officials: None

#### **OLD BUSINESS/RECEIPT OF APPLICATIONS & PUBLIC HEARINGS**

- **Continuation of the Application & Public Hearing for the Allenstown Aggregate Site Plan – PB Case #04-2020**

Mr. Monahan noted that completeness of this application, waiver approval and regional impact were covered at the August 05, 2020 Planning Board meeting. The public hearing was continued at that meeting. What remains to be dealt with, he said, are general cleanup items and treatment tank issues. The Town's engineer, Mike Trainque of Hoyle/Tanner, is finalizing his review. Mr. Monahan said that the Planning Board can continue the application hearing again tonight or can issue conditional approval, which would have to be tied to the building permit.

Chair O'Meara asked if the remaining issues of the Town's engineer were impediments to conditional approval.

Mr. Monahan responded that there were no catastrophic items.

Mr. Frascinella asked for the number of specific issues remaining.

Mr. Monahan responded that he did not have a specific number; they are cleanup items and a treatment tank issue.

Ms. Adinolfo asked about the risk or advantage of voting on approval tonight versus waiting two weeks.

Mr. Monahan said it is only a timing issue. He would not advise the Planning Board not to act tonight.

Chair O'Meara asked for comments from Allenstown Aggregate.

Mr. Burd said there is no risk. Concerns and items are 90% resolved. What remains is fine-tuning. With approval this evening, he said, the applicant can proceed with other details. He said the application was made in May and they expected approval in July or August. Now, he said, they are pushing toward winter.

Mr. Frascinella said he did not want to delay them any further.

Chair O'Meara said the applicant would have to agree to come back before the Board if issues arose.

Mr. Iacozzi stated that they are dealing only with some housekeeping items and the treatment of swales at the back of the building, adding that they have 100 acres to work with.

Mr. Ferman asked if site work could be started with conditional approval.

Chair O'Meara said they could begin sitework and do anything short of putting a building on the site.

Mr. Monahan listed potential conditions of approval.

1. Recording of subdivision mylar that created the lot (04-2020).
2. Professional stamps and signatures of the surveyor, the wetlands scientist, and the owner on the final plan.
3. Waivers and conditions of approval listed on the final plan.
4. Final plan provided to the Planning Board in digital format.
5. Notice of Approval recorded at the Merrimack County Registry of Deeds.
6. Driveway and associated drainage inspected by the Allenstown Highway Department prior to issuance of a Certificate of Occupancy, with outside review, if needed, paid for by the applicant.
7. Compliance with any remaining or forthcoming conditions or recommendations of the Town's engineer prior to issuance of a Building Permit.
8. Applicant agrees to come back to the Planning Board if disagreements remain.

Chair O'Meara asked for any further input from Planning Board members or members of the public. Hearing no comments or questions from members of the public or Planning Board members, the Chair closed the Public Hearing at 6:54 pm.

#### Application Approval

Ms. McKenney made a motion to grant conditional approval of Allenstown Aggregate's site plan, Planning Board case # 04-2020. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O’Meara – Aye.

The motion carried unanimously, and the application was conditionally approved.

- **Continuation of the Application & Public Hearing for the Lofts at 25 Canal (China Mill) – Case #03-2020**

Chair O’Meara stated that they would next continue the Public Hearing on the site plan for the Lofts at 25 Canal, known affectionately as the China Mill.

Mr. Monahan said that the Planning Board has acted on completeness, waivers, and regional impact. Traffic-related concerns were raised and a traffic-specific TRC was held on August 20, 2020, in which the traffic review engineer participated. The applicant subsequently did a redesign, and the plans were updated in an effort to mitigate truck traffic. He said that a letter was received from the Allenstown Sewer Department, asking that a sort of ‘buyer beware’ statement be attached to the deed filed at the Registry of Deeds as a condition of approval.

Mr. Monahan continued, presenting a list of major areas for discussion. The first three, he said, have been touched upon. The fourth item is the traffic-specific TRC, and the fifth is the letter from the Wastewater Treatment Plant. Sixth, he said, is the size of the parking space. The applicant would like the spaces to be 10 feet by 19 feet\* and is seeking a variance from the ZBA, which requires 10 feet by 20 feet. Even without the variance, he noted that the applicant would be providing the required one space per unit. The seventh and last item is the applicant’s pursuit of RSA 79-E status, which provides tax relief. This is under consideration by the Select Board, and a decision is expected on September 21, 2020. He added that the Planning Board conditions of approval must be included in the RSA 79-E decision.

\*(The applicant’s request was to have parking spaces measuring 9 feet by 20 feet.)

Mr. Monahan next presented the Planner Concerns as listed by Steve Henninger of the Central NH Regional Planning Commission.

- ✓ Reminder to procure a sign permit from the Building Inspector
- ✓ Waivers granted for underground utilities and a wetland buffer during construction
- ✓ Parking variance
- ✓ 50-foot vegetative buffer (required as part of the review of the Town’s engineer)
- ✓ Deal with Pembroke because Hemlock Island is in Pembroke; signature of both towns needed
- ✓ Mitigation of soil, which is the prevue of DES
- ✓ Consideration of bike racks, car charging stations, access for the hydro facility, adequate loading dock space, solar panels, debris in the river, and a conservation easement for Hemlock Island
- ✓ Permeable (porous) pavement, which helps with water recharge, but must be vacuumed annually to get salt & sand out
- ✓ Colors of the façade
- ✓ Overhangs could be attractive

- ✓ Foundation plantings
- ✓ Existing 24” clay pipe replaced with a more modern material

Mr. Goodine stated that the applicant would have to go before the BOS for permission to have a 3-way STOP sign.

Mr. Monahan said the applicant has redesigned plans to include new sidewalks and widening of the road. They plan to extend the sidewalk beyond their property line to link it to the larger part of town and to change the flow of traffic for safety.

Mr. Zajak stated that their design has been updated since the last meeting in July. The traffic specific TRC was productive, he said. They discussed the septic hauler trucks which unload at the wastewater treatment plant, and the fact that Ferry Street is limited or restricted. He said that Mr. Backman kindly provided trip data, and it revealed that the peak is from 10:00 am until 2:00 pm, when 60% of this activity occurs. The China Mill traffic would be complementary, with morning and evening peaks. He said they will have a pedestrian crossing at Canal Street and Reynolds Avenue, changed from the west to the east side of Canal Street in the revised design. There will be a number of advanced warning signs. He said that Hoyle/Tanner requested the elimination of the existing “Y” configuration by tying in China Mill’s northerly driveway in a T configuration. This cleans up the turning movement and sight lines. Canal Street thus flows through, not into, our site, and brings our traffic to a STOP sign. The plan is to widen Canal Street where it is only 18 or 19 feet wide and has overgrown vegetation to a minimum of 22 feet. Mr. Pernaw sent a response memo to Hoyle/Tanner. The stormwater management plan was revised in response to AOT and DES reports. Parking on the west side of the site was revised from a subsurface infiltration system, which was not conducive to the surface type, to a permeable (porous) pavement. They will have 263 parking spaces where only 150 are required. Allenstown Sewer Department’s flow capacity and treatment capacity have been deemed sufficient.

Mr. Zajak addressed the issue of odor from the Allenstown Sewer plant, saying that Brady Sullivan is well-aware of the proximity of the site to the wastewater treatment plant. The complex will have a fully-staffed property management organization on site so that residents will not be dealing directly with the Sewer Department. Hoyle/Tanner is now in its second round of review, focused on stormwater, traffic, and sewer. They are dealing with the complicated drainage design, but nothing is fatal. He said they can resolve any issues with Hoyle/Tanner. He said that the Town’s requirement of 10-foot by 20-foot parking spaces is on the large size. If 9-foot by 20-foot spaces are allowed, they will gain 10% more spaces with no increase to the impervious area. If required to have 10-foot by 20-foot spaces, 30 parking spaces will be lost. Under the proposed plan, there will be 1.75 spaces per unit; without the variance, they will have 1.5 spaces per unit. Only one space per unit is required. He added that the ZBA hearing on the parking spaces is scheduled for the end of September.

Ms. McKenney asked if there would be 262 spaces measuring 19 feet by 10 feet.

Mr. Zajak said there would be 263 spaces measuring 9 feet by 20 feet. He added that parking is on a first come, first served basis, with the exception of the buddy spaces, which are assigned.

Ms. Adinolfo asked about the size of a typical parking space at Walmart.

Mr. Zajak said that it varies from town to town. Pembroke required 9 feet by 20 feet; Manchester requires 8.5 feet by 18 feet. Their plan, he said, will be good for green space. He continued, saying that solar panels are not in the plan.

Chair O'Meara referred to the letter from the Allentown Sewer Department regarding odor and asked Mr. Cronin to comment.

Mr. Cronin said that they expect odor and assume residents will shut their windows and use air conditioning if necessary. Having a note at the Registry of Deeds would cloud the title, he said. Disclosure could be in the lease, and residents will be able to see the treatment plant.

Chair O'Meara shared an excerpt from a letter dated August 27, 2020 signed by Jeff Backman, Superintendent of the Allentown Sewer Department:

Our attorney notes that in similar situations other towns have required a notice to be recorded at the registry indicating the proximity of the property to the wastewater treatment plant so that potential buyers/renters are aware of the possible impacts. The Commission asks that the Planning Board impose such a condition of approval in the event it approves this development. We will be happy to bear the cost of working with the developer to prepare and record such a notice. Obviously, we do not wish to impede the developer's ability to rent these units; however, we also do not wish to receive complaints of odors on a daily basis when there is no way to entirely prevent those odors.

Ms. Somers said that she agrees with Mr. Cronin about not adding information about odor from the sewer plant to the deed. She said she does think it is a good idea on the part of the Allentown Sewer Commission to make the information known. People might still complain, but it makes more sense to put it in the lease. The document registered with the Registry of Deeds will only come up in the event of a sale. It would be better to include language in the lease notifying renters that they are next to a sewer treatment plant and there may be odors. The best vehicle for preventing complaints, she stated, is the lease document.

Mr. Cronin said that the Notice of Approval (NOA) would incorporate language about the proximity to the treatment plant. He said he believes the NOA is recorded as a rider. He said it would be critical that this not be seen as a scare tactic.

Mr. Goodine asked if the air conditioning intake units are on the back (river) side.

Mr. Lewis said that fresh air comes in via the roof and each unit has its own heating and cooling system, with filtration for each unit.

Ms. McKenney said that she has lived in Allenstown for 40 years and the odor has improved 100%. She said that Allenstown Sewer has said that they can do even more to control odor with advances in technology. She asked Mr. Cronin if this had been discussed with Allenstown Sewer.

Mr. Cronin responded that there had been no mention to him, but perhaps they had spoken with Mr. Zajak.

Mr. Frascinella said he has a contention with Allenstown Sewer. Their letter makes these three statements:

- ✓ Unpleasant odors are unfortunate.
- ✓ They cause neighbors to complain.
- ✓ They cannot be entirely prevented.

Mr. Frascinella continued, saying it is incumbent upon Allenstown Sewer to use the funds they get from new water and sewer hookups to eliminate the odors. It is counterproductive to say that they can't eliminate odors. This development is a huge boon for Allenstown. Its economic impact will greatly improve quality of life, and render substantial economic benefits, as the tenants will need goods and services. The ASC should eliminate odors so there will be no complaints. It is not the right attitude to say they cannot.

Chair O'Meara stated that this is outside the prevue of the Planning Board.

Mr. Backman said that it is impossible to eliminate all odors, no matter how much money is spent. Any licensed operator would agree, he averred. Next, he said, it doesn't sound like anybody is against filing something at the Registry of Deeds. He said Allenstown Sewer would bear the cost and would also be in favor of including information about the odors from the plant in the lease agreements. We are not trying to impede this development, he said, and we are excited about it. We want to have a good relationship with the developer. We had a discussion with Mr. Zajak and are jointly looking at the issue of odor.

Chair O'Meara said that the proximity of the development to the wastewater treatment plant can be disclosed in the Notice of Decision, which is filed at the Registry of Deeds, and can also be disclosed in the lease.

Ms. McKenney said that it sounds good.

Ms. Adinolfo said she is okay with that.

Mr. Pelissier said he was good.

Mr. Frascinella said it was fine.

Mr. Monahan next said that he had a conversation with Mike Trainque of Hoyle/Tanner today. Mr. Trainque said that the remaining items are of a cleanup nature and are not catastrophic. Mr.

Monahan said he would add the parking space size variance issue to the conditions, and he asked if the Planning Board wants to consider the redesigned sidewalk.

Chair O'Meara stated that the revised design would move the crosswalk to the other side of Webster Street, with a sidewalk wrapping around Webster. Brady Sullivan, he said, has graciously agreed to construct a sidewalk all the way to a hydrant where the current sidewalk ends.

Ms. McKenney asked if there will be a sidewalk on Canal Street.

Chair O'Meara said yes, it will be on the left side and will be improved by Brady Sullivan. The revised plan will reflect the change.

Ms. McKenney said she does not think regular traffic or hauler truck traffic is going to be an issue with this complex.

Chair O'Meara said that the four-way STOP sign which is recommended will require BOS approval. According to Mr. Zajak, 60% of the waste hauler traffic occurs between 10:00 am and 2:00 pm, not during am and pm peak commuter traffic.

Mr. Goodine asked Mr. Zajak if they would have an advance warning LED type of sign.

Mr. Zajak said they are not proposing flashing beacons. He and Mr. Pernaw made sure that the crossing is compliant, with fluorescent warnings at least one hundred feet before the crossing in either direction.

Mr. Goodine stated that if he gets complaints when 250 new residents have moved in, he will be going to Brady Sullivan to help pay for a remedy.

Chair O'Meara said that it has not yet been determined what will be done, and he added that there is a benefit to slowing traffic.

Mr. Zajak clarified there are no more STOP signs on Canal Street. Traveling on Canal going west toward the site, Reynolds Avenue, which is one-way, will have a STOP at Canal. There will be no STOP sign on Canal, and the site would have a full STOP at the driveway.

Ms. McKenney said she thought there would be a three-way STOP.

Chair O'Meara said the three-way STOP sign was removed with the reconfigured design. It is a T now, rather than a Y, and Mr. Zajak says that this negates the need for the three-way STOP sign.

Mr. Frascinella asked who would be coming up Canal Street to use the crosswalk.

Ms. McKenney said it would be residents out for a walk or children from the Boys & Girls Club.



Mr. Pelissier said that beacons are effective when needed, but he is not sure they are needed here.

Mr. Frascinella said they could be needed in the future, but not now.

Chair O'Meara said they would note Mr. Goodine's concerns.

Chair O'Meara, noting that the Town engineer's review is outstanding, said the Board could move forward with conditional approval.

Ms. McKenney asked if there are street lights in the area.

Mr. Pelissier said no, I don't believe so.

Ms. McKenney said this is good for the Town and the developer will be able to get started.

Chair O'Meara closed the Public Hearing at 8:00 pm, there being no further comments from any parties.

Mr. Monahan stated that, based on recent discussions, he has added some conditions of approval to his August 28<sup>th</sup> third review memo and has revised two others, as follows:

1. Mitigation of contaminated soil, including its removal, consistent with EPA and DES requirements outlined in any cleanup plan.
2. Compliance with any remaining comments made by the Town's engineer prior to issuance of a building permit or review memos that may be forthcoming from the Town's engineer.
3. Applicant's attorney to work with the ASC attorney on the language in the lease documents regarding proximity of the wastewater treatment plant.
4. Secure signatures of Pembroke Planning Board, given that a portion of the property is in Pembroke.
5. Standard administrative conditions of approval as listed in the CNHRPC August 28<sup>th</sup> review memo.
6. Obtain ZBA variance for size of parking spaces or, if denied, redesign as 10 by 20-foot spaces.
7. Sidewalk from Canal Street to continue along Reynolds Avenue to the existing sidewalk on Webster Street.

Mr. Cronin said that he has been working with Pembroke's town attorney, and he presented three (3) scenarios regarding Hemlock Island, the portion of this property which is in Pembroke:

- 1) File a site plan with Pembroke, which would be expensive, difficult and time-consuming;
- 2) Determine if a site plan is necessary, since the island will not be developed; or
- 3) Convey Hemlock Island to a different entity. He asked about adding "if required" to the third condition of approval.

Chair O'Meara suggested language saying, "if not waived by Pembroke."

Ms. Somers suggested language saying, “if determined that such approval is required.”

Mr. Backman asked if the deed could include language guaranteeing the apartments will never be sold as condos.

Mr. Monahan said he believed permission for a subdivision would be needed in order to sell the apartments as condos, which would require returning to the Planning Board. If the complex is sold to someone else to lease, it would not be necessary to return to the Planning Board.

Ms. Somers said, if this application is approved, there would be language in the lease documents regarding the proximity to Allenstown Sewer. The new buyer would be bound by that language. Regarding condos, the Planning Board cannot deny a subdivision just because it is for condos, per State law. Each town has its own rules about condo conversions.

Mr. Cronin said that this is a slippery slope. Property rights come into play and there could be legal ramifications. This, he said, is unusual and unprecedented.

Chair O’Meara stated that this is not an issue before the Planning Board at this time.

Mr. Monahan confirmed, after reviewing the regulations, that a condo conversion would be a subdivision. He asked the Allenstown Sewer representative if they were okay at this point.

Mr. Backman responded yes, thank you.

#### Application Approval

Ms. Adinolfo made a motion to approve the site plan application for the Lofts at 25 Canal, with the modified conditions of approval as listed by Mr. Monahan of the CNHRPC. Ms. McKenney seconded the motion.

Chair O’Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O’Meara – Aye.

The motion carried unanimously, and the application was conditionally approved.

Chair O’Meara stated congratulations, and he thanked those working on this application. He said this is one of the larger developments he has been involved in and wished the applicant well. He said, “Welcome to Allenstown.”

Ms. Adinolfo said this is a nice improvement. This has been an area of concern for many years.

Mr. Cronin said that the input and comments provided have helped to make this better.

Chair O'Meara said that the Planning Board must complete a portion of the RSA 79-E application before the September 21<sup>st</sup> Select Board meeting. He referenced a July 28, 2020 letter from Attorney Cronin's office addressed to the Allenstown Assessing Department which states that a rider to the 79-E document would say that the application has been reviewed by the Planning Board and is complete, with potential conditions of approval listed.

Ms. McKenney made a motion to allow Chair O'Meara to complete the Planning Board's portion of the RSA 79-E documents. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously.

Ms. Somers advised that the BOS does not have to wait for the September ZBA hearing to act on the 79-E request, since the applicant does not need the variance to proceed with the project.

## **NEW BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS**

None

## **UNAPPROVED MINUTES**

- **August 26, 2020**

Ms. McKenney made a motion to approve the minutes of the August 26, 2020 meeting as written. Ms. Adinolfo seconded the motion.

Chair O'Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O'Meara – Aye.

The motion carried unanimously, and the meeting minutes for August 26, 2020 were approved as written.

## **CORRESPONDENCE & OTHER BUSINESS**

Chair O'Meara stated that the Hooksett Planning Board will hold a hearing on September 14, 2020 beginning at 6:00 pm on the extension request of the September 18, 2018 permission for the wireless communications facility located at 180 Londonderry Turnpike.

Mr. Monahan said that they have gone through the MS-4 ordinance and need to re-read it and post the public hearing.

Mr. Monahan reported that a sentence fragment was found in an ordinance which reads, “The zone in which the majority of the building is located.” He said this appears to refer to a situation in which a parcel is located in both a business and residential zone, where the buildable square footage is 75% business and 25% residential, in which case it would be considered to be in a business zone. The sentence should be completed, he said

### **SCHEDULING OF NEXT MEETING**

Chair O’Meara informed the Board that the next meeting will be on September 16, 2020, at which time they will begin the process to review potential changes to the land use ordinances.

### **ADJOURNMENT**

Ms. McKenney made a motion to adjourn at 8:29 pm. Mr. Frascinella seconded the motion.

Chair O’Meara called for a roll call vote on the motion.

Diane Adinolfo – Aye, Sandy McKenney – Aye, Mike Frascinella – Aye, Chad Pelissier – Aye, and Michael O’Meara – Aye.

The motion carried unanimously, and the meeting was adjourned.

**SIGNATURE PAGE**  
**Planning Board**  
**September 02, 2020**

<b>Approval:</b>	
MICHAEL O'MEARA, Chair	DATE
CHAD PELISSIER, Vice Chair	DATE
DIANE ADINOLFO, Member	DATE
MICHAEL FRASCINELLA, Member	DATE
MATTHEW L'HEUREUX, Alternate Member	DATE
SANDRA MCKENNEY, Ex-Officio	DATE

**SIGNATURE PAGE**  
**Planning Board**  
**September 02, 2020**

<b>Amendment Approvals:</b>		
<b>Amendment Description:</b>	<b>Approval:</b>	<b>Date:</b>
	MICHAEL O'MEARA, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	DIANE ADINOLFO, Member	DATE
	MICHAEL FRASCINELLA, Member	DATE
	MATTHEW L'HEUREUX, Alternate Member	DATE
SANDRA McKENNEY, Ex-Officio	DATE	