

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, May 22, 2017

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Douglas Barrett, Vice-Chair
Nathaniel Stout
Councilor George Hansel
Mayor Kendall Lane
Andrew Bohannon
Chris Cusack
Martha Landry

Staff:

Rhett Lamb, Asst. City Manager/Planning
Director
Tara Kessler, Planner
Michele Chalice, Planner

Members Not Present:

Tammy Adams, Alternate
David Webb, Alternate
Pamela Russell Slack

I. Call to order – Roll Call

Chair Spykman called the meeting to order at 6:30 PM and a roll call was taken.

II. Minutes of previous meeting – April 24, 2017

Chris Cusack offered the following correction:

Page 2 – the name should correctly read as Brennan.

A motion was made by George Hansel to accept the April 24, 2017 minutes as amended. The motion was seconded by Mayor Kendall Lane and was unanimously approved.

III. Public Hearing

1. **SPR-02-17 – Liberty Utilities – 43 Production Avenue – Site Plan** – Liberty Utilities (Energy North Natural Gas Corp.) proposes to install a temporary compressed natural gas facility at 43 Production Avenue. The site is 16.2 acres in size and located in the Industrial Zoning District (TMP# 702-01-005). The Applicant is requesting a Surface Water Protection Ordinance Conditional Use Permit for the installation of paved vehicle turnaround in the Surface Water Protection Buffer.

A. Board Determination of Completeness.

Planner Tara Kessler stated the applicant has requested exemptions from providing a landscaping plan, grading plan and architectural details. However, staff feels granting these exemptions will not have any bearing on finding this application complete.

A motion was made by Mayor Kendall Lane that the Board find Application SPR-02-17 as complete. The motion was seconded by George Hansel and was unanimously approved.

B. Public Hearing

Mr. Sean Furey of Liberty Utilities addressed the Board first. Mr. Furey stated he was here to talk about their temporary CNG Facility being proposed on Production Avenue. Liberty Utilities purchased NH Gas in 2015. The first phase of this project would be the temporary CNG Facility and the second phase would be the construction of a permanent facility on this site. Mr. Furey stated they are currently using propane air and this site is serviced from Emerald Street. The benefit of natural gas is the cost, as customer equipment needs to be modified to be able to use propane air. There are less moving parts – hence natural gas is more reliable and they would also be able to provide a steadier BTU. Mr. Furey then showed the Board a rendering of their current system, which consists of 30 miles of underground lines.

Mr. Peter Walker, Environmental Scientist was the next to address the Board. Mr. Walker stated this site is about 16.2 acres in size, accounting for the portion of Production Avenue that is proposed for discontinuance. He noted there is a petition filed by the applicant to discontinue that portion of the city right of way. He added even though there are 16.2 acres, 50% of this property has a conservation easement. In 2002, the city approved a permanent facility on this site and the easement was placed at that time. Because of this discontinuance, a portion of this site will be deeded from Liberty Utilities to the City for a motor vehicle turn around to replace the cul-de-sac.

Mr. Walker explained the skid unit would resemble a shipping container, which would have equipment to offload the gas. There will be no permanent fuel tanks located on site. Fuel will be brought in on a truck. The truck will be connected to the CNG skid, and in turn the skid will be connected to the gas main. Mr. Walker noted they are proposing a security fence around the skid, and there will be an emergency generator located on site as well as some security lighting.

He went on to refer to sheet C3 of the plan set, which outlines the turnaround area. This is a dead end street. To allow space for motor vehicles to turn around, they propose to install a hammer head paved area off Production Avenue (25 feet wide extending west). There is a conditional use permit requested for this work as it impacts a small portion of the Surface Water Protection Buffer. There is a grey area shown on the map, which Mr. Walker stated were delineated wetland areas. He explained the city regulations call for a 30-foot setback from wetland areas in the Industrial Zone. There is no other way to install the turn around without encroaching on the buffer. While there will not be a direct wetland impact, there will be a 262 square foot area that will be graded (side slope) in the buffer area. He referred to the erosion control measures that will also be taken. There is an existing water and sewer line. The city has asked the applicant to cut and cap the sewer line and place a gate valve on the water line to shut water off if needed.

Plan Sheet C4 shows how tractor trailers will enter the site. Mr. Walker noted that the important point is for these vehicles to access the skid they would have to access the adjoining site owned by Ranger Curran. The applicant has come into an agreement with Mr. Curran in the form of an easement. Mr. Walker showed detail as to what the security fence would look like and the erosion control fence would look like. The applicant referred to a ten foot high security fence in their application but what they call for is actually an eight foot tall fence.

Plan Sheet M1 shows the piping arrangement plan, which displays an eight-foot long gas main extending into the site and connecting to the CNG Skid.

Plan Sheet E4 is the lighting plan. Mr. Walker noted there will be new lighting on site, but there will be no spill of illumination over the property line.

This concluded Mr. Walker's presentation.

Staff comments were next. Planner Tara Kessler addressed the Board. Ms. Kessler began by going over the Board's 19 development standards. She referred to the portion of the right of way the applicant has petitioned the City Council to discontinue and noted there will be a hammer head turn around installed to replace turnaround provided by the existing cul de sac.

Drainage: She noted a small portion of pavement is being installed where the turnaround is being proposed; however, there are no significant issues with reference to drainage.

Sedimentation and Erosion Control: The applicant is proposing to install silt fencing along the perimeter of the work area. This fencing will remain in winter months to limit potential sedimentation from the snow storage on the adjacent wetlands. The applicant is also proposing to install silt-fencing around the edge of the proposed turnaround area during construction to prevent impact to the wetlands.

Hillside Protection: There are no precautionary or prohibitive slopes on the site.

Snow Storage: The applicant proposes to store snow, which will be removed from the areas surrounding the temporary CNG facility, in an upland area between the existing roadway and the wetland boundary that surrounds the site. The silt fencing will be an added measure of protection.

Flooding: A portion of the site is located within the 100-year floodplain but no element of this project would impact the 100-year floodplain. The applicant is not proposing to place fill within this area.

Landscaping: The applicant does not propose to install any new landscaping as part of this project as this site is set far enough from Route 9 and is not highly visible from Production Avenue. Staff does not feel any landscaping is necessary.

Noise: The applicant has noted that the operation of the CNG skid equipment typically generates 50 to 60 dBA, which is consistent with the sound levels in an industrial area. This standard appears to be met.

Screening: The site is not visible from NH Route 9 or from a good portion of Production Avenue. For security purposes, the applicant is proposing to install an 8' high fence with an extension arm that will protrude approximately 1' from the top of the fence. This extension arm will be lined with 3-rows of barbed wire. There will be a gate entrance into the facility.

Air Quality: The applicant meets the state's air quality standard.

Lighting: The Applicant proposes to install four, 200 watt, pole-mounted lighting fixtures. This lighting meets the city's standard as they are full cut-off fixtures. For security purposes, the applicant is proposing to reduce light levels by 50% between the hours of 10 p.m. and 6 a.m. however, if there is a truck delivery that comes through during that time period the light level will go back up to 100%.

Sewer and Water: The site is currently served by an existing sewer and water line. As mentioned, a gate valve will be installed for the water and the sewer line and it will be cut and capped. It can be reconnected in the future if there is a need.

Traffic: The estimated weekly traffic volume to the site will be approximately two to three CNG tanker trucks and one service van during normal winter operations. During peak winter operations when the temperature is at or below 0°F, the daily traffic volume is anticipated to be one CNG tanker truck and one service van.

Comprehensive Access Management: The applicant notes that the vehicles entering and exiting the site will utilize Production Avenue as well as the existing paved driveway on the adjacent property at 30-42 Production Avenue, which is owned by Ranger Curran. Staff had concerns about securing this use with something more than a written agreement between the applicant and Mr. Curran and hence a temporary easement is going to be recorded for the duration of the work on this site.

Hazardous and Toxic Materials: The applicant has indicated there will be no hazardous material stored on site and felt the Board should be raising this issue with the applicant should they have any further concerns. There will be a spill kit on site to address any spill issues from vehicles.

Filling / Excavation: No changes to the existing grades will be made on the site. This standard appears to be met. An excavation permit from the City will be required for any excavation in the City Right-of-Way.

Wetlands: There are substantial wetland areas on this parcel (approximately 12.7 acres). The Applicant does not propose to impact any wetland areas but is proposing to impact the 30-foot Surface Water Protection buffer. The applicant is requesting a conditional use permit. The criteria for reviewing / approving this permit are outlined in the staff report. The City's process is that any applications for a Surface Water Protection conditional use permit would go before the Conservation Commission for

review / comments. This applicant was presented to the Conservation Commission on May 15. The comments provided by the Commission include concern for the overall loss of bottom land in the city. It was also noted this is a valuable site for Yellow Warblers.

Surface Waters: Ms. Kessler noted Ash Swamp Brook is the closest surface water body and is located 550-feet away from the proposed temporary CNG facility and hence this standard appears to be met.

Stump Dumps: As this project does not involve any tree clearing, this standard appears to be met.

Architectural and Visual Appearance: The temporary CNG facility will include a modular metal decompression skid which is approximately 8' high by 40' long by 8' wide shipping container type unit, which would rest on top of the existing pavement. The skid will be largely out of view from the public Right-of-Way and will be located in a predominantly industrial area.

This concluded Ms. Kessler's comments.

Ms. Landry asked what the process is for this use to become a permanent use. Ms. Kessler stated the applicant would need to apply for the full site plan process. They would also need to obtain a wetland permit from NHDES for any impact to the wetland areas.

Mr. Stout wanted clarification from the applicant as to what happens after temporary use ends. Mr. Furey stated they would like two winters out of the temporary facility and during this time they would like to start the permit process for the permanent facility.

Mayor Lane asked whether this facility will only service Monadnock Marketplace and asked whether expansion will happen after the permanent facility comes in. Mr. Furey agreed this was the plan.

Councilor Hansel asked whether the expansion would mean additional truck access. Mr. Furey stated as they expand they would need more space and this would mean a larger facility.

The Chairman asked for public comment next.

Mr. Jeff Daly of Nashua was the first speaker. Mr. Daly felt the applicant's plan should indicate with a circle the area for possible future expansion. Mr. Daly referred to the toxic Marcellus shale and its impact on the environment and felt an environmental impact statement was important for this proposal, which will let everyone know what type of gas is being put into the environment and what type of a protocol needs to be followed in an emergency.

Mr. Daly stated the other issue that needs to be looked at is what the predicted gas loss in the whole system on the site is. He also asked whether there should be a berm around the site to prevent any leaks from getting into the site and what provisions have been made to make sure rainwater doesn't wash pollutants into the wetlands. He also asked, because of the wetlands in this area, whether there should not be a designated snow storage area especially at the turnaround area.

Stephanie Sharpe of Fitzwilliam began by noting that tomorrow, May 25, would be the one year anniversary of the net pipeline being withdrawn. She stated that she belongs to an organization, which is trying to settle down "pipeline pushers". She talked about Liberty Utilities trying to get into New Hampshire on a permanent location and felt they are attempting to set up a false need for this and asked the Board to look more into this.

She pointed out that Keene has a Climate Action Plan a Climate Adaptation Plan, and a great recycling facility and felt there are many residents trying to protect this community and asked the Committee to look at information available about the disadvantage of fracked gas. Ms. Sharpe stated there was discussion about spills but are not discussing about this getting into the air we breathe. She added that

fracked gas has chemicals that no one is aware of. She asked whether there has been any alternative being suggested for this proposal. Ms. Sharpe indicated what Keene does affects the entire region and the State.

Jeff Scott of Chesterfield asked whether this proposal is fitting with the master plan as the city is trying to move more towards renewable energy. He stated an approval such as this has far reaching implications. Mr. Scott felt if Liberty Utilities is approved right behind them will be Kinder Morgan, which would bring about eminent domain and asked the Board to keep this in mind. Mr. Scott also talked about American Petroleum looking to export, which would drive the price up for local consumers.

John DiBernardo of Keene stated he operated the propane facility on Emerald Street for many years. He stated what is being proposed today is the alternative; it is the natural progression in this industry. Underground pipeline has existed since before the civil war and felt natural gas is the better choice for Keene.

Pam Clarke of Westmoreland was the next speaker. Ms. Clarke felt we have passed the breaking point environmentally and is not something that can be ignored anymore. She felt there are alternatives to natural gas such as wind, bio fuel and solar. She felt these companies are in this for a profit and felt the alternatives she mentioned are much safer.

Mr. Chris Welch of Wilton NH felt this is the time to turn our backs on the fossil fuel industry and to embrace the future. Methane is the most powerful greenhouse gas in the world; it is about 100 times more powerful than carbon dioxide. He stated in 2016 there were 236 pipelines and pumping station leaks, over one million gallons of crude oil and fracking fluid was released into the environment and over 200,000 gallons of gasoline leaked into the environment from safe pipelines. Mr. Welch stated what is being presented is another fossil fuel, which will not be safe and felt the alternatives should be embraced.

Stephanie Sharpe addressed the Board again and stated one of the things she did not mention is if this community wants to be a place that would like to retain young people it needs to be appealing to them and felt solar is something that seems to be booming. She felt Keene should be that city which makes the first choice to enhance what Keene means in this state.

The Planning Director felt it might be important for the Board remind the public of the nature of the Board's role here tonight. He noted in as much as it is appealing to talk about environmental issues, the Board's role here is much more localized and finding compliance with 19 specific standards. The Chair Spykman agreed and noted the 19 standards staff referred to are the only ones the Board can consider.

Mr. Daly asked whether the Board is permitted to give recommendation regarding specific issues such as water retention on site, snow storage, toxic material entering the site etc. Chair Spykman stated most of these items were addressed during the staff report. Mr. Daly stressed the importance of notations on the drawings regarding the location of future expansion. Mr. Lamb stated the Board does not have specific requirements for natural gas delivery systems. He added the applicant has been in contact with the Fire Department and all the systems designed have been designed in conjunction with fire codes and further permitting would have to be in compliance with the Fire Department. Mr. Daly stated the NFPA Standard is outlined in the Board's review. Mayor Lane stated NFPA Standards are not covered under this Board's review – this is part of the Fire Department review. Mr. Daly felt this should be part of the Board's standards. He questioned who would be responsible should there ever be an incident. It would then become the tax payer's responsibility. Mr. Daly talked about the Kinder Morgan pipeline and the impact it had on other communities. Mayor Lane asked that the Chairman restrict the discussion to what is relevant to the Board's consideration.

Ms. Pam Clarke asked the Mayor how these issues are not relevant to today's discussion. The Chairman stated the point of relevance is what the Board needs to judge applications on and if the comments are not related to the standards the Board needs to judge an application by then they are not relevant. Ms. Clarke expressed frustration with the standards of the Board.

Mr. Lamb stated this is not an environmental review and it is not enforcing state law or federal law. He went on to say the review that happens here is related to site development standards which relate to residential development and commercial development. The environmental regulations pertaining to this review are those that have been written into these standards by the Board, which are appropriate for the City of Keene. There are no greenhouse gas emission standards written into these standards, the closest thing to air quality are those that relate to the creation of fumes, dust or smoke and most of that is limited by State Law RSA 674 which limits what a Board can consider, as the State regulates the release of pollutants into the air. He added there are strict limitations on what a Planning Board can do.

Ms. Clarke felt it was pointless to have the public present today. Chair Spykman stated the point of the hearing is for the public to give input according to the items the Board can consider under state law.

With no further comments, the Chair closed the public hearing.

Councilor Hansel stated he was comfortable that the petitioner has complied with the 19 development standards, which have been verified by staff. Mayor Lane noted the issues raised by the public today are important to the State and are regulated by the State; they are not regulated by the city. The Mayor asked whether there needs to a separate motion regarding the conditional use permit. Mr. Lamb stated both items are being granted under one motion.

Vice-Chair Barrett asked about inserting a time limit for the temporary nature of this use.

Mr. Bohannon clarified the applicant would come back before the Board for the permanent facility. The Chairman agreed they would.

Chair Spykman noted that what is being introduced is not something that does not already exist in this area. We are switching from one form of gas to another form of gas and felt natural gas is better than what we have now. We are not bringing in natural gas to an area that does not have gas.

Ms. Kessler with reference to the Vice-Chair's question stated the Board has leverage in some instances such as requesting a letter of credit and the completion of site plan improvements which need to be adhered to for the temporary site. She added all site plans are considered to be permanent even though a use may be temporary.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-02-17, and the Surface Water Protection Conditional Use Permit, as shown on the plan set entitled "Site Plan Review / Conditional Use Permit Keene Temporary CNG liberty Utilities (Energynorth Natural Gas) Corp. Production Ave Keene, New Hampshire" prepared by Sanborn Head on May 9, 2017 with the following conditions:

1. Prior to signature by Planning Board Chair:

- A. Owner's signature on plan
- B. Approval by City Council of the discontinuation of a portion of Production Avenue and modification of the road layout to include a vehicle turnaround as shown on Sheet C1 "Proposed Conditions Plan" and Sheet C3 "Proposed Roadway Turnaround" included in the approved plan set.
- C. Submittal by the Applicant of documentation in a form acceptable to the City of an easement demonstrating the right of Liberty Utilities to access the adjacent property at 30-42 Production Ave (TMP# 602-01-010) owned by Ranger Curran, Jr.

- D. Submittal of a revised Sheet Sv-1 “Existing Conditions Plan of Land” that shows the City’s drainage easement at the northeast portion of the parcel to be reviewed and approved by the City Engineer.

The motion was seconded by George Hansel and was unanimously approved.

2. **SPR-03-17 – 185 Winchester Street – Site Plan** – Jim Phippard of Brickstone Land Use Consultants, LLC, on behalf of Theroux Properties, LLC proposes to demolish and rebuild an existing barn and expansion of parking. The site is 0.59-acres in size and located in the Commerce Zoning District (TMP# 052-01-003).

A. Board Determination of Completeness.

Planner Michele recommended the Board accept this Application as complete. A motion was made by George Hansel that the Board find Application SPR-03-17 as complete. The motion was seconded by Mayor Kendall and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Masons addressed the Board on behalf of Theroux Properties LLC. Mr. Phippard stated this property is located at 185 Winchester Street, in the Commerce District and is a 0.59 acre lot. There is an existing building and barn on the property as shown on the plan. It is a mixed use property; the barn in the past was occupied by an antique shop. Mr. Phippard referred to where the curb cuts and parking spaces are located. There will be two more spaces added. There is also a parking area to the rear which the applicant is proposing to expand, for a total of 22 parking spaces which is what is required by zoning.

The footprint referred to on the plan is for a new barn and office space which will continue to be attached to the main house. The footprint will be slightly larger than the existing barn but it includes a shed. It will be a two-story building, similar in appearance to the existing barn. The second floor will be used for office space and the ground floor will be used for storage. The west side of the building will have no openings because of security reasons. The rear side which is the north side of the building would have an overhead door for loading and unloading material. There will be windows along that side. The building would be of white vinyl siding, with dark colored fiber glass shingles (appearance would be similar to what exists now). The existing building is 26 feet tall; this building will be 31 feet tall.

The dumpster would be located where it exists today on a concrete pad. The proposal is to widen the curb cut on Foundry Street as per request of the Fire Department to accommodate the Ladder Truck.

New landscaping is being proposed, but there are no changes to landscaping being proposed along Winchester Street. Along Foundry Street there will be three flowering pear trees added to complement the existing flowering trees, there is arbor vitae being proposed along the rear for screening. Staff asked for arbor vitae for the north side. The abutter to the north would like not to have any more arbor vitae added and the applicant agrees. This is the area for snow storage and adding arbor vitae would be an added expense for the owner who would then have to haul the snow away.

Drainage – this site would continue to be a zero discharge property. The drywell constructed in the 1990s to collect runoff at the rear has worked very well. This infiltration system is being proposed to be expanded with a second dry well system and they will be connected with each other and would double the infiltration system capacity. The soils in this area have never been an issue for infiltration.

Mayor Lane asked whether Mr. Phippard’s office will be located in this building or if he is moving to another location. Mr. Phippard stated he was not moving. This concluded Mr. Phippard’s presentation.

Staff comments were next. Planner Michelle Chalice talked about the soil in this area and how the applicant is utilizing the soils with the available LID measures. She indicated the screening staff suggested to the north is for the benefit of the adjacent property owner, however, if that property owner does not want this screening, staff is agreeable with that. Staff had raised concern about the small lighting fixtures but staff has just learned these fixtures will be used under awnings. The wall pack lighting will be reduced to 50% starting at 10 pm. Mr. Phippard stated the LED fixtures will be seven-watt full cutoff fixtures. The wall packs are dimmable fixtures, which would be on an activity sensor where the lights would go off if there is no activity for five minutes or longer and would be turned off to 50%.

The Chairman asked for public comment, with no public comment the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-03-17 as shown on the plan entitled "New Storage Barn and Office" as well as Theroux Properties, Tax Map 05-2-01-003, 185 Winchester Street, Keene, Cheshire County, NH dated March 14, 2017 and January 5, 2017 respectively. Site Plan set is drawn by Brickstone Landuse Consultants LLC Masons at various scales and schematic architectural drawings are by DBR Architects at a scale of 1/4" = 1 foot with the following conditions:

Prior to signature of Planning Board Chair Spykman, submittal of a revised site plan to show

1. The elevation of existing contours.
2. The pipe inverts for proposed and existing catch basins
3. The seasonal high water table elevation.
4. Submittal of security for landscaping, site erosion control and as built plan in a form and amount acceptable to the Planning Director and City Engineer.

The motion was seconded by George Hansel and was unanimously approved.

3. Planning Board Fee Schedule – The City of Keene Planning Department is proposing to amend the Planning Board Fees, which were last revised in February of 2012. The proposed revisions are documented on the Planning Board Fee schedule dated May 10, 2017, which is available for review in the Planning Department on the 4th Floor of City Hall.

Mr. Lamb referred to language from the City Council fiscal policies regarding cost recovery. Cost recovery goals should be the total cost the city expends. For the Planning Department it would include all departments that support the Planning Department. The fiscal policy talks about fees and charges being set less than full recovery when high level of cost recovery will negatively impact low income groups, collecting fees and charges is not cost effective, when there is no relation between the amount paid and the benefit received (e.g. social service programs or access to parks and play grounds), or when collecting the fee would discourage compliance with regulatory requirements and adherence to requirements.

Fees and charges should be set at full recovery when service could be provided by the public sector, use of service is discouraged (e.g. false alarm response by fire or police), or regulatory requirements and voluntary compliance is not expected.

Mr. Lamb stated staff is not recommending a fee increase for site plan and subdivision applications and this is because the current economic development conditions in Keene do not warrant an increase to fees at the moment. Mr. Lamb then turned over the presentation to Ms. Kessler.

Ms. Kessler referred to a handout and indicated the current fee schedule is shown in black. The amendments are shown in red.

Site Plan – The fee for Design Review has been eliminated as not many have taken advantage of this category. Most applicants pursue Advice and Comment.

They propose changing the formula for how the Site Plan fee is displayed. Currently it is \$250 plus \$5 for every 100 square feet. The amendment is \$250 plus \$0.05 for every square foot.

They propose eliminating the section referred to as “Request for Waiver of Full Site Plan Review” – currently \$50. In place of this option, applicants seeking a waiver from the process would need to pay the full site plan application fee, come before the Board and ask for a waiver from all standards.

The fee for printing legal ads is currently a \$9 flat fee. However, the average cost is about \$26. They proposing changing this fee to \$25.

They have proposed modifying the fee, Request to extend expiration of a conditionally approved site plan – \$25, to include, a \$50 fee after the first request.

Subdivision Applications – Similar to Site Plan Review, the fee for Design Review has been eliminated. The application fee would stay the same for subdivision review.

They propose removing the category “Request for modification to an approved subdivision” which is \$100. This is not something that is often seen.

They have proposed modifying the fee, Request to extend expiration of a conditionally approved plan – \$25, to include, a \$50 fee after the first request.

The fee for printing legal ads is currently a \$9 flat fee. However, the average cost is about \$26. They proposing changing this fee to \$25.

They have proposed removing a specified Recording fee and adding new language stating it would be the Registry of Deeds fee.

Administrative Review

They propose amending the Administrative Review fee of \$50 to \$125. This is in keeping with the fees employed by other communities in NH around the same size as Keene.

Conditional Use Applications – The title of this section of the Fee Schedule is to say Conditional Use Permit Applications.

They propose raising the Telecommunication Conditional Use Permit fee from \$200 to \$300 as there is a fair amount of review that goes into these applications.

The fee for a Conditional Use Permit for an Accessory Dwelling Unit would remain at \$100.

The fee for a Conservation Residential Development is currently \$150 plus \$100 per lot – the proposed change is \$200 plus \$100 per lot.

There is no fee currently for the Hillside or Surface Water Protection Conditional Use Permit Applications. They propose a fee of \$100 for each.

The fee for a Voluntary Merger Application would go from \$25 to \$50.

They have proposed removing a specified Recording fee and adding new language stating it would be the Registry of Deeds fee.

Mr. Stout asked what a Voluntary Merger Application was. Ms. Kessler explained this is when an owner of two adjacent lots merges the two lots into one lot.

Mayor Lane noted the current application fee for a commercial site, which is more than 10,000 square feet, is \$750 and asked whether this would remain the same. Ms. Kessler answered in the affirmative. Ms. Kessler stated 11 communities were looked at to determine these rates. Keene is low compared to cities like Manchester but staff feels this would not be the time to increase this fee.

Ms. Kessler stated at last month's meeting staff was asked to look at the time it takes to review applications. She noted that it would be very difficult to develop an accurate number for this calculation as the time to review applications varies, and there are multiple staff involved both within and outside of the Planning Department. Ms. Kessler was able to produce a broad estimate of the time spent by a Planner to review applications. She noted that it could be about 15 hours to 20 hours of time on average, which could be about \$900 - \$1,200. A site plan application fee for an project that does not involve new construction is \$250.

Ms. Kessler referred to the MoCo Arts site which consists of 17,000 square feet. The site plan application fee for this site was \$1,100 and in this instance the cost of Planner time spent reviewing the application is close to what the applicant was charged. On the other hand, the Planner time for reviewing the Savings Bank of Walpole site, which is 1,800 square feet in size and had an application fee of \$350, was approximately \$600 greater than the application fee. She indicated if the city was to go into full recovery model, a bill for services would need to be produced once the work is complete. It is not possible to estimate the costs for review in advance of submitting an application.

Chair Spykman noted the size of a facility seems to determine the cost of an application but that doesn't necessarily equate to staff time and asked whether setting a fee based on square footage would be the wisest way to move forward. Ms. Kessler stated Berlin has a set fee; Portsmouth and Hanover are basing it on construction costs versus size and felt this is pretty much the same as basing it on square footage. Staff feel estimating fees on square footage for this community was the best option. Mr. Lamb stated in Portsmouth they have a cap for fees because they saw a potential for fees to be astronomical. Mr. Lamb stated what was looked at was not causing an obstacle for entry.

Regarding the Subdivision Plan Application Fee Comparison, Ms. Kessler noted that most communities have a flat fee plus a fee for each lot created. Keene falls closer to the center. This concluded Ms. Kessler's presentation.

Mr. Bohannon asked if credit card payments are being considered. Mr. Lamb stated they have not considered this yet. Councilor Hansel asked how much these fees generate in revenue. Mr. Lamb stated it was around \$8,000 - \$12,000. The Councilor stated the only item he would be turned off by, if he was a developer it would be the Surface Water Buffer conditional use permit as this requires going to an extra meeting plus \$100. Mr. Lamb there was discussion as to whether this fee should be folded into the site plan fee.

Dr. Cusack asked whether staff follows up with developers about fees. Mr. Lamb stated it has been many years since such an exercise has been put in place and agreed it was a good idea.

Ms. Landry asked whether staff hears any comments from developers about these fees. Ms. Kessler stated she has not experienced any discontent. Ms. Landry asked whether these changes would make a big difference in revenue. Mr. Lamb answered in the negative.

The Chairman asked for public comment. There were no comments from the public.

A motion was made by Mayor Lane that the Planning Board approved the proposed Fee Schedule. The motion was seconded by George Hansel and was unanimously approved.

VI. New Business

Chair Spykman stated often when there is time for public comment, the public has questions rather than comments and asked how that should be handled. Mayor Lane stated this is the time for the Board to hear from the public and the Board should not be participating in this process. If the public has questions it should be treated as rhetorical questions and felt the Board should not be getting into a back and forth with the public. Otherwise, it turns into a debate. Mr. Lamb stated staff could always be used to deflect such an instance and the Board could say staff will follow-up with the individual who has the question.

Mr. Stout stated often times these questions are rhetorical and are intended to make the Board feel uncomfortable.

Vice-Chair Barrett asked whether the Board has a different responsibility to a Keene resident versus a non-resident Keene. Chair Spykman stated the Board has always left the venue was open regardless of where someone was from. The Mayor agreed and added the credibility of a speaker could also depend on where they are from, such as someone from Boston addressing issues in Keene. Mr. Lamb stated the risk of relevancy could change depending on where they are from. Dr. Cusack stated he was uncomfortable when one of today's speakers criticized one of the applicants. Mr. Lamb stated the Board can always call out someone when they are that critical. Councilor Hansel stressed the need for sticking to the 19 Standards and limiting the scope of discussion especially because this is a quasi-judicial Board where there could be legal consequences. The Chair stated he should perhaps give a more thorough introduction before the start of each application.

VII. Upcoming Dates of Interest – June 2017

Planning Board Meeting – June 26, 6:30 PM

Planning Board Steering Committee – June 13, 12:00 PM

Joint PB/PLD Committee – June 12, 6:30 PM

Planning Board Site Visits – June 21, 8:00 AM – To Be Confirmed

City Council Public Hearing, Marlboro Street project – June 15

The meeting adjourned at 9:03 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Tara Kessler, Planner
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