

City of Keene
New Hampshire

HISTORIC DISTRICT COMMISSION
MEETING MINUTES

Wednesday, October 21, 2015 4:30 PM 2nd Floor Committee Room

Members Present:

Hanspeter Weber, Chair
Dan Bartlett, Vice-Chair
James Duffy, Councilor
Anita Carroll-Weldon
Jan Brehm

Staff Present:

Tara Germond, Planner

Others Present:

Members Not Present:

David Bergeron, Alternate
Joslin Kimball Frank

Site Visits: Commission members met at 104 West Street, the Colony House Bed and Breakfast to review the site conditions for COA-2013-04, Modification 1 at 3:45 p.m. A second site visit was held at 34 Cypress Street, the Monadnock Food Co-Op, immediately following the first site visit to review the site conditions for COA-2011-13 Modification 5. Commission members present at both site visits were Chair Hanspeter Weber, Jan Brehm, Anita Carroll-Weldon, and Dan Bartlett. Staff present was Tara Germond, Planner.

1) Call to Order and Roll Call

Chair Weber called the meeting to order at 4:36 PM. Roll call was conducted.

2) Minutes of Previous Meeting – September 16, 2015

Councilor Duffy made a motion to adopt the minutes of September 16, 2015 as submitted. Ms. Brehm seconded the motion which carried unanimously.

3) Public Hearings

a) **COA-2011-13 Mod. 5 - 34 Cypress Street – Monadnock Food Co-Op Dumpster**

Applicant, Megan Straughen, requests the installation of a dumpster, dumpster pad, and enclosure on the southwest side of the building at 34 Cypress Street, the Monadnock Food Co-op. The property is Tax Map Parcel # 023-04-027-8000.

Chair Weber read the notice and asked for staff's recommendation on completeness. Ms. Germond recommended the application be accepted as complete.

Ms. Brehm moved to accept application COA-2011-13 Modification 5 as complete. Councilor Duffy seconded the motion which carried unanimously.

Chair Weber opened the public hearing inviting the applicant to come forward.

Meghan Straughen, the applicant addressed the reason for the proposed alteration. She noted that the Co-Op would like to begin commercial composting to reduce their waste stream and satisfy the many customer requests to increase their composting capacity. The Co-Op currently composts produce scraps from their Prepared Foods and Produce Department by collecting the material in 5 gallon buckets and having local pig and chicken farmers pick up the waste. They have been successful in diverting this material from the waste stream. However, the Co-Op currently does not have an outlet for food waste created by customers in their cafe, except to send it to the landfill. Having a commercial composting dumpster would allow the Co-Op to drastically reduce their waste stream by allowing customers to compost all food scraps. In addition, the improved capacity will allow them to compost the many wax boxes they receive from produce deliveries. They will also be able to change the type of disposable packaging and silverware used from non-recyclable and non-compostable to compostable. They are willing to invest in the financial costs related to paying for the alteration of the site, the weekly pickup/transport of the compost materials offsite, as well as the increased cost of compostable packing and silverware because they believe the environmental benefits far outweigh the costs. Ms. Straughen displayed a sample of the galvanized steel material that would be used for the proposed dumpster enclosure. The material of the existing dumpster enclosure is aluminum.

Chair Weber asked the Commission to share their questions/comments.

Mr. Bartlett noted that the applicant has not yet decided on a container size and that the plan shows the proposed fence as being seven feet high. He asked if the fence would entirely screen the dumpster. Ms. Straughen reported that she discussed this with the contractor and he indicated that he could make the fence eight feet high if needed. Mr. Bartlett referred to the quotes included for the wood and polyvinyl fencing. Ms. Straughen indicated that their original plan was to have a wood enclosure; however, after meeting with the Planning Department it was determined this would not be compatible with the COA for the existing enclosure onsite.

Chair Weber clarified that the applicant has selected a material that they feel matches the existing dumpster enclosure as closely possible but would be less expensive than using an aluminum material. Ms. Straughen agreed with Chair Weber's clarification.

Ms. Brehm addressed the reason for the alteration and asked about the composting of wax boxes. Ms. Straughen explained that this is being done professionally using temperatures hot enough to compost these boxes. Ms. Brehm also asked Ms. Straughen if they would have to change what they are using now to a compostable box. Ms. Straughen replied in the negative. Ms. Brehm commended the Co-op for composting as much as possible.

Chair Weber followed up by asking if the composting of disposable utensils is a reality. Ms. Straughen replied in the affirmative. She also noted that this requires a corn-based plastic, which the Co-op will be switching to at an increased cost.

There being no further questions Chair Weber asked for staff comments. Ms. Germond outlined the relevant standards of the Historic District Commission (HDC) Regulations as follows:

- *“Bulk waste containers and waste storage containers shall be located – and appropriately screened – so as to be as inconspicuous as possible from the public right-of-way and adjacent buildings in residential use.*

In addition:

- *Bulk waste and waste storage containers shall be located in rear or side yards and shall be to the rear of the frontline of any building*

Ms. Germond noted that the proposed dumpster, dumpster pad and enclosure will be located on the southwest side of the building and to the rear of the frontline of the building. It will be located in the area in front of the walkway that leads to the building's side entrance, which is currently occupied by bark mulch and a few small shrubs. The applicant proposes to replace the bark mulch and landscaping with a concrete slab that is approximately 19' by 11'. The dumpster, dumpster pad, and enclosure will not block the walkway to this entrance of the building, which is used by employees. A drawing that identifies the proposed location of the dumpster, dumpster pad and enclosure was included in the application for this project.

- *Screening shall be required if any portion of the bulk waste or waste storage container is visible from the public way*

Ms. Germond noted that the south and west side of the proposed dumpster, dumpster pad and enclosure would be visible from the public way. The north and east sides of the structure are shielded from view by the building. As a result, the applicant has proposed screening on the south and west sides of the structure to meet this requirement.

- *Screening shall consist of a solid wall or fence and a gate. Screening shall be a minimum of six (6) feet in height or a height equal to the height of the waste container if the container height is greater than six (6) feet*

Ms. Germond noted that the applicant proposes to screen the dumpster with a solid 11' wall on the south side and an 18' wide gate on the west side. A portion of the proposed wall on the south side will be shielded by an existing lower wall, which supports the railing along the walkway. The gate will have two doors that open forward. The gate and the wall will be approximately 7' high. While the Applicant has yet to decide on the dumpster size, it will be between 6' and 8' high.

- *Screening shall be of a material, color, size and pattern compatible with the building(s) or structure(s) on the site*

Ms. Germond noted that the applicant has proposed using steel with galvanized sheathing as the primary material for the enclosure. The dumpster enclosure that is currently onsite, in the vicinity of the proposed enclosure, has aluminum louvered gates, grey side walls, and a concrete block foundation.

Councilor Duffy asked Ms. Germond to explain the difference between contributing and non-contributing buildings for the record. He noted that there are businesses that have come before this Commission that have had to construct screening areas for dumpsters that are compatible with the building on the site. Ms. Germond provided the definitions from the HDC Regulations (Section XVI beginning on Page 29) of Non-Contributing and Contributing Resources. She also covered how the resource ranking can influence the classification of a proposed project as necessitating either minor project review or major project review. Ms. Germond noted this building was built in 2013 and by definition would be considered a Non-Contributing Resource. However, she pointed out that this building has not yet been ranked by the HDC. Councilor Duffy continued explaining that matching what is there can add extra costs to an applicant. Ms. Germond explained the process the applicant went through to identify a material choice that was more affordable than what is currently onsite but still is compatible with the appearance and materials of the existing enclosure. She also noted if the applicant were to match what is already onsite the project costs would double, and that the applicant has decided upon a structure that is more expensive than their initial design. Chair Weber referred to the packet noting the two

quotes provided and pointed out that the quote for wood was cheaper than the one for the material being used.

There being no public comments or further questions from the Commission Chair Weber closed the public hearing.

Mr. Bartlett commented that he feels the proposal meets the intent of the HDC Regulations, and he will support it. Ms. Brehm noted her agreement with Mr. Bartlett, as did Chair Weber. Councilor Duffy commented on the reflectiveness issue suggesting that it is not in the Commission's purview. He also commented on coordinating colors with the surrounding colors. Mr. Bartlett clarified his reasoning for being in favor of the material chosen per the HDC Regulations. He and Councilor Duffy noted the different surrounding colors at the location.

Councilor Duffy called a point of order indicating anyone who speaks needs to be addressed first by the Chair.

Mr. Bartlett moved to approve application COA-2011-13 Mod.5 for the installation of a dumpster, dumpster pad and enclosure at 34 Cypress Street as presented in the project application and the "Dumpster & Enclosure Details" document submitted to the Planning Department on September 30, 2015 and October 2, 2015, respectively, with the following condition:

- 1) The enclosure material will have a dulled finish that is not highly reflective, and will be approved by the Planning Director or his designee.

Ms. Brehm seconded the motion which carried unanimously.

b) COA-2013-04 Mod.1 - 104 West Street – Colony House Driveway Applicant

Joslin Kimball Frank, requests an additional driveway and small parking area on the western side of the lot along School Street. This building is ranked as a Primary Resource. The property is Tax Map Parcel # 046-06-006.

Chair Weber commented that there may be a perception he has a conflict-of-interest as Ms. Kimball Frank is a past client of his. He noted he has no interest or connection to this project. Chair Weber did offer to recuse himself if the Commission so desired. There being no objections noted Chair Weber continued with the meeting.

Chair Weber read the notice and asked for staff's recommendation on completeness. Ms. Germond recommended the application be accepted as complete.

Mr. Bartlett moved to accept application COA-2013-04 Modification 1 as complete. Ms. Brehm seconded the motion which carried unanimously.

Chair Weber opened the public hearing inviting the applicant to come forward.

Lisa Cook, Manager of the Colony House, was present to represent the applicant and address the request. Ms. Cook noted that the Applicant requests a driveway curb cut and parking area with room for approximately four spaces on the School Street side of the lot. This driveway and parking area will be used by visitors to the building, which is the Colony House Bed and Breakfast. The existing driveway is located on West Street and will be retained for use by the owner and for occasional service vehicles that need access to the west side of the house. The

Applicant is requesting this second driveway primarily due to safety concerns with the existing driveway on West Street. Ms. Cook also noted the Applicant's unsuccessful attempts to lease spaces from the abutting National Grange, which was the Applicant's preferred option. Ms. Cook also explained the Applicant's desire to visually improve the existing driveway with gardens and more landscaping. The current use limits any type of beautification. Ms. Cook reported that this proposal is the Applicant's second option and referred to the photos on Page 2 of the Staff Report. Ms. Cook displayed a sketch depicting the space being bordered by full hedges/pear trees. Ms. Cook also reported there would be no inhibition of the existing City drain on School Street.

Chair Weber asked for questions or comments from the Commission.

Ms. Brehm asked if the sidewalk/entry for the doorway would be the same material as the driveway (hard-pack). Ms. Cook replied she is unsure noting all other entrances on the driveway side are brick. She imagines this would be used for consistency throughout the property. Ms. Cook also explained this is an optional entrance at this point (guests would enter through the storage area and come around to the other entrance). Chair Weber clarified guests would use the sidewalk; Ms. Cook agreed.

Ms. Carroll-Weldon referred to the submitted plans noting she doesn't see a light over the doorway off the proposed parking area. Ms. Cook agreed that she doesn't currently have a plan for that. She also noted that the street lights provide ample lighting of this space and that she turns on all lights prior to guests arriving. She also indicated the Applicant would probably want to see a lantern style light for continuity on the property.

Ms. Brehm asked if parking area lighting was already provided off the building or maybe part of the site plan review. Chair Weber indicated the lighting would be regulated by the Planning Board Development Standards. Ms. Cook replied that they currently don't have any additional lighting planned. She also noted she gets a lot of back light from the NGM parking lot. Continuing, Ms. Brehm commented that fencing to define the sidewalk and lantern type lighting would be desirable. Ms. Brehm suggested that the parking lot is not congruent with the building without some of these features. Ms. Cook reported that the Applicant has considered fencing; adding that she is unable to say it is part of the plan at this time. In response to Chair Weber, Ms. Brehm clarified lantern type lighting is something in keeping with the lights on the other side of the home.

There being no further questions Chair Weber asked for staff comments. Ms. Germond outlined the relevant standards (non-contributing buildings) of the HDC Regulations as follows:

- *Section XV.A.4.b)1) "Every effort shall be made to retain the location and configuration of historic driveways, walkways and alleys, as well as their historic materials, if granite, marble or brick."*

Ms. Germond noted that the applicant has noted that the historical location of this property's driveway has been the east side of the lot, where the existing driveway is located. As all of the entrances to the main building are on the building's east side, this location is the most logical. However, exiting from this driveway is difficult and dangerous as there is heavy traffic on West Street. Also, the existing driveway offers limited space for parking and limited snow storage. For these reasons, the Applicant is seeking to locate an additional driveway and parking area on the

west side of the property along School Street. The paving material for this new parking area will be hard-packed, crushed gravel. The material of the existing driveway is hard-packed gravel.

- *Section XV.A.4.b) 2) “New driveways on sites with residences or converted residences shall lead directly to the parking area, and new walkways shall lead directly to the front steps of the house, unless it can be documented that a different pattern existed historically.”*

Ms. Germond noted that proposed driveway will lead directly to the proposed parking area on the west side of the lot. The Applicant will not be installing a walkway from the parking area to the main entrance of the building. While there is an entrance to the rear building that abuts the proposed parking area, this is not the primary entrance to the building.

- *Section XV.A.4.b) 3) “Curb cuts for driveways on sites with residences or converted residences shall be the width of a single travel lane.”*

Ms. Germond noted that the proposed driveway will be the width of a single travel lane.

- *Section XV.A.4.b) 4) “New onsite parking, if required, shall be unobtrusive, with appropriate screening and landscaping, and shall preserve any character-defining features of the site. Grading shall not dramatically alter the topography of the site or increase water runoff onto adjoining properties.”*

Ms. Germond noted that Ms. Cook has already described the plans to screen the parking area from the right-of-way. She also noted that the Applicant will be working with an engineer to ensure that the water does not runoff onto the public right-of-way or onto adjoining properties.

- *Section XV.A.4.b) 5) “Where appropriate, parking and access drives shall be shared, in order to reduce the amount of paved surface.”*

Ms. Germond noted that Ms. Cook has already explained that the Applicant has explored the options of purchasing and/or leasing parking spaces from the National Grange Mutual Insurance Company, who owns the parking lot abutting the rear lot line of 104 West Street; however, they are not willing to do so.

- *Section XV.A.4.b) 6) “For new construction, and on sites with residences or converted residences, every effort shall be made to locate parking behind the building(s). Parking shall be located to the rear of the backline of the building or the backline of the main block of the building as applicable.”*

Ms. Germond noted that there are only a few feet of space between the building and the rear property line. This prevents the applicant from locating the proposed parking area behind the building. The Applicant has identified a location for the proposed parking area that is as close to the rear property line as is possible by City regulations and standards.

Chair Weber asked for public comments. Councilor Duffy commented on meeting protocol whereas anyone addressing the Commission come forward and state their name and address; Councilor Duffy deferred to Chair Weber in this regard. Chair Weber asked Mr. Masterson to come forward instead of speaking from the audience.

Darryl Masterson, of 44 Willow Street read the following statement to the Commission:

“It is my opinion the Historic District Commission should deny COA 2013 MOD.1 - 104 West Street (Colony House Driveway) on the grounds of conflict of interest. The applicant, Joslin Kimball Frank, is a member of this Commission.

Not only is the applicant a member of this commission, she is also a member of the Historic Commission Subcommittee. You may be aware the Historic Commission Subcommittee is

working to extend the historic district from the round-about intersection of Main St., Marlboro St. and Winchester St. to the intersection of Main St. and Rt. 101. You may also be aware the residents of this section of Main St completely oppose the idea of extending the historic district.

I have read through the subcommittee minutes. I could not help but notice in the minutes from the meeting on March 5, 2015, where the applicant was noted for the following observations of lower Main St:

Westwood Care & Rehabilitation Center - sign too large, not in character, and parking across the entire front.

428 Main St - the windows were 1 over 1 combinations, direct TV was on the street (very unattractive), sizable paved parking on the south side was not screened.

440 Main St - side lawn was fully paved, no screening on visible Main St (south and east), 2-story height of Plexiglas siding on the visible "L", front entrance has two side-by-side doors.

On the west side of the old Lane building is very commercial looking with so much of it turned into a parking lot.

I find it disturbing that a short six months after sharing these observations, the very same subcommittee member is requesting an exception to turn nearly 1/3 of her own property into a parking lot! A property described as "...one of the most sophisticated and significant federal-style dwellings in New Hampshire". The same March 5th minutes also make reference to wording in the subcommittee's summary document to include "when we already have the genuine, beautiful, irreplaceable buildings in our midst".

The subcommittee minutes also include a letter written by City Councilor Sheryl Redfern. This letter, written on behalf of the Ward 1 residents, asked the Mayor and City Council to consider having "...the restrictions of the historic district apply to your home and neighborhood". If a subcommittee member is not willing to apply restrictions to their own property, how can they possibly expect any other resident of Keene to allow such restrictions?

From the outside looking in, this to me an issue of "do as I say, not as I do." On this request, I call shenanigans and firmly believe this committee should as well by denying the applicant."

Councilor Duffy asked Mr. Masterson if he was currently a candidate for an elected office in Ward 1. Mr. Masterson replied in the affirmative. Councilor Duffy further commented he does not believe the majority of Mr. Masterson's comments relate to the issue at hand. Councilor Duffy thanked Mr. Masterson for bringing his concerns to the HDC, adding that he feels the comments are out of order as they do not pertain to this particular Commission. He agreed Ms. Kimball Frank is a member of the committees mentioned and commented there is no particular conflict in his opinion to the issue before us as Ms. Kimball Frank has recused herself from any discussion or decision making on the application and request. Mr. Masterson thanked Councilor Duffy for his feedback, noting he was considering this as he was listening to Councilor Duffy. Being new to the process, Mr. Masterson indicated that he looked at it as someone belonging to a committee looking for an exception to the way things are done. Chair Weber also thanked Mr. Masterson for his comments noting his agreement with Councilor Duffy that he sees no connection between Mr. Masterson's comments and this application.

Chair Weber closed the public hearing for deliberation.

Councilor Duffy recognized the efforts to place parking in rear noting his understanding that this is not an option. He noted no opposition to this application pointing out he feels the landscaping and screening is appropriate, and he is confident any other issues discussed can be handled administratively through the Planning Department and as part of the site plan review.

Ms. Carroll-Weldon referred to the Google Earth image (Page 35 of 35 in the packet) noting the existing parking area is outlined in red (east side), and will be removed. She suggested it looks like the Applicant is just swapping square footage rather than adding additional parking footage to the site.

After additional comments, Mr. Bartlett noted he has reviewed the HDC Regulations and agrees that every effort was made to retain the location. Addressing new walkways, Mr. Bartlett commented that as none is proposed to the front of the house this is a little ambiguous. He noted a walkway to the rear entrance is appropriate. He agreed that new onsite parking was required because backing onto West Street is a safety issue. Mr. Bartlett continued his review finding the proposed project has demonstrated compliance with the HDC Regulations.

Ms. Brehm referred to the last page of the Staff Report, specifically, the condition in the prepared motion. She commented on the granite posts on the front of the lot suggesting they could be used to identify the parking area, and they could also be used in combination with the hedges to tie the whole site together better. Ms. Brehm also suggested having a sign on the door that directs people to the front entrance if that is the intent and she also suggested a sign in the parking area stating where the front door is. Ms. Brehm stated she is most concerned about the attractiveness of the proposed parking area as it is laid out with the rest of the site.

Chair Weber clarified the request is for the parking lot to be screened by shrubbery. He also commented that he is unsure if it is in the realm of the HDC to ask for fencing. Ms. Germond advised the Commission that the prepared motion is only a recommendation and that the Commission can change the motion if they so choose. Chair Weber suggested there was no reason to amend the prepared motion/condition. Mr. Bartlett suggested it is within the Commission's purview to discuss what appropriate screening is. For the record, Mr. Bartlett noted he is in favor of more robust vegetative screening that would minimize the visibility of the cars. Councilor Duffy agreed with Mr. Bartlett, especially, on the west side of the parking area. Commission members were in agreement that they all favored appropriate screening with a dense mix of vegetation (shrubbery and trees). Ms. Germond advised the Commission that they do have time to request additional information from the applicant and come together for a special meeting to take action on the application. Commission members discussed the need to reopen the public hearing, whether or not to add more to the condition in the prepared motion, or go with the prepared motion/condition knowing the administrative review will take into consideration the discussion here.

Mr. Bartlett motioned to approve COA-2013-04 Mod.1 for the installation of a driveway and parking area at 104 West Street as presented in an application submitted to the Planning Department on September 18, 2015 with the following conditions:

- 1) Detailed description of how the parking area will be landscaped and screened is submitted to and approved by the Planning Director or his designee.

Ms. Brehm asked if there was a timeframe for the condition to be met. Ms. Germond explained the COA is only good for the term of the Building Permit or one year after the COA is issued; additionally the applicant does not receive the COA until the condition is met.

Councilor Duffy seconded the motion which carried unanimously.

4) Other Business-

a) Review of HDC Regulations/Role of HDC

Due to the hour, Commission members agreed to table this issue until the next meeting. Ms. Germond recommended Commission members review the regulations prior to the next meeting. Ms. Germond also noted the impetus for this discussion was material types. In response to Chair Weber, Ms. Germond reported the Commission is due for an update on administrative reviews from the Planning Director (required every three months).

b) Resource Ranking

Ms. Germond reported there is no change in the status of this issue. This issue should be considered for a future agenda, and start the process.

c) HDC Ordinance Review Subcommittee Update

Ms. Germond reported the subcommittee met on 10/8/2016 and reviewed the first draft (3 documents) of an ordinance for the proposed Main Street Historic District. Ms. Germond reiterated the goal of the subcommittee and the process utilized for adoption. Ms. Germond has outlined this process in a memo which she will forward to all Commission members. Councilor Duffy and Ms. Carroll-Weldon noted they both serve on this subcommittee for the record (in response to earlier comments by a member of the public regarding a conflict-of-interest). Councilor Duffy professed there is no conflict. After additional comments from Councilor Duffy, Ms. Germond pointed out that only members of the HDC and Heritage Commission can serve on this subcommittee.

d) Other

1. Ms. Germond reported there will be a presentation on the Library renovation at the November meeting.
2. Ms. Germond reported that staff is following up with projects around town that did not come before this Commission. She discussed the possible need for a retrospective COA in some instances. Ms. Germond expressed her desire to have a discussion in the future regarding informing property owners that the Downtown Historic District is in place, reminding them of the standards, and letting them know that staff is available to walk them through the application process. In response to Ms. Brehm, Ms. Germond indicated the biggest issue is work that does not require a permit but does require a COA.

5) Next Meeting - November 18, 2015

6) Adjournment - Chair Weber adjourned the meeting at 6:18PM.

Respectfully submitted by,
Mary Lou Sheats-Hall, Minute-taker
October 23, 2015

Edited by,
Tara Germond, Planner
November 5, 2015