

**CITY OF KEENE  
NEW HAMPSHIRE**

**PLANNING BOARD  
MEETING MINUTES**

Monday, April 22, 2019

6:30 PM

Council Chambers

**Members Present**

Douglas Barrett, Chairman  
Chris Cusack, Vice-Chair  
Martha Landry  
Councilor George Hansel  
Gary Spykman  
Andrew Weglinski

**Staff:**

Rhett Lamb, Asst. City  
Manager/Community Development  
Director  
Mari Brunner, Acting Planner

**Members Not Present:**

Pamela Russell Slack  
Mayor Kendall Lane  
Michael Burke

**I. Call to order – Roll Call**

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

**II. Minutes of previous meeting** – March 25, 2019 Planning Board Meeting Minutes

Mr. Spykman offered the following correction: He is still listed as Chairman.

Vice-Chair Cusack offered the following correction on page 13: Correction to Dick Berry's name – not as listed "Barry"

A motion was made by Councilor George Hansel to accept the meeting minutes as amended. The motion was seconded by Gary Spykman and was unanimously approved.

**III. Public Hearing**

1. **S-02-19 – 451 Winchester Street Subdivision** – Applicant and Owner, 451 Winchester LLC, proposes to subdivide property located at 451 Winchester St into 2 lots. The existing site is 6.18 acres in size and located in the Industrial Zoning District (TMP# 115-026-000). The proposed lots would be 4.78 and 1.41 acres in size and would share a driveway.

A. **Board Determination of Completeness.**

Community Development Director Rhett Lamb recommended to the Board that Application S-02-19 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Andrew Weglinski and was unanimously approved.

**B. Public Hearing**

Mr. Jim Phippard of Brickstone Masons stated this item is about a two-lot Subdivision and referred to an Existing Conditions Plan. Mr. Phippard noted everything on this plan has already been constructed. He referred to the Keene Collision site on the plan (13,600 square feet), there is also a 4,000 square foot auto-related business. The building located at the front of the site is 5,600 square feet and is currently vacant; this is the reason for this subdivision application.

The property is in the Industrial District and is a conforming lot except for the building located at the front, which encroaches into the side setback; this won't be affected by this subdivision. Mr. Phippard referred to the property lines on the plan and added it meets the zoning requirements in the Industrial District. The two properties would have a shared driveway. There is also a shared driveway on the north side of the property for the property located to the north and for the abutting property.

There is no proposed change to the drainage or the existing buildings. Mr. Phippard stated there are several easements that will be created because of this subdivision, including easements for the common driveway, a blanket easement for drainage, and an easement for utilities. The property is in the 100-year flood plain and complies with the City's flood permitting requirements. There is flood storage provided for everything that is show on the plan.

There are no other changes being proposed.

Staff comments were next. Mr. Lamb stated this subdivision was anticipated when Keene Collision was constructed. All zoning requirements were reviewed by staff. He noted there are wetlands on the Keene Collision property, however because this property is located in the Industrial District, the lot size is such that wetlands does not impact this property. Mr. Lamb stated staff is also satisfied with the curb cut configuration for a shared driveway; the new lot does not require its own access.

The Chairman asked for public comment, with no comment from the public, the Chairman closed the public hearing.

**C. Board Discussion and Action**

A motion was made by Councilor George Hansel that the Planning Board approve S-02-19, as shown on the plan identified as "Proposed Subdivision Plan Prepared for 451 Winchester Street LLC, 451 Winchester Street, City of Keene, County of Cheshire, State of New Hampshire" prepared by David A. Mann Survey, dated February 8, 2019 at a scale of 1" = 50' with the following conditions:

1. Owner's signature appears on plan prior to signing by Planning Board Chair.

The motion was seconded by Gary Spykman and was unanimously approved.

**2. SPR-11-16 Modification #9 – 81, 95 & 100 Wyman Road – Hillside Village**

**Continuing Care Retirement Community** - Applicant Brickstone Land Use Consultants, on behalf of owner Prospect Woodward Home, requests the removal of decorative cupolas from the two covered parking structures located between Wyman Rd and the Hillside Village Community Building. The site is 35.7 acres in size and is located in the Rural District (TMP# 221-019-000-000-000).

Andrew Weglinnski recused himself from the application as he is involved with this project.

A. Board Determination of Completeness.

Mr. Lamb recommended to the Board that the Application SPR-11-16 Modification #9 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Mr. Phippard addressed the Board again and noted he was before the Board representing Prospect Woodward Home. Mr. Phippard stated he was before the Board with modification #9 and added the project is almost complete. He stated the request is a simple one. He referred to the Community Center Building on the site which faces Wyman Road. In front of this structure are covered parking structures which had cupolas on the roofline on the approved plan. He indicated the proposal is to eliminate the cupolas from the roofline. The cupolas were purely ornamental, and the cost could not be justified.

Staff comments were next. Mr. Lamb called the Board's attention to the staff report which describes the modifications that have taken place on this site so far, including lot line changes and several changes that affect Development Standard 19. Mr. Lamb noted the current request is also related to Standard 19, architecture and visual appearance, and relates to what the public sees when driving by the site. He noted this is a decision for the Board and asked the Board to focus on the language in Standard 19, which specifically addresses architectural features such as the decorative cupolas.

The Chairman asked for public comment next. Mr. Bradford Hutchinson of 305 Marlboro Street addressed the Board. Mr. Hutchinson clarified the cupolas serve decorative purposes only. The Chairman agreed. He asked how these cupolas will be manufactured. Mr. Phippard stated they will be manufactured off site; they have not been purchased and the cost for the four cupolas is \$10,000. Mr. Hutchinson stated he did not see an issue with the applicant's request.

Mr. Spykman stated the Board's duty on this item relates to Standard 19; there is an approved design for this building which has more detail to it than what is before the Board today. He noted the applicant asked for parking to be located at the front of the building (not what the Board usually approves), and then they asked for this parking to be covered with open car port structures, which was approved. After which time the Fire Marshall asked this parking to be enclosed due to the proximity to the building. This meant the aesthetics the Board approved could not be seen at all. Mr. Spykman noted these parking structures are very plain structures and are the dominant structures when you enter the site. He felt now asking to remove the smallest architectural element left goes against what the Board's standard calls for. He stated he is not inclined to vote in favor of this request at this time.

Councilor Hansel stated he tends to agree with Mr. Spykman except noted the roofline of the parking structure is lower than the building situated in the back. He stated because this issue relates to aesthetics it is a judgement call and it is difficult decision this Board has to make, He added if the plan was originally presented to him without the cupolas he would not have denied it.

Vice-Chair Cusack stated it is unfortunate at this point and because of the overall size of the building behind the cupolas it is not likely to make or break the aesthetics and even though it is unfortunate he will not vote to deny the application.

Ms. Landry noted this is the 9<sup>th</sup> modification, which is concerning. She said that the applicant deleting items from the original plan is not true to the process the Board has before it. She did not feel this was a true budgetary issue and even though this is the 9<sup>th</sup> modification, it is not enough for her to vote against it.

Chair Barrett went over the changes with these cupolas and noted without these cupolas there is no architectural detail to these structures. He stated if this was the original plan he would not have approved it and added he has a difficult time approving this application.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve SPR-11-16, Modification #9 as shown on the elevation entitled “Community Center Front (West)” for Hillside Village, Wyman Road, Keene, New Hampshire prepared by Tsomides Associates Architects Planners at a scale of 1/8”=1’ and submitted to the Community Development Department on March 15, 2019 with the following conditions:

1. Prior to signature by Planning Board Chair:
  - a. Owner’s signature on the revised elevation.

The motion was seconded by Gary Spykman and carried on a 3-2 vote with Gary Spykman and Douglas Barrett voting in opposition.

Mr. Weglinski rejoined the Board.

3. **CUTC-01-19 – Verizon Wireless – 305 Main Street** - Applicant Cellco Partnership d/b/a Verizon Wireless, on behalf of owner, University System of New Hampshire, proposes to install up to twelve antenna panels in three locations on the roof of Keene State College’s Elliot Building located at 305 Main Street. A waiver is requested from Sec. 102-1268(b)(11) of the Telecommunications Towers and Antennas Ordinance regarding screening of roof mounts. The site in which the building is located is 55 acres in size and located in the High-Density District (TMP# 591-001-000-011-000).

A. Board Determination of Completeness.

Acting Planner Mari Brunner recommended to the Board that Application CUTC-01-19 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Shawn Mahoney on behalf of Cellco Partnership (d/b/a Verizon Wireless) addressed the Board. Mr. Mahoney stated he was before the Board regarding a Conditional Use Permit for a wireless communication facility on the Elliot Center at Keene State College. The rooftop location being proposed for this facility is set back 269 feet from Main Street, 87 feet from Wyman Way, which is not a public way, and 850 feet from Winchester Street.

Mr. Mahoney stated the facility they are proposing will have three sectors of antennae; one facing the campus, one facing Main Street, and one facing Wyman Way. The associated equipment will be located in a 12' x 20' compound in the loading area that is not visible from any public way and is only accessible via Wyman Way. The ground mounted equipment will be behind a fence which will have a green screening material. The equipment compound will also have an LED light pointing down and will only be used in an emergency and will be on an hour timer. The antennae will extend about ten feet above the roof top. Mr. Mahoney noted the purpose of this location is to extend Verizon coverage for the downtown.

Mr. Keith Velante was the next to address the Board. With reference to a map, he noted the various locations that have these types of facilities, such as Sunset Rock, Central Square Terrace rooftop, and Keene State soccer field. Mr. Velante stated these existing sites are having a hard time keeping up with usage needs. He referred to the area in green which would be covered by this new location.

Staff comments were next. Mari Brunner addressed the Board and referred to Section 3.D of the Board's Site Plan Subdivision Regulations which refer to Telecommunication Facilities.

Dimensional Requirements – The proposed antennae will extend ten feet above the roof and the standards calls for no more than 15 feet, hence this standard has been met.

Fall Zone – This is not a requirement if an existing building is proposed as a mount. Setback requirements will apply but this facility does not change any of the setback requirements. This facility meets this standard as well.

Other Minimum Requirements – Lighting – The applicant is proposing a LED flood light which would be in an enclosed area next to the loading dock and the applicant has indicated the light will be pointed down

Advertising and Signage – None proposed.

Noise – No emergency generator is being proposed – item not applicable.

Radio Frequency and Radiation Standards – The applicant has provided a calculated radio frequency exposure report and the report indicates the exposure level will be below the maximum permissible level as required by FCC – this standard has been met.

Design Standards and Conditional Use Permit Criteria – The facility is categorized as a "Type D" Facility and there are only certain criteria that apply to this type of facility. The first has to do with location, which is 305 Main Street. However, the facility is going to be placed on the rear of Elliot Hall on a newer addition which is setback 276 feet from the road – this standard has been met.

Historic Structure – A report from the State Preservation Office was submitted to the department and it has been concluded this structure would have no effect on this standard.

Electrical Equipment – The equipment will not be visible from the public right of way – standard has been met.

Scale – As mentioned earlier, the proposed facility will extend only 10 feet above the roof which is in keeping with the scale of surrounding structures.

Color and Finish – The applicant is proposing to paint the equipment that runs down the building to match the building.

Contrast – The background of this facility which is visible from a few locations is the sky, which is difficult to match. The applicant proposed to paint the antenna white to blend as best as possible with the background. As far as antennae type, this proposal is consistent with other proposals the city has seen in the past. Ms. Brunner noted there is an antenna plan for the Board to review, if desired.

Roof Mounts – The standard calls for roof mounts to be screened or camouflaged which is not the case with the applicant's proposal because it is located so far from Main Street and the color will let it blend in with the background. Ms. Brunner noted the applicant is requesting a waiver from this standard, and said that the waiver criteria for are listed on pages 36 and 37 of the Board's packet.

Ms. Brunner went on to say the Board is also required to review these applications using its 19 development standards. The only development standard not addressed in the conditional use permit criteria is drainage. The applicant is proposing to locate radio equipment at grade behind the building next to the loading dock. This area is unpaved, but the equipment would be located on concrete pads and the immediate area would be crushed stone. The City Engineer has indicated that, because of the relatively small size of this location, there is no concern for drainage issues.

Chair Barrett noted the roof of Elliot Hall is one of the locations for potential nesting habitat for Night Hawks which are a protected species and asked for Ms. Brunner's opinion. Ms. Brunner stated she was not familiar with the location of nesting for these species – Ms. Brunner felt this could be a question for the applicant, as they had to go through a full NEPA review process.

The Chairman asked for public comment next.

Mr. Brad Hutchinson addressed the Board and asked whether this tower would be 5G compatible. The Chairman felt this was not germane to what the Board was considering tonight. Mr. Lamb agreed and noted the standards the Board applies to these facilities are not specific to any particular type of service or generation of service. Mr. Hutchinson stated his question does not have anything to do with service capabilities of the tower but rather the technical capabilities of the tower. Mr. Spykman suggested Mr. Hutchinson address this question with the representative from Verizon who are present tonight at the end of the meeting as this has nothing to do with the permit process.

With reference to the Night Hawk project, Mr. Hutchinson stated this is not an endangered or a protected species, but their numbers are declining in this portion of New England. He noted this is a building that Night Hawks have nested on in the past but did not feel they have nested in the Keene area in the last few years and did not think this project would have any effect on this species.

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

Mr. Spykman stated he appreciates staff's work on this project and could not find any reason to vote against it and added this is out of his knowledge area. Vice-Chair Cusack stated he appreciates the renderings shared by the applicant and had no reservations.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve CUTC-01-19 and the waiver request from Section 102-1268(b)(11) as shown on the plan identified as "Keene 3 NH" prepared by Hudson Design Group LLC at varying scales and revised through September 20, 2018 with the following conditions prior to signature by Planning Board chair:

1. Owner's signature appears on the plan.

The motion was seconded by Andrew Weglinski and was unanimously approved.

4. Changes to the Planning Board Development Standard 6 – Landscaping –

Mr. Lamb stated this item is in reference to Councilor Jacobs' idea of introducing art into the Board standards. He referred to the changes which are outlined on page 85 of the packet and include a change to Standard 6 by adding the words "*art installation*" and under section C "*all art installation or landscaping shall be located without impeding visibility or safety*".

Mr. Lamb noted this is not a requirement, but an option should a property owner wish to include art.

Chair Barrett noted this is a proposed change to the Board's standards and there is a motion required to adopt this change.

Mr. Lamb stated once the standard is adopted the regulations will be reissued and all members will be given a copy as well as copies sent to the City Clerk, a copy to the State and to the Planning Commission.

The Chairman asked for public comment.

Councilor Hansel asked whether this change was permissive or just a reminder to developers because there is nothing that prevents property owners from including art on private property. Mr. Lamb agreed and added this is just a suggestion. With no further comment, the Chairman closed the public hearing.

Mr. Spykman reiterated what Councilor Hansel stated and stated he was glad to see a reduced version of the language and added he supports this item.

A motion was made by Councilor Hansel that the Planning Board approve the proposed changes to landscape Standard #6 as indicated in the memo from Staff dated April 4, 2019. The motion was seconded by Gary Spykman and was unanimously approved.

VI. Community Development Director Report

Mr. Lamb referred to a Memo the Board has regarding 96 Dunbar Street which was an application that came before the Board last month. Mr. Spykman clarified whether this was informational – Mr. Lamb agreed and added this has to do with the façade facing Community Way. He recalled that the request was to eliminate the red pilasters and allow staff to approve an

alternative as a way of helping the applicant get through this process. The applicant was asked to demonstrate that the necessary product was not available to construct the project as originally approved. After following up on the approved motion, it was clear to staff the material the applicant purchased did not include the H Chanel which would have allowed for the two different colors. Mr. Lamb further stated the material indicated in the October Plan and the Modification that came before the Board last month is not the material the applicant purchased. If the applicant had purchased the material that was listed on the approved site plan, there would have been no issue with installing the red pilasters.

He stated what staff has decided to do is to honor the decision of the Planning Board, in that the applicant has met the Board's condition – the product was not economically available for the product that had already been purchased. Mr. Lamb noted the letter to the applicant has been issued and staff wanted the Board to be aware of what has taken place. He added the Board is frequently seeing modifications which seems to alter the character of a building. In this case, it was concluded the change was not that significant. He added staff doesn't have a clear-cut answer to substitutions of approved products for products that are similar in appearance.

Ms. Landry asked whether the applicant had indicated at the last meeting that a substitution had been made. Mr. Lamb stated the applicant had indicated the material had been purchased, but did not say that it was a different product.

Mr. Weglinski felt Mr. Bergeron did the right thing by coming before the Board when he saw something different than what was approved was being done; they were trying to do the right thing. Chair Barrett agreed there was no malfeasance; it was an honest mistake. He stated the site is getting a few new trees with this plan, which he felt was a good thing. Chair Barrett agreed as Mr. Lamb has indicated there is no clear guidance on material substitution.

Councilor Hansel stated that in construction, this kind of change often happens but wasn't sure if there was some sort of information sheet that can be provided to contractors to track these kind of changes. Mr. Spykman noted the contractors are not the ones who come before the Board and it ultimately falls on the applicant to make sure what is approved is constructed. The Chair noted at times this puts the Board in a difficult position with trying to uphold its standards. Mr. Lamb stated it could be as simple as staff from Code Enforcement making sure the contractor has the right plans and felt this might be a good place to start.

## **VII. New Business**

None

## **VIII. Upcoming Dates of Interest – May 2019**

Planning Board Meeting – **TUESDAY**, May 28, 6:30 PM

Planning Board Steering Committee – May 10, 11:30 AM

Joint PB/PLD Committee – **WEDNESDAY**, May 15, 6:30 PM

Planning Board Site Visits – May 22, 8:00 AM – To Be Confirmed

The meeting adjourned at 7:50 pm.

Respectfully submitted, Krishni Pahl, Minute Taker  
Reviewed and edited by Mari Brunner, Acting Planner