

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Tuesday, May 26, 2015

6:30 PM

Council Chambers

Members Present

Mayor Kendall Lane
Douglas Barrett
Councilor James Duffy
Andrew Bohannon
Christine Weeks
Nathaniel Stout
George Hansel
Tammy Adams, Alternate

Staff:

Rhett Lamb, Planning Director

Members Not Present:

Gary Spykman, Chairman

I. Call to order – Roll Call

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

In the absence of Chair Spykman, Councilor Duffy made a motion to nominate Mayor Kendall Lane to act as temporary Chair for the May 26, 2015 Planning Board meeting. The motion was seconded by Andrew Bohannon and was unanimously approved.

II. Minutes of previous meeting – April 27, 2015 and March 23, 2015 (Proposed Amendment)

April 27, 2015:

Christine Weeks offered the following corrections:

Page 3 of 48, fourth paragraph should say “gas station” not “gas canopy”.

Page 2, under A. Board Determination of Completeness

Add the word “Application” before the SPR 172.

Page 15 under Upcoming Dates of Interest – Steering Committee should be a May date not a March date.

A motion was made by Christine Weeks that the Planning Board accept the April 27, 2015 meeting minutes as amended. The motion was seconded by James Duffy and was unanimously approved.

March 23, 2015

A motion was made by Christine Weeks that the Planning Board accept an amendment to the March 23, 2015 meeting minutes related to CUP-2014-01 – Wetland Crossing – 490 Washington Street – Conditional Use Permit. The motion was seconded by James Duffy and was unanimously approved.

III. Membership

1. Election of Vice Chair

Item delayed until next month.

2. Recognize new alternate member, Tammy Adams

The Board welcomed Tammy Adams to the Board as an Alternate. Ms. Adams was asked to join the Board because of the absence of Chair Spykman.

IV. Driveway Permit

1. 0 Summit Road – Owner C&S Wholesale Grocers, Inc. proposes two new curb cuts that will service a new bus stop and provide a one-way bus turn-around north of the YMCA driveway and adjacent to the YMCA property. The site is 21.1 acres and located in the Corporate Park and Low Density Zoning Districts (TMP# 918-10-013.02).

Item postponed until the matter is heard by the Zoning Board of Adjustment.

V. Public Hearings

1. SPR-218, Mod. 2 – Freihofer's Bakery – 815 Court Street – Site Plan –

Applicant Jim Phippard of Brickstone Land Use Consultants on behalf of owner 815 Court Street, LLC proposes a 4000sf addition to an existing retail building for Freihofer's distribution center and retail bakery outlet. Waivers are requested from Standards #10: Lighting and #19: related to location of parking. The site is 2.39 acres in size and located in the Commerce Zoning District (TMP # 188-01-004).

A. Board Determination of Completeness

Planner Michele Chalice recommended to the Board that Application SPR-218, Modification 2 was complete. A motion was made by Douglas Barrett that the Board accept this application as complete. The motion was seconded by James Duffy.

Ms. Weeks stated that when she read through the packet she found it to be very confusing and referred to pages 22 - 25, Freihofer Bakery and stated that she would like to know who this information is from. Mr. Lamb said the document is from the applicant. Mr. Lamb explained that it is the practice that the staff report is the first item that is read in the section of the staff report. He indicated staff will make sure it is titled as such.

The motion made by Douglas Barrett was unanimously approved.

B. Public Hearing

Mr. David Bergeron of Brickstone Land Use Consultants addressed the Board. Mr. Bergeron referred to Court Street on the plan. The existing property has a 10,000 square foot building on it, there is parking across the front and there is a shared set of driveways that service four different businesses and there are also two shared curb cuts. The area around the building is paved and there are dumpsters at the rear of the site. The existing retail building will expand to house the applicant's business, Freihofer Bakery.

Mr. Bergeron stated that there is a vacant space in the building which used to be a restaurant and bar. This vacant space will be taken over by the bakery. There will be 2,000 square feet of additional space at the front for future rental. In addition to the changes that are being proposed to the building, the driveway will be moved so that it could connect to the driveway around the

building. There will be additional parking added to the rear of the building as well as more pavement. This is to provide circulation for their delivery trucks. The applicant needs a large loading dock so that a delivery truck could bring products to the business and they also have five bays for delivery trucks to back up, load the trucks and leave the site to make their respective deliveries.

Mr. Bergeron noted that even though the name is Freihofer Bakery, this site will not be a bakery; it will strictly be a warehouse and distribution center with a small retail store. Their existing site on Bradco Street is what is moving to this site.

He added that the building is currently going through a facelift. The canopy that has been recently located will continue to the new addition. The planters that are located at the front will be replaced.

Mr. Bergeron then went over the performance standards.

Drainage – Currently everything in the front drains to catch basins located in the front of the site and a drainage system picks that up and runs it to a drainage system in the rear. There is a low spot that exists at the rear of the site and the drainage at the present time does not leave the site. This drainage scheme will continue with the low spot being made slightly bigger. The applicant has looked at a 50-year design storm and it has been determined that no drainage will leave the site.

Sedimentation and Erosion Control – This is shown on the plan but it will be minor because of the way everything is contained on site.

Hillside Protection – N/A

Snow Storage – There is a large area in the rear for snow storage without having any effect on the operations.

Flood Plain – This property is not located in the flood plain.

Mr. Bergeron then referred to the staff report. He stated that the staff report indicated that the north wall could use some dressing up. The applicant has looked at that and has revised the landscape plan. They are proposing some taller shrubs as well as canopies over two of the doors. Over time this arborvitae should grow to about five to six feet tall. Mr. Bergeron felt these added items should break up this façade.

Noise – Mr. Bergeron stated that the applicant doesn't expect any excess noise.

Dumpster – The dumpster will be located at the rear and will have screening. The screening will consist of a solid wood fence with a door.

Lighting – The applicant has requested a waiver for a reduced lighting plan. Mr. Bergeron explained that the reason for requesting this waiver is because of the nature of this operation. The delivery trucks come between during mid-night and 2 am to unload supplies into the building. The drivers then come in by 4 am and leave by 7 am. The applicant is requesting the lights to be left on so that drivers and delivery people can get in and out of the building safely.

Mayor Lane asked who would be affected by this lighting. Mr. Bergeron stated that there is a dentist office that abuts the site at the rear with apartments on the second floor. He added the lights that face the apartments will be shielded. He noted that the applicant is proposing two, new, 20' light poles for the rear parking area. The apartments will be about 150 feet from the closest light pole. There will also be three wall pack lighting at the back of the building where the loading docks are located and another light pole next to the dumpster. The light level will be at zero near the property line.

Water and Sewer – There will be a new water line brought in for the new business but they will use the existing sewer line.

Traffic – Most of the traffic will be during off hours and will be done before the peak hour. The retail store is about 700 square feet but it is not anything out of the ordinary than what has existed here.

Comprehensive Access Management – This site fits this standard well because four businesses are sharing two curb cuts. The bus route comes through this area and a bike rack is shown on the property.

Hazardous Material – None

Filling/Excavation – Crushed gravel will be brought in to bring the pavement up to grade, a berm at the rear that needs to be cut down (two to three foot cut).

Architectural Appearance – The building store front will match what exists there right now. The new awning was recently added which will remain.

Mr. Bergeron then talked about the waiver for parking spaces at the front. There are three spaces being added to the front by continuing what exists there right now. The landscape islands that exist will also be continued across the front. The existing landscape islands will be redone with granite curbing. He felt that having these spaces at the front makes it easier to rent the vacant area...

Ms. Weeks asked how many existing spaces existed for the bar/restaurant. Mr. Bergeron stated that only three spaces are going to be added to the front of the area that is going to be vacant. Ms. Weeks asked how many spaces will exist in front of the Freihofer retail area. Mr. Bergeron stated that three spaces are going to be added in front of this retail space.

Mr. Hansel asked how far the apartments are from the north corner. Mr. Bergeron stated that they are about 200 feet from this corner. Mr. Hansel asked whether the smaller delivery trucks make a beeping sound when they back up. Mr. Bergeron stated that they probably do. Mr. Hansel asked whether this noise was taken into consideration by the petitioner. Mr. Bergeron stated that the delivery trucks leave the site early in the morning and don't return to the site until about 3 pm where they will be left until about 3 am the next morning when they are reloaded and leave.

Mr. Hansel referred to the following language from the staff report: *Five delivery trucks loading and leaving the site between 1:00AM and 7:00 AM.* Mr. Hansel asked whether the apartments are going to be listening to five delivery trucks back into this area between the hours mentioned

above. Mr. Bergeron explained that these truck will return to the site at 3pm and the drivers will leave for the afternoon and then return at 3 am load their trucks and leave.

Mr. Barrett asked whether the trucks can leave the site without the need to back up. Mr. Bergeron answered in the affirmative. Mr. Barrett asked Mr. Bergeron to show on the plan the route the semi-truck will take and clarified that they will have to use the turnaround spot only once. Mr. Barrett asked how close this truck will be to the dentist's office. Mr. Bergeron stated that the truck will be about 75 feet from that office. Mr. Barrett asked how loud the truck will be from these apartments. Mr. Bergeron stated that he wasn't sure.

Ms. Adams noted that in relation to the trucks accessing the site there was no sidewalk for foot traffic to the property. Mr. Bergeron referred to where there property line was located and added that they could widen the curb cut slightly to create more space. They only have about 15 feet to the property line and then it is a different property owner. Ms. Adams referred to the parking spaces on the westerly side and asked whether they were on the petitioner's property. Mr. Bergeron answered in the affirmative and added that they are on the property line (a foot between those spaces and the property line). Mr. Bergeron stated that if you look at the existing conditions plan, there is a long walk along the driveway to get to this business but what the petitioner is proposing is a much shorter walk. Ms. Adams stated that her concern was the property located across Court Street and residents who live in that building trying to access this site.

Mr. Bohannon asked whether there was a possibility to use motion sensor for the lighting. Mr. Bergeron stated that they have but have had mixed results because the lights can be activated by animals.

Mr. Stout asked about the roof top units. Mr. Bergeron stated that the current site has HVAC units on the roof and the petitioner plans on doing the same. The larger unit will be replaced with two smaller ones. The thought is to paint them the same color as the wall. Mr. Bergeron felt that adding screening will only add to the expanse of the units and make it more visible.

Following up on Ms. Adams' concern, Ms. Weeks asked whether there was a stop sign for trucks coming around the area where the foot traffic could be accessing the site. Mr. Bergeron stated that there wasn't but one could be considered. Ms. Weeks suggested stop signs at both ends.

Staff comments were next. Planner Michele Chalice addressed the Board and stated that this application has met many of the Board's requirements. She indicated that the issues that staff would like to raise are unique to this site; off hour deliveries. This notion of noise cannot be known at this time. She referred to language about the noise levels of semi-trucks and added that once this site is approved the city won't have any control of this issue.

Ms. Chalice stated that that staff has tried to explain the proximity of the distribution center not only to the dentist office with the existing residential units but also the other three units that have been approved by the Planning Board that could be constructed sometime in the future.

The other issue was children coming from the apartment complex located to the west of this distribution center. Staff would like the applicant to consider a connecting sidewalk that could be on the inside of the entrance driveway connected to a marked crosswalk that could then connect to the front of the building.

Ms. Chalice stated that criteria for the two waivers have not yet been presented and the Board after listening to the criteria could ask for appropriate mitigation that they feel is reasonable to ensure the spirit and intent of the standard being waived is preserved.

If the three requested parking spaces are approved together with the seven spaces in the rear (10 spaces in all) planting of a tree would be required according to Board standards. Ms. Chalice stated that staff had suggested a tree at the front between Court Street and the west side parking areas so that you don't have to look right into that parking lot from Court Street.

Mayor Lane asked whether the crab apple trees the applicant was proposing for the front of the building will meet the criteria for the required tree. Ms. Chalice stated that the Board's standard is a three-inch caliper tree and the crab apple trees are not typically three inch caliper. Ms. Weeks asked whether staff was satisfied with the applicant's proposal for the north side; the report refer to shade trees but the applicant is referring to arborvitae and shrubs. Ms. Chalice stated that there is no standard for what she has suggested but a shade tree would provide quite a bit of visual screening for the second floor unit which are the residential units on the adjoining site.

Mr. Lamb stated that there are two waivers that were requested – parking and lighting. He indicated that previously there was discussion about putting in motion sensors/timers for lighting. He said that if they are on motion sensors/timers, a waiver is not necessary, because they are considered to be off until an activity turns them on. Mr. Bergeron stated with the combination of a timer and a motion sensor they could be on up to a certain time and then be monitored with a sensor. He added that there are some businesses in this plaza that have activity until late in the evening and the wall lights and the two poles that exist there right now might need to stay on until those businesses close for the night.

Mr. Bergeron then went over the waiver criteria for parking:

1) That granting the waiver will not be contrary to the spirit and intent of these regulations;

Mr. Bergeron stated that the spirit and intent of the regulation is to locate parking to the rear. However, this is a fully developed site with parking already established and added that he failed to mention there is a deed restriction which prevents them from moving the building to the front and locating additional parking to the rear. As well as the proximity to Court Street also requires parking be located to the front as opposed to the rear or to the side.

2) That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and

Most of the parking already exists and they are a very small number of spaces that are being located. Mr. Bergeron felt that most people will not notice that three spaces were added here. Mayor Lane clarified that the applicant was adding spaces against the building and not against the street. Mr. Bergeron agreed.

3) That granting the waiver has not been shown to diminish the property values of abutting properties.

This parking lot exists and it is not likely to be noticed that three spaces were added and it is not likely to diminish property values.

- 4) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*

Mr. Bergeron stated eliminating these spaces would really not have any benefit; it exists and added that having three spaces would really be advantageous to the property owner and any tenant who wants to rent this space. Denial of these spaces will create an unnecessary hardship.

Mr. Bergeron went on to say that as suggested by staff they can replace the crab apple tree with another type of tree that has a three-inch caliper, perhaps a flowering pear tree. He referred to the city right of way in front of the applicant's site and noted to where there is already some landscaping and didn't think much could be done to the Court Street frontage that would make much difference and noted that Court Street is about three to four feet higher than the parking lot.

Mr. Stout noted that the Zoning Board approved a variance for a storage facility on this lot and asked what the traffic pattern would look like. Mr. Bergeron stated that it would be a lot less because much of the space from the storage facility is being used by this expansion; at least one building has been taken away and added that he wasn't sure if the remaining space would be viable to continue with a storage facility. Mr. Stout noted that it was the same applicant who proposed the storage facility is the one who is now proposing the matter before the Board today. Mr. Bergeron stated that the application for the storage facility did not come before the Planning Board; all it received was Zoning Board variance. If the matter ever wanted to move forward it would need to come before the Planning Board.

Mr. Stout asked about the variance that was approved and how long that would last. Mr. Bergeron stated that variances are good for two years and if the applicant was going to move forward with it, the use would be at a much smaller scale.

Ms. Weeks asked whether the applicant would consider adding shade trees to the north instead of the arborvitae. Mr. Bergeron stated if the Board prefers the shade trees they could reduce the number of arborvitae, which is more expensive, and go with shade trees. Ms. Weeks referred this question to staff. Ms. Chalice stated that staff prefers shade trees to arborvitae to provide more of a visual separation between that long stretch and the residential units. Mr. Bergeron stated that for some portion of the area, that could be done but referred to a utility pole and a propane tank that exist and referred to the location where three trees could be added which should accomplish the separation.

Mr. Barrett asked whether Mr. Bergeron knows how long it will take for the semi-trucks to unload. Mr. Bergeron stated that he recalls the time to be about two hours. Mr. Barrett asked whether the trucks have any refrigeration units. Mr. Bergeron answered in the negative; they transport only dry goods. Mr. Barrett asked whether the trucks will be shut down when unloading happens. Mr. Bergeron felt they might be but wasn't sure what would happen during winter months.

Councilor Duffy clarified that these trucks will have back-up alarms. Mr. Bergeron stated that he wasn't sure whether tractor trailer trucks had back up alarms but does know that construction vehicles do have them. Mr. Hansel indicated that his experience has been that most all such trucks have back up alarms. The Councilor raised the question about idling as well. Mr. Bergeron stated that he could request the applicant that the trucks be turned off but wasn't sure what would happen during winter months. He added that during the winter months people will have their windows shut.

Mayor Lane stated that diesel trucks idling can be very noisy. Ms. Weeks asked whether this item can be made part of the motion. Mr. Lamb stated that a condition such as that would typically be included as a note on the plan and the average truck driver will not be carrying around the plan nor will there be an effective enforcement mechanism. Mayor Lane stated that once this plan is approved and the operation is underway the neighborhood is likely to start calling the city with complaints. Mr. Lamb agreed and said this is a circumstance that was generated by the grant of a variance and any conditions that are going to be placed will be difficult to enforce. He added that a request can be made through the ownership of this site to enforce such a condition. Ms. Weeks asked whether it would be better to have something on the record should the neighbors complain. Mr. Lamb agreed.

Mr. Barrett felt that instead of including this in the plan perhaps a sign could be posted which is visible to the drivers that say no idling. Mr. Lamb stated this would be a reasonable way to address this issue and added that enforcement will still be required but this would happen through the noise ordinance, which follows the city code as opposed to a violation of the site plan.

Ms. Adams stated that she lived across this site for seven years; aside from the noise, which can be annoying, the area is like a bowl where the air can get stagnant and the diesel fumes get trapped in it which is another issue.

The Mayor asked for public comments next. With no comments from the public, the Mayor closed the public hearing.

Mr. Barrett referred to the apartments over the dentist office as well as the apartments that are going to be located on the mixed use property. These buildings are set back about 300 feet from Court Street and although there is traffic on Court Street it is less at night and noise is less because you are 300 feet from Court Street. Around mid-night if a truck should pull in, it would be about 50 feet from a window and that truck will sound like it is inside of your bedroom. An example of the noise level would be about 70 - 80 decibels at the façade of the apartment. Mr. Barrett added that the backup alarms are regrettable but they are exempt from the noise ordinance. He further stated that what he would focus on is that this truck pulls in, residents are awoken but they fall back to sleep but an hour later the truck starts up again to leave the site. He added that what the applicant is proposing is a new use to this area because of the late night activity.

Mr. Hansel asked what happens if the property wasn't renovated and the bakery went in as a new tenant – would the city then have jurisdiction over that if there was a complaint from a neighbor. Mr. Lamb explained that this use as a warehouse is not allowed in the commerce district and required a variance from the Zoning Board of Adjustment. The granting of the variance creates potential for the conflict. If this was a change of use or an additional use, it would have to go through the site plan process even if it didn't require an expansion to the building. It may or may not have come before the Planning Board, but Board standards would have been applied through the administrative process.

Councilor Duffy stated that even though this is an allowable use his main concern is the traffic and noise. Mayor Lane stated that the diesel exhaust causes concern to him.

Mr. Stout stated that he is in an awkward position tonight as he voted in favor of this variance at the Zoning Board and wasn't sure how his vote should be handled before this Body. Mayor Lane stated that Mr. Stout's vote is independent from what he did at the Zoning Board.

Mr. Bohannon stated that when he read the application he liked what he read because this proposal is introducing what the Master Plan is proposing, which is creating more nodes within the City. It is one more added convenience for this neighborhood. However, the only thing that concerns him is the noise late at night and is grateful for Mr. Barrett's expertise in this field.

Councilor Duffy stated that we are not just talking about a bakery, this is also a warehouse and wasn't sure if this was compatible with a neighborhood node especially with residential being in such close proximity.

Mayor Lane noted the use has been approved by the Zoning Board and even if the Board has particular concerns about the use in this area; residential and commercial uses so close by, the Zoning Board has answered that question. What the Planning Board has to figure out is a way to minimize the effect of diesel trucks coming in and out of this site. The Mayor felt that the suggestion to not idle is something the Board should follow-up on which can later be used for enforcement purposes if there is a need.

Ms. Weeks stated that she would add not only noise but also pollution.

Mr. Stout asked whether the Board could ask for a noise barrier similar to what is seen on highways. Mr. Lamb stated that if the noise issue is significant enough, the Board could ask the applicant to investigate and demonstrate how this noise level can be mitigated. The Mayor asked what the standard for noise level at the property line was. Mr. Lamb stated that the Board does not have a specific standard. He recalled the application for Key Collision Auto Body Shop where the standard the Board called for at the property line was 70 decibels. In that case the residential units were quite some distance away from the property line and there was a tree buffer at that location as well.

Councilor Duffy referred to Page 28 of the packet which is the narrative from the applicant – *Noise - No excess noise is expected to be generated as a result of this proposal*. The Councilor felt that there could be a clear debate as to whether this assertion is accurate.

Mr. Barrett suggested that perhaps the applicant could get some expert advice and report back to the Board and propose mitigation.

Mayor Lane reopened the public hearing and asked whether this was time critical. Mr. Bergeron stated that it is somewhat time-critical but felt if this was a problem that needs to be worked out, it was acceptable to him. The Mayor asked whether it would be appropriate to delay this item by 30 days so that the applicant could give more of a definitive response to the concerns that have been raised. Mr. Bergeron felt that would be a good idea.

Mr. Stout suggested asking about the feasibility of turning the trucks off even when the weather is cold. Mr. Bergeron stated that this is not a question he has posed to the applicant but noted the delivery trucks are turned off when they return to the site.

Ms. Weeks asked whether this item could be considered at the Joint Meeting on June 8th. Mayor Lane did not feel this would be an appropriate item for the Joint Committee setting.

Mr. Lamb suggested that the item be continued to the June meeting. Mr. Lamb also suggested that the Board ask the applicant whether the time of delivery could change. He added that that he wasn't sure if this was a noise problem or a time of day problem. Mayor Lane stated that during cold months heaters can be used to keep diesel trucks warm; there are mitigation options. Mr. Bergeron stated that the items he is proposing to look into are – the type of truck, the flexibility of the delivery time, how long the truck stays at this location, and whether any mitigation can be provided for the pull-up area.

C. Board Discussion and Action

A motion was made by Christine Weeks that the Planning Board continue the public hearing for SPR-218, Mod. 2 to the June 22, 2015 Planning Board meeting. The motion was seconded by George Hansel and was unanimously approved.

2. S-01-15 – 399 & 411 Hurricane Road – Boundary Line Adjustment – Applicant Edward C. Goodrich, Jr. on behalf of Maria Del Pilar Abaurrea, Trustee proposes to adjust the boundary between 399 and 411 Hurricane Road. The sites are 21.2 and 7 acres in size and both are located in the Rural Zoning District (TMP # 918-10-036 and 918-10-021).

A. Board Determination of Completeness

Planning Director, Rhett Lamb recommended to the Board that Application S-01-15, Modification 2 was complete. A motion was made by Christine Weeks that the Board accept this application as complete. The motion was seconded by James Duffy and was unanimously approved.

B. Public Hearing

Mr. Edward Goodrich stated that he was hired by the Monadnock Conservancy and Maria Del Pilar Abaurrea to prepare a conservation easement plan for this property. Mr. Goodrich stated that in doing the land research and survey he found some unusual items. He explained that there was a boundary line dispute that occurred between the two neighbors who decided to come up with a Solomon's solution and split the area into two.

He indicated that prior to 1952 this property was all one parcel of land. The owner of house at #411 sold a portion of land to the south creating #399. A surveyor was hired to do some work and he precisely surveyed the line listed from C to B to A on the plan. The parcel never had a plan prepared just the field notes of the surveyor and using those notes a deed was prepared.

In 1969, a new owner of the parcel at #411, not knowing where the line was, hired a surveyor and he came up with a line from C to B to D, essentially claiming a two-acre triangle that was previously sold (located to the south). In 1974, Mr. and Mrs. Aldrich who owned #399 had a subdivision plan prepared to sell off the parcel to the south. This surveyor merely accepted the survey done in 1969. When the conservation easement plan was being proposed the error was found and the neighbors have agreed instead of going through litigation to split the two acres in half, making the new lines go from C to F to E. If this plan is accepted tonight, #411 will go into a conservation easement except for a small portion around the house.

Mr. Stout asked whether there were any terrain features in this two-acre area that will lend itself to a certain kind of division, or whether they were all similar. Mr. Goodrich stated that they were all similar and added that it is a steady rise to the top of the hill and the area is all forested.

Staff comments were next. Mr. Lamb stated that Mr. Goodrich has explained the application well and staff didn't have anything more to add. He indicated that staff did confirm that the new property lines did not create any setback issues with existing structures.

The Mayor asked for public comment. With no public comment, the Mayor closed the public hearing.

Ms. Weeks complimented both applicants for coming to such an amicable agreement.

C. Board Discussion and Action

A motion was made by Christine Weeks that the Planning Board Approve S-01-15 as shown on the plan identified as "Boundary Line Adjustment and Conservation Easement Plan of Land of Pilar Abaurrea Revocable Trust, 411 Hurricane Road, Keene NH" prepared on 6/18/2014 by Surveyor Edward C. Goodrich a scale of 1"=100' with the following condition:

1. Both property owners' signatures appear on the plan prior to signature by Chair.

The motion was seconded by James Duffy and was unanimously approved.

VI. Planning Director Reports

Mr. Lamb stated that staff has been working on the Marlboro Street rezoning project and they have been trying to finalize the preparation of zoning ordinances that would move forward towards adoption. There will be three separate types of zoning changes and as this moves forward there is likely to be changes to the Planning Board standards as well.

He went on to say that following up on Councilor Duffy's letter the Joint Committee in June will be looking at the Comprehensive Master Plan Implementation with reference to the landuse code update.

Mr. Stout asked whether the landuse code update is same as rezoning. Mr. Lamb stated that it was seen as an update to the zoning code but there are many other aspects that deal with landuse; floodplain development, historic district ordinance and Planning Board standards. This is a lengthy project and ultimately there will be substantial changes to zoning.

Councilor Duffy asked whether there are any portions that exist currently that need to be deleted. Mr. Lamb stated he did not want to go into anything specific today. The Councilor noted that some zoning goes back as far as the 40's. Mr. Lamb stated that there are some that date further back and the recent changes date back to the 70's where some of the problems exist. The Councilor noted that many of the problems that occurred with zoning happened in the 60's and 70's when sprawl, suburbs and filling in of the land and decimating the possibility of preventing flooding started to occur.

Ms. Weeks asked whether a standard for noise should be considered which is not something that exists at the present time is. Mr. Lamb agreed that this is something that should be considered especially now that there is an expert on the Board. He felt the Board should learn more about it before standards are written. Mayor Lane felt the city noise code is more of an absence of a code; it is more related to static noise.

Mr. Stout asked what the timeframe for the landuse code update is estimated to be and whether discussion is likely to start at the next meeting. Mr. Lamb stated that the first order of business will be Marlboro Street and in terms of a timeline it would be a year or two.

VII. Upcoming dates of interest – June 2015

Planning Board Meeting – Monday, June 22, 6:30 PM

Planning Board Steering Committee – Wednesday, June 10, 4:30 PM

Joint PB/PLD – Monday, June 8, 6:30 PM

Planning Board Site Visits – TBD

Ms. Weeks asked that the various sections of the Board packet be labeled as to who it is from, she referred to page 27, 37 and 43. Mr. Lamb explained that the title “Staff Report” is added to the first page of the staff report. Ms. Weeks referred to page 33 and asked whether the answers to the waiver criteria were from the applicant or staff. Mr. Lamb stated that this is from Brickstone Landuse Consultants. Ms. Chalice stated that this portion of the application came after their initial submission and was not part of their Narrative and suggested that perhaps using the applicant’s letterhead. Ms. Weeks stated that in reading through the packet it is hard to figure out who it is from. Mr. Lamb indicated that these packets are often very lengthy and wasn’t sure he wanted to add a header to every page and went on to say that if Staff Report is indicated at the beginning of a section and after the recommendation is when the Board would know the staff report has concluded.

Ms. Weeks stated that she was only asking that each section be titled not each page. Councilor Duffy asked whether the Planning Department can request the applicant to be clear as possible, because that seems to be the issue. Mr. Lamb stated that the applicant submits an application form that is about 6 pages long as well as multiple attachments which is not all included in the staff report, ultimately if the applicant wants everything included they could request same. Mayor Lane stated that he understands the confusion but also understands the limited staff time that is available. He suggested separating out the staff section from the rest of the packet. Councilor Duffy stated that he too has to focus a little more on trying to figure out who the information belongs to. Mayor Lane stated that he often goes by the font. Mr. Lamb stated that staff will look at other options as to how they can better present this information. Mr. Stout suggested colored paper for the staff report.

Ms. Weeks noted that the site numbers for Freihofer are different in different sections (217 and 218). Mr. Lamb stated that this was a typographic error that will be fixed.

On a unanimous vote, the meeting adjourned at 8:15 PM.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director
Edits, Lee Langella