

ADOPTED

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Tuesday, December 18, 2018

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Douglas Barrett, Vice-Chair
Michael Burke
Nathaniel Stout
Pamela Russell Slack

Staff:

Rhett Lamb, Asst. City
Manager/Community Development
Director
Mari Brunner, Planning Technician
Senior Planner, Tara Kessler

Members Not Present:

Martha Landry
Councilor George Hansel
Chris Cusack
Mayor Kendall Lane

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 – November 26, 2018 Planning Board Meeting Minutes

A motion was made by Nathaniel Stout to accept the November 26, 2018 minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved.

III. Continued Public Hearing

1. **SPR-08-16 Mod. 1 – 31 Washington Street and 41 Spring St – Site Plan** – Owner/Applicant Washington Park of Keene, LLC proposes site-related modifications including alterations to the grading, landscaping, retaining wall, and sidewalk in the northeast area of the parcel as well as the installation of a concrete pad and generator to the east of the multi-unit apartment building. Other proposed modifications include the elimination of a concrete walkway to the south of the apartment building, relocation of a dumpster pad, and installation of an outdoor patio in front of the building adjacent to Washington St. The site is 4.94 acres in size and located in the Central Business District (TMP#s 569-056-000-000-000, 569-055-000-000-000). The applicant requests a continuation of the Public Hearing to the January 28, 2019 Planning Board meeting.

ADOPTED

A. Board Discussion and Action

A motion was made by Nathaniel Stout that the Planning Board grant the requested continuance. The motion was seconded by Pamela Russell Slack and was unanimously approved.

IV. Public Hearings

1. SPR 01-18 Modification #1 – 809 Court Street – Summit Athletic Facility – Site Plan – Owner and Applicant, Hillsborough Capital LLC, is requesting a modification to the conditionally approved site plan for 809 Court Street for the demolition of the existing 19,943 sf building and the construction of a 28,800 sf indoor athletic facility in its place. The applicant is requesting approval to pursue a phased approach to developing the site, which would include occupancy of the existing building on the site as an indoor athletic facility until the new building is constructed. The parcel is TMP# 219-005-000-000-000 and is located in the Commerce District.

Chair Spykman noted that this application was approved in April and the change today is how the property is going to be developed.

A. Board Determination of Completeness.

Planner Tara Kessler recommended to the Board that the Application SPR-01-18 was complete. A motion was made by Nathaniel Stout that the Board accept this application as complete. The motion was seconded by Pamela Russell Slack and was unanimously approved.

B. Public Hearing

Steven Holland of Hillsborough Capital addressed the Board. Mr. Holland stated they are looking to revise the conditionally approved site plan to move forward in a phased manner. The plan is to finish construction of the interior site and use the space as intended. Mr. Holland stated since the site plan was approved in April they have been pursuing financing options but have not been able to obtain appropriate financing to move forward with an acceptable schedule. This is due to various reasons, such as rising steel costs, variable in estimates, uncertainty in tariffs for steel imports, labor capacity in the local market to name a few. He stated the plan needs a more deliberative approach.

He went on to say the new approach would minimize throw away expenses, maximize reuse of components and make necessary construction improvements to the new site. The new site will have new LED lighting, training equipment will be moved from the Marlboro facility to this new facility, minor work to the outside such as a wheel chair ramp and repairs to the sidewalk. Mr. Holland stated there are no adverse impacts to the Board's development standards as all the repairs being contemplated are to the interior of the site. He noted they are pursuing the conditions outlined in the prior site plan approval in April 2018 such as pursuing the DES Shoreland Protection Permit, and revising the Grading Utility Plan.

ADOPTED

Mr. Stout asked about a deadline for completion. Within 24 months as stated in the prior plan.

Staff comments were next. Senior Planner, Tara Kessler stated this is not a unique approach preserve (phased development) as the facility is being occupied. She stated the original site plan has not been signed as the applicant has until April 2019 to meet the conditions outlined in that site plan – obtaining a Shoreland Protection Permit, confirming new development would be outside the flood plain are two of those conditions.

With respect to development standards:

Parking – There is more parking being provided with the existing use compared to the future site plan.

Traffic – A traffic was done, and it was determined the prior use of this site generated 117 peak hour trips, the use as a recreational site would generate less trips during the peak hours (78 in the morning and 69 in the evening).

Lighting – Staff raised this issue to make sure there was going to be adequate lighting for pedestrians. Applicant has indicated they plan on replacing the lights with LED fixtures, staff is yet to see specifications for same and the Board might want to require this as a condition of approval. The other standards don't apply to this application.

Mr. Stout asked if the applicant had come with this plan originally would the Board have made any decisions differently. Ms. Kessler stated the applicant is still seeking to pursue the site plan they were approved for in April. If the applicant does not meet the conditions of the approved site plan, staff is recommending the site plan will then be considered not valid and the applicant would have come back with a new application for a change of use.

The Chairman asked for public comment next.

City Councilor Terry Clark addressed the Board and began by welcoming Hillsborough Capital to Keene. He stated he has been approached by neighbors across the street from this site and because the city is looking to revise this application, whether it would be appropriate to ask for a revision of some of the standards as it pertains to this application. Chair Spykman stated what the Board has before it tonight is an approved plan and what is being requested of the Board is to do a phased plan. The Board cannot change the approved plan.

Ms. Christa Gilbert of 816C Court Street addressed the Board next. Ms. Gilbert stated she was looking at the design of this site as it pertain to universal design and universal access, the plan for creating an inclusive environment and for services within the site. Chair

ADOPTED

Spykman stated the full approval for this site happened in April with notification being provided to abutters to include the Condo Association Ms. Gilbert resides. He added there is nothing on the table tonight that would allow the Board to change that. He asked Ms. Gilbert to bring these issues up with the developer. Ms. Gilbert stated many of the neighbors are not aware of this plan. The Chair noted the approved plan is a public document.

Ms. Kessler added by law the entity that would have been provided the abutter notice is the condo association and it would have been the obligation of the association to notify the tenants. Ms. Gilbert expressed concern about today's application being readily available to her. Ms. Kessler stated the application was available on the city website ten days in advance of the meeting. Ms. Gilbert stated this was not information that was provided to her in the letter from the city. Staff took note of this for future application notifications.

With no further comment, the Chairman closed the public hearing.

Mr. Stout stated he has not reason why he wouldn't want to support this request but felt it is a unique situation. The Chairman recalled one other similar application coming before the Board. Ms. Russell Slack stated she had no issue with this request.

C. Board Discussion and Action

A motion was made by Douglas Barrett that the Planning Board approve SPR-01-18 Modification #1 allowing owner, Hillsborough Capital LLC, to temporarily occupy and operate the existing building and site at 809 Court Street (YMP #219-005-000-000-000) as an indoor athletic facility until the completion of the improvements proposed in SPR-01-18,, which was conditionally approved by the Planning Board on April 23, 2018 with the following conditions:

1. The owner will meet the conditions that are required prior to signature of the site plan for SPR-01-18 by April 23, 2019. Failure to meet these conditions by this timeframe will result in a revocation of the conditional site plan approval for SPR-01-18 and the requirement for the owner to terminate operation of the change of use at the site.
2. The owner will achieve substantial completion of SPR-01-18 within 24 months of the Site Plan being signed by the Planning Board Chair.
3. The owner will adhere to all relevant building or fire code regulations with respect to temporary occupancy and use of the property as an indoor athletic facility.

The motion was seconded by Pamela Russell-Slack and was unanimously approved.

ADOPTED

2. **SPR-902 Modification #4 – 350-354 Winchester Street – Home Goods – Site Plan** – Applicant Taylor Associates Architects, on behalf of owner Riverside Improvements LLC, proposes interior renovations and site work to the site of the former Shaw's Department store on the property located at 350-354 Winchester St. (TMP# 111-004-000-000-000). Proposed modifications include renovations to the interior of the existing building to create three tenant spaces, modifications to the front façade of the building, and the addition of three new loading docks and one receiving ramp to the rear of the building. The site is 21 acres in size and is located in the Commercial District.

A. **Board Determination of Completeness.**

Planning Technician Mari Brunner stated the applicant has requested exemption from submitting a grading plan, landscaping plan, traffic report, lighting plan and a drainage and soils reports. Staff recommends exempting these submittals would have no bearing on the application and recommended to the Board that the Application SPR-902 is complete.

A motion was made by Nathaniel Stout that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. **Public Hearing**

Jeff Taylor, architect representing the applicant addressed the Board. He stated he was before the Board to discuss the redevelopment of the former Shaws facility which is 65,000 square feet in size. This site has been vacant for about two years – the plan is to turn the space into three tenant retail uses.

Home Goods is a confirmed tenant. The plan is to retain the shell of the building. Receiving would still remain to the rear of the site, with three separate receiving docks. The mechanical mezzanine which is located on top of the roof for electrical equipment is going to be relocated to the main floor for easy access and would be divided between the three tenants.

A truck turning analysis was done to make sure three tenants could get in and out Three separate receiving docks. The existing pavement is not going to be changed. This site is located close to a flood plain but according to the site plan the applicant has from 2006 the flood plain exists behind the building but does not get close to the building. If there is a need for a tenant a graded movable ramp will be located sometime in the future. There are also propane tanks in this location which are going to be removed.

Mr. Taylor stated they will be repairing the cracked asphalt and concrete pavement. He referred to the proposed elevation for Home Goods (directly adjacent to Walmart). There will be three separate canopies to identify the three tenants. Brick will remain on the base, with glass store fronts, the asphalt shingle roof will be replaced to match what exists, and introducing columns that would support the three tenant spaces. There will be new curb cuts created for handicap access.

ADOPTED

There is an existing sprinkler system. Each tenant would have separate water and sewer service. Mr. Taylor felt what the applicant was proposing would tie in very well with what exists there now.

Mr. Stout asked for added clarification on the rooftop utilities. Mr. Taylor stated the large refrigeration systems that exist at the present time is going to be taken down and the seven HVAC units will be replaced with three units located on the rooftop at the rear.

Mr. Barrett asked about bike racks. Mr. Taylor stated this is something that can be included.

Staff comments were next. Ms. Brunner stated the proposal is to divide into three retail spaces the former Shaws retail space. Each space would have a separate raised store front.

Flooding – The receiving ramp is proposed to be located in the 100 year flood and staff recommends the applicant obtain an elevation certificate to make sure the ramp is outside the flood plain.

Screening – The loading docks are located to the rear and would be screened by a natural wooded buffer.

Traffic – A truck movement study has been completed and no new pavement is required> the proposed use is similar to the pre-existing use, hence the traffic impact will not be changing.

Comprehensive Access Management – Applicant is proposing to use the same access driveway off Winchester Street; three pedestrian access curb cuts to each site; parking lot will be restriped – no other changes are being proposed. The request for bike racks could be a condition of approval.

Wetlands and Surface Waters – There are wetlands present on the southeast corner of the site but the edge of the wetlands are 30 feet from the boundary of the site, hence, this standard does not apply.

Standard 19 – The applicant proposing to change the west facing façade, each store front would have an aluminum and glass system on the ground level. Home Good would have EIFS and exterior systems in earth tones with a column. Tenant B and C would be similar, column for tenant B would be brick and Tenant C brick on the bottom EIFS on the top.

The Chairman asked for public comment.

Mr. Glen Wilson of Riverside Management LLC addressed the Board and stated there is also a commitment for the middle tenant; this site is going to be occupied by Harbor

ADOPTED

Freight and asked that Mr. Taylor present the ramp as this tenant's occupancy is going to be contingent on the location of the ramp.

Mr. Taylor stated they could introduce a graded pervious ramp structure which and be bolted on to the building and would have no effect on the water flow. He circulated pictures of the ramp for the Board's information.

Mr. Lamb stated the concern is the volume of space taken up which would otherwise be occupied by flood waters in a flood situation - this is the reason for the flood permit. He noted it is difficult to say if this ramp takes up any space but wanted to raise the issue for the Board's information. Chair Spykman felt the ramp looks more like a flatbed trailer and the space such a vehicle would take, however, was open to this item being a condition of approval. Mr. Taylor suggested turning the pad which the propane tanks sit on into a pervious landscaped area. Mr. Wilson stated he couldn't commit to removing the propane tanks until the third tenant as this unit needs to be heated with the old system.

Chair Spykman stated the south side of the building seems to have a graffiti problem.

This concluded the discussion.

C. Board Discussion and Action

A motion was made by Pamela Russell Slack that the Planning Board approve SPR-902 Modification #1, as shown on the plan sheet entitled "Lease Outline Drawing Overall Floor Plan" prepared by Taylor Associates Architects at a scale of 3/32" = 1' on June 6, 2018 and revised November 15, 2018 and the architectural elevations entitled "Elevation and Partial Plan" prepared by Taylor Associates Architects at varying scales on June 6, 2018 and last revised on December 3, 2018 with the following conditions prior to signature by Planning Board Chair:

- A. Attainment of a floodplain development permit, if necessary.
- B. Submittal of a revised site plan displaying the addition of a bike rack at the front of the building
- C. Owner's signature on plan.

The motion was seconded by Nathaniel Stout and was unanimously approved.

**V. Community Development Director Report
2018 Administrative Approvals**

Mr. Lamb explained administrative approvals are those minor items that are approved by staff. Mr. Lamb noted the two solar installations – one on Emerald Street and the other at the city facility at 350 Marlboro Street – which were both administrative approvals.

The Chairman felt this process seems to be working well.

Mr. Lamb and the Board extended their appreciation to the Board and the Chair for their time on the Board and their dedicated service to the community.

ADOPTED

Adoption of 2019 Meeting Schedule

Mr. Lamb went over the 2019 meeting schedule.

A motion was made by Pamela Russell Slack that the Planning Board adopt the 2019 meeting schedule. The motion was seconded by Douglas Barrett and was unanimously approved.

VI. New Business

VII. Upcoming Dates of Interest – January 2019

Planning Board Meeting – January 28, 6:30 PM

Planning Board Steering Committee – January 15, 12:00 PM

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

Planning Board Site Visits – January 23, 8:00 AM – To Be Confirmed

The meeting adjourned at 7:41 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director