

CITY OF KEENE
NEW HAMPSHIRE

PLANNING BOARD
MEETING MINUTES

Monday, October 24, 2016

6:30 PM

Council Chambers

Members Present:

Gary Spykman, Chairman
Nathaniel Stout, Vice-Chair
Douglas Barrett
Andrew Bohannon
Christine Weeks
Councilor George Hansel
Pamela Russell Slack
Chris Cusack

Staff:

Rhett Lamb, Planning Director
Tara Kessler, Planner

Members Not Present:

Mayor Kendall Lane
Tammy Adams, Alternate
James Duffy, Alternate

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 – August 22, 2016 and September 26, 2016

A motion was made by George Hansel to accept the August 22 and September 26, 2016 meeting minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved.

III. Continued Public Hearing

1. SPR-11-16 –0 & 99 Wyman Road – Site Plan & Conditional Use Permits –

Applicant Prospect-Woodward Home proposes a Continuing Care Retirement Community on 48 acres on Wyman Road in the Rural Zoning District (TMP#s 919-08-003 & 919-09-024). The proposed development consists of three buildings: a 15,910 SF apartment building, a 20,005 SF health care building, and a 71,690 SF community building. A waiver is requested from Development Standard #19: Architecture and Visual Appearance. Conditional use permits are required in association with the Surface Water Protection Ordinance and Hillside Protection Ordinance.

A. Public Hearing

Mr. Robert Hitchcock of SVE Associates addressed the Board representing the Applicant. Mr. Hitchcock with reference to a plan noted to the community building, independent living units, the Villa, Healthcare building, and assisted living units. There are two storm water retention areas, one to the east and one to the west. Stormwater will be treated as it passes through this retention area. There is a sidewalk which runs all the way down the service drive to a striped crosswalk to get across to the Miracles in Motion site, a tunnel from the healthcare building to the community building passes under a city road hence would need City Council approval.

Water and sewer come down Wyman Road, up the hill to Blackbrook North Industrial Park. Water will come back down and tie back on the south side where the line goes up. The road will be improved from the bridge to Blackbrook Road; from the bridge to the high point in the road there will be 12 foot travel lanes, with 2 foot gravel shoulders. From the high point to Blackbrook Road ten foot travel lanes with 2 foot paved shoulders and on the uphill side there will be a curb line with catch basins and on the downhill side there will be guardrails for the entire length.

Mr. Hitchcock referred to the rear of the site and stated the floodplain information is being based on the ground survey. There will be a berm for the basin in this location and the floodplain is being filled in and hence will be compensating by excavating an equal amount further up from this basin.

The road from Blackbrook to Blackbrook Road is 2,500 feet – the applicant has made arrangement with Precitech and MEDC (the owner of Precitech) to construct an emergency egress which ties into their parking lot.

Mr. Hitchcock noted to where the loading dock will be located where there will also be a trash compactor where trash from all the facilities will be collected. When the project was first started, the waste water was going to be pumped into the lowest part of the site and then pumped onto Wyman Road. However, it has been realized the sewer could be extended by gravity and tied into Blackbrook Road.

Truck traffic will use Route 12. The intersection of Wyman Road and Route 12 clogs up at the same time Smith's Medical gets out. This site's peak hour does not conflict with Smith's Medical and hence the applicant is not proposing any improvement to the intersection whatsoever. There have been some suggestions made by the Traffic Engineer for Wyman Road and the applicant will accomplish those improvements.

The site has 6,000 feet of walking path but don't foresee anyone using Wyman Road but should anyone access Wyman Road there will be a three foot level platform to the east just above the curb as an escape in case anyone should need it.

Chair Spykman asked what the walking path will be constructed out of. Mr. Hitchcock stated it will be constructed out of gravel. Mr. Hitchcock stated this will all tie into the wetland application Mr. Phippard is working on. Attorney Thomas Hanna representing the applicant stated they have been meeting with the Heritage Commission and one aspect of the trail system is an aspect of the Army Corp Wetlands Permit which will tie into historical resources and the idea is to have some kind of a kiosk at the trail which would be informative but will also direct people to the community building where there will be additional historical exhibits.

Mr. Hitchcock introduced those present at the meeting: Ed Kelly, Development Consultant, Kimball Temple, Chairman of the Woodard Organization and Stephen Pernaw, Traffic Engineer.

Generators – An emergency generator will be located in the basement hence sound will not be an issue. He noted to where transformers will be located.

Mr. Hitchcock said a week ago at the Conservation Commission meeting the Mayor requested that all sugar maple trees being taken down be replaced. The applicant is agreeable to this.

Waiver – The applicant needs a waiver to park in front of the site. If there was parking located at the side there will be more slope disturbance. The only site which would see this parking would be Miracles in Motion

Steep Slope Impact – The applicant received a variance from the ZBA to impact prohibitive slopes. The applicant now needs to clear the hurdle with precautionary slope – 15 – 25%. If they exceed 25,000 square feet in any one contiguous area the applicant needs a Conditional Use Permit from the Planning Board. He referred to the areas being impacted. For a Conditional Use Permit there is no standard criterion the Board has to find. He felt the applicant has done their best with this site and have tried to avoid the slopes the best they can.

Mr. Barrett referred to the west side of the parking lot and Wyman Road and asked whether the parking lot could be seen from Wyman Road. Mr. Hitchcock referred to the two foot retaining wall at the front of the parking lot and at that point it will be about six feet above the road.

Ms. Weeks asked whether there will be special trash pickup for medical waste. Mr. Hitchcock answered in the affirmative. Ms. Weeks asked whether road improvements would be done before construction. Mr. Hitchcock stated it would probably be after construction. Ms. Weeks stated her understanding is that most drivers who travel Wyman Road drive at a high speed and asked whether any speed control devices were going to be installed. Mr. Hitchcock stated there were no speed tables or speed bumps being proposed and added Mr. Pernaw did agree there were some who drove faster than necessary. Ms. Weeks stated she would like to hear what DPW's opinion on this issue was.

Mr. Bohannon asked whether there was a loading dock. Mr. Hitchcock referred to one where the compactor was located.

Dr. Cusack asked whether it would be prudent to have a second crosswalk. Mr. Hitchcock stated they will add a second one if there is a problem; this is something that has been raised by the Engineer. Dr. Cusack asked for the length of the pedestrian path being added. Mr. Hitchcock thought it was about 3,500 feet long.

Ms. Weeks asked how residents get to Miracles in Motion. Mr. Hitchcock stated they could access the sidewalk to the designated crosswalk. Ms. Weeks clarified that they don't have to go along Wyman Road. Mr. Hitchcock answered in the negative.

Mr. Hitchcock continued Wetlands and Impacts to the Buffer – The applicant has 117,000 square feet (spread around the site) of impact inside the wetland buffer. Because this site is located in the Rural Zone the buffer is not 30 feet but 75 feet. Mr. Hitchcock stated they cannot avoid the impact to wetlands for the same reason they cannot locate parking to the rear of the site.

A significant wetland, 35,000 square feet in size is getting filled in because of this project and because the impact is over 10,000 square feet there will be mitigation in the form of cash.

Mr. Hitchcock stated Conditional Use for wetland impact; because this site is located in the Shoreland District, there are certain criteria that need to be met. The applicant feels this should be an allowable use because this project would not be possible without impact because of the nature of the land. To minimize impact to wetland buffers would reduce the size of the building footprint. The applicant has received variances to locate taller buildings and to encroach into the setbacks. The stormwater collection and treatment areas are located primarily within the wetland buffers. The applicant is avoiding the primary wetland on site; peat bog. Significant portions of buffers on site on both sides of the road would continue to provide habitat for wildlife. This concluded Mr. Hitchcock's presentation.

Mr. Barrett asked Mr. Pernaw, Traffic Engineer given the information provided in the traffic report what percentage of traffic would have to go toward Old Walpole Road rather than toward Route 12 for that intersection to go from LOS A to a LOS B. Mr. Pernaw felt even if all the site traffic went towards Old Walpole Road the LOS will still remain at LOS A.

Councilor Hansel stated he agreed with Dr. Cusack and asked what would be involved with locating a second driveway at the entry to this site after construction is complete. Mr. Hitchcock stated sidewalks on both sides would need to be located. Councilor Hansel asked what kind of signage they would be proposing for traffic traveling from Route 12. Mr. Hitchcock stated it could be speed limit signs, caution pedestrian crossing signs, an advanced sign prior to approaching the crosswalk at

Miracles in Motion, turn signs with 25mph, Chevron signs for the outside curved spaces at 80 feet distances, and/or stop signs to the driveway approaches to Wyman Road. Councilor Hansel asked whether the location of the crosswalk has the potential to slow down traffic. Mr. Pernaw felt it should.

Ms. Weeks referred to the sharp turn and asked Mr. Pernaw whether pedestrians trying to cross over to Miracles in Motion would be able to see approaching traffic. Mr. Pernaw stated he would need to research the sight distance before a crosswalk can be located here. He stated he likes the wait and see idea. Chair Spykman felt the wait and see notion might end up being tragic. Mr. Pernaw clarified when he says wait and see – it would be during the first week after opening they would be able to evaluate whether this location is being used for crossing. Ms. Weeks referred to the lighted and raised crosswalks located on Winchester Street which helps slow traffic and felt this might be something to consider. Mr. Pernaw agreed and added Public Works might have an opinion on this but felt the number of crossings need to be considered before a crosswalk should be considered.

Mr. Bohannon felt Ms. Weeks was talking about the crosswalk closer to Miracles in Motion which has sort of a blind corner; he asked whether cars would know to watch out for pedestrians at this location. He felt this was a dangerous curve. Mr. Hitchcock noted this curve was changing – about 160 feet was going to be flattened. Mr. Pernaw stated he is cautious about putting in a crosswalk for the reasons Mr. Bohannon mentioned and also because mid-block crossing are better done without markings; without knowing the specific location he did not want to go too much further. Attorney Hanna asked Mr. Pernaw whether or not he did sight distance evaluation at the location of Miracles in Motion. Mr. Pernaw stated the northerly driveway – east side post development sight distance is estimated at 270 feet. For an average speed – cars coming down the hill the sight distance would have to be 236 feet, there is enough sight distance for the average speed, but for the 85th percentile which is 292 feet, the sight distance does not exist.

Ms. Weeks asked whether there was parking available near the medial facility. Mr. Hitchcock answered in the affirmative.

Chair Spykman noted Mr. Hitchcock had stated this would be a difficult site to develop without having multiple impacts, various permitting from the State as well as multiple variances. Given all that, asked why the applicant is choosing this site. Mr. Hitchcock stated the applicant did all the research and looked at many other sites and this was the best option they had. An explanation for same was provided at the Zoning Board but stated he did not have an appropriate answer as Mr. Phippard is the one who did the initial work.

Attorney Hanna stated if the Board had concerns perhaps they should wait for Mr. Phippard and felt it was an appropriate site from a zoning perspective and that is what the Planning Board and Council had to determine to approve the zoning change. Chair Spykman noted the Planning Board voted not to recommend the zoning change. Attorney Hanna did not feel that was correct. The Chair felt it might have then been a very close vote. The Chair felt it was a difficult site and the buildings are being “shoe horned” into a site which it is not naturally suited for.

Ms. Weeks stated she has a different point of view on this; she commended the group for finding this site. She felt this project will be perfect for the aging demographic which was recently discussed in an article in the paper. Chair Spykman stated he does not dispute the concept of a continuing care retirement facility but was concerned about the constraints of the site.

Councilor Hansel felt the Board was looking at a couple of variances and its 19 development standards and felt the conversation should be around those items. Vice-Chair Stout felt the wetlands

permits don't fall under this Board's purview and what this Board should be looking at is the conditional use standard and waivers.

Dr. Kimball Temple Chairman of the Board stated they looked for property in this town for five years and this is the only property that had beauty attached to it, had municipal services available and the only property that was large enough for their needs.

Staff comments were next.

Ms. Tara Kessler stated with respect to drainage the applicant is proposing two stormwater basins which will capture all the site runoff and not let it spill onto abutting properties.

Hillside Protection – The applicant has received a variance from the Zoning Board for 35,300 square feet of prohibitive slope impact and tonight they are requesting a conditional use permit from the Board's Hillside Protection Ordinance and are proposing to impact about 90,900 square feet of precautionary slopes. The proposed community building is located 50 feet below and away from the top of the ridge line which meets the Board's standards and the building will be set into the slopes: two stories will be above grade and three stories will be built into the slopes.

Ms. Tara Kessler stated the applicant has noted that there are a significant number of constraints with respect to prohibitive and precautionary slopes. They have sought variances to minimize those impacts which include increasing the height of the building, building within setbacks and locating parking in front of the building.

Ms. Kessler stated with respect to:

Flooding – This is a change from what the Board saw in September; because of the relocation of the wetland basin on the east side of the site, there were originally two basins proposed and the applicant is using the base flood elevation as opposed to the FEMA 100-year floodplain designation to determine impact within floodplains. They have also provided 33,000 feet of compensatory storage.

Landscaping – The applicant is providing more than what is required; 3,100 feet of parking lot landscaping where 1,100 is required. There might be some modification to this plan to include sugar maples. They have also added an outdoor recreation area and staff is requesting to see how this area will be landscaped.

Screening – Applicant has provided a revised site plan for the inclusion of a generator and a transformer to the northeast corner of the community building. There is an oak white vinyl fence being proposed but staff is yet to see a plan for this. The location of the transformer could change as they get closer to the completion of the project. With respect of the HVAC units, the applicant is unsure of their exact location at this time – staff is requesting screening or a condition of approval be placed with respect to how these units will be screened.

Sewer and Water – The applicant has indicated they will be using a gravity fed sewer line which will wrap around the community building, through wetland and connect to City sewer. The City Engineer has asked the applicant to represent that they have obtained the proper easement to repair and relay the private sewer in perpetuity.

Traffic – It is important to note there will be an 87% increase in vehicle trips on Wyman Road because of this development (500 – 600 additional trips) per day. The Traffic Engineer has indicated most of this traffic will be coming to and from Route 12 but staff feels there will be an increase of traffic on Old Walpole Road and Wyman Road. The intersection of Route 12 and Wyman Road is

already at a level of service F, which is not at ideal capacity but any modification to improve this route would need to be approved by the State. The Engineer has raised concern about truck traffic turning into this intersection and the applicant has done some aerial image analysis and the City Engineer is yet to review this.

Ms. Kessler said that staff is concerned about the additional traffic onto Old Walpole Road which is a rural road which needs to be considered. With respect to speed – cars are travelling more than the 30 mph recommended for this narrow road which also has concerns with curves and slopes. Staff has shared these concerns with the applicant and they have included some of these concerns to the reconstruction of Wyman Road. Mr. Lamb added he agrees with the speed issue raised by Ms. Kessler and stated there is concern with the sight distance near the bridge close to the Miracles in Motion site and felt there needs to be a definitive answer as to how they are going to manage this with an added curb cut being added here. He further stated the same concerns exist also at the end of Wyman Road and Route 12 and hence the reason more people would use Old Walpole Road than has been represented here. He indicated this is not an easy left turn to make on a good day but when traffic and weather conditions are added more traffic is going to be added onto Old Walpole Road.

Ms. Weeks asked whether a sign could be located on Old Walpole Road indicating you could travel towards Abbot Road to get into town. Mr. Lamb stated they could look at this but this is a very narrow road especially during winter months.

Ms. Kessler continued, Comprehensive Access Management – There have been concerns raised by Board members today about pedestrian safety and staff shares those concerns. The first is the alignment of the roadway. The applicant is proposing to reconstruct 2,500 linear feet of Wyman Road; the original proposal was two, ten foot travel lanes with two feet gravel shoulders on either side, the applicant has amended this to be paved shoulders. This is an improvement which would be helpful for pedestrians. Ms. Kessler stated the Complete Street Design Guidelines call for 5 foot shoulders on one side but because of site constraints, this is not an option for this roadway. But this does not reduce making sure pedestrian and bicycle safety exists here.

Ms. Kessler stated the applicant is proposing a tunnel for pedestrian travel but felt most people will use the shortest route to get to where they are going and are likely to park at the community building and walk across the road and felt thinking about safe crossing in this area is important. Installing a crosswalk might be something to think about. The sight distance might need to be looked at for a crosswalk at the rear access drive at the north end of the site.

With respect to the trail system, this is a new proposal and staff needs time to review it but felt it is a good addition to this site. This is a plan that has been discussed with the Heritage Commission and the Conservation Commission.

Ms. Kessler continued Wetland impact – There are currently about 20.6 acres of wetlands on site and the applicant is planning to impact about 13,000 square feet and are seeking a wetland permit for it. The applicant is proposing 17,380 square feet of buffer impact which is a considerable reduction compared to the initial design. Ms. Kessler referred to page 49 of the Board's packet which outlines the Surface Water Protection Ordinance and describes the conditional use permit criteria. The proposed impact did go before the Conservation Commission which expressed their satisfaction for the manner in which this plan has evolved.

She noted the buffer impacts would be divided among the site; the majority of the impacts come from the community building, the villas, the parking area, the storm water system on the eastern portion of the site and the emergency access road.

Architecture and Visual Appearance – The applicant is seeking a waiver from this standard, specifically for parking at the front of the site. By locating parking at the front of the site it would reduce impact to steep slopes and the wetland buffer.

Ms. Kessler stated the buildings would be clapboard style with vinyl siding – this is not preferred but is not an uncommon appearance for this area. The community building is about 622 feet long and the buildings are designed in a way where only two stories will be seen from Wyman Road and the rest would be visible from the east side. The healthcare center building will also have an appearance of two stories from the southern end and three stories in some portions of Wyman Road. Ms. Kessler felt the applicant has done a good job with the vertical massing as it would appear from the public right of way. The villas would be largely out of sight from Wyman Way and would have tiered balconies which would help break up the façade.

Ms. Kessler stated staff is recommending continuance of this public hearing to the November meeting to give staff some time to look over the documentation that came in this week and didn't get included in the Board's packet; trail system design (Standard #13 Comprehensive Management), truck turning movement (Standard #12 – Traffic), Landscape plan (Standard #6) because of the addition of the outdoor recreation center and the addition of Sugar Maple trees, Sight Distance for the rear access drive (Standards #12 and #13). Mr. Bohannon asked about screening because the HVAC units have yet to be determined. Ms. Kessler stated this is something that could be requested.

Ms. Weeks complimented staff with how thorough their presentation was for a complicated site especially Ms. Kessler who always makes a very cogent presentation.

Mr. Barrett asked about the truck traffic being asked to go towards Route 12 and asked whether staff was satisfied with this solution. Ms. Kessler stated this is a potential solution but the Board can always discuss this issue with the City Engineer. Mr. Lamb stated he doesn't disagree with Ms. Kessler's response but once the site plan is signed it becomes an enforcement issue and if this is just a condition of approval as opposed to a Council action, it becomes a "feel good" solution and could affect other truck traffic including Miracles in Motion. He did not feel this is an item the Board should take lightly. Dr. Cusack asked how many trucks we are talking about. Mr. Hitchcock felt it might be two or three a day. Dr. Cusack felt it would be more difficult for a truck to take a left turn onto Route 12 than a car would be able to.

Chair Spykman referred to the criteria for a conditional use permit:

f) In determining whether or not a conditional use permit should be granted, the planning board shall consider the following to determine whether allowing the proposed encroachment will result in an adverse impact on the surface water resource:

The Chairman stated he needs help in determining this language and felt the Planning Board needs some help trying to determine this criterion. Mr. Lamb stated it is the applicant's responsibilities to provide this explanation. Chair Spykman stated he would like to hear a more in depth information with the specific points answered.

Councilor Hansel stated he doesn't necessarily have a problem with the waiver request regarding parking in the front of the building but would like to impress upon the applicant that when you stand on Wyman Road the feel of a campus setting is what one would get; with parking on both sides and buildings behind it. He stated the pedestrian access needs to be worked out especially for visitors who come to this site. Ms. Weeks stated she echoes Councilor Hansel's concern even though she has no objection to parking in front of the building. Vice-Chair Stout talked about a similar situation at the Brattleboro Retreat which had a similar underground connection and not many people crossed the road, and felt once people get used to the tunnel it is likely to be used more.

Chair Spykman stated he mis-spoke earlier – the Planning Board did vote 4-3 in favor of approving the zoning change.

The Chair asked for public comment next.

Karla Hostetler Director of Miracles in Motion addressed the Board. Ms. Hostetler stated she appreciated Kimball Temple and Jim Phippard talking to them about the changes. She explained that Miracles in Motion is a small therapeutic riding stable that serves about 200 riders. A good portion of the clients are special needs, emotionally challenged and seniors. She indicated they are intrigued about the possibility of partnering with the applicant's organization and serving its seniors.

Ms. Hostetler stated the safety of their riders is of utmost importance to them. They operate on a small budget and don't have the money to take on big changes. She stressed Miracles in Motion is not a tourist attraction but are happy to teach people about horse therapy but don't really want people coming in and out of the facility with no planning. The horses have electrical fences around their area and visitors coming to the site when staff is not present is an issue. She indicated there aren't too many riders who use the road but a few travel on the trail. The biggest concern however, is the traffic; the riding happens in two areas. One is in the indoor ring which does have some buffer from noise but the outdoor ring is right next to the road and will be right next to construction traffic, increased traffic on this road, and the curb cut. This could be an issue for most riders but for riders who use this facility it will become a bigger issue when they might not have the muscle strength to be able to grip and handle the sudden movement of a horse.

She went on to say they rely on donations and grants from organizations to survive and about 40% come from participant fees. Ms. Hostetler stated they have reached the end of a lifetime pledge and hence need to do more to be able to support this facility and can't just rely on the indoor ring. She added they are also concerned about poisonous plants (invasive) spreading over to their site.

B. Board Discussion and Action

A motion was made by George Hansel that the Planning Board continue SPR-11-16 –0 & 99 until the November 28 meeting. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

IV. Planning Director Reports

1. Possible recurring agenda item: 6:30 pm Planning Board Discussion

The question has been raised if an hour could be dedicated where the Board can look at planning items and Board initiatives. Mr. Lamb suggested referring this back to the Steering Committee. He gave the Board some examples of items that have been looked at for 6:30 pm; the Board looked at specific items from the Comprehensive Master Plan after it was adopted. Recently, the Joint Committee session has been used for this type of discussion. Mr. Lamb asked Board members to send him items they would like to bring up for discussion during this time.

Ms. Russell-Slack asked who serves on the Steering Committee. It is comprised of the Chair, Vice-Chair and Mr. Barrett. They meet with staff on the Tuesday two weeks prior to the meeting to firm up the agenda and decide whether site visits are necessary.

2. Trees at Hannaford

Ms. Lamb stated staff did an analysis on this item which shows about 27 trees that are either dead or removed. He indicated there have been some changes to this plaza which might have accelerated some of these changes. Staff has contacted the owner's representative and has a meeting scheduled and might come back before the Board if it is necessary. Ms. Weeks extended her appreciation for being able to bring up items for discussion.

Mr. Lamb went on to say this is the time when he brings forward to the Board all the minor amendments staff approves throughout the year. He indicated staff stays in contact with the Chair regarding these amendments. Administrative approvals lighten the Board's load. Mr. Lamb went on to say the driveway code is going to be before the MSFI Committee to see if this is a code that needs amendment. He referred to a driveway which was denied by this Board which was then appealed before the MSFI Committee and then by Council and eventually the Board's decision was over-ruled by the Council and the driveway was approved.

Dr. Cusack thanked staff and Council for the changes made to the crosswalk on Main Street close to the college.

V. Upcoming Dates of Interest – November 2016

Planning Board Meeting – Monday, November 28, 6:30 PM

Planning Board Steering Committee – Tuesday, November 15, 5:30 PM

Joint PB/PLD Committee – Monday, November 14, 6:30 PM

Planning Board Site Visits – Wednesday, November 23, 8:00 AM – to be confirmed

The meeting adjourned at 8:45 PM.

Respectfully submitted,

Krishni Pahl
Minute Taker

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