

**Zoning Board of Adjustment
Monday, April 1, 2019, 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor**

AGENDA

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – March 4, 2019
- III. Unfinished Business
- IV. Hearings:

ZBA 19-05: Petitioner, First Sign & Corporate Image Inc. of 107 Hollis St., Manchester, representing Brady Sullivan Keene Properties, LLC of 670 North Commercial St., Manchester, requests a Variance for property located at 210-222 West St., Keene, Tax Map Parcel #576-009-000-000, which is in the Commerce District. The Petitioner requests to permit a third freestanding sign on the lot where only two are allowed per Section 102-1311, 2A of the Zoning Ordinance.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, March 4, 2019

6:30 PM

Council Chambers

Members Present:

Joshua Gorman, Chair
Jane Taylor, Vice Chair
Joseph Hoppock
Joshua Greenwald
Michael Welsh
Michael Remy, Alternate

Staff Present:

Thomas Mullins, City Attorney

Members Not Present:

Louise Zerba, Alternate

I. Introduction of Board Members

Chair Gorman called the meeting to order at 6:30 PM, introduced members of the Board and explained the rules of procedure.

II. Minutes of the Previous Meeting-February 4, 2019

Vice Chair Taylor referred to the type of façade stated in the minutes as “EIFS”. She stated that she does not recall the type of facade stated. Mr. Greenwald explained that Mr. Kelly was referring to the fact that self-storage warehouses today do not have the industrial look they once had and have become much prettier with a façade. The City Attorney stated the recording would be reviewed in order to make any necessary corrections if needed and will be offered at next month’s meeting.

Mr. Welsh made a motion to accept the minutes of February 4, 2019. The motion was seconded by Mr. Hoppock, which carried unanimously.

IV. Hearings

ZBA 19-04:/ Petitioner, Willco Realty Corp. of 591 Monadnock Highway, Swanzey, requests an Enlargement of a Nonconforming Use for property located at 11 Production Ave., Keene, Tax Map Parcel #242-002-000, which is in the Industrial District. The Petitioner requests an Enlargement of a Nonconforming Use to enlarge the existing motor vehicle dealership by expanding into a second existing building on the site. The existing Subaru building is 14,400 square feet. An addition of 2,540 square feet was approved in August 2018. This proposal will enlarge the existing approved addition by 420 square feet and by also expanding into the 7,680 square feet building formerly occupied by

Monadnock Flooring. The existing motor vehicle dealership will expand from 14,440 square feet to 25,040 square feet.

Vice Chair Taylor notified the Board that she purchased her car from Subaru of Keene. She stated she did not feel it was a conflict where she needed to recuse herself but wanted to inform the Board. With no objection, the hearing proceeded.

Jim Phippard, Brickstone Land Use Consultants of 185 Winchester Street, Keene, stated that he was present on behalf of Willco Realty and Bill Fenton, owner of several car dealerships with Subaru of Keene being one of them. Mr. Phippard stated they are applying for permission to expand the existing Nonconforming Use of a motor vehicle dealership. He stated back in the 1970's, this property was initially developed as a permitted use in the Industrial District. He reported that Keats was encouraged to be at this location with their dealership to sell GMC vehicles and farm equipment. Mr. Phippard stated the initial development on the property began in the 1970's and they built the first leg of Production Avenue. In addition, city water and sewer was extended to service this area.

Mr. Phippard explained this property became a Nonconforming Use in the 1980's when the zoning regulations were changed and the list of permitted uses was revised. He stated that car dealerships were no longer permitted in the Industrial District and then became a legal Nonconforming Use. Mr. Phippard reported that since that time the Keats property was sold to Willco Realty in the early 2000's. He stated that Willco Realty received permission from the Zoning Board of Adjustment to occupy the property with Subaru of Keene. Mr. Phippard reported that Willco Realty spent several millions of dollars redeveloping the property to create the facility that is there today.

Mr. Phippard stated that Willco Realty did receive approval for an expansion for the Nonconforming Use for the existing Subaru of Keene location. He referred to the plan he presented noting the beige area on the plan is the existing building on the site. Mr. Phippard then indicated the second building on the property is the former home of Monadnock Flooring.

Mr. Phippard explained that Monadnock Flooring received a Variance in 2011 to relocate their flooring business. In addition, he stated that Monadnock Flooring also retailed outside furnishings and grills along with a number of flooring materials. Mr. Phippard stated that Monadnock Flooring has since vacated this building and Subaru of Keene wishes to expand their operation on the property. He explained they intend to entirely occupy the second building where Monadnock Flooring was located, to operate part of the Subaru Dealership. He stated they will be adding three reconditioning bays on the south side of the building and a drive-in/drive-out car wash on the west side of the building. In addition, he stated they are proposing another expansion at the rear of the west side of the existing Subaru building. Mr. Phippard noted this would give them a grand total of 25,040 square feet.

Mr. Phippard then referred to his plan indicating the location of Production Avenue is on the right hand side of the plan and Route 9 is at the top of the plan. He noted that Production Avenue is located at a signalized intersection that is shared with Ashbrook Road. In addition, he noted heading north is the entrance to the Monadnock Marketplace. Mr. Phippard stated that across the

street from the property is the entrance to Hyundai of Keene also owned by the Fenton Family with the Volkswagen dealership to the south. Mr. Phippard noted this has become a common use in this area and that all of the dealerships are doing well.

Mr. Phippard reviewed the criteria for Enlargement of a Nonconforming Use.

1. *Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.*

Mr. Phippard stated that since the operation has been at this location there has been no history of problems with traffic accidents or pedestrian issues. He stated the appearance of the building has been through the Planning Board review and this expansion will have to go back before the Planning Board for either Administrative or Board approval.

Mr. Phippard stated the existing Subaru building is a masonry building that is concrete block. He noted that some of the blocks are smooth and some are textured. In addition, he noted it has extensive use of EIFS material. He stated that EIFS has been around quite a while and is an engineered insulated finishing system. Mr. Phippard explained that EIFS is a stucco system built over a base layer of insulation with structural mesh added to support the application of stucco. He explained that two or three layers of structure stucco are added to form the base and the top coat is a color coat. He added that it is a well-established system, stands up well in this environment and is the reason why this is used on many sections of the building.

Mr. Phippard then referred to his plan indicating the profile of the existing dealership building elevation that faces Route 9. He stated the proposed expansion is the area on the right hand side of that elevation and will match the concrete block material on the bottom and the EIFS material. He added that different colors will be used to give the aesthetic effect the owner and architect is looking to achieve. Mr. Phippard stated they think it is an attractive building and fits well in this setting. In addition, he noted that it provides a pleasant view for people entering the City of Keene from the west.

Continuing to refer to the existing dealership building plan, Mr. Phippard stated to the south side of the building that faces away from Route 9, the addition is the end of the property that is closest to the brook. He stated this elevation has been revised once and the owners were going to have three overhead doors in the addition but since the second building became available, these three reconditioning bays are going to be moved over to that building. He described this area of the south side of the existing dealership building as a solid wall with a passage door entry. In addition, he stated that block material and EIFS treatment will be used to match the current architecture. Mr. Phippard noted the other elevations of the building will not be changed.

Mr. Phippard stated the second building on the site, the space where Monadnock Flooring operated, is an existing metal building that is a shade of green with metal siding and a metal roof. He noted that nothing will be changed on the exterior of the building that is visible from Route 9 and Production Avenue. Mr. Phippard stated on the back side of the building facing away from Route 9, there are two overhead doors. In addition, the owners will be adding a third overhead door and two overheard doors on the elevation facing the brook. Mr. Phippard stated on the

existing building today there is a car wash that is being removed and that entire area will become a part of the proposed addition. He explained that the car wash is being moved to the other building and this bay will not be a drive thru car wash. Mr. Phippard noted the car wash is for customers and service vehicles only and will not be open to the public. The car wash will have an automatic wash bay that is drive in and drive out. Mr. Phippard reported the car wash is not open to the public due to the liability of vehicles backing out of the car wash.

Mr. Phippard stated they will have paving where there is currently gravel, which was reviewed and approved by the Planning Board. He stated this is an area where car carriers will unload vehicles and temporarily store vehicles until they are ready for sale. Mr. Phippard stated they believe that enlarging the operation will not have a negative effect on property values and will not be injurious or obnoxious to the neighborhood.

2. There will be no nuisance or serious hazard to vehicles or pedestrians.

Mr. Phippard stated that Production Avenue is accessed via Route 9, at a signalized intersection with dedicated turn lanes for left turning vehicles, right turning vehicles and operates at a level service grade B. He stated the owners will be adding a couple employees and are hoping to add traffic to the facility. Mr. Phippard stated they do not believe the increase of traffic will be significant enough to become a nuisance or hazardous condition.

Mr. Phippard added that there are no sidewalks on Route 9 or on Production Avenue so they do not feel pedestrian activity is an issue at this location.

3. Adequate and appropriate facilities (i.e., water, sewer, streets, parking, etc.) will be provided for the proper operation of the proposed use.

Mr. Phippard stated the site is serviced by City water and sewer and there is plenty of capacity for this proposed use. He noted the heaviest amount of water is used for washing cars. In addition, he noted that all of these buildings are set-up with sprinklers for fire protection.

Mr. Phippard stated they have more than adequate parking onsite and there are 80 parking spaces dedicated to employees and customers. He noted that only 70 parking spaces are required by the Zoning Ordinance and there are nearly 200 parking spaces on the property that are used mostly for displaying vehicles.

Mr. Welsh asked Mr. Phippard to clarify if the prior approved addition of 2,500 feet in August 2018 was approved by the Zoning Board of Adjustment. Mr. Phippard replied in the negative. He stated that it was approved by the Planning Board and they should have come to the Zoning Board to ask for an enlargement. Mr. Phippard noted that City staff is aware this was done out of order. Mr. Welsh asked if that is in addition to the 420 square feet of approval. Mr. Phippard replied that is a new addition that the Planning Board has not seen. Mr. Welsh asked Mr. Phippard to indicate on his plan where the 2,500 square feet of addition and 420 square feet of approved addition is located. Mr. Phippard indicated the area on his plan as the back side of the existing dealership building. He explained the 420 square foot addition will be used as a new tool

room for the service bays that will be created. Mr. Welsh asked for clarification that the Board will be looking to approve the 2,500 square feet and the 420 square feet of addition. Mr. Phippard reply yes, plus the occupancy of the expansion into the former Monadnock Flooring building.

Mr. Welsh stated as he was looking at the Industrial permitted uses he did not see motor vehicle retailer but did see garages of various sorts. He stated he also saw business garage listed in the Industrial Zone. Mr. Welsh read the definition of a business garage from the Zoning Ordinance as follows, "*A salesroom or showroom for motor vehicles in which any vehicle is kept with gasoline in its tank shall be classed as a "business garage," and also any building in which motor vehicles are kept in dead storage for profit*". Mr. Welsh asked how a motor vehicle retailer is different than a business garage. Mr. Phippard replied he has had this discussion many times with Code Enforcement. He explained that a business garage use is something such as Thomas Transportation where they provide limousine service and transportation service. He stated it is not a motor vehicle dealership where someone can go in and buy a new or used car.

Mr. Hoppock asked for the rear setbacks. Mr. Phippard replied the rear setbacks are 50 feet from Ash Swamp Brook. He noted they are well inside the usable area.

Mr. Hoppock asked if there was a wetland issue and if there are any concerns about the brook. Mr. Phippard responded the brook is a jurisdictional wetland and they are required to maintain at least a 30 foot separation from the brook. In addition, it is also subject to the Shoreline Protection Act which is 250 feet. Mr. Phippard stated they do have to get a Shoreline permit from NH Department of Environmental Services before they can build the addition because they are breaking ground and altering the terrain in that area. Mr. Hoppock asked if this permit has been applied for. Mr. Phippard replied they have received it and are modifying it because they are changing the size of the addition.

Vice Chair Taylor asked if there are no setback requirements from the easement and just from the property line and the Shoreline Protection Act. Mr. Phippard responded the easement is for access to the brook by Public Works.

Mr. Welsh stated the various uses that are being expanded are all things like creating space so that a car can be washed, repaired and creating functional accessory uses to an automobile dealership. He noted the uses being expanded could be described as repair and maintenance of automobiles and not sales and showcasing of automobiles. Mr. Phippard responded that he agreed with Mr. Welch's characterization that the uses are accessory and are not the primary use. He added that Mr. Welch was looking at the list of permitted uses for a repair garage. He stated a repair garage is a primary use that could be allowed here without Zoning Board approval. Mr. Phippard explained that it is really accessory uses to the car dealership which is the primary use on the property. Mr. Welch stated that if this was only proposing the kinds of uses that are being sought and not accessory to the dealership itself the applicant would probably not be before the Board tonight. Mr. Phippard replied in the affirmative.

With no further comment, Chair Gorman welcomed public comment.

With no comment, Chair Gorman closed the public hearing.

The Board began deliberations.

Mr. Hoppock referred to the criteria, “*There will be no nuisance or serious hazard to vehicles or pedestrians*”. He stated the absence of a sidewalk may actually increase the hazard to pedestrians because they do not have anywhere to walk. Mr. Hoppock stated that he tended to think that not many people walk in that area. Mr. Hoppock added that what the Zoning Board did not have was an analysis or information about the volume of increased use this expansion will result in. He stated that he finds it difficult to assess whether a nuisance is created or a serious hazard to vehicles or pedestrians would be generated if the Board does not know how much of the use will expand by virtue of this expansion. Mr. Hoppock stated their goal is to sell more cars and more people will be coming. He noted that he does not have any problem with first or third criteria.

Chair Gorman stated that he would agree on the first and third criteria. He noted there are City services that would be adequate. In addition, he stated as far as a use it appears to be in line with what is occurring in that location and in his opinion it is not going to be diminutive.

Mr. Remy commented on the second criteria stating there is no means to get there by walking and that there are no sidewalks on the street. In addition, he noted there are no sidewalks leading there which would not be a sudden loss of the ability to walk on the side of the road. Vice Chair Taylor stated in that regard she thinks if there is going to be any kind of pedestrian back and forth between the two buildings it would need to go before the Planning Board. She noted now that it is going to be two major building sites as opposed to one, the Planning Board is going to need to determine whether or not they want a designated pedestrian route between the two buildings. Chair Gorman stated that he would agree with the onsite portion but would also agree with the traffic portion raised by Mr. Hoppock. He added that the Board does have minimal knowledge of what kind of traffic Monadnock Flooring may have generated as well as what this new venture may or may not generate. He stated that what they did know is the car wash is not for retail use but is for customer use for both of Mr. Fenton’s dealerships.

Chair Gorman asked the Board if they objected to reopening the hearing for Mr. Phippard to engage in a traffic discussion. With no objection, Chair Gorman reopened public hearing.

Mr. Phippard stated they are not adding another dealership and will just be the Subaru of Keene. He stated what they are adding are the reconditioning bays and service bays to better service their existing customer base. Mr. Phippard stated the parking along the frontage has already been reviewed by the Planning staff and they requested this not be made a vehicle display area. He stated the only additional area for new cars is about 18 spaces on site. Mr. Phippard reported they sell between 150-200 cars a month and are hoping to increase these numbers by 10%.

Mr. Phippard reported that most of their traffic is not occurring during peak hours at the intersection, which are morning and evening commute times. He stated the busiest times are on during the weekend on Saturday’s, where they are doing most of the transactions. The dealership is also open on Sunday’s.

Mr. Phippard stated that he does a lot of work with the Institute of Transportation Engineers Trip Manual. He stated when he talks to a traffic engineer he explained the numbers that come out of the manuals are much higher than what occurs in the real world. He stated that he can pull out the information and cite reliable sources but thinks that it is meaningless to give numbers when it is false information. Mr. Phippard believes there will be a modest increase in vehicle trips due to the increase in volume of traffic.

Mr. Phippard reported that the nature of the business is changing so fast. He explained that so many people will shop online and then go to a local facility to test drive the car and then order the car online. Mr. Phippard reported that half of their sales are done online and then they deliver to location. He noted in many instances the customer has never stepped foot on the property. Mr. Phippard stated that he does not see traffic as a big concern given the nature of how the business is changing.

Chair Gorman stated the Board should keep in mind there was a retail establishment there that is now being turned into an onsite recon facility. Mr. Phippard stated the primary activities will be the recon bays, car wash and service bays, with some space at the front of the building for sales.

Chair Gorman asked if the traffic count may even be decreasing as compared to the traffic to Monadnock Flooring. Mr. Phippard replied that it is possible.

Chair Gorman asked if Mr. Fenton will be using the recon facility for his Hyundai dealership. Mr. Phippard responded that he can because he does not have room to expand over at that dealership. He added they may use the car wash and may close the wash bay at the Hyundai dealership. Mr. Phippard noted that car washes have also changed over the years by primarily recycling water.

Mr. Welch asked if the retail facility that was in the building to the south that was Monadnock Flooring, was also a Nonconforming Use. Mr. Phippard replied in the affirmative and stated that they received a Variance in 2011 for them to occupy the space. Mr. Welch asked if to describe the trajectory of Nonconforming Uses and their degree of nonconformity they are heading more in the direction of conformance as they go from carpet retail to the various uses of this building. Mr. Phippard stated that he would agree.

Mr. Welch referred to the section of code that describes things that need to be satisfied in order to enlarge a Nonconforming Use. He asked if there is a requirement that dimensions on the new Nonconforming Use all comply with what is specified in code for this zone. In addition, he asked if all the dimensions on this expansion are consistent with the requirements of the Industrial use. Mr. Phippard replied in the affirmative.

With no further comment, Chair Gorman closed the public hearing.

Mr. Hoppock stated that his concern about traffic is resolved after the comments from Mr. Phippard and is ready to vote.

Mr. Welsh stated the Board has been advised there is a section of the code to look at when evaluating but noted there are also a set of common law concerns. He asked if the Zoning Board is obliged to go through the entire list. The City Attorney responded the common law rules came out of the *New London* case where there was not a lot discussion in that case with respect to the underlying zoning ordinance. He stated the question at that point was that the underlying zoning ordinance in the *New London* case probably did not deal with this question very well. He explained the court came in and looked at the factors. The City Attorney stated the biggest one being the question of substantiality. He explained the idea of whether there is substantial expansion or not is one of questions about being in the eye of the beholder. The City Attorney stated the ways the courts have evolved are the later cases where the court looked at an expansion of a Nonconforming Use. He noted one case in particular was over in Portsmouth going from a single story office building to a four story building in an office park combination. He stated the City of Portsmouth said, “No” and that it was too substantial. The City Attorney stated it is not only a size thing it is also how that substantially impacts the overall neighborhood. He stated that it would be a good idea given the case law to have some discussion with the idea of the whether the Board thinks the application is impermissibly substantial, both on the physical aspect of the dimensional aspect and also, in terms of whatever impact it may have on the neighborhood.

Vice Chair Taylor stated when she looks at a Nonconforming Use and the whole concept of whether or not it is a substantial change is whether or not the addition would not just change the footprint but also change the nature of the building. She stated in this case it seems the new construction expansion is not changing the nature of the building either for use or architecturally. She stated the other expansion building is already there. Vice Chair Taylor stated she would view it differently if the building that was Monadnock Flooring if they wanted to expand their Nonconforming Use by having a completely new structure of that size. She stated that since it is an existing structure she thinks this is a slightly different take on the substantiality concept.

Chair Gorman stated in light of the fact the property is becoming more conforming, he thinks it is a contraction of a Nonconforming Use, which decreases the substantiality of the scope. He stated the addition in terms of the physical expansion does not seem that cumbersome given the accumulative number of square feet in correlation to what is being added.

Mr. Hoppock stated that he does not think there is a substantially adverse impact on the neighborhood from this plan based on the information provided.

Chair Gorman asked for a motion with Mr. Hoppock making a motion to approve ZBA 19-04; second from Mr. Greenwald.

The Board reviewed the criteria for a Nonconforming Use.

- 1. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.*

Vice Chair Taylor noted that it is not just an existing use, it is one of several similar uses on the same street in the same zoning district. She stated that it would not reduce the value of other property in the neighborhood. In addition, she stated that it would not be injurious, obnoxious or offensive to the neighborhood.

Chair Gorman asked for a vote. It carried unanimously, 5-0.

2. *There will be no nuisance or serious hazard to vehicles or pedestrians.* Granted 5-0
3. *Adequate and appropriate facilities (i.e., water, sewer, streets, parking, etc.) will be provided for the proper operation of the proposed use.* Granted 5-0

On a vote of 5-0, the Zoning Board of Adjustment approved ZBA 19-04.

V. New Business:

No new business was presented.

VII. Adjournment

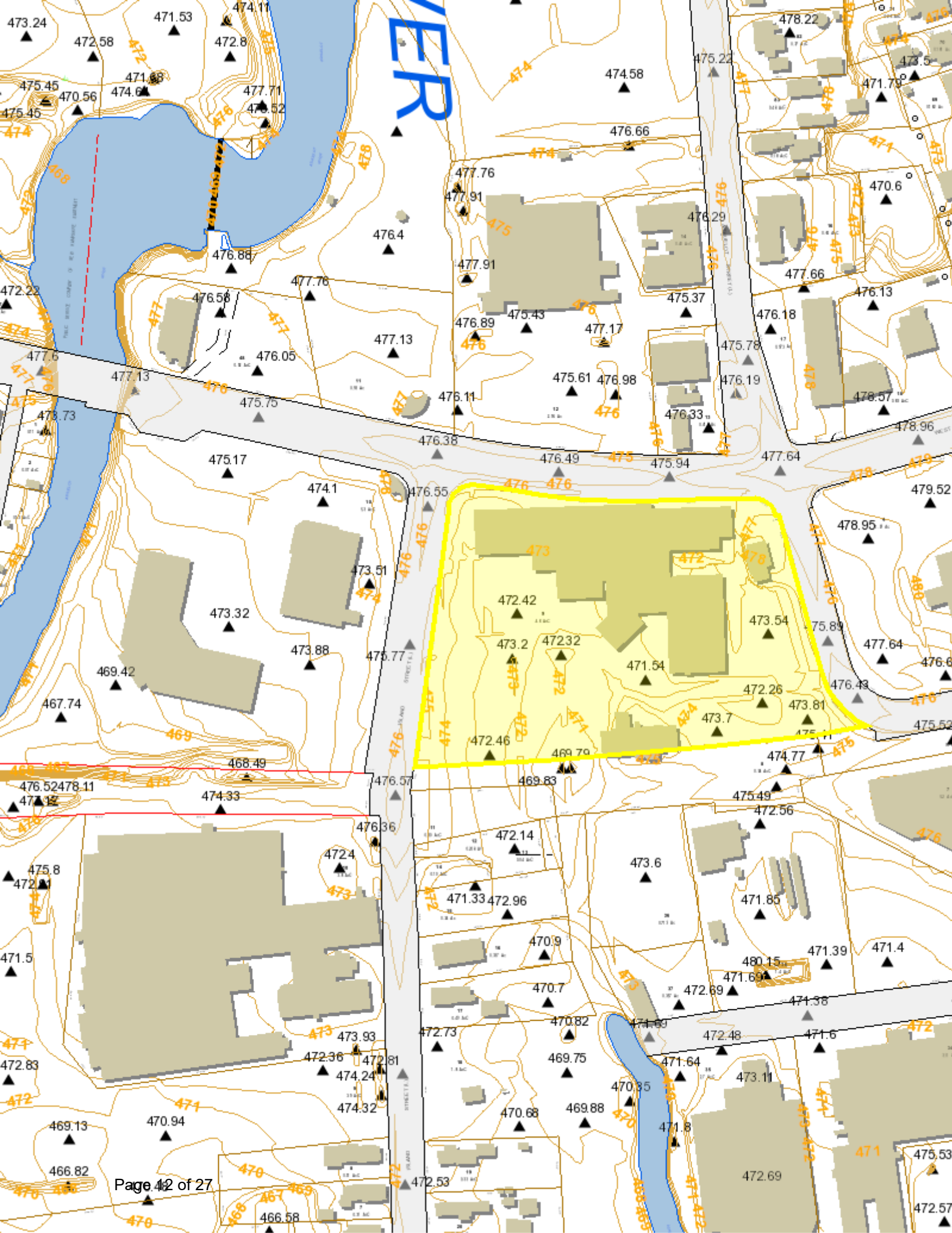
Hearing no further business, Chair Gorman adjourned the meeting at 7:15 PM.

Respectfully submitted by,
Jennifer Clark, Minute Taker
Reviewed and edited by,
Corinne Marcou, Zoning Clerk

210-222 West St. ZBA 19-05



Petitioner requests a Variance for three freestanding signs in the Commerce District where it's not a permitted use within the district per Section 102-1311, 2A.





City of Keene
New Hampshire

NOTICE OF HEARING

ZBA 19-05

A meeting of the Zoning Board of Adjustment will be held on Monday, April 1, 2019 at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the petition of First Sign & Corporate Image Inc. of 107 Hollis St., Manchester, representing Brady Sullivan Keene Properties, LLC of 670 North Commercial St., Manchester, who requests a Variance for property located at 210-222 West St., Keene, Tax Map Parcel # 576-009-000-000, which is in the Commerce District. The Petitioner requests a Variance to permit a third freestanding sign on the lot where only two are allowed per Section 102-1311, 2A of the Zoning Ordinance.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at <https://ci.keene.nh.us/zoning-board-adjustment>

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance date: March 21, 2019

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>ZBA 19-05</u>
Date Filed	<u>3/15/19</u>
Received By	<u>CJM</u>
Page	<u>1</u> of <u>15</u>
Reviewed By	_____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) FIRST SIGN & CORPORATE IMAGE, INC. Phone: 627-0003
Address 107 HOLLIS STREET, MANCHESTER NH 03101
Name(s) of Owner(s) BRADY SULLIVAN KEENE PROPERTIES LLC
Address 670 NORTH COMMERCIAL STREET, MANCHESTER NH 03101
Location of Property 210-222 WEST STREET, MAP/LOT: 576/009/000 000/000
(street, number, subdivision and lot number)

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 576-009-000-000 Zoning District COM
Lot Dimensions: Front 502.9' Rear 652.7' Side 380' Side 346.88'
Lot Area: Acres 4.6 Square Feet gross building area: 115,065
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 20 Proposed _____
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing ___ Proposed ___
Present Use MARKETPLACE
Proposed Use HISTORIC MILL APARTMENTS

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

Benjamin Kelley Date 3/15/19
(Signature of Owner or Authorized Agent)

Please Print Name Benjamin Kelley

PROPERTY ADDRESS 222 WEST STREET

APPLICATION FOR A VARIANCE

- A Variance is requested from Section (s) 102-1311, 2 A.) of the Zoning Ordinance to permit:
to allow a 3rd freestanding sign on the lot.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

1. Granting the variance would not be contrary to the public interest because:

The proposed sign is not in close proximity to any other sign and is at opposing ends of the property.

We are seeking to replace an existing sign. The ability for vehicular traffic to quickly locate the access to a property is seen as a safety issue.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The variance process is in place to allow for deviations from the ordinance in cases where the property has extenuating conditions. In this case, the property is very large with various entrances.

3. Granting the variance would do substantial justice because:

It allows the property to be identified at each of its possible entrances. The change of use of the property would be clarified through the use of this property identification sign.

4. If the variance were granted, the values of the surrounding properties would not be diminished because

There would be no negative impact aesthetically and we are replacing an existing sign with one of similar construction and size.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

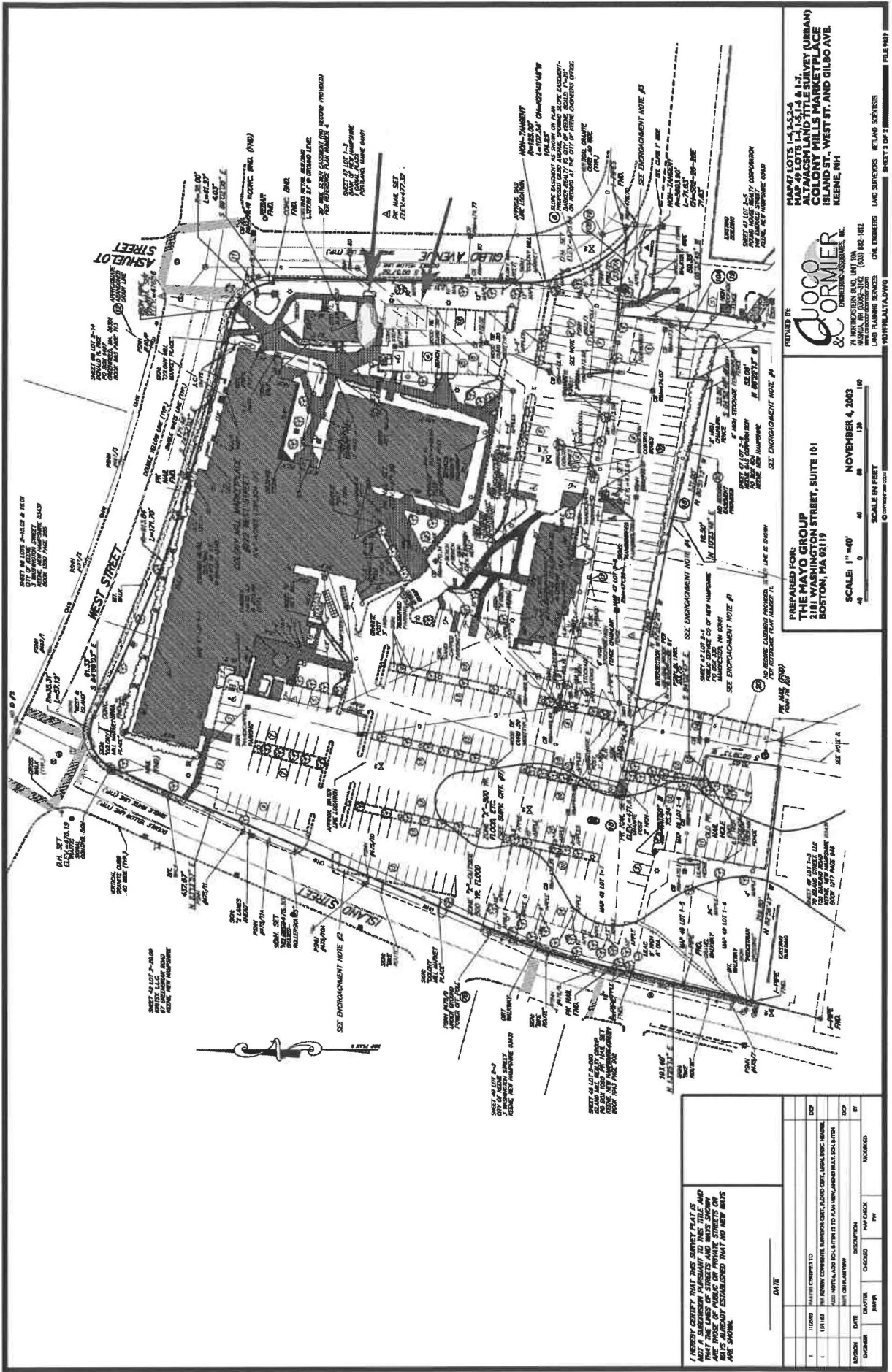
The necessity of the sign is a result of another freestanding building on the same parcel, requiring a business identification sign, making it necessary for an independent sign. (Case in point NBT Bank)

and

ii. The proposed use is a reasonable one because:

Of the size and scope of the property, the signs are not oversized, crowded or offensive.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.



PREPARED FOR:
THE MAYO GROUP
 2181 WASHINGTON STREET, SUITE 101
 BOSTON, MA 02119

NOVEMBER 4, 2003
 SCALE IN FEET
 0 40 80 120 160

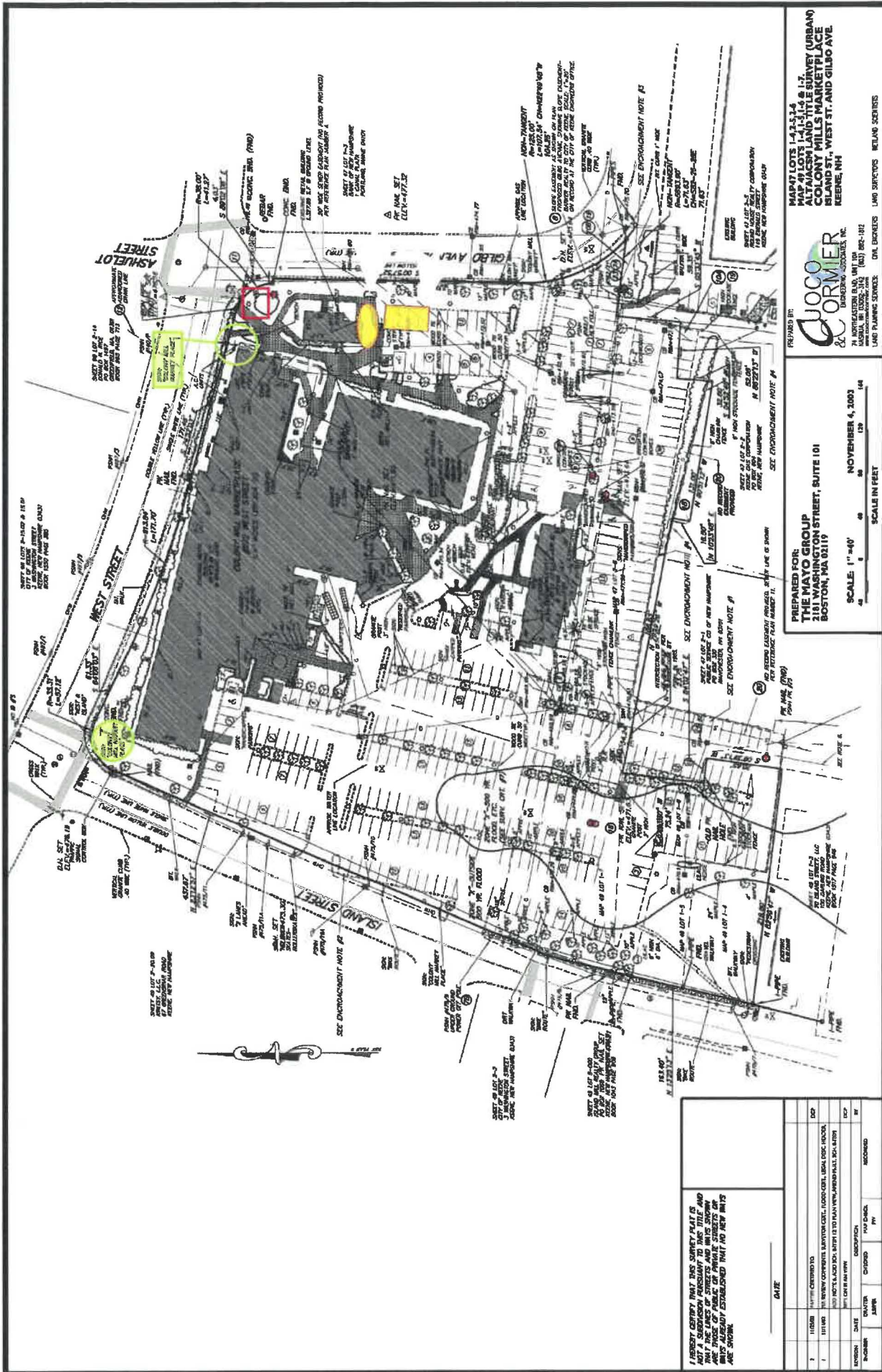
MAPS 7 LOTS 1-2, 3, 4
 MAP 8 LOTS 1, 2, 3, 4 & 5
 COLONY HILLS MARKETPLACE
 ISLAND ST., WEST ST. AND GILBO AVE
 KEENE, NH

DUCCO & CORMIER
 ARCHITECTS, INC.
 24 KENTUCKIAN BLVD. SUITE 100
 WINDHAM, NH 03093-3012 (603) 882-1882
 LAND PLANNING SERVICES CIVIL ENGINEERING SURVEYING

SHEET 1 OF 1
 UNO SHEETS 2540 SHEETS

REVISION	DATE	BY	DESCRIPTION
1	11/11/03	ML	FINAL CORRECTIVE SURVEY, FLOOD CERT., LOCAL ENG. REVIEW.
2	11/11/03	ML	FINAL CORRECTIVE SURVEY, FLOOD CERT., LOCAL ENG. REVIEW.
3	11/11/03	ML	FINAL CORRECTIVE SURVEY, FLOOD CERT., LOCAL ENG. REVIEW.
4	11/11/03	ML	FINAL CORRECTIVE SURVEY, FLOOD CERT., LOCAL ENG. REVIEW.
5	11/11/03	ML	FINAL CORRECTIVE SURVEY, FLOOD CERT., LOCAL ENG. REVIEW.

I HEREBY CERTIFY THAT THIS SURVEY PLAN IS
 A TRUE AND CORRECT REPRESENTATION OF THE
 LANDS OF THE CITY OF KEENE, NEW HAMPSHIRE,
 AND THAT THE LINES OF THE STREETS AND LOTS SHOWN
 HEREON WERE MEASURED AND PLACED IN THE FIELD
 BY ME OR UNDER MY SUPERVISION AND THAT THE
 SAME ARE ACCURATE AND CORRECT.



PREPARED BY:
QUOCORMER
 SURVEYING & CONSULTING, INC.
 74 WASHINGTON BLVD, UNIT 204
 MARIETTA, GA 30067-1102 (404) 882-1812
 LAND PLANNING SERVICES: CIVIL ENGINEERS

PREPARED FOR:
THE MAYO GROUP
 2101 WASHINGTON STREET, SUITE 101
 BOSTON, MA 02119

SCALE: 1" = 40'
 NOVEMBER 4, 2003
 SCALE IN FEET

I HEREBY CERTIFY THAT THIS SURVEY PLAN IS
 NOT A SUBORDINATE SURVEY TO ANY TITLE AND
 THAT THE NEW CORNER MARKERS, MONUMENTS, LOCAL ELEVATION
 POINTS, AND ALL OTHER DATA SHOWN ON THIS SURVEY PLAN
 WERE ALREADY ESTABLISHED THAT NO NEW MONUMENTS
 WERE SET.

DATE	
NO. OF SHEETS	1 OF 2
DATE	
BY	
CHECKED	
APPROVED	



Property sign

Qty. (2)

Double-faced property identification signs;

To replace (2) existing freestanding signs on North and South corners of lot on West Street;

Carved sign with 22K gold leaf; Installed on granite posts with powder-coated iron brackets



Existing



Proposed

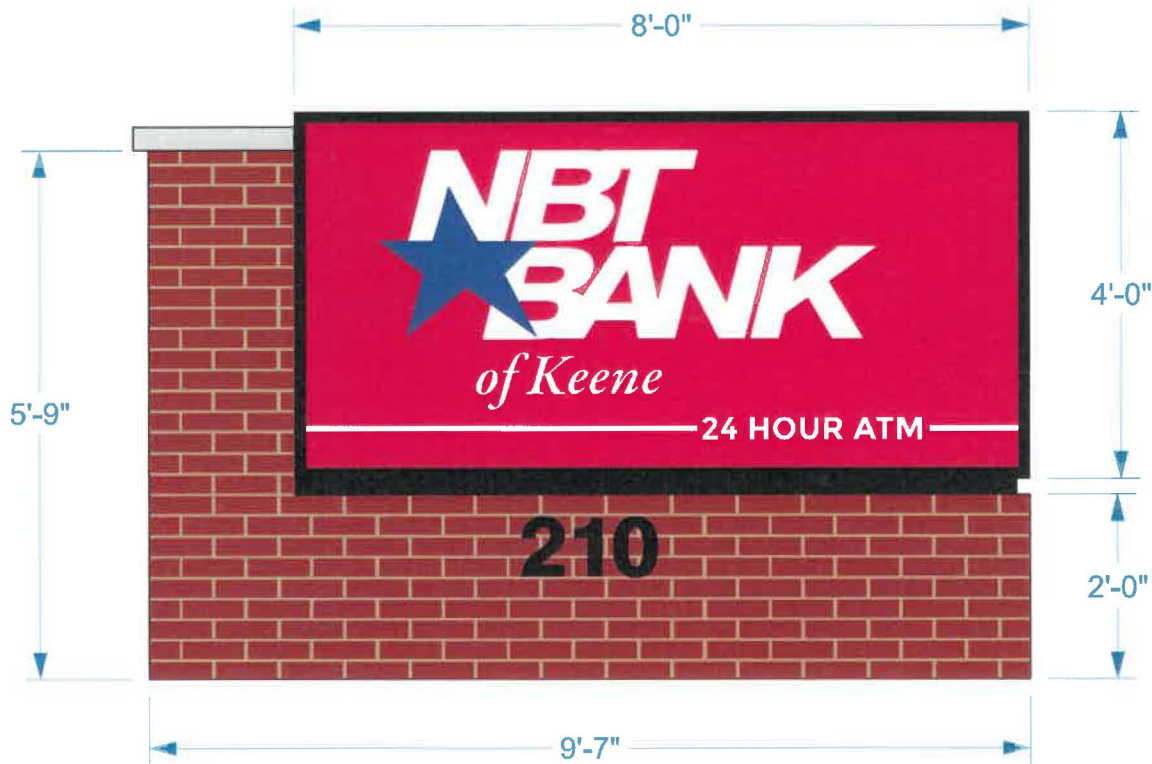


Existing



Proposed

02/2019	197 Hollis Street Manchester, NH 03101	627-0003	This drawing is the property of	
Innovative Design & Flawless Execution of Dimensional Signage		Complete Storefront Remodeling including Signs • Awnings • Lighting		



Freestanding sign

Qty. (1)

Internally-illuminated double-sided business identification sign;

Brick base with raised individual address numerals, blind-stud mounted to brick fascia

01/2019	1/2" = 1'-0"	107 Hollis Street Manchester, NH 03101	627-0003	This drawing is the property of	FIRSTSign INC.
Innovative Design & Flawless Execution of Dimensional Signage		Complete Storefront Remodeling including Signs • Awnings • Lighting			



200 foot Abutters List Report

Keene, NH
March 12, 2019

Subject Properties:

Parcel Number: 576-009-000
CAMA Number: 576-009-000-000-000
Property Address: 210-222 WEST ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 576-009-000
CAMA Number: 576-009-000-000-000 (Bldg2)
Property Address: 210-222 WEST ST. Bldg 2

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 576-009-000
CAMA Number: 576-009-000-000-000 (Bldg3)
Property Address: 210-222 WEST ST. Bldg 3

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Abutters:

Parcel Number: 576-004-000
CAMA Number: 576-004-000-000-000
Property Address: 194 WEST ST.

Mailing Address: BANK OF NEW HAMPSHIRE
10-380 WELLINGTON ST,
LONDON ONTARIO CANADA, N6A 5B5

Parcel Number: 576-006-000
CAMA Number: 576-006-000-000-000
Property Address: 0OFF GILBO AVE.

Mailing Address: MOUNTAINSCAPES CAPITAL
INVESTMENT TRUST
911 EAST COUNTY LINE RD. SUITE 203
LAKEWOOD, NJ 08701

Parcel Number: 576-007-000
CAMA Number: 576-007-000-000-000
Property Address: 149 EMERALD ST.

Mailing Address: MOUNTAINSCAPES CAPITAL
INVESTMENT TRUST
911 EAST COUNTY LINE RD. SUITE 203
LAKEWOOD, NJ 08701

Parcel Number: 576-008-000
CAMA Number: 576-008-000-000-000
Property Address: 0 GILBO AVE.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 576-010-000
CAMA Number: 576-010-000-000-000
Property Address: 268 WEST ST.

Mailing Address: KIRITSY LLC
PO BOX 24041
HILTON HEAD ISLAND, SC 29925-4041

Parcel Number: 576-010-000
CAMA Number: 576-010-000-000-000 (Bldg2)
Property Address: 268 WEST ST. Bldg 2

Mailing Address: KIRITSY LLC
PO BOX 24041
HILTON HEAD ISLAND, SC 29925-4041

Parcel Number: 576-011-000
CAMA Number: 576-011-000-000-000
Property Address: 273 WEST ST.

Mailing Address: CITY OF KEENE
3 WASHINGTON ST.
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
March 12, 2019

Parcel Number: 576-012-000
CAMA Number: 576-012-000-000-000
Property Address: 255 WEST ST.

Mailing Address: MASCOMA BANK
255 WEST ST.
KEENE, NH 03431

Parcel Number: 576-013-000
CAMA Number: 576-013-000-000-000
Property Address: 219 WEST ST.

Mailing Address: SUMMIT DISTRIBUTING LLC
240 MECHANIC ST.
LEBANON, NH 03766

Parcel Number: 576-013-000
CAMA Number: 576-013-000-000-000 (Bldg2)
Property Address: 219 WEST ST. Bldg 2

Mailing Address: SUMMIT DISTRIBUTING LLC
240 MECHANIC ST.
LEBANON, NH 03766

Parcel Number: 576-017-000
CAMA Number: 576-017-000-000-000
Property Address: 9 ASHUELOT ST.

Mailing Address: SKIPITARIS GEORGE
9 ASHUELOT ST.
KEENE, NH 03431

Parcel Number: 576-018-000
CAMA Number: 576-018-000-000-000
Property Address: 189 WEST ST.

Mailing Address: S.S. BAKER'S REALTY CO LLC
428 MAIN ST.
KEENE, NH 03431

Parcel Number: 576-018-000
CAMA Number: 576-018-000-000-000 (Bldg2)
Property Address: 189 WEST ST. Bldg 2

Mailing Address: S.S. BAKER'S REALTY CO LLC
428 MAIN ST.
KEENE, NH 03431

Parcel Number: 577-034-000
CAMA Number: 577-034-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: CITY OF KEENE
3 WASHINGTON ST.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: ISLAND MILL REALTY GROUP
PO BOX 1060
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-008
Property Address: 69 ISLAND ST. #18

Mailing Address: DEWITT CLINTON REAL ESTATE LLC
50 ACREBROOK RD.
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-01A
Property Address: 69 ISLAND ST. #1

Mailing Address: ISLAND MILL REALTY GROUP
PO BOX 1060
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-02A
Property Address: 69 ISLAND ST. #3

Mailing Address: DENTAL HEALTH WORKS OF CHESHIRE
COUNTY
69V ISLAND ST. 2B
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-03A
Property Address: 69 ISLAND ST. #23

Mailing Address: 69 ISLAND STREET REALTY LLC
87 ELM ST. FLOOR 3
HOPKINTON, MA 01748



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3/12/2019

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200 foot Abutters List Report

Keene, NH
March 12, 2019

Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03B Property Address: 69 ISLAND ST. #24	Mailing Address: 69 ISLAND STREET REALTY LLC 87 ELM ST. FLOOR 3 HOPKINTON, MA 01748
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03C Property Address: 69 ISLAND ST. #5	Mailing Address: JRG REALTY PARTNERSHIP 69 ISLAND ST. KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03D Property Address: 69 ISLAND ST. #25	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03E Property Address: 69 ISLAND ST. #26	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03F Property Address: 69 ISLAND ST. #19	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03G Property Address: 69 ISLAND ST. #20	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03H Property Address: 69 ISLAND ST. #21	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-03I Property Address: 69 ISLAND ST. #22	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-04B Property Address: 69 ISLAND ST. #8	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-05A Property Address: 69 ISLAND ST. #10	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-05B Property Address: 69 ISLAND ST. #11	Mailing Address: ISLAND MILL REALTY GROUP PO BOX 1060 KEENE, NH 03431
Parcel Number: 583-010-000 CAMA Number: 583-010-000-001-06A Property Address: 69 ISLAND ST. #12	Mailing Address: AR-GE PROPERTIES 117 WEST ST. KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
March 12, 2019

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-06B
Property Address: 69 ISLAND ST. #13

Mailing Address: ISLAND MILL REALTY GROUP
PO BOX 1060
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-06C
Property Address: 69 ISLAND ST. #14

Mailing Address: ISLAND MILL REALTY GROUP
PO BOX 1060
KEENE, NH 03431

Parcel Number: 583-010-000
CAMA Number: 583-010-000-001-07A
Property Address: 69 ISLAND ST. #15

Mailing Address: ISLAND MILL REALTY GROUP
117 WEST ST.
KEENE, NH 03431

Parcel Number: 583-011-000
CAMA Number: 583-011-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 583-012-000
CAMA Number: 583-012-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 583-013-000
CAMA Number: 583-013-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-014-000
CAMA Number: 583-014-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 583-015-000
CAMA Number: 583-015-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: BRADY SULLIVAN KEENE PROPERTIES
LLC
670 NORTH COMMERCIAL ST.
MANCHESTER, NH 03103

Parcel Number: 583-018-000
CAMA Number: 583-018-000-000-000
Property Address: 0 ISLAND ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-036-000
CAMA Number: 583-036-000-000-000
Property Address: 227 EMERALD ST.

Mailing Address: PSNH
PO BOX 270
HARTFORD, CT 06141-0270

Parcel Number: 583-038-000
CAMA Number: 583-038-000-000-000
Property Address: 207 EMERALD ST.

Mailing Address: KEENE PROPANE CORPORATION
262 CENTRAL PARK WEST APT. 8B
NEW YORK, NY 10024

Parcel Number: 583-038-000
CAMA Number: 583-038-000-001-000
Property Address: 0 EMERALD ST.

Mailing Address: NEW HAMPSHIRE GAS CORP
PO BOX 438
KEENE, NH 03431



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200 foot Abutters List Report

Keene, NH
March 12, 2019

Parcel Number: 583-039-000
CAMA Number: 583-039-000-000-000
Property Address: 0 EMERALD ST.

Mailing Address: MOUNTAINSCAPES CAPITAL
INVESTMENT TRUST
911 EAST COUNTY LINE RD. SUITE 203
LAKEWOOD, NJ 08701



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