

ADOPTED

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, November 26, 2018

6:30 PM

Council Chambers

Members Present

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

Staff:

Rhett Lamb, Asst. City
Manager/Community Development
Director
Mari Brunner, Planning Technician

Members Not Present:

Pamela Russell Slack

I. Call to order – Roll Call

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

II. Minutes of previous meeting – October 22, 2018 Planning Board Meeting
Minutes

A motion was made by Nathaniel to accept the October 22, 2018 minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

III. Public Hearing

1. SPR-08-16 – 17 Washington Street – Site Plan – Owner/Applicant

Washington Park of Keene, LLC proposes modifications of the retaining wall near the northwest corner of the apartment building, clarification of the replacement of a portion of the sidewalk along Spring Street, modification of one landscaped island for the placement of propane tanks, elimination of the side walk in front of the South portion of the building, relocation of the dumpster behind the existing building, additional landscaped areas at the front of the building and a patio seating area in front of the existing building. The addition of a small retaining wall and removal of a paved island in front of the existing building was approved by the Historic District. The site is 4.94 acres in size and located in the Central Business

Zoning District/Historic District (TMP#s 569-056-000-000-000, 569-055-000-000-000).

A. Board Determination of Completeness.

Planning Technician Mari Brunner recommended to the Board that the Application SPR-08-16 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Councilor George Hansel and was unanimously approved.

B. Public Hearing

Mr. Tony Marcotte representing the applicant noted the plans before the Board are slightly modified compared to what is included in the Board's packet based on engineering comments; it was noted planning staff had not seen these plans yet. Mr. Marcotte stated what is before the Board is a plan to return to what was originally approved by this Board and to leave the retaining wall in place. What was originally proposed was a wider area for ladder access but in talking to the Fire Department it was deemed not necessary and this would be a better plan for the abutter.

He referred to the area where temporary fill has been brought in to stabilize the slope and the plan is to return this slope to the original 3:1 slope and referred to those contours on the plan. Right now there is a 1:1 slope which has been stabilized.

Mr. Marcotte went on to say that they will also be reconstructing the sidewalk (not replaced as indicated by engineering) because of the water that is currently running onto abutting properties. He added there is a Cape Cod berm that has been placed temporarily so water can be directed beyond the abutting properties.

Originally the propane tanks were shown under the pavement, however, the gas company has requested access to these tanks so they have been moved to the side of the site. He referred to where the dumpster was originally proposed against the building which they feel is not the most appropriate location where the grading is much higher, it has now been moved to give better access to the building and it will now be hidden from the street as well.

Mr. Marcotte stated they had gone before the Historic District Commission regarding the addition of the two foot tall retaining wall to maintain the landscaping because this was a very sloped area. Additional landscape areas were added to the eastern portion of the site. The parking lots have been completely reconstructed with the existing grade; the underground oil tanks were no longer needed, so those have been removed and the pavement completely removed. Mr. Marcotte went on to also refer to the gravel area on the eastern portion of the site which is going to be turned into a patio for the residents. There is also the island in this area which has been regraded to provide for better ADA access.

With reference to trees located in the northwest corner; when the limbs were removed from the applicant's side of the site for construction purposes, abutter, Mr. Beauregard

was advised the trees might not be too viable with these limbs removed and hence he agreed the applicant take down these trees. Mr. Marcotte also talked about a 3:1 slope one this side of the site where a seed mix is going to be used so this portion gets revegetated in the future. He also referred to a backup generator which was missed on the last proposal for stairway lighting, only to be used in an emergency situation. This concluded Mr. Marcotte's presentation.

Dr. Cusack stated during the site visit there was runoff noted from the applicant's property onto the Moco Arts property and asked for the applicant's comments on this. Mr. Marcotte stated part of the difficulty is when the existing paving was removed it caused the runoff but this was not caused by the applicant but is caused because their site is lower. He talked about creating a vegetative slope for this area for the water to be able to drain; this is something the applicant would need to work out with the abutter. Chair Spykman noted to some parking spaces along this area and asked what happens if a few parking spots need to be deleted to make this happen. Mr. Marcotte stated they have one space per unit and everything else is extra for the existing building and the applicant is aware there might need to be an off-site parking solution for tenants in this building. The Chairman stated he appreciates the applicant working with Moco Arts on this issue but if the water is coming from the applicant's site it is up to the applicant to deal with. Mr. Marcotte stressed they are not adding to what was already on this site.

Ms. Landry clarified the generator pad would not impact the abutters any further. Mr. Marcotte answered in the negative and added it will not as this area is going to be vegetated. Ms. Landry asked of the changes being proposed what have already been put in place. Mr. Marcotte stated the two landscape areas approved by the Conservation Commission have been installed, and the propane tanks have been moved.

Staff comments were next. Planning Technician Mari Brunner addressed the Board and Stated that this plan was originally approved by the Board in 2016, and in August 2016 also received approval from the Conservation Commission, construction began during winter 2016. During the rainy season this year, staff received numerous complaints from an abutter at 47 Spring Street regarding water and sedimentation entering their property. At that time staff realized there had been modifications made to the plan that were originally not approved by this Board: the northeast corner of the site was regraded to be a steeper slope and the vegetation was removed. The approved site plan shows a four foot high retaining wall with existing vegetation. This vegetation however, has been removed. Staff noticed even though other stabilization methods had been put in place they had not been installed properly and the adjoining property was getting flooded. At that point staff started working with the applicant and to that end requested a modified site plan be submitted which has been done.

Ms. Brunner then addressed those standards that are most relevant to this application; screening, landscaping and drainage. On the northeast corner of the property the applicant is proposing to remove the extra fill to expose a concrete block retaining wall which had been installed previously. Chair Spykman clarified the concrete block retaining wall is not the ready rock that was not approved. Mr. Lamb stated to staff's knowledge what is

installed is not what was approved. Ms. Brunner went on to say what was originally approved was a four foot wall what the applicant is proposing is to expose between 1.5 to 3 feet of this wall and then regrade the slope to be a 3:1 slope which would be steeper than what exists and to stabilize this slope they would loam and seed it. A chain link fence would be installed at the top of the wall for safety which would be covered in Boston ivy. Staff is requesting the Board to ask for additional screening as well as maintenance of this landscaping.

With reference to the generator and concrete pad being proposed, Ms. Brunner suggested the Board may want to ask the applicant how this generator is going to be powered.

The applicant is also proposing to install asphalt on Spring Street east of the driveway to help with stormwater runoff. Another area not addressed in the current proposal is the southern boundary behind the old middle school which abuts the Moco Arts facility. There have been complaints from this abutter about runoff entering this property. Mr. Lamb noted until the building discussed previously there wasn't runoff entering the Moco property which is now happening.

With reference to landscaping, in addition to the proposed changes to the northeast corner of the property, the applicant is also proposing to eliminate two trees north of the parking lot for the purpose of locating propane tanks and on the western edge of the parking lot the applicant is proposing to replace 38 shrubs with a type of landscaping as discussed with the abutter, Moco Arts regarding the best landscaping for this shared boundary. Hence, the proposed landscaping results in the elimination of two trees, increase of 22 shrubs, increase of 43 perennials which meet the Board's standard #6.

Screening – The applicant is proposing to relocate the dumpster which was originally behind the old middle school building 70 feet to the south on a paved area next to the transformer. The dumpster would be fully shielded by a six foot tall stockade fence.

In conclusion, Ms. Brunner stated staff is recommending a continuance so that the applicant could resolve issues related to screening, landscaping and drainage to be addressed.

Mayor Lane stated he didn't hear anything mentioned about the drainage on Roxbury Street and asked whether the expectation is that the removal of the sidewalk would address that problem. Ms. Brunner stated during a large rain event (prior to the roof drains being installed) the silt fence had failed which was causing some runoff – this problem has been corrected, roof drains have been installed and the applicant's feels removal of the paved walkway would also help with infiltration. The applicant did submit an updated drainage report which shows an overall reduction in the runoff.

Mayor Lane asked whether the removed trees for burial of the propane tanks are going to be replanted. Ms. Brunner stated overall the decreased of the trees is going from 61 to 59; the two trees that were removed are not going to be replaced.

Dr. Cusack asked whether the runoff for the northeast side was from water coming down from the hill or is it due to the lack of roof drains. Ms. Brunner this is due to several factors such as the lack of roof drains, as well as when the curb cut was created for the driveway the applicant removed the berm which caused runoff from Spring Street to enter the abutters' property. Now that the curbing is in place and the roof drains are in place the only runoff is what is falling on the slope itself.

Councilor Hansel stated he is concerned about the screening which has been removed from the northeast corner and asked if staff has considered what more could be requested from the applicant. Ms. Brunner stated the original plan was a four foot retaining wall; this could be an option, a flatter slope to plant trees. Mr. Lamb stated it would be up to the applicant to propose solutions.

Vice-Chair Barrett asked about the slope encroaching on the property line Ms. Brunner agreed the tow of the slope is very close and at times over the abutter's property line. The Vice-Chair asked whether the applicant had any conversation with the abutter before encroaching onto their property. Ms. Brunner stated this would be a question for the abutter.

Chair Spykman stated the area at the front has been redone in granite curbing; however, the rear of the site has asphalt curbing and asked what was on the original approved site plan. Ms. Brunner stated the original plan does not have a legend that specifies the type of curbing. Chair Spykman expressed his concern about asphalt curbing and the city's experience as to how they don't hold up to snow plows. The Chairman noted his concern is about the internal curbing.

Mr. Stout stated the narrative talks about ladder rescue but he understood this as not being the case. Ms. Brunner stated the narrative refers to a prior plan the board has not seen which refers to a seven foot tall retaining wall which would have permitted ladder access but would have caused a larger impact on adjoining property owners. The plan has been revised since the applicant met with staff. Mr. Lamb added the Fire Department has indicated the current plan does provide for their access. Ladder access is not necessary as this building has a sprinkler system and meets all NFPA Regulations.

With that the Chairman opened the hearing for public comment.

Mr. Bob Beauregard of 47 Spring Street, direct abutter addressed the Board. He began by pointing out that he did not feel sufficient study has gone into the location of the generator pad and its impact on the abutters. He stated the layout of the wall would cause exhaust fumes to go over the wall and enter abutting properties. He has already had to call the Fire Department because of the smell of propane coming from the applicant's property. He felt if this generator is to enhance the lighting for the building, there is a propane field at the rear of the site and felt the generator should be located there.

The next issue is the slope and the grade; he noted he was surprised at how quickly the retaining wall got buried and referred to rocks that have rolled onto his property. He

added he was in agreement regarding the removal of the two trees but noted to other vegetation which was also taken out such as an apple tree, small maple trees and ground vegetation which has been removed.

Mr. Beauregard then talked about the cape cod berm and stated there is silt running along the rear of this berm into the storm drain when he look at it just recently. He stated there is a divide in the road which was caused because of the curb cut. Because of this curb cut water now runs through the parking lot gains velocity and goes along the edge of his property – Mr. Beauregard stated this issue needs to be addressed immediately. Mr. Beauregard talked about the narrowness of Spring Street and the safety of pedestrians. He noted the ramp which ends up at the dumpster pad is where the water comes down from Spring Street. He added the final coat of pavement would be put on once the construction is complete but asked what the timeframe for that would be and pointed out that this construction has been going on since 2016 and they are on the third winter of having to deal with flooding issues. He added he should not have to use sandbags on his property for a mistake in construction that has happened next door.

Mr. Beauregard stated he has contacted SUR Construction regarding the erosion issues and referred to a document which indicates someone from this company is supposed to be monitoring major rain events and filing reports but he is still to see such report. He noted the roof drains are an improvement but questioned what happens should they freeze.

Ms. Cindy Beauregard of 47 Spring Street stated the property in question is a construction zone and those workers go home at 2 pm, but this is where she lives, this is their home. She talked about the noise level and the time this construction works starts which has happened as early as 5 am. She talked about stress cracks that her home has experienced and stated they are greatly impacted because of what has been going on.

Mr. Lamb referred to the slope which has been altered affects the abutters and it might be prudent to see what kind of screening they might like to see. Chair Spykman noted to a letter from another abutter with similar concerns.

Mr. Beauregard referred to page 8 which refers to the wall and vegetation; he suggested arborvitae which would grow quickly and have some height but not impede the width between the retaining wall and their building. He noted the retaining wall does not go all the way to Spring Street.

Mr. Lamb stated staff has been attentive regarding the complaints which have come in; they have be in contact with DES, the appropriate state agencies, and there are records for some of the storms and the applicant has been asked to do the proper record keeping. The city did threaten the applicant with a stop work order unless proper erosion control measures are put in place.

With that the Chairman closed the public hearing. Mayor Lane stated he is concerned about the location of the generator not only because it is close to the abutters' property but also because this is a rather wet area. The water runoff is something that also needs to

be addressed; since the wall which more or less acted as a damn was removed the water is flowing onto adjacent properties and added this is not an existing condition but a new condition. The next issue raised by the Mayor is the removal of the trees which act as a screening as well as help break up the large mass of wall in this parking lot. He added the number of trees does not concern him rather the location of them.

Councilor Hansel stated he agrees with what the Mayor stated and added that this plan needs to come back before the Board with the concerns raised today addressed.

Ms. Landry stated the applicant needs to make sure the retaining wall is structurally sound.

Councilor Hansel stated if the applicant is unable to find a better location for the generator he would like to have a more in depth study done on the proposed generator (noise, exhaust fumes) to make sure it is not going to cause undue burden to the abutters. The Chairman stated it would also be necessary to know how this generator is going to be fueled.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board continue the public hearing for SPR-08 Modification #1 to the December 18, 2018 Planning Board meeting in order to provide the applicant with more time to develop a proposal which addresses the stormwater runoff, landscaping and screening issued identified on the site.

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

IV. Community Development Director Reports

1. December meeting date – staff is proposing Tuesday the 18th – this date is based on a doodle poll that was sent out. During the meeting there were quite a few members who indicated they could not make this date. Ms. Landry asked whether there was a provision for members to call into the meeting. Mr. Lamb stated this is a possibility but would need to check with the City Attorney. Staff is to get back to the Board on a date for the December meeting.

2. Administrative Approvals for 2018 - None

V. New Business

VI. Upcoming Dates of Interest – December 2018

Planning Board Meeting – To be determined

Planning Board Steering Committee – December 11, 12:00 PM

Joint PB/PLD Committee – Monday, December 10, 6:30 PM

Planning Board Site Visits – December 19, 8:00 AM – To Be Confirmed

The meeting adjourned at 7:58 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director