

**Zoning Board of Adjustment  
Monday, October 7, 2019, 6:30 p.m.  
City Hall Council Chambers  
3 Washington Street, 2<sup>nd</sup> Floor**

**AGENDA**

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – September 3, 2019
- III. Unfinished Business
- IV. Hearings:

**ZBA 19-13:/** Petitioner, Tim and Christine Symonds of 8 Leahy Rd., Keene, requests a Variance for property located at 334 Chapman Rd., Keene, Tax Map #241-048-000-000, which is in the Rural District. The Petitioner requests a Variance to permit an extension of a five-year approval from ZBA 14-30; a sub-standard lot size of 1.03 acres where five acres is required per Section 102-791, Basic Zone Dimensional Requirements of the Zoning Ordinance.

**ZBA 19-14:/** Petitioner, Theodore J. Grussing of 585 Old Walpole Rd., Surry, requests an Enlargement of a Non-Conforming Use for property located at 28 Park Ave., Keene, Tax Map #564-034-000-000, which is in the High Density District. The Petitioner requests an Enlargement of a Non-Conforming Use to increase the amount of storage space to include a 40 ft x 50 ft storage garage in a two-phase project.

**ZBA 19-15:/** Petitioner, Tracy Diehl, of 6487 Hilliard Drive, Canal Winchester, OH, representing McDonald's Corp. of Amherst, NH, for property located at 317 Winchester St., Keene, Tax Map #593-001-000-000, which is in the Commerce District. The Petitioner requests a Variance to permit four menu boards where one is allowed per Section 102-1311(3)a of the Zoning Ordinance.

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

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City of Keene  
New Hampshire

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**

**Tuesday, September 3, 2019**

**6:30 PM**

**Council Chambers**

**Members Present:**

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

**Staff Present:**

John Rogers, Zoning Administrator  
Corinne Marcou, Zoning Clerk

**Members Not Present:**

Joshua Greenwald  
Jeffrey Stevens, Alternate  
Louise Zerba, Alternate

**I. Introduction of Board Members**

Chair Gorman called the meeting to order at 6:32 PM, welcomed the public, explained the rules of procedure, and introduced the Board members.

**II. Minutes of the Previous Meeting – August 5, 2019**

Vice Chair Taylor noted corrections. On page 3/20, in the following sentence the word off should be changed to of: “He recalled a few years ago when Keene Housing took possession of this portion of Castle Street from the City because they own all off the surrounding properties.”

On page 5/20, the word are should be stricken from the following sentence: “The current parking lot has 20 spaces, which is more for existing personnel than residents are.”

On page 7/20, the word longer should be changed to larger in the following sentence: “Mr. Sanderson agreed that the proposed building is longer.”

On page 10/20, the word from should be changed as to “Vice Chair Taylor said she asked about the number of units because that provision is linked from a condition of the premises and...”

Mr. Hoppock moved to approve the minutes of August 5, 2019 as amended, which Mr. Remy seconded and the Zoning Board of Adjustment carried unanimously.

**III. Unfinished Business**

**IV. Hearings:**

- a. **WITHDRAWN ZBA 19-08:/ Petitioner, Monadnock Affordable Housing Corp., of 831 Court St., Keene, requests a Variance for property located at 105 Castle St., Keene, Tax Map Parcel #567-006-000-000, which is in the Medium Density District. The Petitioner requests a Variance to permit more dwelling unites than allowed per minimum lot dimension requirements per Section 102-791, Basic Zone Dimensional Requirements.**

The Chairman noted this applicant filed to withdraw this and the subsequent two applications. Mr. Rogers advised Chair Gorman to withdraw all three applications together—ZBA 19-08, ZBA 19-09, & ZBA 19-10—and thus there was no need to recognize the next two hearings.

Chair Gorman recognized the withdrawal from the petitioner, Monadnock Affordable Housing Corporation.

The Chairman closed ZBA 19-08 as withdrawn.

- b. **WITHDRAWN ZBA 19-09:/ Petitioner, Monadnock Affordable Housing Corp., of 831 Court St., Keene, requests an Enlargement of a Nonconforming Use for property located at 105 Castle Street, Keene, Tax Map Parcel #567-006-000-000, which is in the Medium Density District. The Petitioner requests an Enlargement of a Nonconforming Use to remove a nonconforming office use at 105 Castle St., and replace with an additional 30 senior housing units. Adding the units to the lot will be an enlargement of a nonconforming use, which is an apartment building greater than three units. 105 Castle St. currently has and will continue to have, maintenance space for Harper Acres. Meals on Wheels space and community space. There will be a reduction level of nonconformity in other respects by eliminating the commercial office.**

The Chairman closed ZBA 19-09 as withdrawn.

- c. **WITHDRAWN ZBA 19-10:/ Petitioner, Monadnock Affordable Housing Corp., of 831 Court St., Keene, requests a Variance for property located at 105 Castle Street, Keene, Tax Map Parcel #567-006-000-000, which is in the Medium Density District. The Petitioner requests a Variance for property located at 105 Castle St. to construct a 38 foot 2 ½-story building to be built in the Medium Density District per Section 102-701 of the Zoning Code.**

The Chairman closed ZBA 19-10 as withdrawn.

- d. **ZBA 19-12:/ Petitioner, Montshire Pediatric Dentistry of 340 West St., owned by Bruce R. Anderson Revocable Trust & Kathleen V. Anderson Revocable Trust of 574 Old Walpole Rd, Surry, NH, requests a Variance for property located at 165 Winchester St., Tax Map #592-035-000-000 to remove/revise a condition of approval for a Variance which was granted in 2001. ZBA 01-06 was approved to allow a retail store with 16 parking space where 27 spaces are required by Section 102-793 of the Zoning Ordinance. The approval included a condition that the use be limited to retail use only. The applicant wishes to change the use to a dental office, which is a permitted use in the Commerce District.**

Chair Gorman introduced the application and requested staff comments. Mr. Rogers said that 165 Winchester Street, in the Commerce District, is the current location of Andy's Cycle. This property received a Variance in 2001 from the number of parking spaces that are required, which was one space for every 200 square feet; 27 spaces would have been required and the Variance allowed the owners to operate with only 16 parking spaces. He referred to the 2001 meeting minutes on this past Variance, which were included in the meeting packet. Mr. Rogers said that in granting that Variance in 2001, the Board included a condition of Retail use only. The applicant did not propose removing that condition of Retail use only, but instead sought a new Variance based on special conditions of the property and change of use.

Chair Gorman asked if the Anderson's own the Dentistry. He said the way the petition is worded makes it seem as they own the Dentistry, but he thought they owned Andy's Cycle, which the Dentistry would purchase. Mr. Rogers left specifics to the applicant's representative but said his understanding was that the Dentistry would own the building at 165 Winchester Street. The Chairman agreed but said the petition reads as though the Anderson's are the current owners of Andy's Cycle *and* the Dentistry. Mr. Rogers understood and noted the typographical confusion.

Vice Chair Taylor asked Mr. Rogers to clarify that, because Office is a current permitted use in the Commerce District, this application was purely for a Parking Variance. Mr. Rogers replied in the affirmative and noted that the parking requirement for Retail use in 2001 was the same 200 square feet per parking space that is required for Office use today.

Mr. Welsh questioned why the Variance request arose in 2001 for the issue of parking; he asked if the building was expanded, and thus required additional spaces. Mr. Rogers said his understanding was that the building was expanded at that time.

Mr. Remy noted that parking requirements for Retail are per square foot of display area, whereas requirements for Offices are based on gross square feet. He noted a significant discrepancy where the application cites a 10,000 square foot building, which would require 50 parking spaces. He was unsure about the square footage of display area versus

storage in Andy's Cycle, and asked if the discrepancy he mentioned could affect this application. Mr. Rogers said that Mr. Phippard would address the history of the building.

The Chairman welcomed Jim Phippard (of Brickstone Land Use Consultants, of 185 Winchester Street, Keene) on behalf of the applicant, Montshire Pediatric Dentistry. They have a contract to purchase the property at 165 Winchester Street. The property is currently owned by Bruce and Kathleen Anderson, who have operated Andy's Cycle as a Retail use since at least 1999, when Mr. Phippard said he began working on the property. The owners of Andy's Cycle received a Variance in 1999 to construct the original building within the rear and side setback areas, which was the only way to provide parking at the front of the building. Mr. Phippard completed a Parking Variance application for the property in 2001, when an addition was built on the east end of the building. With the new addition, a Parking Variance was necessary because the expanded need for parking exceeded what the property could allow; Mr. Phippard demonstrated how small the parking lot is using site plans.

Mr. Phippard continued explaining the parking disparities that Mr. Remy had mentioned. He agreed that if based on gross square feet, the building would require 50 parking spaces. However, Code Enforcement has historically allowed delineation of uses within the space inside the building. The whole basement of the building and a portion of the mezzanine level were treated as storage areas, which only require one parking space for every 3,000 square feet. Thus, only 27 parking spaces were required for this continued use in the expanded building. Obviously, he said the lot cannot accommodate 27 spaces, and the owner did not have control of nearby off-site parking to meet the requirement. To mitigate insufficient parking, Andy's Cycle applied for a Variance to allow 16 parking spaces where 27 would have been required. This Parking Variance has remained in place since 2001 and Andy's Cycle has operated safely with the 16 spaces since.

At present, Mr. Phippard said the requested Variance in ZBA 19-12, and completion of sale, would allow the Dentistry to take Andy's Cycle's place in the existing building at 165 Winchester Street. He referred to parking calculations based on the proposed use for the Dentistry, which would also require significant storage area for equipment that patients do not see. That equipment would be housed in the basement and the main floor area would be largely dedicated to offices and a lobby. Mr. Phippard said the bottom line is that the 27 parking spaces required for the Dentistry Office use would be identical to the previous Retail use for Andy's Cycle. The applicant sought to continue using the property under the Parking Variance that has been in place for 18 years. However, a condition of that 2001 Variance was that the property be restricted to Retail use only. He referred to the Board minutes from 2001. It seemed to him that the primary concern in 2001 was a future change of use taking advantage of the 16 space Parking Variance and creating a more intense use on the property with inadequate parking. There is no permitted street parking nearby. Thus, more intense use of this lot would create problems, with a large student and pedestrian population using sidewalks and the adjacent bike path. However, Mr. Phippard said that the Dentistry owners and their contractor believe that the Dentistry can operate safely at this location, by carefully scheduling appointments to limit the number of people on the property at any time. He said that a Retail use is open

for business at all times, so activity is harder to control than for an Office use. Thus, Mr. Phippard said he and the applicant felt that the request to change that restriction limiting the use to Retail only is a reasonable one for a low-intensity use like this Pediatric Dentistry. Mr. Phippard said that requesting a new Variance felt odd to him because the Parking Variance has been in place and used successfully on the property for so long; he said only the use is changing.

Mr. Hoppock asked if there is a floor plan available for the proposed Dentistry Office use. Mr. Phippard replied in the affirmative, though he did not have it available at the meeting. Essentially, Mr. Phippard said the Dentistry would be divided into seven office areas with dental chairs for patient services. The existing main entrance and porch would remain at the front of the building, leading patients to the new lobby area, with administrative offices and storage areas to the back of the building. Mr. Hoppock asked, if the Dentistry can see seven patients at the same time, then how many employees would need to staff that demand. Mr. Phippard said the Dentistry would staff approximately 15 employees, with varying hours so that not all are in the building simultaneously; so, he said likely 10 employees would occupy administrative and patient spaces at the same time. Mr. Hoppock said that if only 10 employees occupy the building concurrently with seven patients, for example, then 17 parking spaces would be necessary.

Vice Chair Taylor asked where the Dentistry employees would park. Mr. Phippard said that Dentistry staff would park primarily off-site. Thus, he and the applicant feel they meet Zoning requirements because the Parking Variance exists already. He said parking is available for lease at the end of Foundry Street (a two-minute walk) in a lot that sits empty currently behind the old EMF Inc. warehouse; many students park in this lot today. Vice Chair Taylor asked if the Dentistry contemplates having their employee's park off-site as well. Mr. Phippard replied in the affirmative; employees park in various locations off-site of the current Dentistry office at 340 West Street, which has four parking spaces. While the Dentistry does not currently lease spaces off-site for their employees, Mr. Phippard said they intend to have a formal lease agreement when they relocate to Winchester Street.

Mr. Phippard continued reviewing the criteria for granting a Variance.

*Granting the Variance would not be contrary to the public interest:*

Mr. Phippard said granting this Variance would not be contrary to the public interest. He said the parking requirements for the Dentistry Office are the same as for the Retail use that is on site today at 165 Winchester Street. Thus, he felt the new Office use would be consistent with how the property has been used for the last 20 years. He said the Dentistry is a low-intensity Office use because scheduled appointments are easier to maintain and control compared to the open Retail service there today.

*If the Variance were granted, the spirit of the Ordinance would be observed:*

Mr. Phippard said that granting this Variance for a lower-intensity Office would uphold the spirit of the Ordinance to protect public health, safety, and welfare. With employee parking proposed off-site, he said patients would be able to use the 16 available parking spaces safely. The applicant does not feel this change of use would create excess traffic. Because of scheduled patient activity (Monday – Friday, 8:30 AM – 4:00 PM), Mr. Phippard said the Dentistry would be open fewer hours daily than the current use.

*Granting the Variance would do substantial justice:*

Mr. Phippard said granting this Variance would do substantial justice because doing so would allow the property to be repurposed and reused. Mr. Phippard recalled that this building is currently legally nonconforming because it occupies a portion of the rear setback on the property. He said the applicant was not adding to that nonconformity and granting this Variance would do justice by allowing the building to be reused.

*If the Variance were granted, the values of the surrounding properties would not be diminished:*

Mr. Phippard said granting this Variance would maintain a low-intensity use of the site so that neighbors are not bothered by increased traffic. To best fit with the nearby residential style, he said the applicant plans to renovate the building's roof, siding, windows, and more. Mr. Phippard thinks it will be a more attractive building and enhance surrounding property values. He noted that he previously owned an adjacent property, where he is still a tenant today. As a neighbor, he thinks granting this Variance for a safe, low-intensity use will enhance the property and the neighborhood in general.

*Unnecessary Hardship:*

*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 purpose of the ordinance provision and the specific application of that provision to the property:*

Mr. Phippard said the property's uniqueness was clear. It is a small lot, with a large building and limited parking spaces for a property in the Commerce Zone. He said finding a commercial business to occupy this building successfully with only 16 parking spaces would be a challenge. The property has been on the market for more than two years and potential commercial tenants have felt their businesses would suffer due to insufficient parking. He said the restriction of Retail use only makes it nearly impossible to replace that use safely and adequately at this location.

*ii. The proposed use is a reasonable one:*

Mr. Phippard thought the proposed use was a reasonable one because the Dentistry could limit the number of patients and staff in the building concurrently to operate safely at this location. He said the Variance is needed to reasonably use the building on that property



with 16 parking spaces. Without a Variance, he thinks this is a hardship created unnecessarily.

Chair Gorman asked if there is metered street parking nearby. Mr. Phippard said no. Students formerly parked on Foundry Street, which created challenges for the businesses there; upon request, the City posted “no parking” signs. There is no metered parking on this portion of Winchester Street. Mr. Remy noted there is some metered parking on Ralston Street and Mr. Phippard agreed that there is on the west side.

Mr. Hoppock asked if Mr. Phippard was representing the Dentistry or Andy’s Cycle. Mr. Phippard said he represents both. Mr. Hoppock asked if the Dentistry owners would oppose a condition of approval that prohibits employee parking in the lot. Mr. Phippard said he would recommend that the Dentistry oppose that prohibition, because there are several hours during the day when the building is not fully occupied, such as during school hours. He said the building would be fully occupied from 3:00 PM until closing, for example, because that is when parents try to schedule after school. Mr. Hoppock noted that when the Dentistry would be busiest before and after school hours, traffic on Winchester Street is already heavy. Mr. Phippard agreed that peak traffic on Winchester Street is from approximately 7:30 to 8:45 AM. He added that this year is not a good example because of the construction on Winchester Street.

Vice Chair Taylor asked Mr. Rogers if this project would go before the Planning Board. Mr. Rogers thought that the Dentistry applied for administrative approval from the Community Development Department but he was unsure if that approval was granted yet; if administrative approval could not be granted, Mr. Rogers said the project would be referred to the Planning Board. Vice Chair Taylor said that she hoped they would consider traffic, as well as possibly a right turn only restriction out of the parking lot. If this project is approved administratively, and therefore does not go before the Planning Board, she suggested that the Zoning Board should consider a right turn only restriction. She recalled seeing several near misses by people trying to turn left across Winchester Street when leaving Andy’s Cycle. Mr. Phippard said that City staff are still reviewing the administrative approval to determine if the project should go to the Planning Board; in addition to traffic concerns, the issue has come down to the degree of architectural changes the applicant proposes such as new windows, doors, roofing materials, and siding. He talked about traffic circulation with the Community Development Director. One suggestion Mr. Phippard made to the Dentistry is to revise how the curb cuts operate on the property; there is currently only one curb cut for entry and exit. Mr. Phippard wanted to see that curb cut narrowed as enter only, with a new exit only curb cut opposite Butler Court. Changing the curb cuts on the property would require Planning Board approval but Mr. Phippard said that an additional curb cut would make reversing out of at least one parking space safer. He has personally recommended an additional curb cut to the applicant, but they are concerned with delaying building renovations. He thought that once the renovations are underway, the applicant would give him permission to seek curb cut changes from the Planning Board. Vice Chair Taylor said that in any case, her concern about a right turn only would be to minimize some of the traffic conflict she thought conflict could increase with an additional curb cut across from Butler Court.

Mr. Remy asked if the applicant was open to restrictions limiting on-site employee parking. Mr. Rogers said he spoke with Mr. Phippard about leasing parking at the end of Foundry Street, for example. Mr. Rogers said that the Zoning Ordinance includes an option to lease required parking spaces on other lots within 300'. However, the closest available parking at the end of Foundry Street is outside the 300' rule. Thus, one reason this application is before the Zoning Board is that the applicant cannot meet the minimum parking requirements on a different lot per §102-978 of the Zoning Ordinance.

Mr. Phippard spoke to the Board's traffic concerns. He recalled that he has operated his business adjacent to this property since 1987 and he is very familiar with the traffic patterns there. He said that peak morning and evening hours are the most challenging, when it can take two or three minutes for a right turn from his driveway. Since the rotaries were constructed on Winchester Street at Main Street and at RT-101, there are fewer traffic gaps for turning. He said that the additional planned rotaries at Island-Pearl Streets and at Key Road would worsen this challenge. He thinks a system-wide correction would be necessary to ease traffic on Winchester Street; though he said recent construction has made drivers more accommodating to others and he hopes that trend continues. He said he shares the Board's traffic concerns. Vice Chair Taylor countered saying that this proposed project could increase construction, and therefore increase traffic concerns in the area. Mr. Phippard said he was not proposing and does not want more construction; instead, he was recognizing the issue he deals with daily, which he said is manageable.

With no members of the public present, Chair Gorman closed the public hearing.

Vice Chair Taylor clarified her understanding that a Variance was before the Board, as opposed to a change or removal of condition, because it is a different use and procedurally cleaner. She also clarified that she did not think it was correct to say that the building is an existing nonconforming use. The existing building and its incursions into sidelines and setbacks were granted by Variance, which does not necessarily make it a nonconforming use. She wanted everyone to be on the same page that the Board was reviewing a Parking Variance. No Board members opposed that clarification.

Mr. Welsh shared his general impression that the Board was presented an application with an estimate of likely demand for parking, which seemed reasonable to him given the projected use and scheduling possibilities. If the parking estimate seemed too drastically low, he would be inclined to vote negatively on this application. However, he said he was inclined to vote positively because he thinks Mr. Phippard provided a good presentation on the margin of parking with customers plus employees. Mr. Welsh said he was unsure if the off-site parking requirement was necessary; he thought Mr. Phippard already explained that several other potential buyers were scared away by the lack of parking. Mr. Welsh thought a good businessperson would not want to deter clients because of parking. Therefore, he said he was fairly confident that if there is a parking need, the owners will generate a policy steering employees to parking elsewhere, and leaving the

16 spaces for client demand. Mr. Welsh stated he was inclined to vote positively and was comfortable not placing a condition of approval for off-site parking.

Mr. Remy agreed that he was also comfortable with not including a condition of approval. His concern was that in the future, when another kind of Office inhabits this building, whether the Board would have a definition of “low-intensity use” to lean on. He said he understood the concept but did not know how to define the Board’s concerns more so than when the property was limited to Retail. Mr. Rogers said that if the building stays as any type of Office use, there would be no need to return to this Board for a new Variance. If a future owner wanted to change the building use to anything other than an Office, then they would need a new Variance from this Board. Mr. Rogers referenced §102.3 of the Zoning Ordinance, which would require the change of use to meet the off-street parking requirements. Any change of use per the Zoning Ordinance could trigger that to occur. Mr. Remy asked if it was possible to grant approval with a condition limiting the building to a Dentist Office use only. Mr. Rogers said that is the Board’s prerogative, similar to the previous Retail use restriction.

Mr. Hoppock said he was reluctant to approve this application absent some condition putting the owner on notice that the City is serious about enforcing its parking limit. He said he was getting a lot of free market rationale as though the owners are not going to do some things based on economic pressure. Mr. Hoppock said he was also hesitant because a public safety issue could arise by virtue of an overcrowded parking lot.

Chair Gorman said he was inclined to agree that the applicant was asking a parking lot to do a lot, when filled with employees and patients. On one hand, he hopes the Dentistry will be successful and keeps their chairs full; on the other hand, that success means the parking lot could be over full on a street with inarguable traffic issues. He also thought the Dentistry could cumulatively lead to more general activity than Andy’s Cycle. Still, Chair Gorman said the Dentistry is a good use of a building that already exists, so he thought striking a balance was possible. He suggested that perhaps three spaces could be designated for employees, with the remaining employee parking off-site. Mr. Remy agreed he was of similar mind, but unsure how to phrase that condition of approval. Mr. Welsh was happy with the Board developing a well-crafted condition of approval intended to mitigate possible safety issues associated with a successful Dentistry at this location.

Mr. Hoppock moved to approve ZBA 19-12 on the condition that no more than five parking spaces be reserved for employees only during their normal business hours and the rest of the parking spaces be reserved for customers. Mr. Welsh seconded the motion.

Mr. Welsh said his only concern with the motion was enforceability; he questioned signage or if the City could enter the property to enforce. Mr. Rogers agreed that he was unsure how the City could enforce that condition. Mr. Rogers also agreed with Mr. Hoppock that the condition could include signage delineating those parking spaces as for employees only; beyond that, however, it would be likely up to the property owner to

enforce. Mr. Welsh said such a condition would communicate the Board's concerns to this and future property owners who may want to comply.

Mr. Remy asked if it was possible to place a condition so that the property owner must demonstrate that they have leased parking spaces within a certain radius (e.g., ¼ mile), instead of the 300' listed in the Zoning Ordinance. Mr. Rogers said he was hesitant to such a condition because the Board would be granting a Variance to a section of the Zoning Ordinance that provides a specific distance already. Mr. Hoppock asked if enforcement would be easier if no employees park in the lot. Mr. Rogers was also unsure how to enforce that condition of a Variance.

Vice Chair Taylor asked if Mr. Hoppock would be more amenable if the condition was not more than five spaces for employees and that those spaces be marked appropriately. Mr. Hoppock said that was a fine idea.

Mr. Remy recalled that the applicant wanted to limit employees in the lot entirely only during peak business hours (morning and evening) and to allow employees to use some spaces at other times. Mr. Hoppock said he heard Mr. Phippard say that he would advise the owner not to accept a condition like that. Mr. Hoppock said he heard that the owner does not want a condition and said he would not vote to approve the application absent a condition. He thought marking spaces as reserved for employee parking or something of the like might be the sensible solution. He said the bottom line is that adhering to any condition will be on an honor system for the owner. Mr. Hoppock just wanted the Board's concerns to be heard.

Chair Gorman agreed with Mr. Hoppock's comment that the owner would be on the honor system with any condition put in place, but at least the Board would have tried. The Chairman thought that if complaints arose in the future, that listing a condition would better allow the Zoning Administrator to visit the site and remind the property owner of the restriction placed on the Variance. Mr. Rogers agreed.

Mr. Hoppock withdrew his motion and Mr. Welsh withdrew his second.

Mr. Hoppock moved to approve ZBA 19-12 on the condition that no more than five of the 16 delineated spaces be available for employees and that the spaces be marked for their use with appropriate signage. Mr. Welsh seconded the motion.

Mr. Hoppock spoke to how this application met the criteria for a Variance. He said that a Dental Office is a permitted use in the Commerce Zone. He said it appears to be clear, with the condition discussed in mind, that granting this application will not change the essential character of the neighborhood. He thinks the condition goes a long way to ensure that granting the Variance would not threaten public health, safety, or welfare. With the condition in mind, he thought there would be a gain for the public, while also allowing the owner to realize their gain. He said these reasons would do substantial justice in total. Mr. Hoppock said he did not see any evidence of diminished property values and thought Mr. Phippard's comments were correct in that regard. Mr. Hoppock

did consider that the existing configuration of the property—in terms of the size of the building in relation to available parking—does create a special condition of the property, which appears different from others in the area. He said he believes the general purpose of the Zoning Ordinance, with regard to parking and intensity of use (i.e., Retail versus Office), is to control density and protect public safety with respect to parking, traffic flow, and pedestrian use. With that said, he did not think a fair and substantial relationship existed between that general purpose and a specific application of the provision to this application, because the Dentistry can operate with the restrictions placed in the motion. He said that less intense use should result in lesser traffic and therefore enhance safe use of the property. Mr. Hoppock supported the motion with the condition in place.

Mr. Welsh agreed with Mr. Hoppock and said he would add one more thing that was not necessarily per the criteria. Mr. Welsh recalled that Mr. Phippard mentioned possibly reconfiguring the curb cuts and while the Board was not considering that decision, he wanted it on the record that he thinks it is a good idea. Because it will be a Pediatric Dentistry, he thinks the current parking lot configuration is not very safe with child activity. Mr. Welsh said he thinks an easier, quick opening across from Butler Court would be helpful to the overall safety of the parking lot.

Mr. Remy generally agreed with the previous comments and said that with the condition, this application meets the five criteria. He suggested that the signage could even label the remaining 11 of 16 spaces as for customers only, with five spaces that employees could use during appropriate times; he was unsure if that suggestion was clear in the current motion. Mr. Hoppock said that the condition he proposed only called for signage reserving five spaces for employee use; he welcomed the owner marking the remaining 11 spaces, but thought that would require a new motion. Mr. Remy said he believed the current motion fit more so the intent to say that sometimes employees can use those spaces, but most of the time they cannot. Chair Gorman said he understood the motion as designating five parking spaces as hybrids, meaning employees could use them as they see fit, with the remaining 11 designated for customers only. Vice Chair Taylor said the Board can give the applicant direction, but cannot micromanage them. She was comfortable leaving the motion as it was made to mark the five employee's only spaces as such, because there will be times when fewer than five employees will be present. Her instincts indicated that the five employee parking spaces would be enough to handle staffing the seven client chairs.

Vice Chair Taylor continued saying she agreed with almost everything Mr. Hoppock said. However, she felt the standard on substantial justice is sometimes lost. In not granting a Variance, she said the Board must determine whether the loss to the individual applicant is outweighed by the gain to the general public. She thought this application was a good example of the public not gaining an outsized advantage, when balanced with the applicant's loss if the Variance is not granted. She said it is an already busy street and she could not see what the public would gain from strict enforcement of the Zoning Ordinance in this case. She thought substantial justice played a large part in this application. Mr. Hoppock clarified that, regarding substantial justice, he thinks this

condition of approval is win-win for the public and applicant; the owner can do what they like with their property and public safety is upheld.

Chair Gorman asked if Mr. Hoppock's motion mentioned Office use specifically and Mr. Hoppock said it did not. Vice Chair Taylor said it might not be necessary because Office is already a permitted use in the Commerce Zone; a new motion might be necessary if voting on a use not allowed in the Commerce Zone. Vice Chair Taylor asked if Retail was a permitted use in the Commerce Zone when the property was restricted as such. Mr. Rogers said the 2001 Variance was for parking and some setbacks, but the Retail use was always allowed. Mr. Hoppock asked if a more appropriate motion would restrict the property to only Dental Office use. Mr. Rogers said that is at the Board's discretion and recalled that §102-3.b of the Zoning Ordinance states that unless there is a change or expansion in use or expansion of a structure, then this site would be required to meet off-street parking requirements.

Mr. Welsh said his understanding was that this was less so an Office and more so a Clinic in the list of permitted uses in the Commerce Zone. The Chairman and Mr. Hoppock agreed they were thinking of the building as a professional office. Mr. Welsh referenced the definition of Clinic in the Zoning Ordinance and he questioned if this building use would be more appropriately classified as a Clinic. Mr. Rogers replied in the affirmative and shared the definition for Clinic in the Zoning Ordinance: *Clinic means a facility which provides medical, dental, or mental health services for humans, on an outpatient basis, with more than five employees.* Mr. Rogers confirmed that this would be considered a Clinic use if the Dentistry has 15 employees, which is allowed in the Commerce Zone. The Board agreed to maintain the motion.

The Board reviewed the Findings of Fact.

*Granting the variance would not be contrary to the public interest. **Granted 5-0***

*If the variance were granted, the spirit of the ordinance would be observed. **Granted 5-0***

*Granting the variance would do substantial justice. **Granted 5-0***

*If the variance were granted, the values of the surrounding properties would not be diminished. **Granted 5-0***

*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 purpose of the ordinance provision and the specific application of that provision to the property. **Granted 5-0***

*ii. The proposed use is a reasonable one. **Granted 5-0***

With a vote of 5-0, the Zoning Board of Adjustment approved ZBA 19-12 on the condition that no more than five of the 16 delineated spaces be available for employees and that the spaces be marked for their use with appropriate signage.

**V. New Business**

**a. Amendments to the Rules of Procedure**

Mr. Rogers recalled that at the last meeting he presented proposed changes to the Board's rules of procedure, which Vice Chair Taylor had suggested. Mr. Rogers researched the bill that changed the NH RSA in question, and said he misspoke when first explaining this to the Board. There was no change to 45 days for rehearing. The change clarified 30 days for rehearing, not 45. Mr. Rogers recalled that the Board also spoke of changes to the rules of procedure to allow sitting alternates to be involved in discussions without the ability to vote.

Vice Chair Taylor moved to accept the revised rules of procedure, which Mr. Hoppock seconded and the Zoning Board of Adjustment carried unanimously.

**VI. Communications & Miscellaneous:**

**VII. Non-Public Session: (if required)**

**VIII. Adjournment**

Hearing no further business, Chair Gorman adjourned the meeting at 7:43 PM.

Respectfully submitted by,  
Katryna Kibler, Minute Clerk  
September 8, 2019

Respectfully revised on September 20, 2019 by: Katryna Kibler, Minute Clerk

Reviewed & edited by: Corinne Marcou and Vice Chair Jane Taylor



# 334 Chapman Rd. ZBA 19-13



Petitioner requests a Variance to permit an extension of a five-year approval on a substandard lot size of 1.03 acres where five acres is required per Section 102-791.





**NOTICE OF HEARING**

**ZBA 19-13**

A meeting of the Zoning Board of Adjustment will be held on Monday, October 7, 2019 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the petition of Tim and Christine Symonds of 8 Leahy Rd., Keene, requests a Variance for property located at 334 Chapman Rd., Keene, Tax Map #241-048-000-000, which is in the Rural District. The Petitioner requests a Variance to permit an extension of a five-year approval from ZBA 14-30; a sub-standard lot size of 1.03 acres where five acres is required per Section 102-791, Basic Zone Dimensional Requirements 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 September 26, 2019



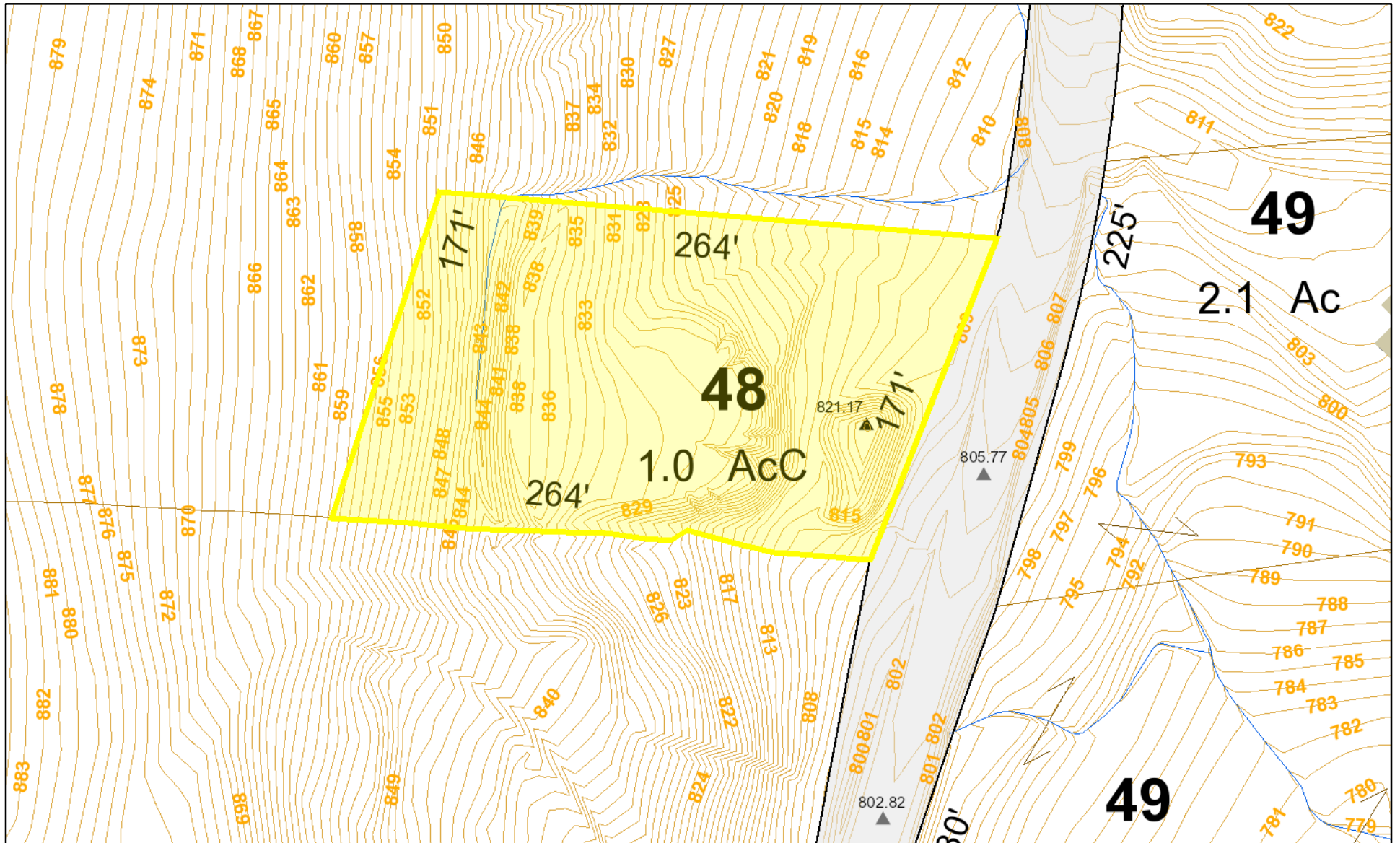
Keene, NH



September 27, 2019

1 inch = 68 Feet

www.cai-tech.com



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**APPLICATION FOR APPEAL**

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

<b>For Office Use Only:</b>	
Case No.	<u>2BA 19-13</u>
Date Filed	<u>9/16/19</u>
Received By	<u>GM</u>
Page	<u>1</u> of <u>9</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 (AREA) Extension of case 2BA 14-36
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

**SECTION I - GENERAL INFORMATION**

Name(s) of Applicant(s) Tim & Christine Symonds Phone: 603-446-3335/W-Tim  
 Address 8 Leahy Road, Keene NH 03431 357-2115 (Home)  
 Name(s) of Owner(s) SAME  
 Address SAME  
 Location of Property 334 Chapman Road, Keene

**SECTION II - LOT CHARACTERISTICS**

Tax Map Parcel Number 241-048-000-000 Zoning District RURAL  
 Lot Dimensions: Front 176 Rear 177 Side 264 Side 264  
 Lot Area: Acres 1.03 Square Feet 44,867  
 % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 0 Proposed 59%  
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 1 Proposed 59%  
 Present Use Building Lot  
 Proposed Use Building Lot

**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.

[Signature] Date 9/16/2019  
(Signature of Owner or Authorized Agent)

Please Print Name TIM & CHRISTINE SYMONDS

PROPERTY ADDRESS 334 Chapman Road

**APPLICATION FOR A VARIANCE**

- A Variance is requested from Section (s) 102-791 <sup>table of zone dimensional Requirements</sup> of the Zoning Ordinance to permit:  
AN extension of Approved ZBA 14-30. Sub-standard lot size of 1.03 Acres where 5 Acres is required

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

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

It would improve the general surroundings of the neighborhood.

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

This lot has been and should continue to be a building lot. Our proposed use of this lot would be consistent with the area.

3. Granting the variance would do substantial justice because:

It would create another single family dwelling comparable to others in the area thus creating taxable income for the city of Keene

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

A single family dwelling consistent with others homes in the area would be built on this currently vacant lot

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:

This pre-existing 1.03 Acre lot originally had a mobile home with multiple out building (some in disrepair) which we removed and thereby improved the overall neighborhood and property. Additionally there are many lots on Chapman Rd under 2 acres, some with homes on them now and some which are building lots with the lot size variance approved. Preserving this pre-existing lot would not defeat the general public purpose of the ordinance.

ii. The proposed use is a reasonable one because:

This lot had a single family structure on it previously and has been grandfathered as a building lot. Denial of the variance would deem this lot unusable.

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.

The property has always been only 1.03 Acres and can have no other reasonable use other than a building lot. We're requesting a renewal of the variance to maintain the lot as a building lot.



# City of Keene

New Hampshire

## NOTICE OF DECISION

December 1, 2014

### **ZONING BOARD OF ADJUSTMENT**

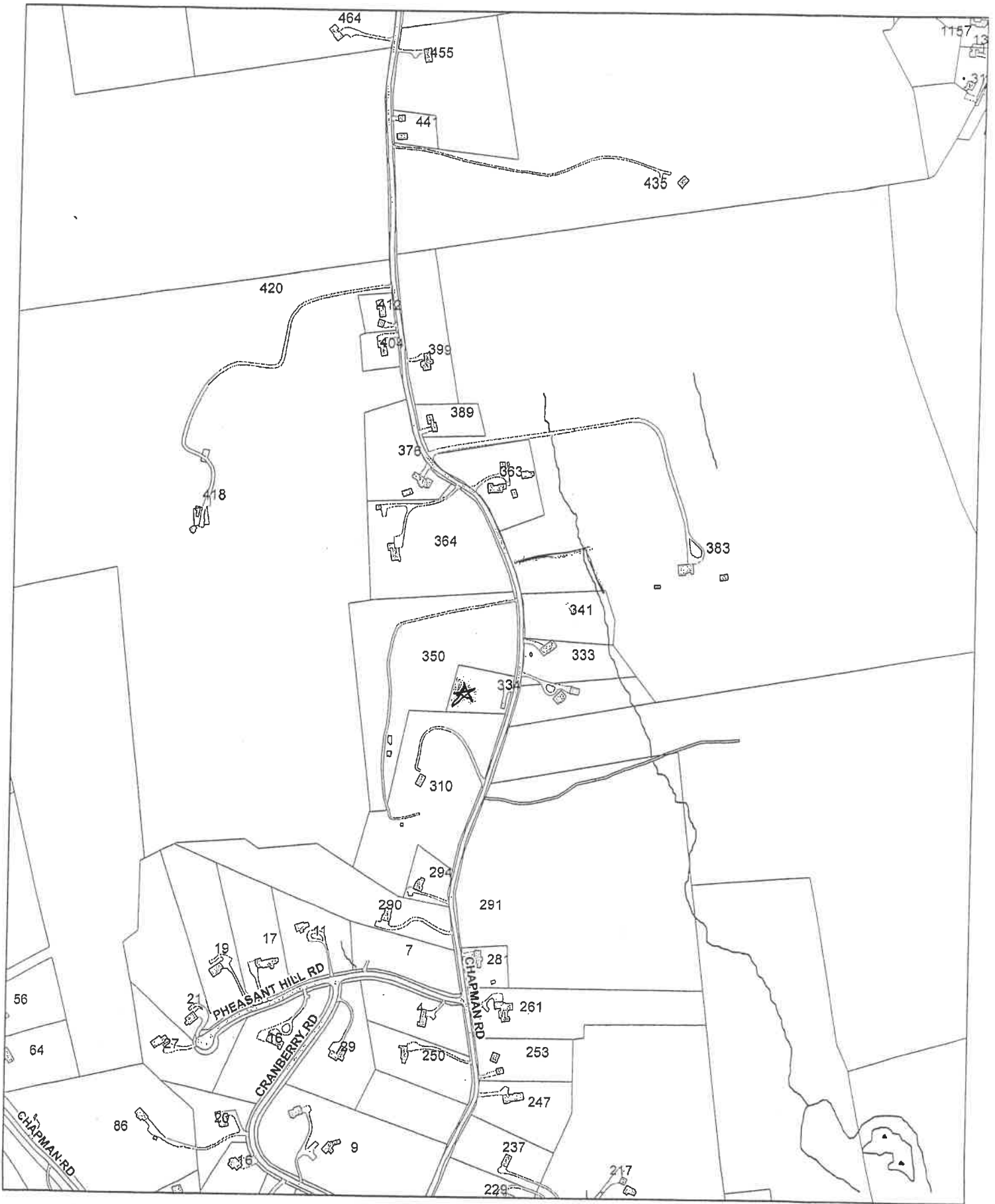
**CASE NUMBER:** ZBA 14-30  
**Property Address:** 334 Chapman Rd.  
**Zone:** Rural Zone  
**Owner:** Tim and Christine Symonds  
**Petitioner:** Tim and Christine Symonds

You are hereby notified that the request for a Variance for property located at 334 Chapman Rd., which is in the Rural Zone and based upon the record and which is incorporated by reference has been approved by a vote of 5-0. This approval is for two (2) years with an extension of three (3) years for a total of five (5) on a sub-standard lot size of 1.03 acres where five acres is required per Section 102-791 of the Zoning Code.

**Conditions:**

Corinne Marcou, Clerk

**NOTE:** Any person affected has a right to appeal this Decision. If you wish to appeal, you must act within thirty- (30) days of the date of this notice. The necessary first step, before any appeal may be taken to the Courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will be base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.



630 315 0 630 Feet

← 177 → (BACK)

Building Site

← 264 →

← 264 →

EXISTING DRIVE

Tim & Christine Symonds  
334 CHAPMAN Rd.

← 176 → (FRONT)



**Tim & Christine Symonds  
8 Leahy Road  
Keene, NH 03431**

**August 28, 2019**

**City of Keene-Zoning Board of Adjustments**

**RE: 334 Chapman Road – Case Number ZBA 14-30**

**To Whom It May Concern:**

**In February of 2000 we purchased 334 Chapman Road and were granted an Area Variance ZBA-00-01 for continuation of building lot status. This variance was granted for 5 years.**

**Case Number ZBA-05-01 January of 2005 ZBA granted the extension of the Area Variance for an additional 5 years.**

**Case Number ZBA-09-28 December of 2009 ZBA granted the extension of the Area Variance for an additional 5 years.**

**Case Number ZBA-14-30 December of 2014 ZBA granted the extension of the Area Variance for an additional 5 years.**

**Current extension expires December 7, 2019. At this time we are requesting an extension of this variance for another 2 years.**

**We have completed the following at the 334 Chapman Road property, removal of the older mobile home and well as various out buildings, general cleaning and improvement of the property and the surroundings. Installed a driveway and building site pad.**

**For the last 18 months this property has been for sale. Having this variance in place keeps the potential sale of the property viable.**

**Thank you for the consideration, respectfully submitted,**

**Tim and Christine Symonds**



# ZBA ABUTTERS LIST

ADDRESS: 334 Chapman Road

Owner Name	TMP NO.	Mailing Address
BRIAN J MARJORIE HOUGHTON	239-001-000-000-000	16 FAIRFIELD COURT KEENE, NH 03431
GREGORY DAVID PALACHE TRUST	241-047-000-000-000	816 NELSON ROAD NELSON NH 03457
CHAPMAN ROAD REALTY LLC	239-047-000-000-000	PO BOX 666 Keene NH 03431
CLAIR & AMEE ABEL	239-048-000-000-000	341 CHAPMAN ROAD KEENE NH 03431
CAROL L WHITE	239-049-000-000-000	2 AVON ST, APT 8 CAMBRIDGE, MA 02138
CAROL L WHITE	241-049-000-000-000	2 AVON ST, APT 8 CAMBRIDGE, MA 02138
TIM & CHRISTINE SYMONDS	241-048-000-000-000	8 LEAHY Rd, KEENE NH 03431

### Notarized Statement

I, the undersigned Timothy J. Symonds, swear that to the best of my knowledge, the above is an accurate and complete abutters list.

Signature [Signature]

STATE OF NEW HAMPSHIRE  
CHESHIRE, SS

Subscribed and sworn before me this 6<sup>th</sup> day of September, 2019.

[Signature]  
Notary Public/Justice of the Peace

TERRI M. HOOD, Notary Public  
State of New Hampshire  
My Commission Expires October 5, 2021

28 Park Ave.  
ZBA 19-14



Petitioner requests an Enlargement of a Non-Conforming Use to increase the amount of storage space to include a 40 ft. x 50 ft. storage garage in a two phase project.



**NOTICE OF HEARING**

**ZBA 19-14**

A meeting of the Zoning Board of Adjustment will be held on Monday, October 7, 2019 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the petition of Theodore J. Grussing of 585 Old Walpole Rd., Surry, requests an Enlargement of a Non-Conforming Use for property located at 28 Park Ave., Keene, Tax Map #564-034-000-000, which is in the High Density District. The Petitioner requests an Enlargement of a Non-Conforming Use to increase the amount of storage space to include a 40 ft. x 50 ft. storage garage in a two-phase project.

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 September 26, 2019





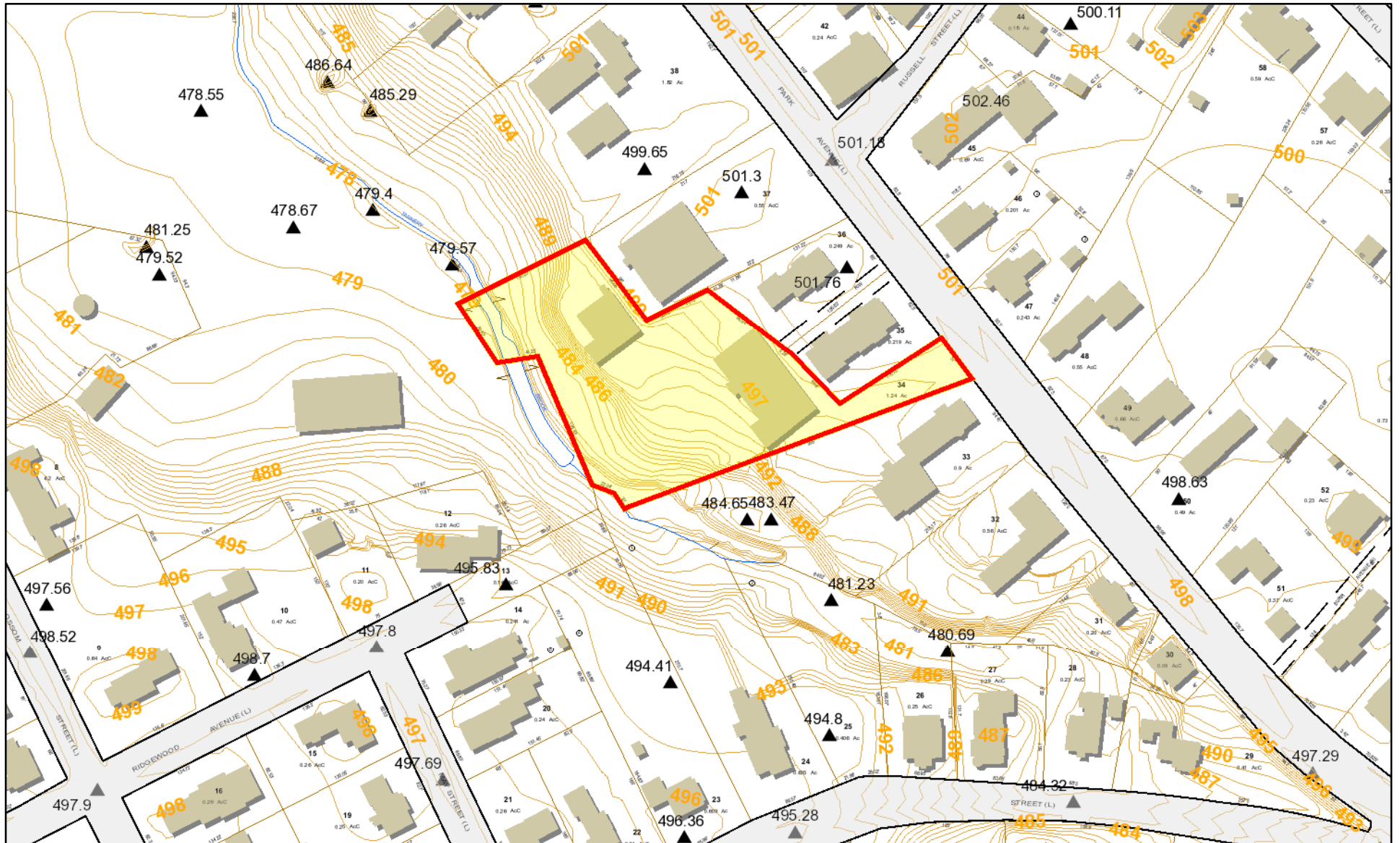
Keene, NH



September 27, 2019

1 inch = 137 Feet

www.cai-tech.com



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# 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. ZBA 19-14  
Date Filed 9/17/19  
Received By CJM  
Page 1 of 12  
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

- 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**

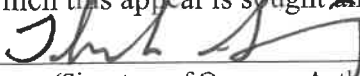
Name(s) of Applicant(s) Theodore J Grussing Phone: 603-352-4089  
Address 585 Old Walpole Road, Surry NH  
Name(s) of Owner(s) Theodore and JoAnn Grussing  
Address 585 Old Walpole Road, Surry NH  
Location of Property 28 Parke Ave

## **SECTION II - LOT CHARACTERISTICS**

Tax Map Parcel Number 062-02-026.0000 Zoning District High Density  
Lot Dimensions: Front 280 Rear 236 Side 245 Side 246  
Lot Area: Acres 1.276 Square Feet 55582  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 6908 (12%) Proposed 8340 (15%)  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 22,508 (40%) Proposed 24040 (43%)  
Present Use Mixed Use; apartment, retail, office, commercial/storage  
Proposed Use same

## **SECTION III - AFFIDAVIT**

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

 Date 9/17/19  
(Signature of Owner or Authorized Agent)

Please Print Name Theodore Grussing

***APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE***

A nonconforming use may be enlarged and/or expanded, provided such enlargement and/or expansion does not violate any of the basic zone dimensional requirements set forth in the Zoning Ordinance. Such enlargement and/or expansion must receive permission from the Zoning Board of Adjustment, which must find that the enlargement and/or expansion meets the conditions listed below.

- An enlargement and/or expansion of a nonconforming use is requested in order to:  
Elegant Settings needs more storage space. We like to add to our 40'x50' storage garage. The first phase would be a 16'x40' addition along the back of the garage. This would be done this fall. The second phase would be to build a 12' wide addition along the far 50' side. There is currently a 12'x20 overhang currently in place. We will enclose this overhang and add a 12'x46' addition.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.  
The proposed additions will not be very visable. The area is mostly surrounded by woods. I currently have cement ballast and steel baracades stored outside in these areas. The additions will allow us to get these unattractive items out of view. The additions will not add any new access points so traffic patterns will not be altered.

The additional will be finised to match the current structure

2. There will be no nuisance or serious hazard to vehicles or pedestrians.  
No....the additions will not be near pedestrian or vehiclular traffic

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

The build is for storage and will not have water or sewer. It will have electricity for lighting and several electrical outlets.

Parking needs for the property based upon the additions are calculated as follows:

- Upstairs Apartment - 2 spaces
- Edge Hair Studio - 1488 sf - 8 spaces
- Primal Conditioning - 1170 sf - 6 spaces
- Elegant Settings Office - 920 sf - 5 spaces
- Elegant Setting Warehouse Space - 8226 sf - 2 spaces

The property has a total of 23 designated/marked parking spaces as well as 10 shared spaces (in property deed) with Park Ave Deli.

Lot Square Footage – 1.276 acres or 55,582 sf

Building Square Footage

Main Building – 4,908 sf

Current Storage Garage – 2,000 sf

Current Building Coverage – 6,808 sf

Proposed Addition #1 – 640 sf

Proposed Addition #2 – 792 sf

Proposed Building Coverage : 8,340 sf

Coverage of Pavement : 11,700 sf (From Forest Design Site Plan)

Added pavement since Site Plan: 4,000 sf

Total Pavement coverage: 15,700 sf

Current Impervious Coverage: 22,508 sf (40%)

Proposed Impervious Coverage: 24040 (43%)



46'W  
2.04'±

TANNERY BROOK

VEKASY, STEPHEN AND SUSAN  
5 RIDGEWOOD AVE  
KEENE  
TM#62-02-004  
LD

N17°-33'W  
70.62'±

TANNERY BROOK

WETLANDS DELINEATION LINE  
(BY CLOUGH HARBOUR & ASSOC.)

N08°-38'W  
138.43'±

N85°-32'W  
41.25'±

482

484

486

488

490

492

494

496

498

499

500

501

502

503

504

505

85x8

R4  
80x8  
79x5

R3  
82x8

R2  
80x7

80x9  
79x7

84x5

484

486

488

490

492

494

55'

83x5

84x5

86x7

Current

Phase # 2

Phase # 1

24' (MIN)  
DRIVE

PARKING

STORAGE BUILDING  
2,000 SF

NO SEWER, WATER OR HEAT

PROPOSED SLAB ELEV 496.0

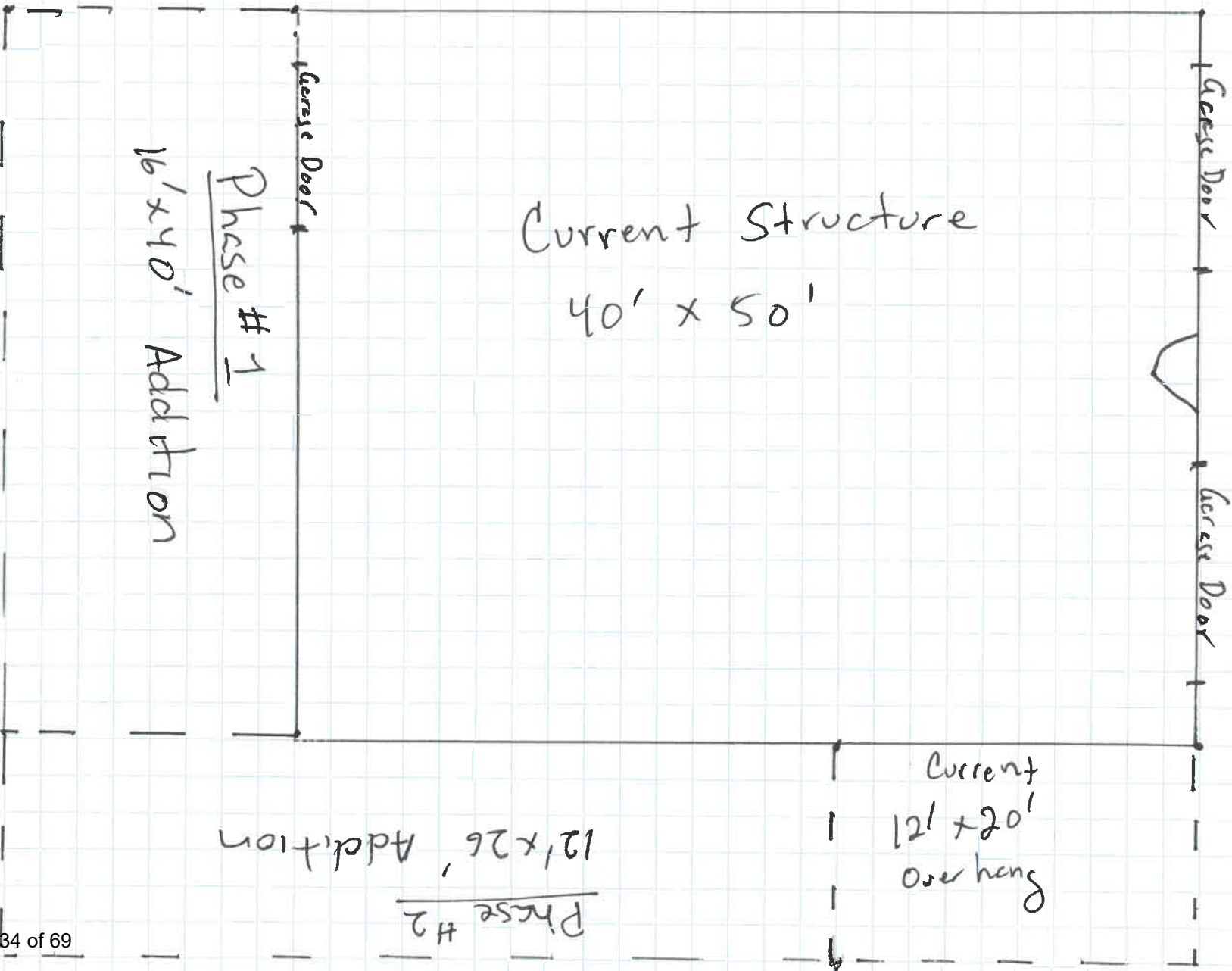
PROPOSED  
PAVED AREA  
1,416 SF

EXISTING  
PAVED AREA  
10,284 SF

DUMPSTER  
WITH STOCKADE DR  
CHAIN LINK FENCE

A

Driveway / Parking Area







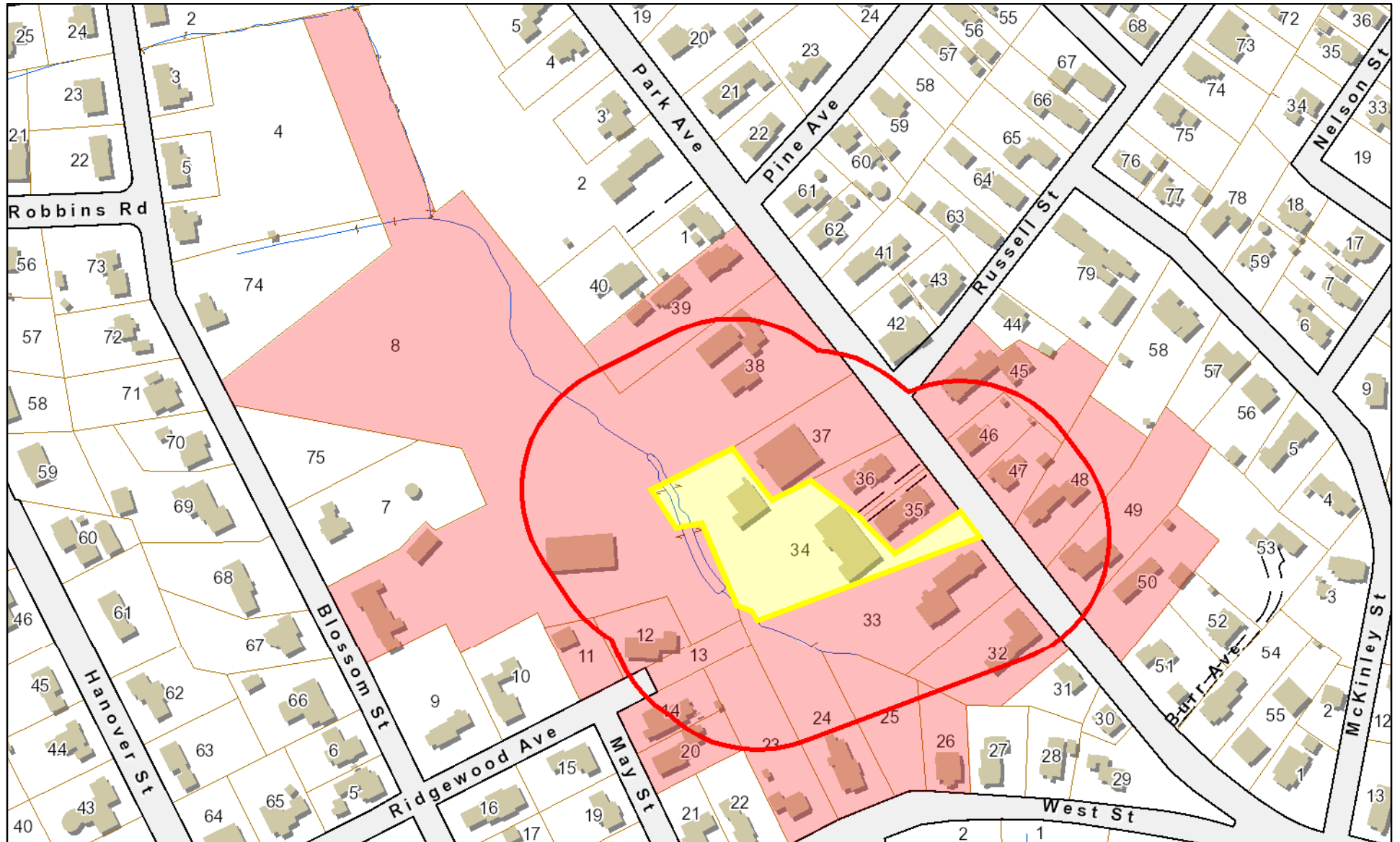
Keene, NH



September 27, 2019

1 inch = 214 Feet

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# 200 foot Abutters List Report

Keene, NH  
September 13, 2019

## Subject Properties:

Parcel Number:	564-034-000	Mailing Address:	28 PARK AVE PLAZA LLC
CAMA Number:	564-034-000-000-000		28 PARK AVE. SUITE 103
Property Address:	28 PARK AVE.		KEENE, NH 03431

Parcel Number:	564-034-000	Mailing Address:	28 PARK AVE PLAZA LLC
CAMA Number:	564-034-000-000-000 (Bldg2)		28 PARK AVE. SUITE 103
Property Address:	28 PARK AVE. Bldg 2		KEENE, NH 03431

## Abutters:

Parcel Number:	564-008-000	Mailing Address:	MITCHELL, WILLIAM R.
CAMA Number:	564-008-000-000-000		25 BLOSSOM ST.
Property Address:	25 BLOSSOM ST.		KEENE, NH 03431
Parcel Number:	564-011-000	Mailing Address:	VEKASY REV. TRUST
CAMA Number:	564-011-000-000-000		5 RIDGEWOOD AVE.
Property Address:	5 RIDGEWOOD AVE.		KEENE, NH 03431
Parcel Number:	564-012-000	Mailing Address:	CHRETIEN RUSSELL W. III
CAMA Number:	564-012-000-000-000		1 RIDGEWOOD AVE.
Property Address:	1 RIDGEWOOD AVE.		KEENE, NH 03431
Parcel Number:	564-013-000	Mailing Address:	CITY OF KEENE
CAMA Number:	564-013-000-000-000		3 WASHINGTON ST.
Property Address:	0 RIDGEWOOD AVE.		KEENE, NH 03431
Parcel Number:	564-014-000	Mailing Address:	SANFORD FAMILY REV. TRUST
CAMA Number:	564-014-000-000-000		2 RIDGEWOOD AVE.
Property Address:	2 RIDGEWOOD AVE.		KEENE, NH 03431
Parcel Number:	564-020-000	Mailing Address:	ROBERTS FREDERICK
CAMA Number:	564-020-000-000-000		9 MAY ST.
Property Address:	9 MAY ST.		KEENE, NH 03431
Parcel Number:	564-023-000	Mailing Address:	JEAN LIONEL G. JR.
CAMA Number:	564-023-000-000-000		577 WEST ST.
Property Address:	577 WEST ST.		KEENE, NH 03431-2809
Parcel Number:	564-024-000	Mailing Address:	DELANEY PETER C.
CAMA Number:	564-024-000-000-000		303 JORDAN RD.
Property Address:	573 WEST ST.		KEENE, NH 03431
Parcel Number:	564-025-000	Mailing Address:	DELANEY PETER C.
CAMA Number:	564-025-000-000-000		303 JORDAN RD.
Property Address:	0 WEST ST.		KEENE, NH 03431



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# 200 foot Abutters List Report

Keene, NH  
September 13, 2019

Parcel Number: 564-026-000  
CAMA Number: 564-026-000-000-000  
Property Address: 569 WEST ST.

Mailing Address: LORENZ WILLIAM G.  
65 WILLOW BAY DR.  
PONTE VEDRA, FL 32081-0616

Parcel Number: 564-032-000  
CAMA Number: 564-032-000-000-000  
Property Address: 20 PARK AVE.

Mailing Address: TIMOTHY ROUSSEAU'S PROPERTY  
MANAGEMENT  
40 GREENWOOD RD.  
DUBLIN, NH 03444

Parcel Number: 564-033-000  
CAMA Number: 564-033-000-000-000  
Property Address: 24 PARK AVE.

Mailing Address: KALICH RICHARD L.  
16 NORTH SHORE RD.  
SPOFFORD, NH 03462

Parcel Number: 564-035-000  
CAMA Number: 564-035-000-000-000  
Property Address: 30 PARK AVE.

Mailing Address: MAHENDRAKUMAR MANAGEMENT LLC  
65 PLAIN RD.  
HINSDALE, NH 03451

Parcel Number: 564-036-000  
CAMA Number: 564-036-000-000-000  
Property Address: 32 PARK AVE.

Mailing Address: KARTER KARL REV. TRUST  
72 ADAMS ST.  
KEENE, NH 03431

Parcel Number: 564-037-000  
CAMA Number: 564-037-000-000-000  
Property Address: 38 PARK AVE.

Mailing Address: MOSAKOWSKI STEPHEN W.  
343 SCHOOL ST.  
BOYLSTON, MA 01505

Parcel Number: 564-038-000  
CAMA Number: 564-038-000-000-000  
Property Address: 42 PARK AVE.

Mailing Address: MILLER BRIAN A.  
42 PARK AVE.  
KEENE, NH 03431-2352

Parcel Number: 564-039-000  
CAMA Number: 564-039-000-000-000  
Property Address: 48 PARK AVE.

Mailing Address: JOHNSON GARY & SHARON TRUST  
48 PARK AVE.  
KEENE, NH 03431

Parcel Number: 564-042-000  
CAMA Number: 564-042-000-000-000  
Property Address: 37 PARK AVE.

Mailing Address: TULLOCK PROPERTIES LLC  
37 PARK AVE.  
KEENE, NH 03431

Parcel Number: 564-045-000  
CAMA Number: 564-045-000-000-000  
Property Address: 33 PARK AVE.

Mailing Address: LOWER FRED D.  
77 HALLWOOD DR.  
SURRY, NH 03431

Parcel Number: 564-046-000  
CAMA Number: 564-046-000-000-000  
Property Address: 29 PARK AVE.

Mailing Address: EISNER, TABATHA  
29 PARK AVE.  
KEENE, NH 03431

Parcel Number: 564-047-000  
CAMA Number: 564-047-000-000-000  
Property Address: 27 PARK AVE.

Mailing Address: MAST DAVID H.  
27 PARK AVE.  
KEENE, NH 03431



www.cai-tech.com

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# 200 foot Abutters List Report

Keene, NH  
September 13, 2019

Parcel Number: 564-048-000  
CAMA Number: 564-048-000-000-000  
Property Address: 23 PARK AVE.

Mailing Address: 20-23 PARK AVENUE PROPERTIES LLC  
63 EMERALD ST. PMB 174  
KEENE, NH 03431-3626

Parcel Number: 564-049-000  
CAMA Number: 564-049-000-000-000  
Property Address: 19 PARK AVE.

Mailing Address: GRAY DAVID I.  
9 RIDGEWOOD AVE.  
KEENE, NH 03431

Parcel Number: 564-050-000  
CAMA Number: 564-050-000-000-000  
Property Address: 15 PARK AVE.

Mailing Address: SMITH, CHRISTOPHER D.  
15 PARK AVE.  
KEENE, NH 03431



[www.cai-tech.com](http://www.cai-tech.com)

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



# 317 Winchester St. ZBA 19-15



Petitioner requests a Variance to permit four menu boards where one is allowed per Section 102-1311(3)a of the Zoning Ordinance.





**NOTICE OF HEARING**

**ZBA 19-15**

A meeting of the Zoning Board of Adjustment will be held on Monday, October 7, 2019 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the petition of Tracy Diehl, of 6487 Hilliard Drive, Canal Winchester, OH, representing McDonald's Corp. of Amherst, NH, for property located at 317 Winchester St., Keene, Tax Map #593-001-000-000, which is in the Commerce District. The Petitioner requests a Variance to permit four menu boards where one is allowed per Section 102-1311(3)a 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 September 26, 2019



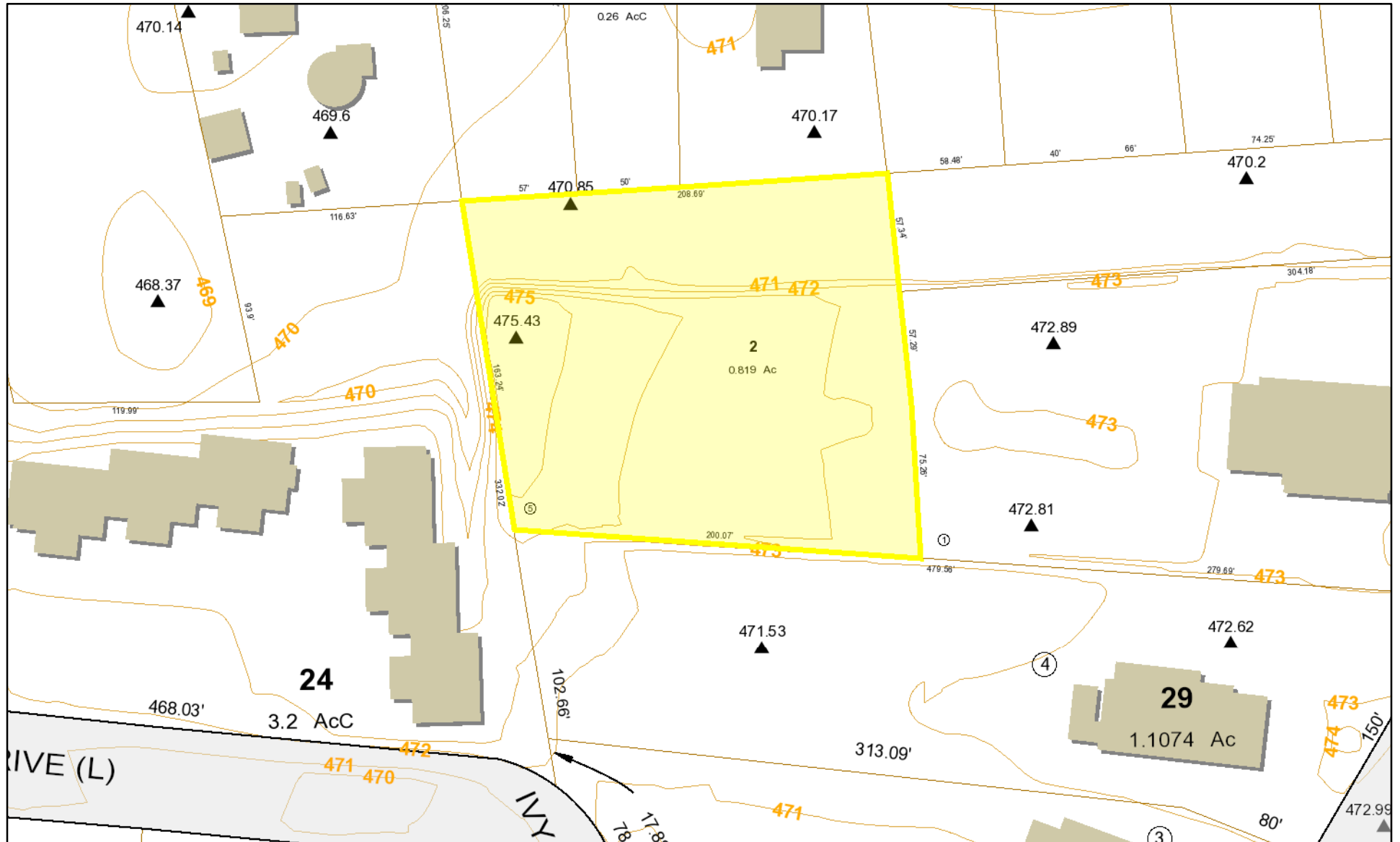
Keene, NH



September 27, 2019

1 inch = 68 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

# APPLICATION FOR APPEAL

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

<b>For Office Use Only:</b>	
Case No.	<u>2BA19-15</u>
Date Filed	<u>9/20/19</u>
Received By	<u>GM</u>
Page	<u>1</u> of <u>30</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) Tracey Diehl Phone: 6148288215  
Address 6487 Hilliard Drive  
Name(s) of Owner(s) McDonalds Corp  
Address PO Box 6300, Amherst NH 03031  
Location of Property 317 Winchester Street

## SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 593/ / 001/000 000/000 Zoning District COM  
Lot Dimensions: Front 212.85' Rear 132.55' Side 406.1 Side 279.69  
Lot Area: Acres 1.2 Square Feet 88427  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing \_\_\_\_\_ Proposed NO CHANGE  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing \_\_\_\_\_ Proposed NO CHANGE  
Present Use RESTAURANT  
Proposed Use NO CHANGE - RESTAURANT

## 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.

 Date 9/15/19  
(Signature of Owner or Authorized Agent)

Please Print Name TRACEY DIEHL

***APPLICATION FOR A VARIANCE***

- A Variance is requested from Section (s) 102-1311(3)a of the Zoning Ordinance to permit: the use of four menu boards where one is allowed - totalling 52.8 sq. ft. Each board is 6 ft in height.

**DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:**

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

The proposed menu boards are essential to the nature of this approved use. This property currently has two drive thru lanes in use. The proposal is for one menu board and one pre-browse menu per drive thru lane. The existing menu board will be removed. The use of menu boards is not contrary to public interest, they are essential for the public to be able to use the drive thru lanes.

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

The purpose of the ordinance is to regulate signage effectively to direct movement and inform the public while protecting the safety and general welfare of the public and minimizing visual clutter. This proposal is for a menu board system that will help patrons to move thru the drive thru quickly and reduce stacking in the drive thru lane which can become a hazard to pedestrians and vehicles in the parking lot. The menu board system is smaller than the standard menu boards and they are environmentally friendly which has a positive impact on the welfare of the community.

3. Granting the variance would do substantial justice because:

The business cannot continue to be used as a drive thru restaurant without the menu boards. The continued use of the menu boards requires the obsolete menu board to be replaced. The replacement is part of a national program that is using innovative technology in a way that will benefit the environment and enhance the customer experience while reducing waste and emissions. Substantial justice is done because the approval of the variance allows the use to continue as a drive thru establishment.

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

This is an existing drive thru use, the use would not change and therefore the affect on surrounding properties would not change. The menu boards would have the potential to have a positive impact if anything on the surrounding use by facilitating the movement of traffic thru the drive thru in a timely manner.

## 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 menu board is obsolete and needs to be replaced.

and

ii. The proposed use is a reasonable one because:

The proposed signs are only intended for viewing by the drive thru customer that is actually sitting in the drive thru lane and are necessary for the use of the drive thru and will have a substantially positive impact on the carbon footprint. Reducing stacking reduces emissions. This is a positive way that efficient effective menu boards can help the environment. Eliminating the need for paper copies also helps to reduce paper waste. Changing them from ballasts and fluorescent lighting to led saves energy and reduces landfill waste. Overall this proposal is a reasonable way to provide for the continued use and allowing citizens to make their choices at a faster pace to reduce stacking which will provide for increased safety and less vehicular congestion in the parking lot.

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.

Menu boards are essential to the use of a drive thru restaurant. The proposed menu board system is designed to replace the obsolete menu board with a more environmentally friendly energy efficient structure while continuing the approved use of a drive thru.



McDonald's Corporation  
110 N Carpenter St  
Chicago, IL 60607-2101  
[nelson.jenig@us.mcd.com](mailto:nelson.jenig@us.mcd.com)

August 27, 2019

Tracey Diehl  
Expedite the Diehl  
6487 Hillard Drive  
Canal Winchester, OH 43110

RE: Outdoor Digital Menu Board Program

Dear Tracey Diehl,

In connection with the ODMB Program, enclosed please find the original counterpart for the following site:

NSN 1894 [L/C 028-0009] – Letter of Authorization w/ Notary

If you have any questions, please email me at [nelson.jenig@us.mcd.com](mailto:nelson.jenig@us.mcd.com). Your immediate attention to this matter is greatly appreciated.

Sincerely,  
McDONALD'S CORPORATION

A handwritten signature in cursive script that reads "Nelson Jenig".

Nelson Jenig  
Legal Assistant Consultant, US Legal Team



McDonald's Corporation  
110 N Carpenter St  
Chicago, Illinois 60607-2101

**LETTER OF AUTHORIZATION**

To Whom It May Concern,

The undersigned, hereby authorizes **Expedite The Diehl** to sign as contractor and submit permit applications and/or variance related documents for the Outdoor Digital Menu Board installation at the below location for McDonald's.

McDonald's Restaurant NSN 1894 L/C [028-0009]  
Address: 317 Winchester Street, Keene, NH

McDonald's Corporation, a Delaware corporation

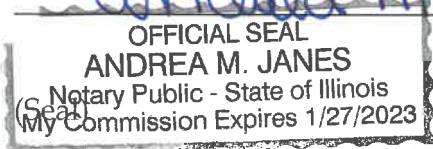
Brian T. Shedy  
Brian T. Shedy, as Senior Counsel

**Notary**

**STATE OF ILLINOIS  
COUNTY OF COOK**

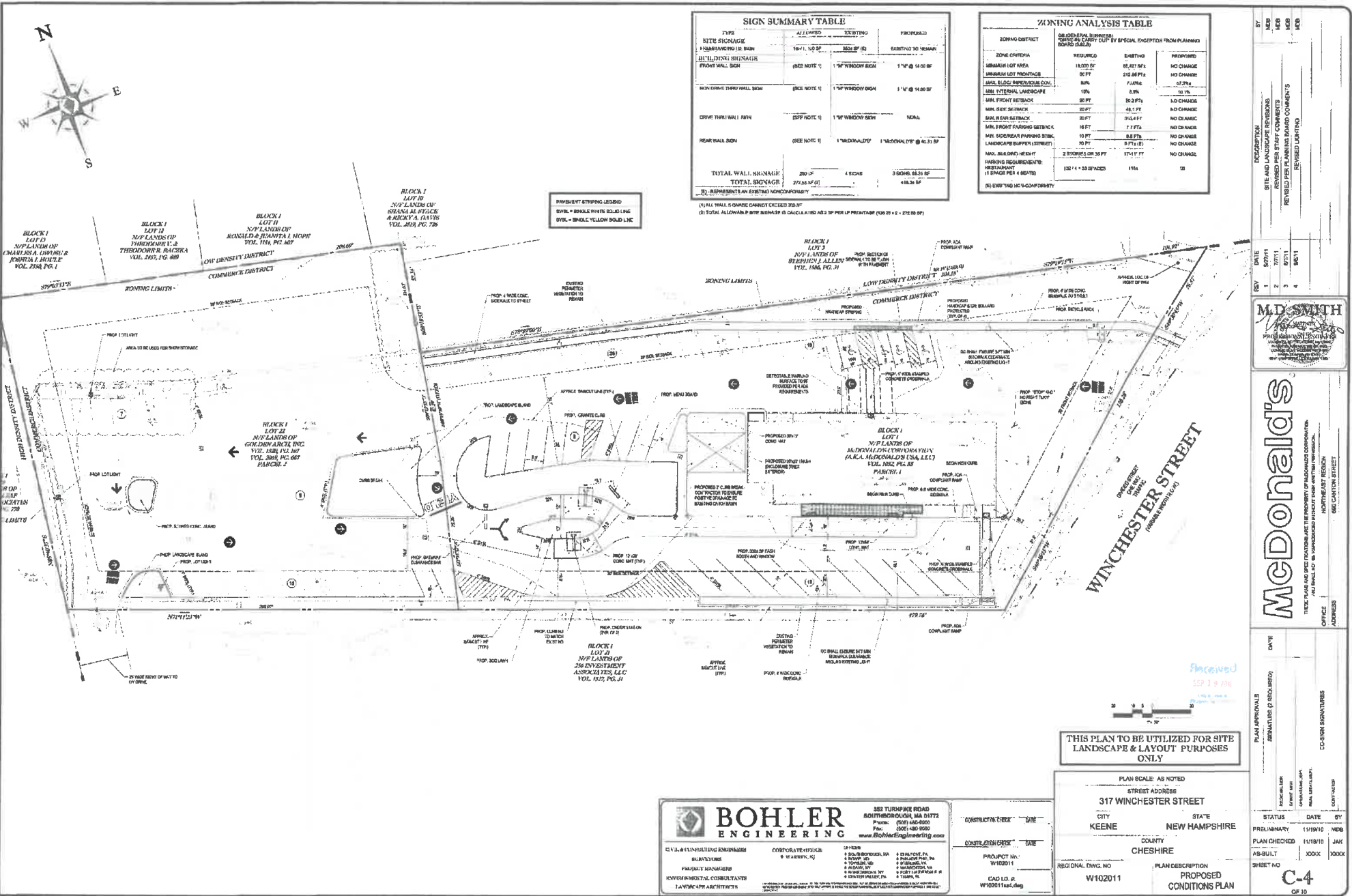
The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of August, 2019, by Brian T. Shedy, who is [X] personally known to me; or [ ] who has produced \_\_\_\_\_ as identification.

Andrea M. Janes Signature of Notary Public



My Commission Expires the 27<sup>th</sup> day of August, 2023.  
Date Month Year





### SIGN SUMMARY TABLE

TYPE	AS LIMITED	EXISTING	PROPOSED
SITE SIGNAGE			
FRONT SIGNAGE	164' L, 10' H	260' (2)	EXISTING TO REMAIN
FRONT WALL SIGNAGE	(SEE NOTE 1)	1" W/ WINDOW SIGN	1" W/ @ 14.00 SF
DRIVE THROUGH WALL SIGN	(SEE NOTE 1)	1" W/ WINDOW SIGN	1" W/ @ 14.00 SF
DRIVE THROUGH WALL SIGN	(SEE NOTE 1)	1" W/ WINDOW SIGN	NEGL.
REAR WALL SIGN	(SEE NOTE 1)	1" W/ WINDOW SIGN	1" W/ @ 14.00 SF
TOTAL WALL SIGNAGE	200 SF	4 SIGNS	3 SIGNS, 85.31 SF
TOTAL SIGNAGE	200 SF (1)		418.36 SF

(1) ALL WALL SIGNAGE CANNOT EXCEED 300 SF  
 (2) TOTAL ALLOWABLE SITE SIGNAGE IS CALCULATED AS 2 SF PER LF FRONTAGE (130' @ 4 = 520 SF)

### ZONING ANALYSIS TABLE

ZONING DISTRICT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	10,422 SF	NO CHANGE
MINIMUM LOT FRONTAGE	50 FT	210 SF	NO CHANGE
MIN. BLDG. AREA/LOT AREA	8%	7.47%	27.3%
MAX. INTERNAL LANDSCAPE	10%	8.9%	10.1%
MIN. FRONT SETBACK	20 FT	10.2 FT	NO CHANGE
MIN. REAR SETBACK	20 FT	48.1 FT	NO CHANGE
MIN. SIDEYARD SETBACK	20 FT	30.5 FT	NO CHANGE
MIN. SIDEYARD PARKING STRIP	10 FT	8.8 FT	NO CHANGE
LANDSCAPE BUFFER (SETBACK)	10 FT	8.7 FT (1)	NO CHANGE
MIN. SIDEYARD HEIGHT	2 SIGNAGES OR 30 FT	17'4" FT	NO CHANGE
PARKING REQUIREMENTS:			
RESTAURANT	150 FT x 33 FT	176'	0
RESTAURANT (1 SIGNAGE PER 4 SEATS)			0

PAVEMENT STRIPING LEGEND  
 SOLID = SINGLE WHITE SOLID LINE  
 DASH = DOUBLE YELLOW SOLID LINE

BY	DATE	DESCRIPTION
MB		SITE AND LANDSCAPE REVISIONS
MB		REVISION PER STAFF COMMENTS
MB		REVISION PER PLANNING BOARD COMMENTS
MB		REVISION DRAFTING



**McDonald's**

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OFFICE ADDRESS  
 690 CANTON STREET  
 NEW HAMPSHIRE

THIS PLAN TO BE UTILIZED FOR SITE LANDSCAPE & LAYOUT PURPOSES ONLY

PLAN SCALE: AS NOTED  
 STREET ADDRESS  
 317 WINCHESTER STREET  
 CITY STATE  
 KEENE NEW HAMPSHIRE  
 COUNTY  
 CHESHIRE  
 REGIONAL DWG. NO. W10211 PLAN DESCRIPTION  
 PROPOSED CONDITIONS PLAN

**BOHLER ENGINEERING**

355 TURNPIKE ROAD  
 SOUTHBOROUGH, MA 01772  
 Phone: (508) 480-8000  
 Fax: (508) 480-9000  
 www.BohlerEngineering.com

CITY & PLANNING ENGINEER  
 ENVIRONMENTAL CONSULTANTS  
 LANDSCAPE ARCHITECTS

CORPORATE OFFICE  
 9 W. ALEXANDER, NJ  
 4 BRIDGEVILLE, PA  
 4 BOSTON, MA  
 4 CHICAGO, IL  
 4 CINCINNATI, OH  
 4 COLUMBIANA, NY  
 4 HANOVER, NH  
 4 HARTFORD, CT  
 4 HENRIEVILLE, NY  
 4 JENKINSVILLE, VA  
 4 LITTLETON, CO  
 4 MARIETTA, GA  
 4 MEMPHIS, TN  
 4 MILWAUKEE, WI  
 4 NORTON, MA  
 4 PALM BEACH, FL  
 4 RICHMOND, VA  
 4 SOUTH BEND, IN  
 4 TAMPA, FL

CONSTRUCTION CHECK DATE  
 CONSTRUCTION CHECK DATE  
 PROJECT No.: W10211  
 CAD L.D. J.  
 W10211.dwg

PLAN APPROVALS	DATE	BY
PREPARED BY		
CHECKED BY		
DATE		
STATUS		
PRELIMINARY	11/19/10	NBS
PLAN CHECKED	11/19/10	JAK
AS-BUILT	XXXX	XXXX
SHEET NO.		
C-COR SIGNATURES		
COPY/NO.		

Received  
 SEP 1 8 2010

**C-4**  
 OF 10



### SIGN SUMMARY TABLE

TYPE	ALLOWED	EXISTING	PROPOSED
SITE SIGNAGE	16'-11" W x 5'	24x36 FT (2)	EXISTING TO REMAIN
BUILDING MESSAGE			
FRONT WALL SIGN	SEE NOTE (1)	1" W WOODY SIGN	1" W @ 14.00 FT
NON DRIVE THROUGH SIGN	SEE NOTE (1)	1" W WOODY SIGN	1" W @ 11.00 FT
DRIVE THROUGH SIGN	SEE NOTE (1)	1" W WOODY SIGN	NONE
REAR WALL SIGN	SEE NOTE (1)	1" NATIONAL DP	1" NATIONAL DP @ 40.31 FT
TOTAL WALL SIGNAGE	200 SF	4 SIGNS	3 SIGNS 48.31 SF
TOTAL SIGNAGE	216 SF (2)		+18.34 SF

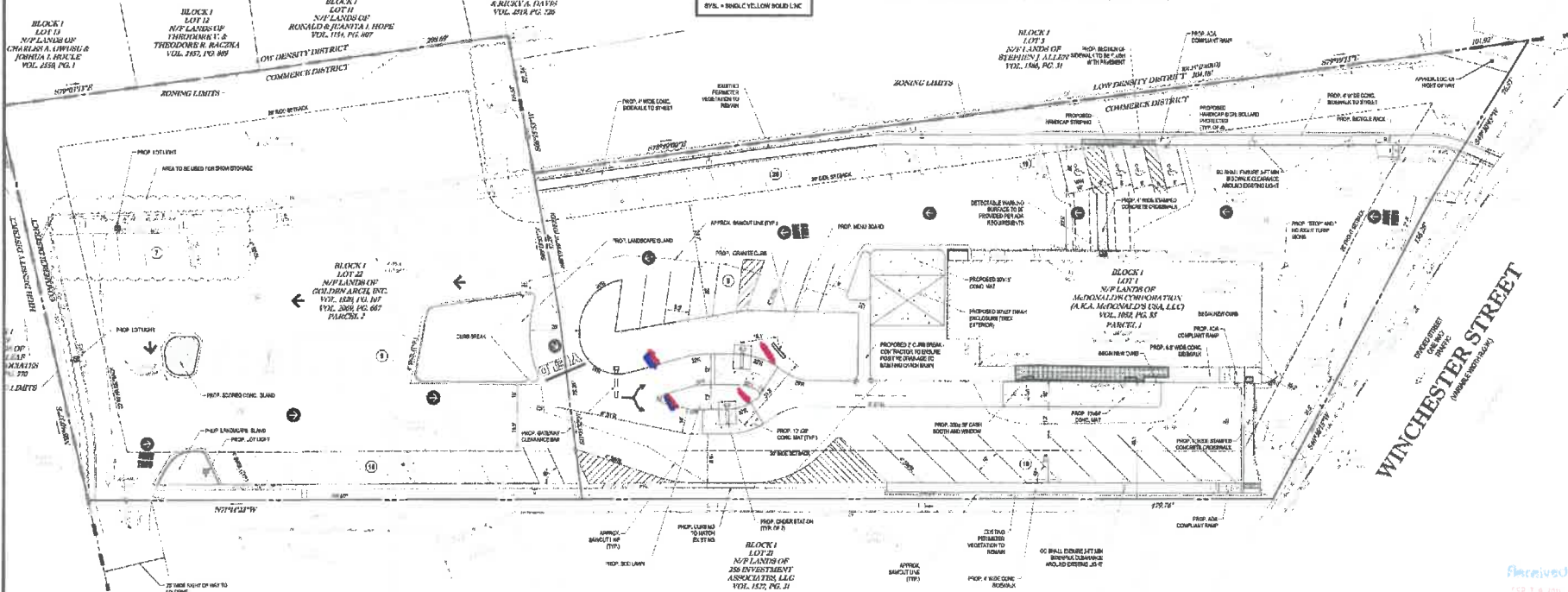
(1) REPRESENTS AN EXISTING NONCOMFORMITY

### ZONING ANALYSIS TABLE

ZONING DISTRICT	DEVELOPER'S PROPOSED	DEVELOPER'S PROPOSED BY SPECIAL EXCEPTION FROM PLANNING BOARD (SEE)	PROPOSED
ZONE CRITERIA	RESURFACED	EXISTING	PROPOSED
MINIMUM LOT AREA	19,020 SF	88,427 SF	NO CHANGE
MINIMUM LOT FRONTAGE	85 FT	318.85 FT	NO CHANGE
MAX. BLDG IMPERVIOUS COV.	80%	70.76%	67.25%
MIN. INTERNAL LANDSCAPE	22 FT	38.2 FT	NO CHANGE
MIN. FRONT SETBACK	22 FT	38.2 FT	NO CHANGE
MIN. SIDE SETBACK	22 FT	45.1 FT	NO CHANGE
MIN. REAR SETBACK	22 FT	30.4 FT	NO CHANGE
MIN. SIDE/REAR PARKING & TRIC. LANDSCAPE (BUT NOT STREET)	10 FT	8.8 FT	NO CHANGE
MIN. SIDE/REAR PARKING & TRIC. LANDSCAPE (BUT NOT STREET)	20 FT	8.7 FT (L)	NO CHANGE
MIN. BUILDING HEIGHT	2 STORIES OR 35 FT	17'-11" FT	NO CHANGE
PARKING REQUIREMENTS: RESTROOMS (1 SPACE PER 4 SEATS)	100' x 4 = 33 SPACES	118	50

(2) EXISTING NONCOMFORMITY

**PAVEMENT STRIPING LEGEND**  
 BWL = SINGLE WHITE SOLID LINE  
 BYL = SINGLE YELLOW SOLID LINE



**MENU PROPOSED**  
**PRE BROWSE PROPOSED**

DATE	REV.	DESCRIPTION
5/27/11	1	SITE AND LANDSCAPE REVISIONS
7/27/11	2	REVISED PER STAFF COMMENTS
8/21/11	3	REVISED PER PLANNING BOARD COMMENTS
9/5/11	4	REVISED PER PLANNING BOARD COMMENTS



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OFFICE: NORTHEAST REGION  
 ADDRESS: 800 CANTON STREET

PLAN APPROVALS	DATE
SIGNATURE (2) REQUIRED	

STATUS	DATE	BY
PRELIMINARY	11/16/10	MDR
PLAN CHECKED	11/16/10	JAK
AS-BUILT	XXXX	XXXX
SHEET NO.		

**BOHLER ENGINEERING**

333 TURNPIKE ROAD  
 SOUTHBROOK, MA 01772  
 Phone: (508) 480-8800  
 Fax: (508) 480-5560  
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CIVIL & CONSULTING ENGINEER  
 SURVEYOR  
 PROJECT MANAGER  
 ENVIRONMENTAL CONSULTANTS  
 LANDMARK ARCHITECTS

CORPORATE OFFICE:  
 6 PARKEN, NJ

OTHER OFFICES:  
 6 SOUTH BROAD ST., NEW BRUNSWICK, NJ  
 1000 W. 10TH ST., ALBANY, NY  
 1000 W. 10TH ST., ALBANY, NY  
 1000 W. 10TH ST., ALBANY, NY  
 1000 W. 10TH ST., ALBANY, NY

CONSTRUCTION CHECK DATE: \_\_\_\_\_  
 COVER CHECK DATE: \_\_\_\_\_  
 PROJ. PLOT No.: W102011  
 CAD L.D. JR. W102011.dwg

THIS PLAN TO BE UTILIZED FOR SITE LANDSCAPE & LAYOUT PURPOSES ONLY

PLAN SCALE: AS NOTED  
 STREET ADDRESS: 317 WINCHESTER STREET  
 CITY: KEENE STATE: NEW HAMPSHIRE  
 COUNTY: CHESHIRE  
 REGIONAL ENCL. NO: W102011  
 PLAN DESCRIPTION: PROPOSED CONDITIONS PLAN

**C-4**  
 OF 18









**Extra Value Meals**

1 Big Mac®  
4.59 (140-190 Cal)  
\$1.99 (90 Cal)

2 Small McChicken®  
3.99 (110-130 Cal)  
\$1.49 (60 Cal)

3 Double Quarter Pounder®  
7.99 (790-1390 Cal)  
\$4.17 (170 Cal)

4 Buttermilk Crispy Chicken®  
7.99 (540-1240 Cal)  
\$3.85 (90 Cal)

5 Arlon® Crispy Chicken®  
7.99 (540-1300 Cal)  
\$3.79 (90 Cal)

6 1/2 McChicken®  
\$3.99 (110-130 Cal)  
\$1.49 (60 Cal)

7 Frito®-Stuffed Chicken®  
\$9.99 (140-190 Cal)  
\$4.99 (90 Cal)

**Signature Crafted® Recipes**

McChicken®  
\$3.99 (110-130 Cal)  
\$1.49 (60 Cal)

McNuggets®  
\$4.99 (200-280 Cal)  
\$1.99 (90 Cal)

McDouble®  
\$3.99 (110-130 Cal)  
\$1.49 (60 Cal)

McNuggets®  
\$4.99 (200-280 Cal)  
\$1.99 (90 Cal)

McDouble®  
\$3.99 (110-130 Cal)  
\$1.49 (60 Cal)

McNuggets®  
\$4.99 (200-280 Cal)  
\$1.99 (90 Cal)

**For a limited time**  
**BACON MEETS OUR CLASSICS**

Big Mac®  
4.59 (140-190 Cal)  
\$1.99 (90 Cal)

McNuggets®  
4.99 (200-280 Cal)  
\$1.99 (90 Cal)

McDouble®  
3.99 (110-130 Cal)  
\$1.49 (60 Cal)

**All Day Breakfast**

1 Egg McMuffin®  
4.99 (140-200 Cal)  
\$1.99 (90 Cal)

2 Sausage McMuffin®  
4.99 (140-200 Cal)  
\$1.99 (90 Cal)

3 Bacon Egg & Cheese Sausage McMuffin®  
4.99 (140-200 Cal)  
\$1.99 (90 Cal)

4 Sausage McMuffin® with Egg  
4.99 (140-200 Cal)  
\$1.99 (90 Cal)

5 Sausage Biscuit with Egg  
4.99 (140-200 Cal)  
\$1.99 (90 Cal)

6 Bacon Egg & Cheese McGriddle®  
5.99 (150-200 Cal)  
\$2.49 (100 Cal)

**Sweets & Treats**

1 Soft Drink  
\$1.29 (10-200 Cal)

2 McFlurry™  
\$1.99 (100 Cal)

3 Sundae™  
\$1.99 (100 Cal)

4 Oreo™  
\$1.99 (100 Cal)

**Beverages**

1 Soft Drink  
\$1.29 (10-200 Cal)

2 Sweet Tea  
\$1.29 (10-200 Cal)

3 Iced Tea  
\$1.29 (10-200 Cal)

**Happy Meal®**

1 Choose a Meal with our new Fun-Size™ McFlurry™  
\$3.99 (140-200 Cal)  
\$1.99 (90 Cal)

2 Egg Chicken McNugget®  
\$3.99 (140-200 Cal)  
\$1.99 (90 Cal)

3 Chicken McNugget®  
\$3.99 (140-200 Cal)  
\$1.99 (90 Cal)

4 Choose a Meal with our new Fun-Size™ McFlurry™  
\$3.99 (140-200 Cal)  
\$1.99 (90 Cal)

**Fries, Sides & More**

1 Fries  
\$1.99 (140-200 Cal)

2 Chicken McNugget®  
\$3.99 (140-200 Cal)  
\$1.99 (90 Cal)

3 McDouble®  
\$3.99 (110-130 Cal)  
\$1.49 (60 Cal)

4 Double Cheeseburger  
\$4.99 (200-280 Cal)  
\$1.99 (90 Cal)

5 Side Salad  
\$1.99 (100 Cal)

**1/2, 1/3 Dollar Menu**

1 Any Size Soft Drink  
\$0.99 (10-200 Cal)

2 Any Size Sweet Tea  
\$0.99 (10-200 Cal)

3 McChicken®  
\$1.99 (110-130 Cal)

4 Egg McMuffin®  
\$1.99 (110-130 Cal)

5 2x1/2 or 3x1/3 Arlon® Crispy Chicken®  
\$1.99 (110-130 Cal)

6 Small McFlurry™  
\$1.99 (100 Cal)

7 Classic Chicken Sandwich  
\$1.99 (110-130 Cal)

**For a limited time**  
**BACON MEETS OUR CLASSICS**

Big Mac®  
4.59 (140-190 Cal)  
\$1.99 (90 Cal)

McNuggets®  
4.99 (200-280 Cal)  
\$1.99 (90 Cal)

McDouble®  
3.99 (110-130 Cal)  
\$1.49 (60 Cal)



MENU BOARD 42 SQ FT

**EXISTING MENU BOARD TO BE REPLACED**

NOT TO SCALE



PRE-BROWSE



MENU BOARD



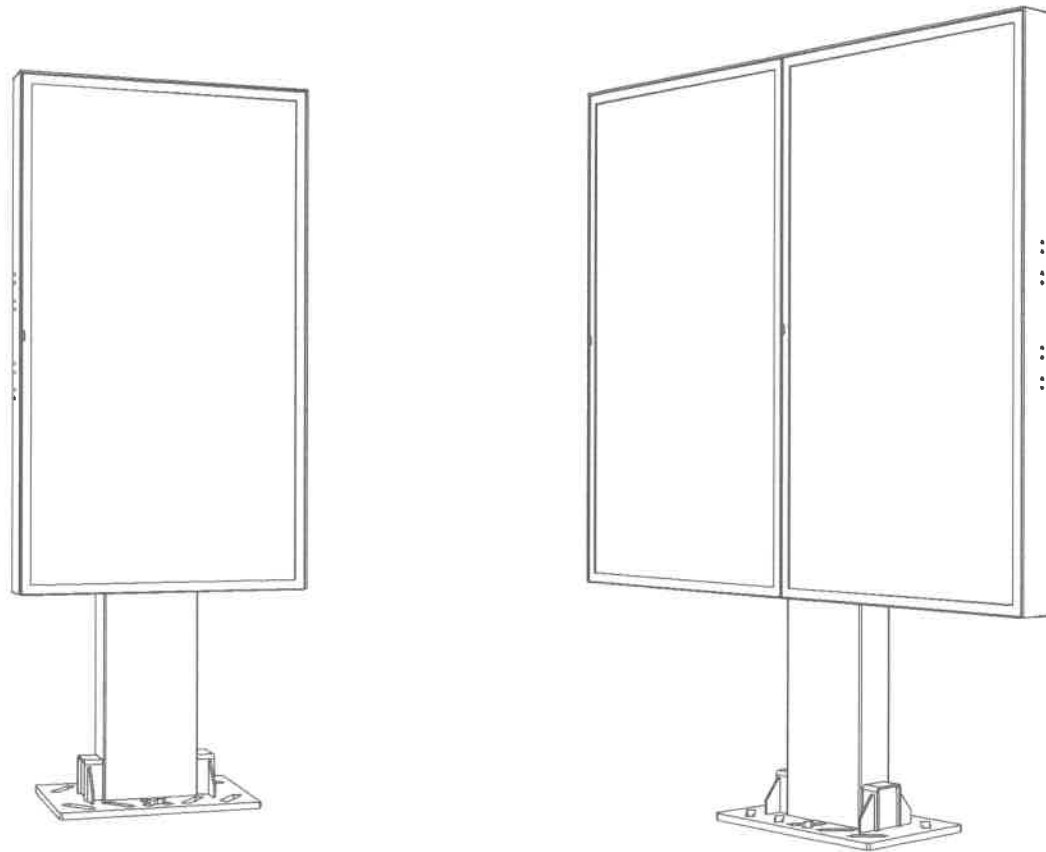
PRE-BROWSE  
8.8 SQ FT



MENU BOARD  
17.6 SQ FT

**NEW MENU BOARDS AND PRE-BROWSE BOARDS**

NOT TO SCALE



## 55" Outdoor digital menuboard

02-55-2S/D Outdoor Menu Board  
Permitting Unit Information

Version 1.0

Coates ODMB  
Single screen unit



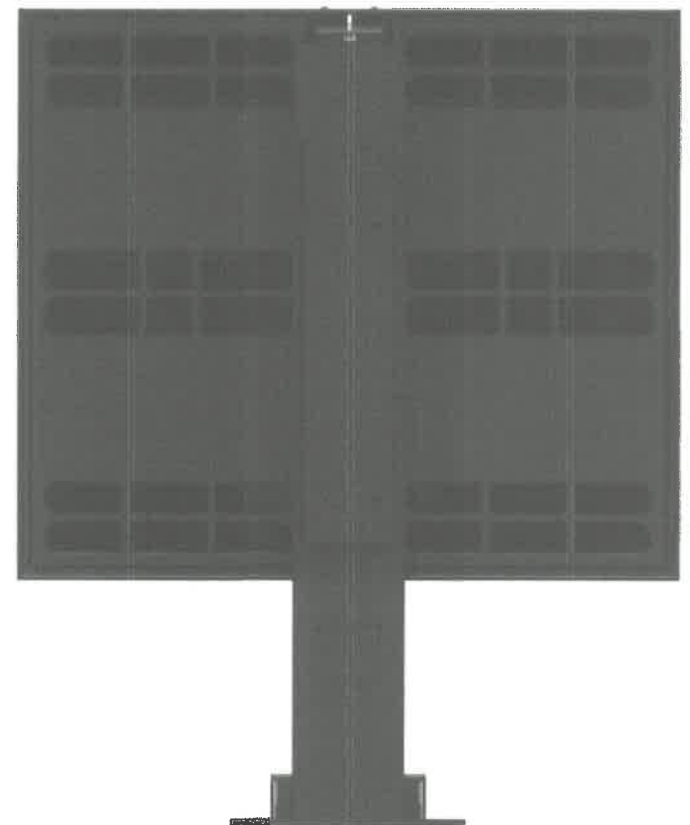
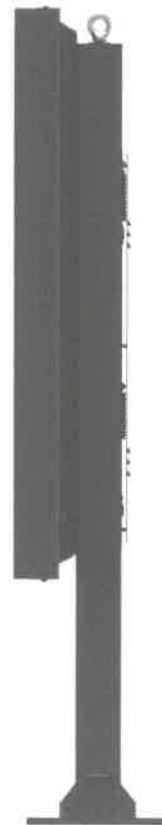
Area of display



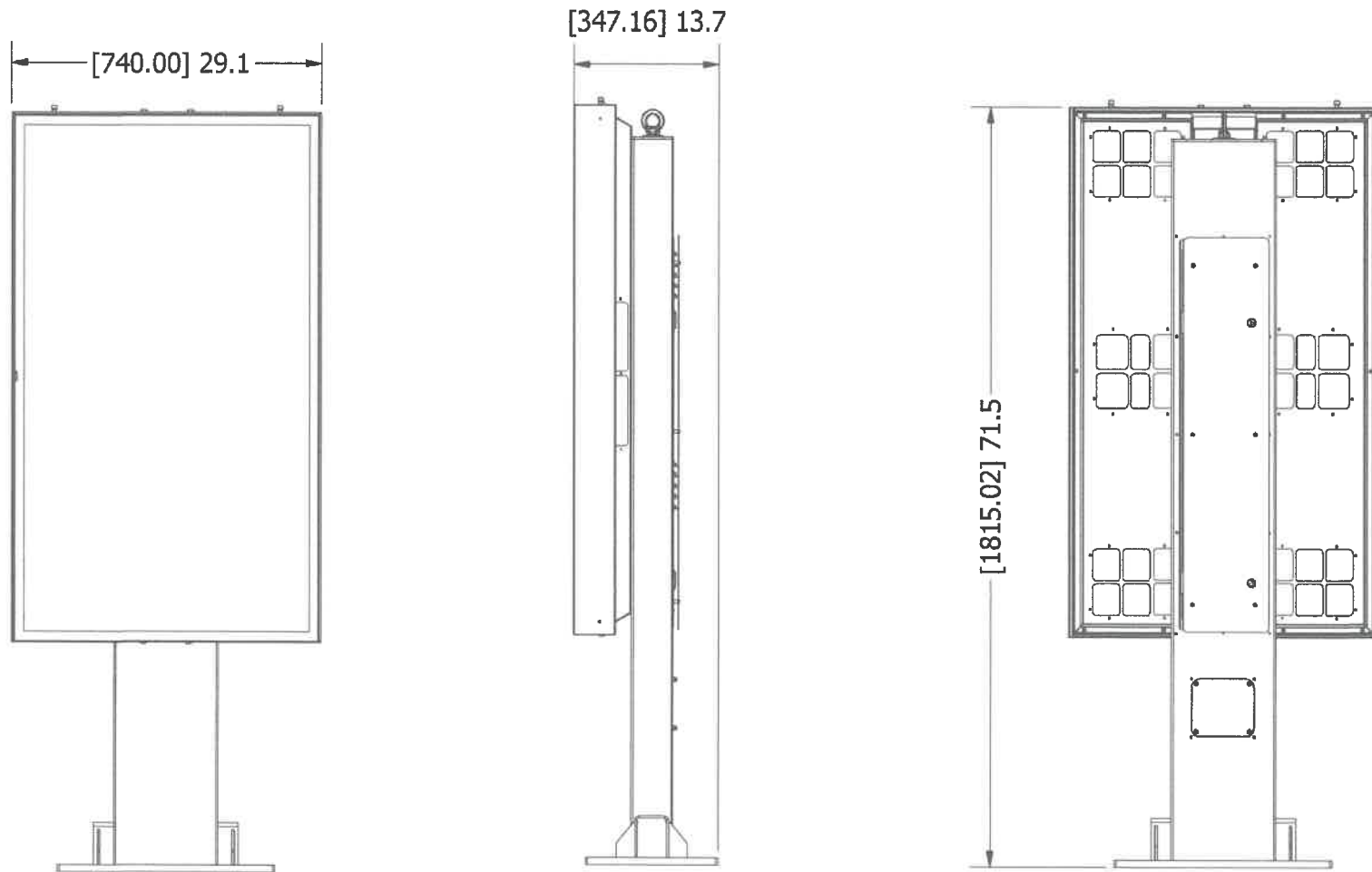


# Coates ODMB

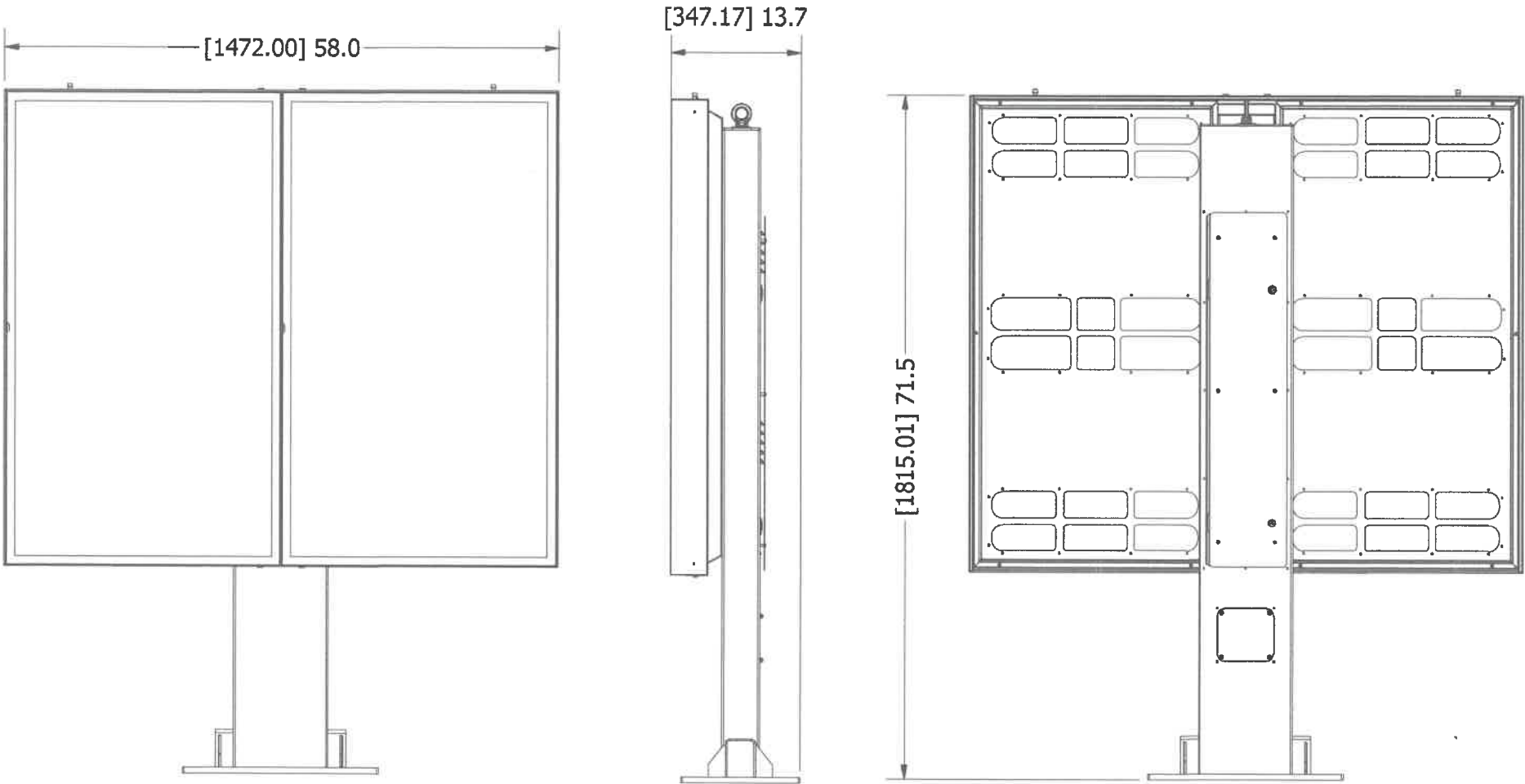
Double screen unit



Coates ODMB  
Single screen unit

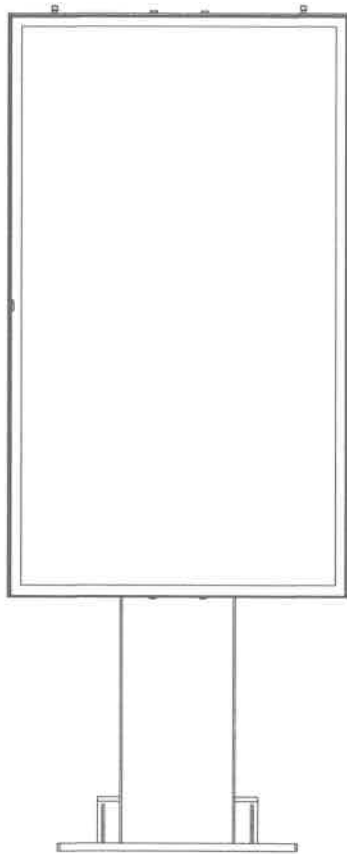


Coates ODMB  
Double screen unit

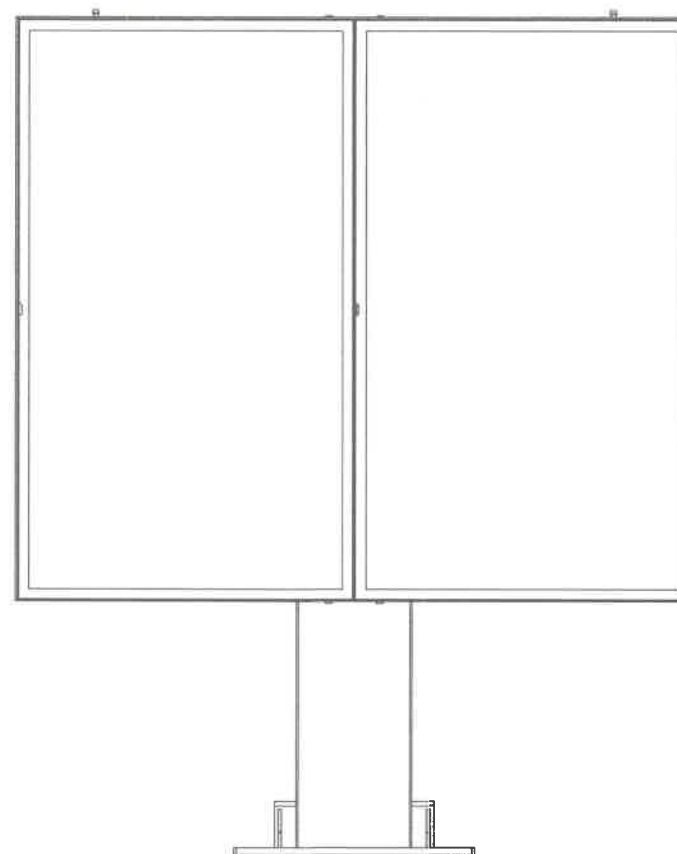


# Coates ODMB

Power draw



Max potential draw 5.7A @110V



Max potential draw 9.8A @110V



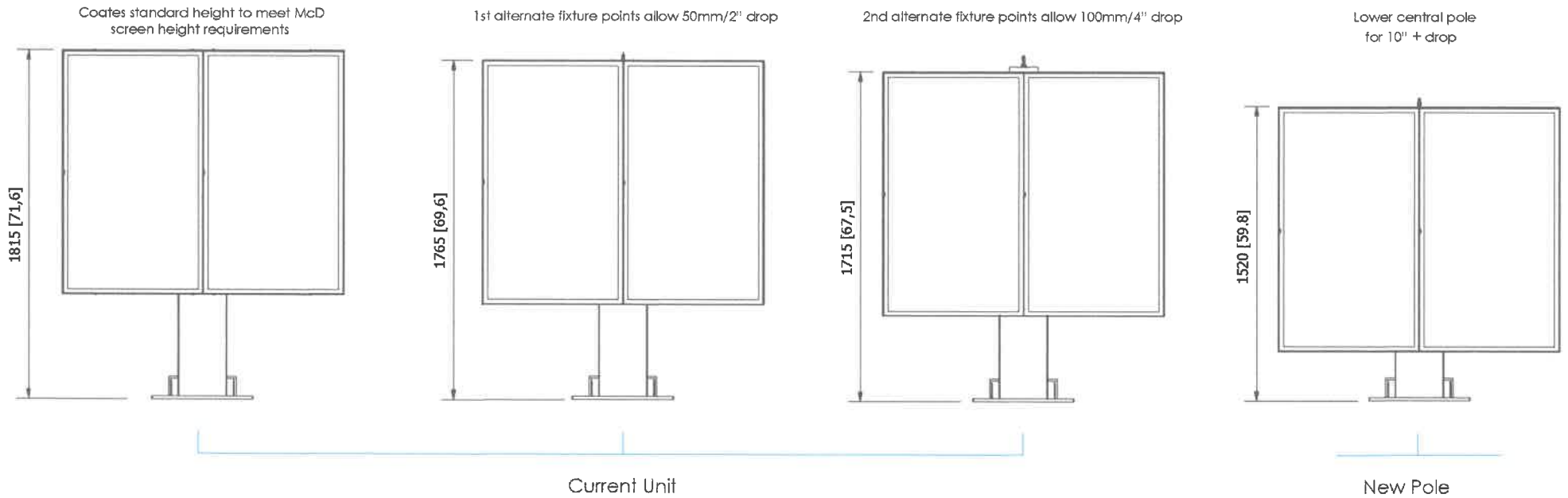
UL48 Electric sign

# Coates ODMB

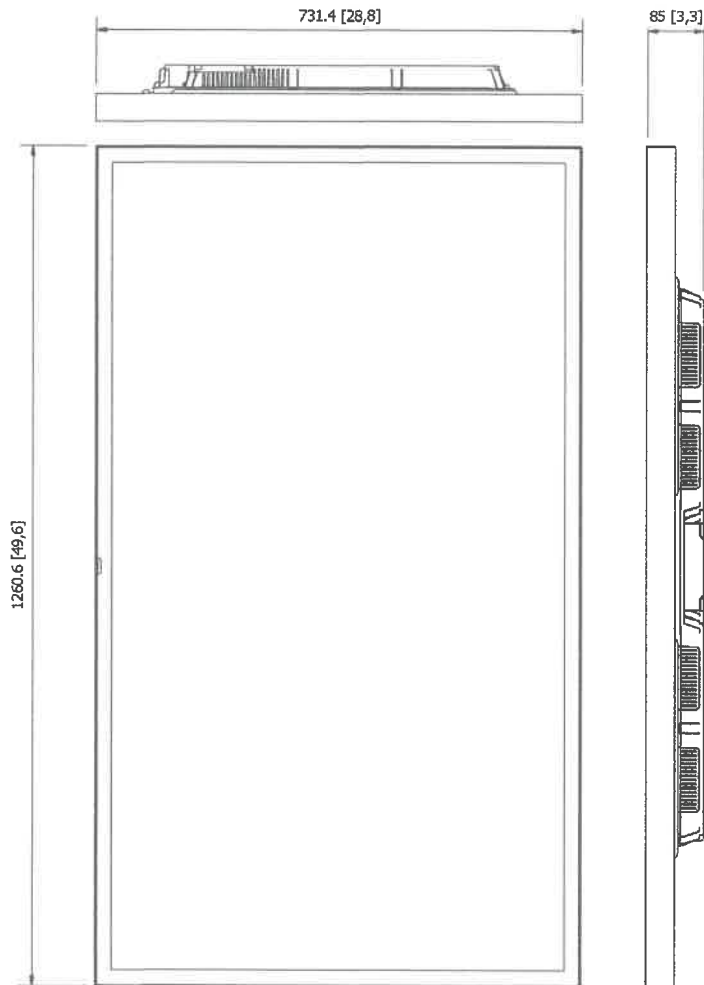
## Height variations



Existing design has multiple fixture points already built in for brackets and screens allow for lowering in 2 additional increments.



# Display specification



<b>Samsung 550HF</b>	
<b>Diagonal Size</b>	<b>55"</b>
<b>Brightness</b>	<b>2500 NIT</b>
<b>Weight</b>	<b>52.6 Kg [118.2 lbs]</b>
<b>Mechanical Specification</b>	
<b>Glass</b>	<b>5T Tempered Glass</b>
<b>Bezel Width</b>	<b>24.9mm [0.98"]</b>
<b>Operation Temperature</b>	<b>-40°C ~ 50 °C [ -40 F ~ 122 F]</b>
<b>Certification</b>	<b>UL : CUL60950-1 (GO)</b>

# Display specification

## Lumen output

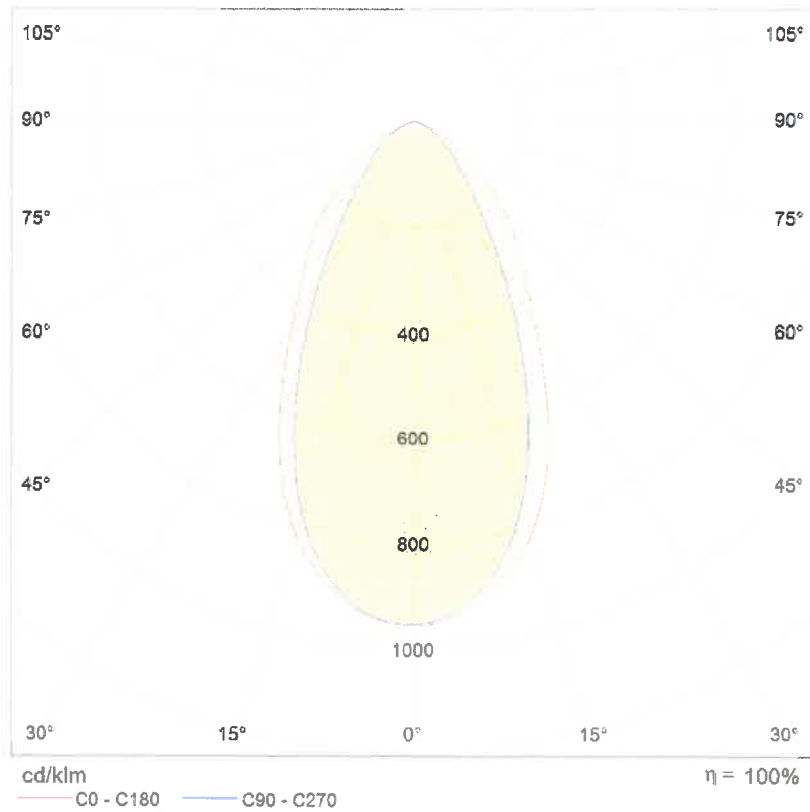


Fig 1.0

The attached is the max potential light output of the screen (see accompanying IES file)

The units have inbuilt ambient light sensors

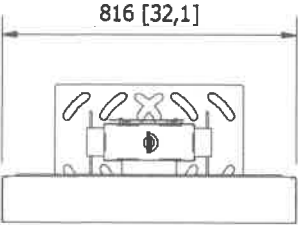
These light sensors dim the brightness of the screen based on the light surrounding it

The screens can dim from full brightness 2500nit ( Fig1.) all the way down to 500nit to prevent excessive output (glare) in low light and night time environments

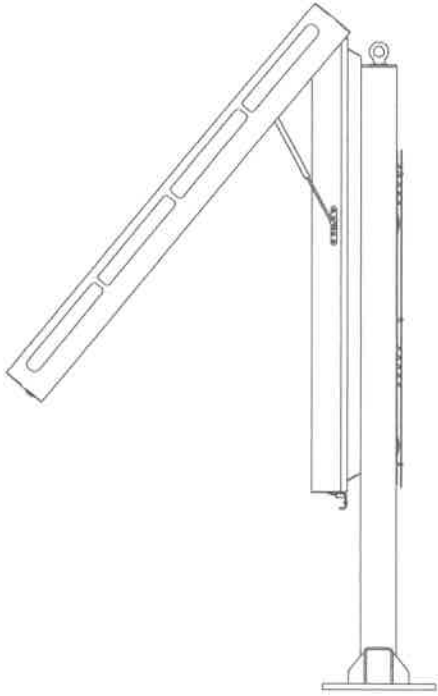
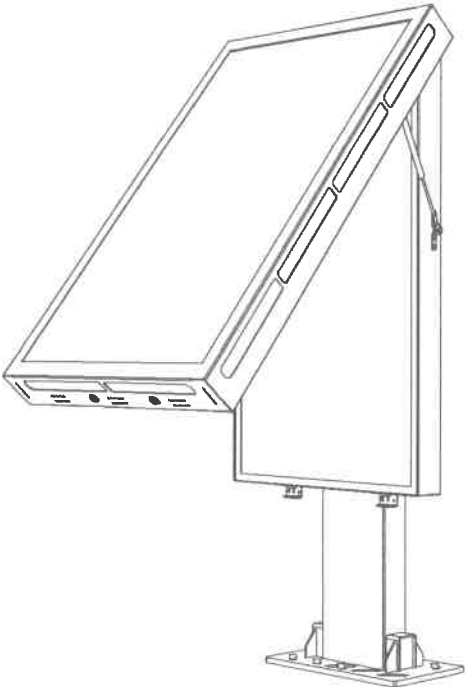
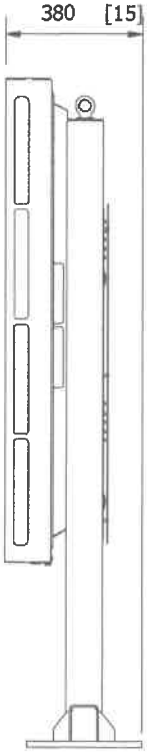
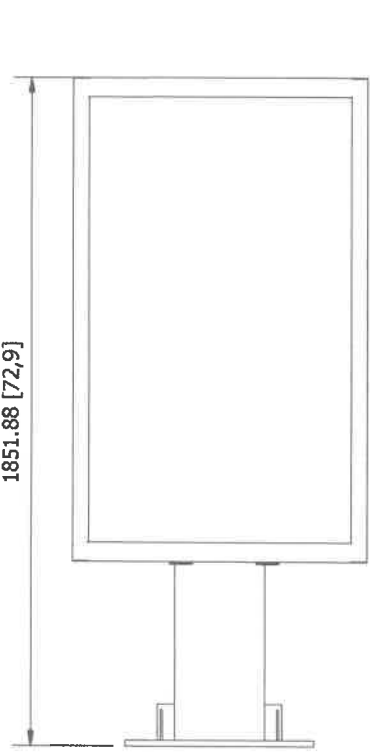


# Coates ODMB

Single with additional security glass

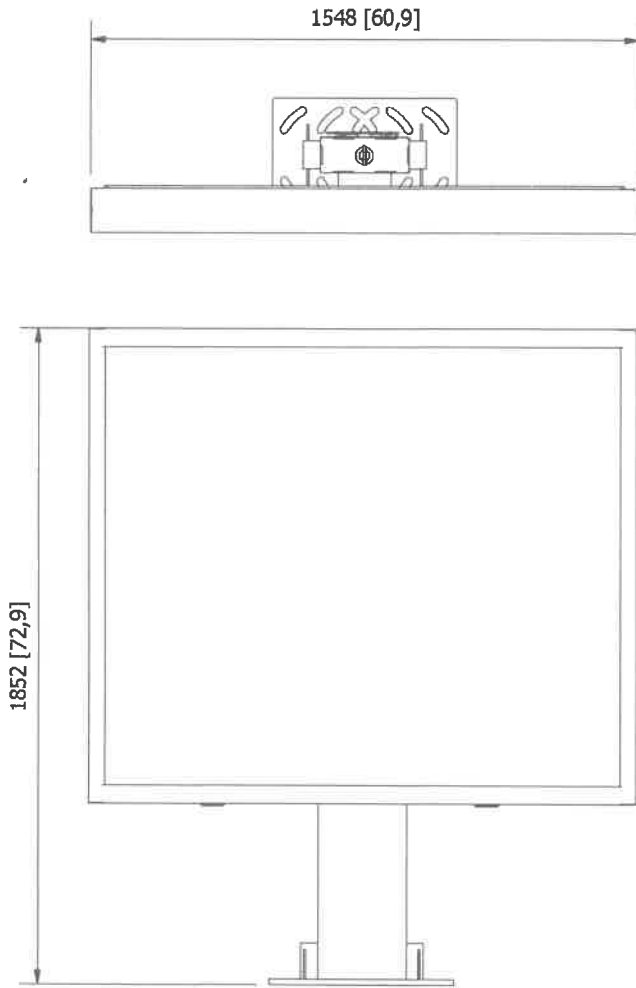


Optional tempered glass security cover  
6mm tempered glass

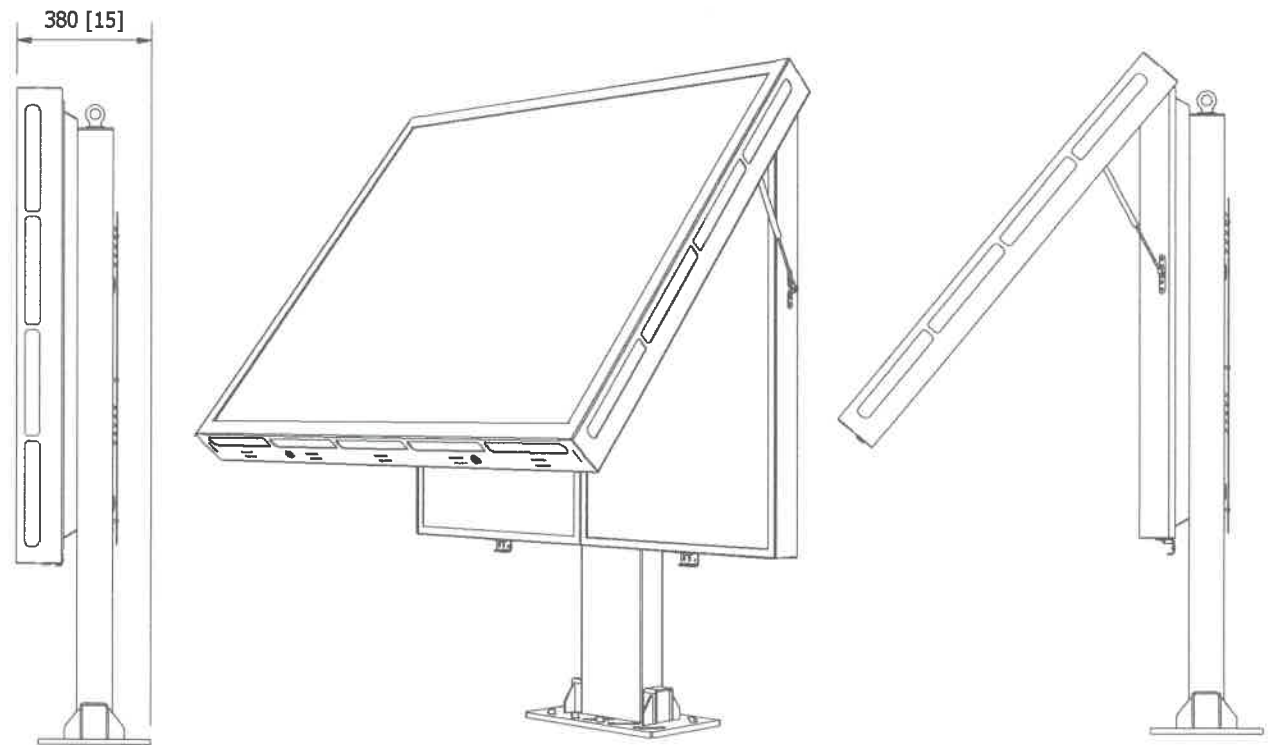


# Coates ODMB

Double with additional security glass



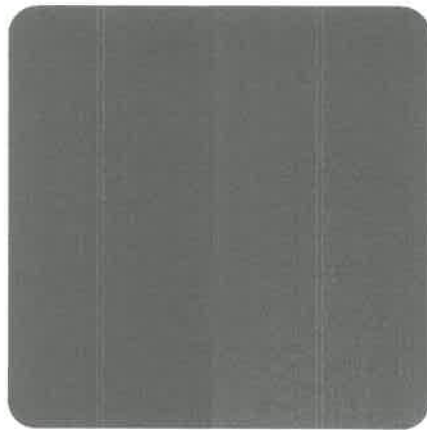
Optional tempered glass security cover  
6mm tempered glass



Coates ODMB  
Additional security glass



Coates ODMB  
Color specification



Unit powder coat color Coates dark grey  
Match Pantone: 446C  
Gloss specification: 7-12 units @60deg



# 200 foot Abutters List Report

Keene, NH  
September 19, 2019

Megan Marie Beedy  
Notary Public  
State of Ohio  
My Commission Expires  
August 06, 2022

*Megan Marie Beedy  
9-19-2019*

## Subject Property:

Parcel Number: 593-001-000  
CAMA Number: 593-001-000-000-000  
Property Address: 311 WINCHESTER ST.

Mailing Address: MCDONALDS CORP  
PO BOX 6300  
AMHERST, NH 03031-6300

## Abutters:

Parcel Number: 111-001-000  
CAMA Number: 111-001-000-000-000  
Property Address: 332 WINCHESTER ST.

Mailing Address: UNIVERSITY SYSTEM OF NH  
229 MAIN ST.  
KEENE, NH 03431

Parcel Number: 111-002-000  
CAMA Number: 111-002-000-000-000  
Property Address: 0 WINCHESTER ST.

Mailing Address: GRANITE BANK  
RES CONTRACT MANAGER BC05-451  
850 MAIN ST.  
BRIDGEPORT, CT 06604

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000  
Property Address: 7-25 IVY DR.

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000 (Bldg2)  
Property Address: 7-25 IVY DR. Bldg 2

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000 (Bldg3)  
Property Address: 7-25 IVY DR. Bldg 3

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000 (Bldg4)  
Property Address: 7-25 IVY DR. Bldg 4

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000 (Bldg5)  
Property Address: 7-25 IVY DR. Bldg 5

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-024-000  
CAMA Number: 111-024-000-000-000 (Bldg6)  
Property Address: 7-25 IVY DR. Bldg 6

Mailing Address: AUTUMN LEAF VILLAGE ASSOCIATES  
PO BOX 565  
KEENE, NH 03431

Parcel Number: 111-028-000  
CAMA Number: 111-028-000-000-000  
Property Address: 333 WINCHESTER ST.

Mailing Address: KEENE RETAIL LLC  
83 ORCHARD HILL PARK DR.  
LEOMINSTER, MA 01453

Parcel Number: 111-029-000  
CAMA Number: 111-029-000-000-000  
Property Address: 329 WINCHESTER ST.

Mailing Address: 256 INVESTMENT ASSOCIATES LLC  
4 BRIMSTONE HILL RD. SUITE 7  
EPSOM, NH 03234



www.cai-tech.com

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# 200 foot Abutters List Report

Keene, NH  
September 19, 2019

Megan Marie Beedy  
Notary Public  
State of Ohio  
My Commission Expires  
August 06, 2022

*Megan Marie Beedy  
9-19-2019*

Parcel Number: 592-019-000  
CAMA Number: 592-019-000-000-000  
Property Address: 0 WINCHESTER ST.

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

Parcel Number: 592-020-000  
CAMA Number: 592-020-000-000-000  
Property Address: 291 WINCHESTER ST.

Mailing Address: SAUNDERS LAURENCE R.  
139 NELSON RD.  
HARRISVILLE, NH 03450-5405

Parcel Number: 592-021-000  
CAMA Number: 592-021-000-000-000  
Property Address: 371 PEARL ST.

Mailing Address: SAUNDERS LAURENCE R.  
139 NELSON RD.  
HARRISVILLE, NH 03450-5405

Parcel Number: 593-002-000  
CAMA Number: 593-002-000-000-000  
Property Address: 317 WINCHESTER ST.

Mailing Address: GOLDEN ARCH  
PO BOX 6300  
AMHERST, NH 03031-6300

Parcel Number: 593-003-000  
CAMA Number: 593-003-000-000-000  
Property Address: 305 WINCHESTER ST.

Mailing Address: ALLEN STEPHEN J.  
305 WINCHESTER ST.  
KEENE, NH 03431

Parcel Number: 593-004-000  
CAMA Number: 593-004-000-000-000  
Property Address: 0 PEARL ST.

Mailing Address: WRIGHT ADAM E.  
19 CHASE PL.  
KEENE, NH 03431

Parcel Number: 593-005-000  
CAMA Number: 593-005-000-000-000  
Property Address: 347 PEARL ST.

Mailing Address: WRIGHT ADAM E.  
19 CHASE PL.  
KEENE, NH 03431

Parcel Number: 593-006-000  
CAMA Number: 593-006-000-000-000  
Property Address: 339 PEARL ST.

Mailing Address: BEMIS ALLAN C.  
339 PEARL ST.  
KEENE, NH 03431

Parcel Number: 593-007-000  
CAMA Number: 593-007-000-000-000  
Property Address: 331 PEARL ST.

Mailing Address: WRIGHT MICHAEL C.  
19 CHASE PL.  
KEENE, NH 03431

Parcel Number: 593-008-000  
CAMA Number: 593-008-000-000-000  
Property Address: 323 PEARL ST.

Mailing Address: STACK SHANA M.  
197 SKYLINE DR.  
KEENE, NH 03431

Parcel Number: 593-009-000  
CAMA Number: 593-009-000-000-000  
Property Address: 315 PEARL ST.

Mailing Address: HOPE RONALD  
315 PEARL ST.  
KEENE, NH 03431

Parcel Number: 593-010-000  
CAMA Number: 593-010-000-000-000  
Property Address: 311 PEARL ST.

Mailing Address: MORSE, DANIELLE MARIE  
62 MARLBORO RD.  
TROY, NH 03465



www.cai-tech.com

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# 200 foot Abutters List Report

Keene, NH  
September 19, 2019

Megan Marie Beedy  
Notary Public  
State of Ohio  
My Commission Expires  
August 06, 2022

*Megan Marie Beedy*  
*9-19-2019*

Parcel Number: 593-011-000  
CAMA Number: 593-011-000-000-000  
Property Address: 309 PEARL ST.

Mailing Address: OWUSU CHARLES A.  
PO BOX 96  
HARRISVILLE, NH 03450



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9/19/2019

Page 3 of 3



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*Megan Marie Beedy*  
9-19-2019

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111-029-000-000-000  
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AUTUMN LEAF VILLAGE ASSOC  
PO BOX 565  
KEENE, NH 03431

111-028-000-000-000  
KEENE RETAIL LLC  
83 ORCHARD HILL PARK DR.  
LEOMINSTER, MA 01453

applicant  
Tracey Diehl  
6487 Hilliard Drive  
Canal Winchester OH 43110

111-024-000-000-000 (Bldg  
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PO BOX 565  
KEENE, NH 03431

593-010-000-000-000  
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