

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, June 24, 2019

6:30 PM

Council Chambers

Members Present

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Michael Burke
Councilor George Hansel
Andrew Weglinski
Mayor Kendall Lane

Staff Present:

Rhett Lamb, Asst. City Manager/Com. Devel. Dir.
Mari Brunner, Planning Technician
Tara Kessler, Senior Planner

Members Not Present:

Pamela Russell Slack
Martha Landry
Gary Spykman

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 – May 29, 2019

Chris Cusack offered the following correction:

Page 6 – Delete the Mayor’s name as the person who made the motion.

A motion was made by Councilor George Hansel to accept the May 29, 2019 minutes as amended. The motion was seconded by Chris Cusack and was unanimously approved.

III. Extension Request

1. SPR-902, Modification #4 – 350-354 Winchester St – Home Goods – Applicant Frederick Taylor Associates Architects, on behalf of owner Riverside Improvements LLC, requests a six-month extension of the 180-day conditional site plan approval time frame. This conditional approval is for modifications to the front façade of the building and the addition of three new loading docks and one receiving ramp to the rear of the building. The site is 21 acres in size and is located in the Commerce District (TMP# 111-004-000-000-000).

Mr. Glen Wilson of DLC Management, owners of Riverside Improvements offered to answer any questions the Board might have. The Chairman asked for the reason for the extension request. Mr. Wilson stated they have run into structural issues and foundation footings that need to be modified which puts them behind in time.

The Chairman asked for staff comments. Senior Planner Tara Kessler stated because this is a first extension request, the Board would typically grant such a request and that would extend the conditional approval to the December 18, 2019 Planning Board meeting.

A motion was made by Mayor Kendall Lane that the Planning Board grant the request for extension on SPR-902, Modification #4 to the December 18, 2019 meeting. The motion was seconded by Councilor George Hansel and was unanimously approved.

IV. Public Hearings

1. SPR-972, Modification #3 – 222 West Street – Site Plan – Applicant Brady Sullivan Properties proposes to conduct exterior work to the Colony Mill building including the installation of a perimeter drain and landscaping as well as penetrations for exterior ventilation, wall mounted lights and heating and cooling units. The site is 4.6 acres in size and located in the Commerce District (TMP# 567-009-000).

A. Board Determination of Completeness.

Senior Planner Tara Kessler recommended to the Board that Application SPR-972 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Mayor Kendall Lane and was unanimously approved.

B. Public Hearing

Rob Pearson, Project Manager, Benjamin Kelly of Brady Sullivan, and Erin Marissa Erhart architect for the property began by introducing themselves. Mr. Pearson stated he wanted to begin by addressing four points as well as other items sent back from staff.

Perimeter Drains – Mr. Pearson explained the first floor of this site is about four feet below grade, which is causing water to collect inside the building. He noted this is because of the lack of perimeter drains. To preserve the integrity of the building, the applicant is proposing perimeter drains along the length of West Street, Island Street and then to feed back into the storm drain. He referred to the filter fabric and perforated pipe that is being installed as well. Mr. Pearson noted because of this installation much of the landscaping that was overgrown had to be taken down which will be replaced.

Penetrations - 89 apartments are being constructed which would require at least four penetrations per unit (fresh air, exhaust for bathroom, kitchen and furnace). The fifth story can't have penetrations because of the pitched roof as a result the applicant is proposing penetrations to happen on the side of the building. He noted gas has been eliminated from the fifth floor, which would require only three per unit on the 5th floor.

The proposal is to have six penetrations on the West Street side about three feet off the ground. The three for the kitchen will come off the atrium side through the atrium roof.

On the second floor, the penetrations will be off the courtyard side through the atrium roof. On the third floor Code Enforcement has exempt them from having to install exhausts for kitchens – this would mean there would be 12 penetrations on the courtyard side and six on the West Street side. Mr. Pearson noted on the top floor they are able to penetrate over the existing holes over the flat roof and also reutilize the bell tower.

He stated any penetration done through the brick will be covered and added they are also proposing a 30 inch roof screen to prevent the vents from being seen from the ground.

Condensers – Four are being proposed at the front of West Street, seven on the gable around the corner. He referred to the condensers that existed at the site and the other holes that have been filled in throughout the site.

Landscaping – Mr. Pearson noted the only landscaping being replaced is in the courtyard along West Street and Gilbo Avenue, the rest will remain. The only other change will be on the pathways – timber ones are being replaced with granite to maintain continuity.

Lighting – Mr. Pearson stated the applicant is aware the up and down lights they have installed are not compliant; the proposal is to either disconnect the up lights or spray paint shades of the up light in black.

Councilor Hansel asked whether the vent grills on the West Street side could be lowered to less than nine feet and then hidden with landscaping. Mr. Pearson stated the nine feet is from the basement floor, it is only four feet tall from the outside.

Mayor Lane asked how many exterior lights are being installed. Mr. Pearson stated 29 are being installed. The Mayor noted it looks like the penetrations for the lights have already been installed. Mr. Pearson stated this work was done about eight months ago but as soon as the city issued a stop work order, the work was stopped. He added the holes they don't need will be filled in.

Chair Barrett noted the water infiltration is not a new issue as Brady Sullivan owned this property for a long time and asked why it was not included in the original application. Mr. Kelly stated when it was operated as a commercial unit they were not in the space all the time. There was also an access hatch in the food court area to look at the water situation and they are likely to have opened this hatch couple of times in the four years they owned it. When the demolition phase started this was checked more frequently and it was noted the water level was increasing; when people are going to start living in this area, the site was looked at through a different lens.

Mr. Lamb added because this site plan was approved administratively with the statement no exterior change happening on the building, the issue being raised by the Chairman would have come to light only through a site plan application at the beginning of the process; a building permit won't pick this up. The Chairman stated someone like Brady Sullivan who has such vast experience with converting older buildings like this into residential units should have known there would be the need to have some sort of ventilation system and asked why this was not anticipated and why it was indicted no exterior changes was going to happen. Mr. Kelly in response stated once 89 units were installed and the electrician started working on the plan, this is when the number of penetrations were determined; this is not something the applicant had knowledge of when the application was submitted.

Mr. Weglinski referred to the condensers and noted the plan says there is going to be some sort of hedging but the staff report refers to lattice – he asked for clarification. Mr. Pearson stated the lattice is for the dumpster.

Councilor Hansel asked whether the applicant envisions the plantings facing West Street would grow tall enough to hide the grills from the streetscape. Mr. Pearson stated they are going to place

them strategically as well as paint them in a terracotta color and felt a combination of the two should provide for low visibility.

Staff comments were next. Ms. Kessler stated with reference to drainage the applicant has indicated they are going to be installing a perimeter drain and staff has received a letter from a licensed engineer that the drain was installed according to proper engineering principles – this drain goes along the entire perimeter of the building and connects into the storm drain system on site.

With reference to screening, Ms. Kessler stated the applicant has indicated the dumpster will be screened with a lattice. There will be 11 ground mounted condenser units on the northeast portion of the property and noted these will be about four feet tall and the applicant is proposing hedging to screen these units. Ms. Kessler noted this hedging is proposed to grow as tall as three to four feet and will not cover the entire unit but should cover the majority of the units – the units are proposed to be black in color and should not be apparent as white units. The applicant has also indicated conduits for these units will run directly into the building so there won't be any conduits running along the vertical aspect of the building.

Ms. Kessler went on to say there are going to be 11 roof mounted vents on the glass atrium and the applicant is proposing a 30-inch black screen to cover this view and referred to this image in the staff report.

With reference to landscaping, Ms. Kessler stated the applicant did remove a significant amount of mature landscaping to install the perimeter drains and are proposing to install a variety of 167 shrubs and 190 assorted perennials, as well as two Japanese maples and three arborvitae, around the east and north facing elevations of the building.

For lighting, the applicant is proposing to install 30 wall mounted exterior lights (to include the goose neck lights) and the applicant is proposing to disconnect the lights on the top to prevent up lighting

With reference to access management and traffic, Ms. Kessler noted the applicant did receive a variance from the Zoning Board to convert from a commercial use to residential use and traffic study did reveal there will be reduction of traffic to and from the site. She noted this information is however, not relevant to the application before the Board tonight.

Architecture and Visual Appearance – Ms. Kessler noted the most significant item is the penetrations. Staff has been working with the applicant and have been able to reduce the number of penetrations down to six on the north facing side. These openings will be about six inches in diameter, capped and painted to match the exterior wall. On the south facing side there will be 12 penetrations on the upper stories.

Ms. Kessler further stated there is an active application submitted to the National Parks Service for historic preservation tax credits but the applicant has not yet received a plan set back with the changes. As a result, staff has recommended a motion regarding these tax credits to make sure the work that is being submitted tonight is consistent with what is being reviewed to receive approval. This concluded staff comments.

Mr. Lamb clarified Ms. Kessler stated with reference to the drainage the engineer found the drainage as installed to be appropriate and added the Engineer's letter actually has to do with

approving the design. Ms. Kessler agreed. Mr. Lamb added the Engineer was not on site for the installation.

Mayor Lane noted nothing has been said about the MBT Bank exterior modification. Ms. Kessler stated this went through internal review; it went through the Section 106 review process which is a requirement for an entity operating under a federal permit. The MBT Bank operates under a federal permit; they went before the Heritage Commission for approval.

The Chairman asked for public comments. With no public comment, the Chairman closed the public hearing.

Mayor Lane stated he does not like that the work was done before it came before the Board but does not have any issue with the work being done. The Chairman agreed the work being done is necessary and appreciates the applicant trying to preserve a historic building but did not like the process the applicant has taken and the Board is here again approving work that has already been done

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-972 Mod. 3, as shown on the plan entitled “Landscape Plan, Sheet AO-4, Colony Mill 222 West Street Keene, NH 03431” and the building elevations entitled “Proposed Elevations, Sheets A2-0, A2-1, A2-3” prepared by architect Christopher Lewis for Brady Sullivan Properties on May 16, 2019 and submitted to the Community Development Department on June 10, 2019, with the following conditions:

1. Prior to signature by Planning Board Chair:

- A. Owner’s signature on plan;
- B. Submittal of security for landscaping, and “as-built” plans in a form and amount acceptable to the Community Development Director and City Engineer;
- C. Submittal by the Applicant of documentation of approval from the National Park Service for a Historic Preservation Tax Credit application for the work proposed on the above referenced plans.

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

V. Advice and Comment

Applicant Brickstone Land Use Consultants, LLC plans to submit plans for redeveloping the Kingsbury property located at 80 Laurel Street. The site is 22+/- acres in size and located in the Business Growth & Re-Use District.

Mr. Jim Phippard of SVE Landuse Consultants addressed the Board. Mr. Phippard stated his focus with this property has been on redevelopment of the property. Mr. Phippard stated the tax issues and easement issues are being settled between city staff and the owner.

He went on to say what he would like today is to get Planning Board advice which he stated he understands is non-binding. Mr. Phippard then referred to what he called a concept plan and most of the uses (except for three) are not specific uses. He stated the City in the past has looked at extending Victoria Street down to Marlboro Street. Over the years the interest changed and property in the area have been developed.

Today there is the option of extending Laurel Street to Victoria Street, which the current owner is open to. He noted the city was also interested in an easement which extends through the property along the east side of the Kingsbury property up to the rail trail.

Mr. Phippard went on to say one of the good things about this 22 acre site is that it is connected to downtown via Marlboro Street as well as rail trail. He noted when he first started working on this property he looked at with using the city's newly created Business Growth and Reuse (BGR) District and the reaction from developers for the uses outlined in this district have been negative because of the restrictions and being limited on the mixed uses being permitted in the BGR District. He noted this is an issue he has raised with staff who have asked he do the best he can and come back to them. Mr. Phippard stated this is one of the big issues he is bringing before the Board as to whether the Board will look at a zoning change to this new district which has not yet been used.

He went on to say two of the developers he has spoken to are not put off by the contamination that exists on the westerly portion of this site. Mr. Phippard went over some of the suggested uses; a bank with a drive thru right off Marlboro Street (they are based out of Massachusetts), a small café. Mr. Phippard stated he did also talk to some hi-tech companies, they have showed interest, but don't want to wait for development to occur two years from now.

The other uses he referred to are pad site uses – an auto parts store, mixed use (6,000 square feet in size), another mixed use (brew pub, office space, housing, retail). Open pedestrian mall area with outside sitting area. On the opposite side of Laurel Street, there was a specific use and noted to the Motor Vehicle Department's interest in the site and referred to the area where there is contamination and explained how this area could be encapsulated so the contamination does not leave the site.

Mr. Phippard went on to say there was also discussion about creating a flood storage area on this site. However, the City feels this work will be too expensive. Mr. Phippard noted the owner would need to clean up this area before the area not in the floodplain can be developed.

Mr. Phippard stated it is a known fact the west side of the brook has contaminants, as far as use future use in this area it is preferred this area be reserved for residential use. Access to this area is via Myrtle Street and felt there should not be an introduction of mixed use at the end of a residential zone. He noted this was one error in the BGR District in that it did not permit residential use as a primary use, it is allowed as a mixed use with an industrial or commercial building.

Mr. Phippard stated he was looking for some feedback from the Board regarding the ideas he has presented tonight.

Mayor Lane stated he has no problem modifying the uses within the zone if it is appropriate and added the BGR District was not created with the Kingsbury property in mind. He felt alternate uses were certainly within the realm of future development.

Chair Barrett stated his understanding is the extension of Victoria Street to Marlboro Street was to provide for truck access and asked whether developers are aware there could be trucks travelling through this property. Mr. Phippard stated this is something that has been discussed; in particular the one developer who creates housing with his mixed used development. Mr. Phippard stated he did point out Victoria Street to this developer and noted this is a street that would need to be developed in the future and added there will not be much truck traffic if Victoria Street stays the way it does.

Mr. Lamb stated the immediate situation with Victoria Street is not going to change unless there is better access. He added just because truck traffic is going to be permitted here it is not meant only for truck traffic, it was meant to take extra traffic off some of the surrounding streets.

Dr. Cusack asked whether there was going to be pedestrian path proposed along Beaver Brook for the public. Mr. Phippard stated the city approached the applicant expressing an interest in a 30 foot easement along the entire length of Beaver Brook. He indicated he is still to meet with the Public Works Director to further discuss this issue. He noted the city does have a maintenance access but they don't have the kind of access being proposed under this plan. He stated what the city probably has in mind is something similar to a bike path.

Councilor Hansel stated what he is seeing all across the stated is mixed use and that is what is going to attract private developers. He noted it is difficult to envision what is going to happen on this property until real applications start coming in. He stated his only comment is he has not heard any opposition to this kind of development and looks forward to seeing what comes through.

Chair Barrett stated when BGR was developed it was more for downtown and the Marlboro Street area and felt it is not surprising some of the BGR District regulations won't apply here and felt some flexibility with this site would be necessary.

Mr. Weglinski felt a lot of thought and work has gone into this and commended Mr. Phippard for this efforts and stated he looks forward to what is going to happen.

Mr. Phippard stated what he has heard so far has been positive and as things develop with the owner and the city he could start getting more commitments from developers.

VI. Community Development Director Report

VII. New Business

VIII. Upcoming Dates of Interest – July 2019

Planning Board Meeting – July 22; 6:30 PM

Planning Board Steering Committee – July 5; 11:30 AM

Joint PB/PLD Committee – July 8; 6:30 PM

Planning Board Site Visits – July 17; 8:00 AM – To Be Confirmed

Meeting adjourned at 7:40 PM.

Respectfully submitted,
Krishni Pahl, Minute Taker

Reviewed by: Mari Brunner, Planner