



**Planning Board – Monday, November 25, 2019, 6:30PM**  
**City Hall Council Chambers – 3 Washington Street, 2<sup>nd</sup> floor**

**AGENDA**

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – October 28, 2019 Meeting
- III. **Public Hearing**  
**S-07-19 – Old Walpole Road – 9-Lot Subdivision** – Applicant Brickstone Land Use Consultants, LLC, on behalf of owners Charles and Kathryn Kingsbury, proposes to subdivide the 13-acre parcel located at the intersection of Old Walpole Road and West Surry Road (TMP 220-012-009) into 9 lots. Eight of the proposed lots would be developed as single-family residences and would vary in size from 0.26 to 0.41 acres. The remaining lot would be 10.33-acres and would be used as open space. The site is in the Low Density District.
- IV. **Community Development Director Report**  
City Council Referral – 95 and 100 Wyman Road, Hillside Village – Regarding Pedestrian Safety
- V. **New Business**
- VI. **Upcoming Dates of Interest – December 2019**  
Planning Board Meeting – December 23; 6:30 PM  
Planning Board Steering Committee – December 10; 11:00 AM  
Joint PB/PLD Committee – December 9; 6:30 PM  
Planning Board Site Visits – December 18, 8:00 AM – To Be Confirmed

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**CITY OF KEENE  
NEW HAMPSHIRE**

**PLANNING BOARD  
MEETING MINUTES**

Monday, October 28, 2019

6:30 PM

Council Chambers

Members Present

Douglas Barrett, Chairman  
Martha Landry  
Councilor George Hansel  
Andrew Weglinski  
Gary Spykman  
Pamela Russell Slack  
Tammy Adams, Alternate

Staff:

Rhett Lamb, Asst. City Manager/Community Dev. Dir.  
Mari Brunner, Planner

Members Not Present:

Chris Cusack, Vice-Chair  
Michael Burke  
Mayor Kendall Lane

**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** – September 23, 2019 Planning Board Meeting Minutes

A motion was made by Councilor George Hansel to accept the September 23, 2019 minutes. The motion was seconded by Pamela Russell Slack and was unanimously approved.

**III. Advice and Comment**

Rob Pearson, on behalf of owner Brady Sullivan Properties, seeks input on proposed modifications to the site plan, SPR-972 Modification #3, for the Colony Mill at 222 West Street. The Applicant is requesting that the Planning Board determine these proposed modifications to the site landscaping, roof venting, and other features be approved administratively. The site is 4.6 acres in size and located in the Commerce District (TMP# 567-009-000).

Rob Pearson, Property Manager and Charles Poanessa representing the owner of the property addressed the Board. Mr. Pearson stated they were before the Board for advice and comment on two changes to the plans that the Board reviewed last April. The first item relates to the landscaping plan. Mr. Pearson said that the landscaping was supposed to wrap around the gable end of the building on Island Street, however there was some confusion when the landscaping was planted and sod was installed in this area of the site instead. However, the total number of plantings matches the approved plan and may even exceed what was approved. This information was submitted to staff. The second change is the addition of roof penetrations to the two-story section of the building, which have been painted black.

Chair Barrett referred to a photograph that was provided to Planning Board members and asked staff about the purpose of the picture. Ms. Brunner explained the purpose of this picture is to show the Board what some of the changes to the site look like, including the ductwork on the two-story portion of the building. Mr. Lamb stated that the ductwork on the second story portion of the building was brought staff's attention by a board member at the previous Planning Board meeting. He recalled that a lot of attention was given to managing the penetrations to the exterior walls of the building, however somehow the ductwork on the second story roof were missed. As the project moved forward, it was noticed there were changes that were not part of the original modification.

Staff have this item before the Board so the Board could decide if it wishes to have this item approved administratively or have it come back before the Board for a more formal review.

Mr. Spykman stated he has a procedural question – he noted he has never encountered a situation where an applicant during advice and comment was before the Board to verify if they needed to come back before the Board. Mr. Lamb explained this is something that has been done in the past where the extent of the change is significant and where the applicant would like to move the project forward in a timely manner.

Chair Barrett asked Mr. Pearson to explain the changes that are being made compared to what was originally approved. Mr. Pearson said that, with respect to landscaping, there was supposed to be a landscaping bed on the west end of the building facing the Walgreens building, but the landscape contractor was confused and has located sod there instead. He indicated this sod has started taking root and asked for approval to leave this as-is. He further stated they are in excess of the number of plantings. The Chairman asked about the area in front of the smoke stack, which can be seen in the photo. Mr. Pearson stated there are fewer plantings here than shown on the plan because the footing in this location is much bigger than was expected.

The Chairman asked Mr. Pearson to explain what is shown next to the fire hydrant in the photo. Mr. Pearson stated this is AstroTurf with crushed gravel underneath and a sprinkler system to provide a sanitary area for pets to use. He noted they are a pet friendly facility. There is also another smaller location of this type of turf closer to NBT Bank.

With reference to rooftop venting, the Chairman noted the original plan had called for no exterior changes to the property. He noted the venting on the two-story section of the building is very visible from multiple viewpoints, and the rooftop ductwork on the taller section of the building is also visible as you travel further down Island Street. The Chairman complimented the construction on the rest of the building but expressed concern about the rooftop venting. Mr. Pearson stated these penetrations were a requirement under the conditions from the City and felt painting them would make it less obvious and felt anything more would be detrimental to the appearance of the building.

Mr. Poanessa noted the venting is visible mostly from the parking lot and not from the West Street. He further stated his hesitation with installing any type of fencing on the roof is that currently, the roof does not have a parapet and snow comes on and off easily. A fence would draw attention to the venting and could create a situation that would increase the snow load. He was getting ready to handout comments from abutters who were in support of this project. Mr. Spykman cautioned the Board it was getting into public comment and reminded the Board this was Advice and Comment. Chair Barrett stated he would like to take Board comment at this point.

Ms. Slack asked for the two items, landscaping and rooftop venting, to be separated out and stated she has no problem with the landscaping. Councilor Hansel stated he had no issue with the landscaping either. He stated he would like to see more options for the rooftop and give the public a chance to weigh in on that. Ms. Landry stated she had no issue with landscaping. Mr. Spykman stated he had no issue this item being handled administratively but had concerns about procedure. Ms. Slack stated she had no problem this item being handled administratively and did not feel the penetrations were an eyesore and added the black paint makes it blend in. She further stated she does understand why this item is before the Board because with prior applications the Board raised concerns when changes were made, and the Board was advised of same after. Ms. Landry felt it

could be handled administratively. Ms. Adams felt the same way but added she did not quite like the visuals on top of the roof.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board direct staff to handle this item administratively. The motion was seconded by Pamela Russell Slack and was unanimously approved.

IV. Public Hearings

**SPR-06-19 – Froling Energy – 560 Main Street – Site Plan** – Applicant 560 Main Street LLC, on behalf of owner, City of Keene, proposes to construct two new buildings on the property located at 560 Main Street (TMP #114-012-000) in two phases. A 38,500-sf wood chip processing facility is proposed for Phase 1, and the removal of an existing City salt shed and installation of a 10,000-sf building for offices, truck storage and maintenance is proposed for Phase 2. A waiver is requested from Standard #6, Landscaping. The site is 9.88 acres in size and is in the Industrial District.

A. Board Determination of Completeness.

Planner Mari Brunner said an exemption was requested by the applicant from submitting a traffic report. Staff have determined that granting this exemption will have no bearing on the merits of the Application and recommended the Board accept the Application as complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell Slack and was unanimously approved.

Mr. Jim Phippard of Brickstone Land Use Consultants representing 560 Main Street LLC and Froling Energy addressed the Board. He noted this property is owned by City of Keene and has been used by the City for the past 100 years. It was used as a waste disposal site for many years and in more recent years it has been used for snow storage. The City has a salt shed on site.

Mr. Phippard referred to the site plan and said the area in green, which is 9.8 acres in size, is the land under contract to be sold to 560 Main Street LLC. This portion of the property is primarily located in the Industrial Zone. The corner of the site was zoned Commerce until recently when the City Council voted to be change this zone to Industrial. Access to the property is from lower Main Street, which is also the entrance to Cheshire Tire. Manchester Street, located to the west of the proposed site, is a residential street and there is a residential neighborhood abutting this property. The site has over 1,000 feet of frontage on Route 101, which is a limited access road.

The proposal is to construct a wood chip processing facility on the north side of the property that is 38,500 square feet in size. On the westerly side of this structure would be an open canopy, which will be open on three sides to store green wood chips until they are processed. The central portion would be a 10,000 square foot processing area. The easterly side would be the dry woodchip storage area which is much larger in size (20,000 square feet). He referred to the air ventilation areas and added there was a question from the fire department as to how wood chip fires will be handled on this site. Mr. Phippard noted this site does have access to City water and sewer and noted to the location of fire hydrants just as you access the site. The processing portion of the facility will contain sprinklers and the green wood chip have a high concentration of moisture and are difficult to burn. The dry wood chip area does not have a sprinkler system but there is a loader that could move the products very easily out of the area so a fire could be extinguished.

Mr. Phippard said that materials will be delivered to the site by tractor-trailers via the access driveway. After the products are dried, they will be loaded into trucks next to the dry chip area and leave the site via Manchester Street to Main Street, which has an existing center turn lane. He added this site does not attract very high traffic volumes; their busy season is the winter season starting in August through May. The site will see about six trucks trips per day between 6 am and 10 pm. There will be five full time employees at this facility, one will be the loader operator on site all day and the other four are office workers who will relocate on site when a facility is constructed where the salt shed is currently located. He noted the City is retaining right to use the salt shed for three more years, which means the applicant cannot build their office location for three more years and hence will be leasing office area elsewhere in the City.

With respect to parking, there will be spaces located in front of the processing plant, as well as parallel spaces on the edge of the processing facility parking area and conventional spaces at the office area. Parking will be screened from public view with the planting of Balsam Firs along the west side of the property, which will also help with noise. This site is higher in elevation from Manchester Street, hence the trees work well for screening. There are other trees along the same façade which will not be disturbed other than some disturbance to run an electrical line and sewer line into the site (underground utilities). Balsam Firs will also be added along the north portion of the site where there is a gap in the existing vegetation.

Mr. Phippard then referred to the view from Route 101 which he noted was well screened but added they cannot guaranty NHDOT won't alter this vegetation in the future, but the applicant is adding Balsam Firs along their property line.

Mr. Phippard stated there are vents that extend above the roof line and the applicant has applied for an air quality permit from the State because of the size of the boiler in the processing plant. The larger vent is from the processing of wood chips and what it dispels is water vapor.

With regards to noise, Mr. Phippard stated the noise on the site would be generated by back-up alarms on the trucks (OSHA requirement is 80 decibels), the trucks come equipped with 90 decibels and the applicant is going to be reducing the alarms on the trucks to 85 decibels. He noted 85 is higher than the City's zoning ordinance, the requirement is for it to be lower than 70 decibels at the property line. The closest point from the applicant's property to the residential neighborhood on Manchester Street is 60 feet. There is also going to be an addition of Balsam Firs on this side of the property to help as a sound barrier. Mr. Phippard noted the further the distance, the less the decibels levels are. 100 feet away the decibel levels will be less than 60.

Mr. Phippard then referred to the Waiver they have applied for with reference to landscaping. The parking lot landscaping requirements call for a portion of the parking lot to contain landscaping, however due to the use of this site (dumping of wood chips) it is not practical to locate landscaping in the parking area. Hence, the applicant's proposal is to locate all the landscaping into screening the north and west of the property.

Mr. Phippard then went over the waiver criteria:

*a) That granting the waiver will not be contrary to the spirit and intent of these Regulations;*

Mr. Phippard stated this was true because none of the interior landscaping will be visible from the public right of way or adjacent properties.

b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment;*

Mr. Phippard stated by locating the landscaping to the west to screen the property from the residential area on Manchester Street, the interest of the abutters is being protected.

c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*

Mr. Phippard noted because of the nature of the abutting uses – rental properties, tire stores, state highway to the north, public works use to the east – the residential interest along Manchester Street are being protected with the screening that is being proposed to diminish noise.

d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*

Mr. Phippard stated he did not see a need to provide landscaping in the parking lot and referred to other industrial sites in the area such as C&S and Markem, both of which have their landscaping in the perimeter of their parking lots, and hoped the Board would support this hardship request.

Mr. Phippard then went on to refer to the exterior façade of the processing facility; the east and west ends have solid walls and a grey color is being proposed for these walls. There will be accent bands to the front of the processing plant in carrot orange. He referred to a black and white rendering of what the office building would look like in the future. It would consist of two bays of truck parking and servicing. The building is a 10,000 square foot building, with 2,000 square feet of office area and 8,000 square feet for maintenance and storage of vehicles. The office building will not be constructed for at least three more years. He asked that this proposal also be approved as part of this application but would come back before the Board if there are changes to what is being proposed.

The proposed landscaping includes pear trees to screen the parking for the office area as well as several species of perennials and rhododendron.

With regards to the Lighting Plan, 18 wall packs are being added to the outside perimeter on the larger building and they will be full cutoff, LED fixtures. The light ratio being proposed would not produce bright spots, as they would be less than 2-foot candles. Mr. Phippard referred to the three pole lights that will be located across the parking lot area. The office building will have four wall pack lights primarily over the entrance and egress points and one in the parking lot area – they would also be less than 2-foot candles. After-hours the lights will be reduced to 50% of the lighting levels.

Mr. Phippard went on to say access to this facility will be gated and the applicant will be sharing it with Public Works.

He further stated that a small portion of this property is in the 100-year flood plain closer to the area that abuts the Branch River. None of that portion is proposed to be disturbed other than some drainage being discharged into that area. Mr. Phippard explained that this is a Brownsfield site and the NHDES has issued a Groundwater Management Permit for this property and an Activity and Use Restrictions Permit, which are covenants that run with this land. Because of the restrictions in place, the applicant is not allowed to infiltrate more water into the ground as would normally be done with other sites. This is because introducing more groundwater into a contaminated site would help contaminates migrate. Soil borings in the area of the site that will be built on revealed 12 feet

of ash. This area will be excavated through to provide solid footings. An Alteration of Terrain Permit Application has also been submitted to NHDES.

Mr. Phippard stated all runoff will be captured onsite in catch basins with hooded outlet pipes and referred to a detail for the hooded outlet. On a scheduled timeframe, the captured contaminants will be removed from the basins. No infiltration is allowed from these catch basins, they would consist of sumps, and hooded outlet pipes. From there the discharge would flow into two storage areas that would be lined with rubber liners that are constructed as gravel wetlands. This means that material will pass through a gravel area into another storage area. This is what is being required by NHDES. This concluded Mr. Phippard's comments.

Ms. Adams asked for the lifetime of the rubber lining. Mr. Phippard stated it has a 50-year life.

Mr. Spykman noted Mr. Phippard did not address the issue with locating landscaping in the middle of the parking lot that would help break up the heat island effect caused by large, unbroken expanses of asphalt. Mr. Phippard stated it could help, but landscaping with the uses that are going to be undertaken will be difficult to maintain on an industrial site such as this. Councilor Hansel agreed with Mr. Phippard and compared this site to Filtrine Manufacturing where there are loaders being driven around and stated if landscaping is located it would be destroyed in a short period of time.

Mr. Spykman stated he has some concern about light trespass on abutting properties but is mostly concerned about noise. He questioned why the property is being developed so close to the residential properties and if it must be in this location, whether more screening can be added. Mr. Phippard stated he was comfortable with the Balsam Firs and referred to the Key Road site where there was concern about noise from the fans and noted when calculations were taken on this site it was lower than what was predicted by the engineers. He noted at the closest point they are about 60 feet away, from where the loader operates, they are 100 feet away. The applicant did look at moving the property further east but because of the grade that exists, it is about eight feet lower, this is a constraint. Mr. Spykman asked whether the applicant would consider a more substantial sound barrier other than just landscaping.

Ms. Landry asked what the applicant would be doing with the excavated material. Mr. Phippard stated it is required to be retained on site and added he is recommending adding it to the City site because there is more space at this location. He added they however, are not sure how much material is going to be excavated. Ms. Landry noted this would be a concern for her for future development of that site. Mr. Phippard stated this would be a conversation they would need to have with City staff.

Chair Barrett stated his concern is the early morning operation at this site and the noise level that would then be experienced by the abutters. He indicated he is concerned the calculations submitted by the applicant do not demonstrate compliance with City standards for noise ordinance. The Chairman noted 60 feet is a length of this room and felt one does not have to be a noise expert to realize noise created by this equipment could create some type of conflict for abutters. He went on to say the concern he has is with noise created by mobile equipment, noise created inside the facility, and noise generated by external mechanical equipment (roof top units). He stated his biggest concern is with the loader. He explained how noise level is calculated. Chair Barrett clarified with the applicant with reference to the front loader - full throttle 95 decibels at 3 feet and



asked where this calculation came from. Applicant Mark Froling stated he got these numbers from an online 2005 study. Chair Barrett noted this was from a student thesis paper.

The Chairman stated he now understands how the applicant took the three feet and projected that out to 100 feet. The Chairman stated according to testimony provided, the distance would be 65 feet from the closest abutter that would be a few degrees louder than has been indicated maybe a decibel level closer to 80 decibels.

Mr. Weglinski asked for the decibel levels the current operation of the City at this site. He referred to the use of the City salt shed. Mr. Froling in response stated the loader is not driven at full throttle; when the loader is idling which is 90% of the time its noise cannot be heard. Their operation is slow moving.

The Chairman asked about the levels referred to for the dryer room and the mechanical room and asked whether these measurements are from the existing facility. Mr. Froling stated these measurements are from a prior Planning Board application for a similar process. He went on to say most of the noise at this facility will come from a shaker screen. The Chairman asked whether the overhead doors would be open during operating hours. Mr. Froling stated they could be open when the site is in operation, particularly during the summer when it is hot outside.

Ms. Russell Slack asked how many trips are being referred to here. Mr. Froling stated the loader operates about three to four hours a day and 90% of the time this loader will be 200 feet from the closest residential unit. Mr. Phippard asked how effective a stockade fence would be for diminishing noise reduction – The Chairman stated it is very ineffective and the same would be true with trees, you would need close to 150 feet of dense vegetation to provide noise reduction.

Mr. Spykman asked about a sound barrier wall should the Board agreed to one. Mr. Phippard stated it depends on what the Board was looking for. Mr. Phippard stated they would also be agreeable to a compliance hearing.

Councilor Hansel stated he deals with a similar operation at his company and about 60 feet away are homes. He stated they operate loaders, trucks coming in and out (much more intense use) and so far, they have not had any complaints; they have no barriers. He felt this is a low industrial use and agreed with what Mr. Weglinski stated.

Staff comments were next.

Mr. Lamb called the Board's attention to the City's noise ordinance; the zoning ordinance has a specific standard under Section 102-951 – paragraph 2.

Ms. Brunner began with reference to access – she indicated access to this site is via a 40-foot-wide easement off Manchester Street and there will be a new access easement across this property for City use.

With regards to Sedimentation and Erosion Control, Ms. Brunner noted this site drains toward the Branch River, hence the applicant is proposing to install a double row of silt fencing and/or waddles between the areas to be disturbed and the existing wetland and Branch River.

She called the Board's attention to the waiver request from Standard #6, Landscaping that is outlined on page 22 of the staff report. Ms. Brunner also referred to the email from Mr. Froling that outlines the noise calculations and added this email came in after the staff report was produced.

With regards to screening, the applicant is proposing Balsam Firs along Manchester Street and Route 101. This project requires an air quality permit from NHDES, and Development Standard #9, Air Quality indicates this permit must be obtained prior to the issuance of a building permit. This is included as a condition of approval in the recommended motion.

Ms. Brunner noted that page 19 of the packet includes a table which shows the different light levels being proposed, which generally meet the Board's standard. With regards to Standard #14, Hazardous or Toxic Materials, this property was previously used as a landfill for the City of Keene and is a known Brownfield site. The applicant is currently working with NHDES to meet all the requirements of the Alteration of Terrain Permit and the Groundwater Management Permit associated with this site.

This concluded staff comments.

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

Mr. Weglinski stated that because there is no comment from the public, and because there are similar uses on site, he does understand the noise concern, but feels a compliance hearing after something is built would be prudent. The Chairman asked for staff comments on this suggestion. Mr. Lamb stated the Board has done compliance hearings in the past; the application would move forward, occupancy would be permitted and then evaluations will be made. He asked the Board to establish conditions, so the applicant understands if corrections need to be made, they would need to be done at the applicant's expense.

Councilor Hansel felt mitigation is complaint driven and the property owner at that time would have to mitigate it. Mr. Lamb agreed it is complaint driven, but to move forward with this application the Board will need to decide there are no obvious violations based on what the Board knows today. However, if the Board envisions there might be a violation, a mechanism to address same would need to be put in place. At that point, the application would need to be reopened to address the violation, failing which the site plan approval would need to be rescinded. He felt if the Board envisions there might be a violation, it would be prudent to move forward with a compliance hearing.

Ms. Landry asked what reason the Board would need to have to believe there would be non-compliance with this operation versus non-compliance with the existing City operation. Mr. Lamb in response stated the Board heard from the Chairman who is an expert in this field that if the loader operates within 60 feet of the property line it is going to produce more than 70 decibels under certain operating conditions. Even the backup alarm produces more than 70 dba at the property line. Mr. Spykman added that just because the current use of the site might not be in compliance doesn't mean the Board should approve something that is also not in compliance, and added that the residents on Manchester Street may not be here because the residents are just not aware of their rights.

Ms. Landry asked whether the City has heard any complaints from the abutters. Mr. Lamb stated he was not aware of any complaints, but these complaints would not necessarily come through his office. The Chairman noted the salt shed operation might only be a few times a year versus what is being proposed by the applicant. Councilor Hansel stated he could appreciate what the Chairman is saying but on the other hand, the applicant is indicating he does not run his equipment full throttle and felt the applicant has indicated they will not be operating this equipment at a high noise level. Chair Barrett stated the applicant has submitted numbers but the applicant is not a noise expert and as a professional he was not convinced based on the numbers presented there will not be a violation of the zoning ordinance.

Ms. Adams stated heavy road traffic could be at 70 decibels and noted this is not a quiet area. She stated she respects the Chairman's professional opinion but added she would not be averse to a compliance hearing but did not believe it was necessary. Mr. Spykman felt noise pollution, similar to discharge from a site, should be contained on a property owner's site and felt a compliance hearing was the least the Board could require.

Ms. Russell Slack stated she respects the comments and noted when there is a snowstorm; the City uses that site 24/7. She also stated she was not aware of any complaints. She stated she does not like to place this burden on the property owner.

The Chairman stated a motion could be put on the table to see how the Board votes on this application. He stated there are other noise reduction options that are available. He felt that if a professional did a noise study, they might disagree with the opinion provided by the Chairman. They could also propose mitigation efforts – he stated an alternative to requiring a compliance hearing could be to continue the public hearing and request the applicant provide additional information about noise generation on the site.

A motion was made by Councilor George Hansel that the Planning Board approve SPR-06-19 including granting of a waiver from Development Standard 6, Landscaping, as shown on the plan set identified as "560 Main Street, LLC" prepared by Brickstone Land Use Consultants LLC on September 20, 2019 and revised October 7, 2019, and as shown on the architectural elevations identified as "Froling Energy HQ, 560 Main Street, Keene, New Hampshire 03431" prepared by Weller and Michal Architects, Inc. and dated September 20, 2019, with the following conditions:

1. Prior to signature by Planning Board Chair:
  - A. Owner's signature appears on plan.
  - B. Architect's stamp appears on the architectural elevations.
  - C. Applicant submits revised site plan to show the 40-foot proposed access easement.
  - D. Applicant submits documentation of an approved Alteration of Terrain Permit from the NH Department of Environmental Services to the Community Development Department.
2. Applicant submits to the Community Development Department documentation of all necessary permits and approvals from state and federal agencies, including but not limited to a Groundwater Management Permit, and an Activity and Use Restriction (AUR) Covenant.
3. Prior to the issuance of a building permit, the applicant obtains an Air Quality Permit from the New Hampshire Department of Environmental Services."

The motion was seconded by Pamela Russell Slack.

The Board asked staff for language regarding a compliance hearing. Mr. Lamb referred to the following language:

*This approval is subject to a compliance hearing after operations at the site have commenced to determine if conditions at the site are in compliance with noise standards under chapter 102 section 951 paragraph 2. Applicant agrees correction of any violation will be at the expense of the applicant.*

Chair Spykman made a motion to amend the motion to add the language read by staff. The Chairman seconded the amendment. The amendment failed on a 3-4 vote with George Hansel, Tammy Adams, Martha Landry and Pamela Russell Slack voting in opposition.

The original motion carried on a 6-1 vote with the Chairman voting in opposition.

**V. Community Development Director Report**

Mr. Lamb stated the MSFI Committee last week decided to refer a matter to the Planning Board relating to a site plan condition for Hillside Village. This item is in reference to a request for the construction of a crosswalk between the health center and the community building (crossing Wyman Road). The reason it has been referred to the Planning Board is that the Board required the applicant to do an evaluation of pedestrian facilities on site within 12-18 months of opening the site. Staff intend to bring the matter to the attention of the applicant. Mr. Spykman asked what options would be available and asked about the suggestion of a tunnel that was previously raised. Mr. Lamb stated a tunnel has already been constructed.

The next item Mr. Lamb addressed was regarding a curb cut at the end of Wheelock Street for Symonds School. He said that staff have notified the school that a driveway permit is required for this curb cut. In response to a question from the Board, Mr. Lamb said the school installed the curb cut to provide a new bus drop-off area in order to address the problematic drop-off that has been an issue for a while.

**VI. New Business**

None

**VII. Upcoming Dates of Interest – November 2019**

Planning Board Meeting – November 25; 6:30 PM

Planning Board Steering Committee – November 12; 11:00 AM

Joint PB/PLD Committee – **Tuesday**, November 12; 6:30 PM

Planning Board Site Visits – November 20, 8:00 AM – To Be Confirmed

The meeting adjourned at 8:35 pm.

Respectfully submitted,  
Krishni Pahl, Minute Taker

Reviewed and edited by Mari Brunner, Planner

## STAFF REPORT

### S-07-19 – Nine Lot Subdivision – 0 Old Walpole Road

#### **Request:**

Applicant Brickstone Land Use Consultants, LLC, on behalf of owners Charles and Kathryn Kingsbury, proposes to subdivide the 13-acre parcel located at the intersection of Old Walpole Rd and West Surry Rd (TMP #220-012-009) into 9 lots. Eight of the proposed lots would be developed as single-family residences and would vary in size from 0.26 to 0.41 acres. The remaining lot would be 10.33-acres and would be used as open space. The site is in the Low Density District.

#### **Background:**

This 13-acre parcel is located at 0 Old Walpole Road in the Low Density district, about 0.6 miles northeast of Keene Middle School. The property is in a residential area with predominantly single-family homes. There is currently no development on the site; the eastern end of the site is an open field and the remainder of the site is forested. A 4.55-acre wetland is present in the forested area.

The applicant proposes to subdivide the parcel into nine lots, eight of which would be for residential use with the ninth lot remaining as open space. The owner intends to place a restrictive covenant on the 10.33-acre tract of open space to preserve it in its natural state in perpetuity. The eight residential lots would vary in size from 0.26 to 0.41 acres and would be accessed from Old Walpole Road.



#### **Completeness:**

The applicant has requested exemptions from providing a drainage report, a traffic report, and lighting plans as no development is proposed at this time. Staff recommend granting these exemptions and accepting the application as “complete.”

#### **Departmental Comments:**

All departmental comments from staff were addressed by the applicant prior to the application revision deadline.

## STAFF REPORT

**Application Analysis - Development Standards:** Many of the Planning Board Development Standards are not relevant to this application as no development is proposed at this time. The following is a review of the standards relevant to the proposed application.

3. Hillside Protection: Sec. III.C.6 of the Planning Board Site Plan and Subdivision Regulations states that, for all proposed subdivisions of parcels greater than fifteen acres in size, all land areas meeting the definition of a “prohibitive slope” (greater than 25%) and 50% of all land areas meeting the definition of a “precautionary slope” (15%-25%) shall be excluded in the calculation of minimum lot size for each new lot. The proposed parcel to be subdivided is 13.03 acres in size, and therefore steep slope areas do not need to be excluded from minimum lot size calculations. This standard is not applicable.
5. Flooding: No part of this site is located in the floodway or floodplain, therefore this standard is not applicable.
11. Sewer and Water: This site has access to City sewer and water from Old Walpole Road. The applicant notes that there is adequate capacity in both the water and sewer system to provide service to eight additional single-family residences. This standard appears to be met.
12. Traffic: The applicant notes that if all eight lots were developed as single-family residences, the expected increase in traffic per the ITE Trip Generation Manual would be 76 trips per weekday, with an increase of 6 vehicle trips during the morning peak hour and 8 vehicle trips during the evening peak hour. Based on these estimate, the increase in traffic volume is not expected to compromise the safety or capacity of Old Walpole Road or the intersection of Old Walpole Road, West Surry Road, Court Street, and Maple Avenue. This standard appears to be met.
13. Comprehensive Access Management: There is an existing sidewalk on Old Walpole Road that connects to the sidewalk network present on Court Street and Maple Avenue. In addition, this property is currently located along the bus route for the City Express Bus. No driveways are proposed at this time; however, City Engineering staff have determined that each of the proposed residential lots could accommodate a future driveway. This standard appears to be met.
16. Wetlands & 17. Surface Waters: There is a 4.55-acre forested wetland present on the site located to the north of the proposed eight residential lots. The applicant notes that the wetland is located entirely within the 10.33-acre lot that will be preserved as open space in perpetuity through a restrictive covenant. No other surface waters are present on the site. This standard appears to be met.

### **RECOMMENDATION FOR APPLICATION:**

Staff will provide a recommended motion at the Planning Board meeting.

# CITY OF KEENE | PLANNING BOARD

## SUBDIVISION APPLICATION



*This form must be filled out in its entirety. If a box is not checked, staff will assume that the information is not provided and the application is, therefore, not complete. Incomplete applications will not be accepted for review.*

<b>A</b>	<b>Project Name</b> 9 Lot Subdivision 0 Old Walpole Road	Date Received/Date of Submission: OCT 18 2019
	Tax Map Parcel number(s) 2 2 0 - 0 1 2 - 0 0 0 . _____ _____-_____-_____-_____-_____-_____- _____-_____-_____-_____-_____-_____-	Date of pre-application meeting:  Date Application is Complete: Community Development Dept File #: 5-07-19

Project Address:  0 Old Walpole Road	<b>O w n e r</b>	Printed Name: Charles O Kingsbury & Kathryn L Kingsbury
		Signature:
Acreage/S.F. of Parcel: 13.03 ac / 567,587 sf	<b>A p p l i c a n t</b>	Address: 9 Jefferson Drive Paxton MA 01612
		Telephone/E-mail:
Zoning District:  Low Density	<b>A p p l i c a n t</b>	Printed Name: Same as above
		Signature:
		Address:
		Telephone/E-mail:

### **B** Descriptive Narrative Including

<input checked="" type="checkbox"/> Type of development	N/A <input type="checkbox"/> Sedimentation Control	<input checked="" type="checkbox"/> Scope/scale of development
<input checked="" type="checkbox"/> Proposed uses	<input checked="" type="checkbox"/> Vegetation	<input checked="" type="checkbox"/> Parcel size
<input checked="" type="checkbox"/> Location of access points	N/A <input type="checkbox"/> Debris management	N/A <input type="checkbox"/> Proposed stormwater, drainage & erosion plan
<input checked="" type="checkbox"/> Any other descriptive information	N/A <input type="checkbox"/> Disposal proposals for boulders, stumps & debris	

### **C** A complete application must include the following

--

**Subdivision Application Narrative  
Nine Lot Subdivision  
Charles O. and Kathryn L. Kingsbury  
O Old Walpole Road  
Keene, NH**

**October 17, 2019**

Charles and Kathryn Kingsbury are the owners of Tax Map 220 Lot 12, a 13.03 acre tract of land located on the north side of Old Walpole Road at the intersection with Maple Avenue and Rt. 12A. The property is vacant land and is in the Low Density District. The owners wish to subdivide the land into nine lots varying in size from 0.26 acres to 10.33 acres. There is an existing single family home on 1.1 acres located at 32 West Surry Road which is listed on the Keene tax card as part of this tract. These lots were merged administratively many years ago and the owner has requested they not be merged. The Assessing Dept. is in the process of separating this lot from the larger lot and will assign a new tax map number.

Eight house lots are proposed along the frontage at Old Walpole Road. These lots will vary in size from 0.26 acres to 0.41 acres. Each lot will have a minimum of 80 feet frontage and will have access to city water and city sewer from Old Walpole Road. The remaining land will be a 10.33 acre lot with frontage on both Old Walpole Road and Rt. 12A. It includes the open field at the intersection at the roundabout, and the large forested area to the rear of the proposed house lots. Most of the forested area is a 4.55 acre jurisdictional wetland and the owner wants to preserve the forested wetland and the open field as permanent open space. The owner proposes to place a restrictive covenant on the 10.33 acre tract which will preserve the lot in its natural state in-perpetuity.

The eight proposed house lots are designed to be similar in size and shape to the existing house lots that front along Old Walpole Road in this neighborhood. The owner intends to sell the lots as building lots and is not proposing any construction or alterations to the property with this subdivision.

Exemptions are requested from providing a drainage report, a traffic report, lighting plans and from checklist items which do not exist on the property or are not applicable.



S-07-19



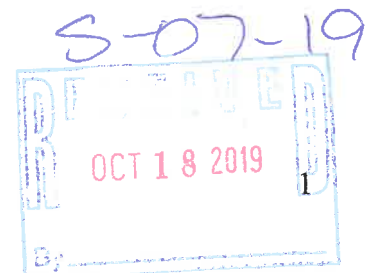
**Subdivision Application Narrative**

**Nine Lot Subdivision  
Charles and Kathryn Kingsbury  
0 Old Walpole Road  
Keene, NH**

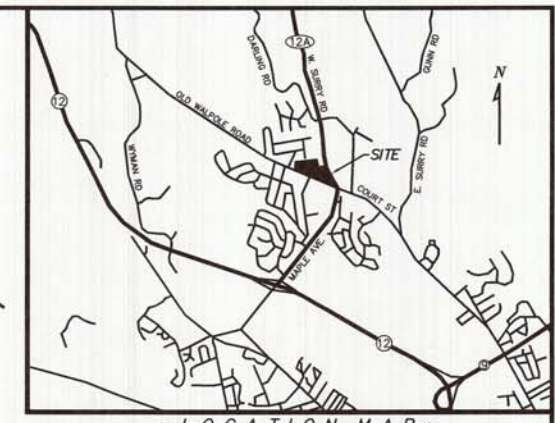
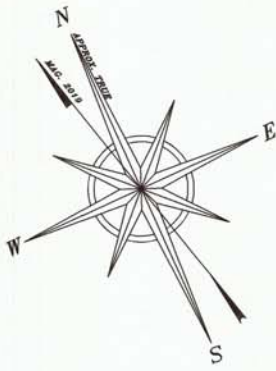
**October 17, 2019**

**Development Standards**

1. **Drainage** - This is a subdivision of land and does not involve any construction or terrain alteration. No changes to stormwater runoff are proposed. An exemption is requested from providing a formal drainage report.
2. **Sediment/Erosion Control** – This proposal does not involve any terrain alteration. This standard is not applicable.
3. **Hillside Protection** - N/A
4. **Snow Storage and Removal** – N/A
5. **Flooding** - This property is not located within the 100-year floodplain.
6. **Landscaping** – N/A
7. **Noise** - N/A
8. **Screening** – N/A
9. **Air Quality** – N/A
10. **Lighting** – N/A
11. **Sewer and Water** – The site is serviced by an existing 12” DI city water main and an existing 8” AC city sewer main on Old Walpole Road. Adequate capacity exists to service the proposed eight single family house lots.
12. **Traffic** – Eight single family house lots, when fully developed, will generate an estimated 76 vehicle trips per weekday. AM peak hour trips are estimated to be 6 vehicle trips. PM peak hour trips are estimated to be 8 vehicle trips. The low volume of traffic generated by this proposal can be safely accommodated without reducing the safety or capacity at Old Walpole Road or at the roundabout at Maple Avenue and Rt. 12A.

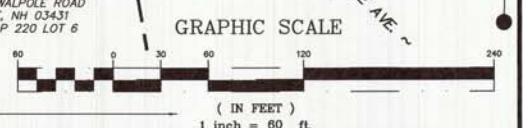


- 13. Comprehensive Access Management**– Both the City Express and the Friendly Bus routes pass by the intersection at the roundabout and will service this area. A sidewalk exists along the south side of Old Walpole Road and extends to the roundabout allowing residents of this area to walk to the neighborhood commercial area on Court Street.
- 14. Hazardous and Toxic Materials** – The owners have no knowledge of hazardous or toxic materials on this property.
- 15. Filling/Excavation** – No filling and excavation is proposed.
- 16. Wetlands** – There is a 4.55 acre forested wetland on the property located to the rear of the proposed house lots. No impacts to wetlands are proposed. The forested wetland will be part of a 10.33 acre lot to be preserved as permanent open space.
- 17. Surface Waters** – None
- 18. Stump Dumps** – None
- 19. Architecture and Visual Appearance** – N/A



~ LEGEND ~

- PROPERTY LINE
- - - RIGHT OF WAY LINE
- - - BUILDING SETBACKS
- - - WETLANDS
- STONE BOUND FOUND
- CONCRETE BOUND FOUND
- IRON PIN FOUND
- 5/8" IRON ROD SET
- STONE WALL
- CHAIN LINK FENCE
- UTILITY POLE
- DRAIN MANHOLE
- SEWER MANHOLE
- GATE VALVE
- CATCH BASIN
- FIRE HYDRANT
- SANITARY SEWER LINE
- WATER LINE
- STORM SEWER LINE



PLAN SHOWING EXISTING CONDITIONS OF PROPERTY OF  
**CHARLES O. KINGSBURY**  
**KATHRYN L. KINGSBURY**  
 9 JEFFERSON DRIVE  
 PAXTON, MA 01612  
 BOOK 3001 PAGE 43  
 TAX MAP 220 LOT 12

EAST SURRY & OLD WALPOLE ROAD ~ CHESHIRE COUNTY ~ KEENE NEW HAMPSHIRE

**DIBERNARDO ASSOCIATES, LLC**  
 LICENSED LAND SURVEYORS  
 P.O. BOX 52  
 BELLEVILLE FALLS, VT 05611  
 802-463-3031 ~ 803-308-9509

DATE FEBRUARY 4, 2019 SCALE 1" = 60'  
 DRAWN BY BG CK'D BY JAD  
 SURVEYED BY BG, ZS  
 DWG. NO. J255 © COPYRIGHT 2018 DIBERNARDO ASSOCIATES, LLC.

~ REVISIONS ~

NO.	DATE	DESCRIPTION	BY
1.	10-18-19	ADDED CONTOURS.	JAD
2.	11-01-19	ADDED UTILITY LINES & APPROX. ABUTTING PROPERTY LINES.	JAD

~ REFERENCE DEEDS ~  
 RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS

- DEED FROM SPENCER S. CLASON AND TRACEY M. LYNCH-CLASON TO CAREY A. BLUHM AND JAN T. LYNDES. RECORDED IN BOOK 2954 AT PAGE 1202 ON AUGUST 5, 2016.
- DEED FROM EDWARD A. KINGSBURY AND KATHRYN L. KINGSBURY TO CHARLES O. KINGSBURY AND KATHRYN L. KINGSBURY. RECORDED IN BOOK 3001 AT PAGE 43 ON SEPTEMBER 22, 2017.

~ CHAPTER 676:18 SECTION III CERTIFICATION ~  
 I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

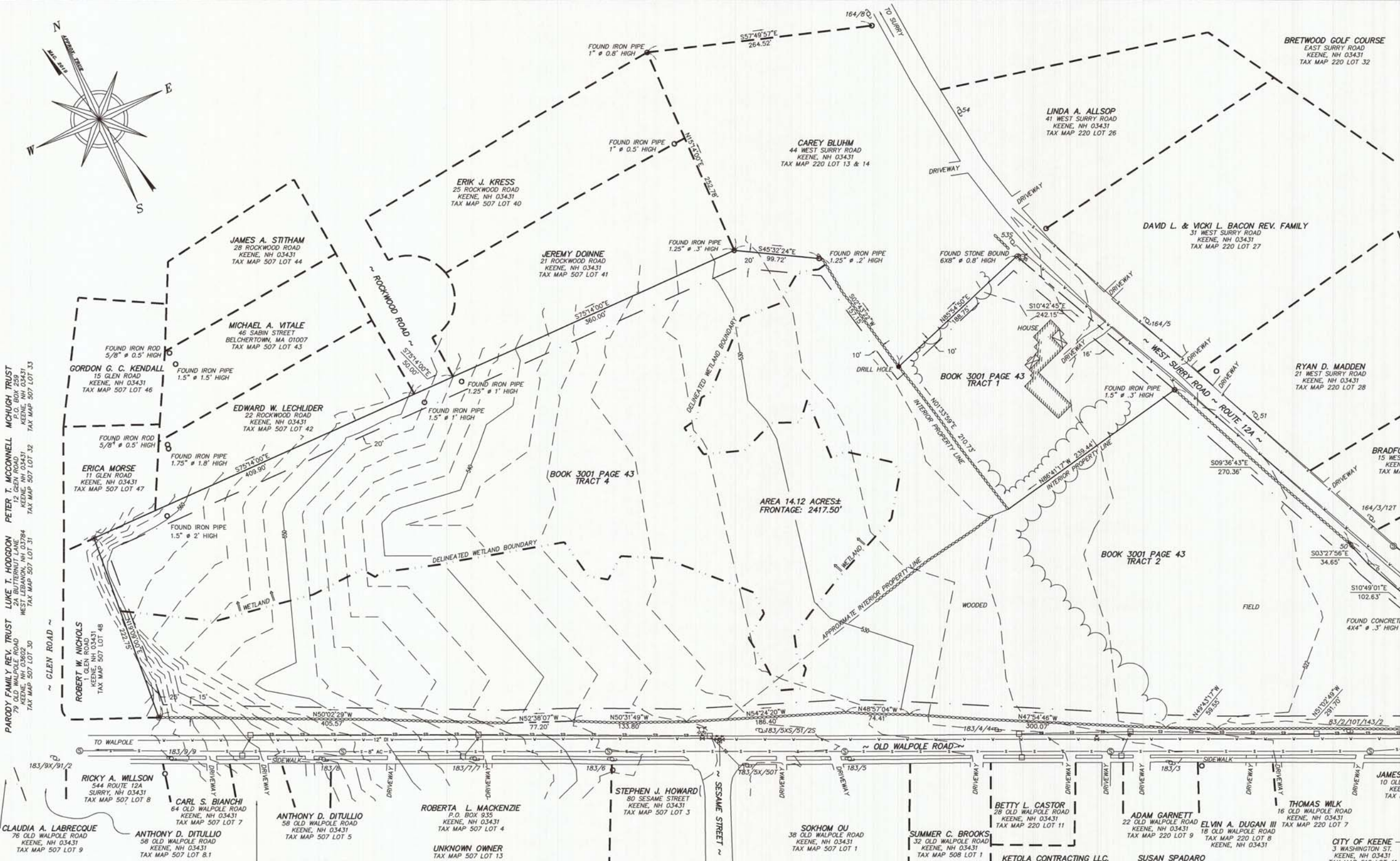
*Joseph A. DiBernardo*  
 JOSEPH A. DIBERNARDO, N.H. L.L.S. #963

~ REFERENCE PLANS ~

- PLAN ENTITLED "MARY J. RICHARDS VOL. 646 - PAGE 146 KEENE, NEW HAMPSHIRE" PREPARED BY R.K. PIPER, DATED APRIL 1959. RECORDED IN CABINET 12 DRAWER 8 NUMBER 59.
- PLAN ENTITLED "SPENCER S. & TRACEY M. CLASON 44 WEST SURRY ROAD KEENE, N.H." PREPARED BY THOMAS C. DOMBROSKI ON MARCH 13, 2014 AND REVISED ON APRIL 9, 2014.
- PLAN ENTITLED "REVISED GRADING PLAN WOODRIDGE HEIGHTS KEEN, NEW HAMPSHIRE OWNED AND DEVELOPED BY O.T.G. CONSTRUCTION CO. INC." PREPARED BY TUBIO GIOVANNANGELI C.E., DATED NOVEMBER 1984.
- PLAN ENTITLED "WOODRIDGE HEIGHTS KEEN, NEW HAMPSHIRE OWNED AND DEVELOPED BY O.T.G. CONSTRUCTION CO. INC." PREPARED BY TUBIO GIOVANNANGELI C.E., DATED NOVEMBER 1984.
- PLAN ENTITLED "COURT STREET, MAPLE AVENUE AND OLD WALPOLE ROAD INTERSECTION N.H. PROJECT NO. C-2433-B COURT STREET PLAN AND PROFILE KEENE NEW HAMPSHIRE" PREPARED BY DUFRESNE-HENRY ENGINEERING CORPORATION ON FEBRUARY 26, 1980. SHEET 6 OF 15.
- PLAN ENTITLED "COURT STREET, MAPLE AVENUE AND OLD WALPOLE ROAD INTERSECTION N.H. PROJECT NO. C-2433-B COURT STREET PLAN AND PROFILE KEENE NEW HAMPSHIRE" PREPARED BY DUFRESNE-HENRY ENGINEERING CORPORATION DATED SEPTEMBER 1979. SHEET 6 OF 6.

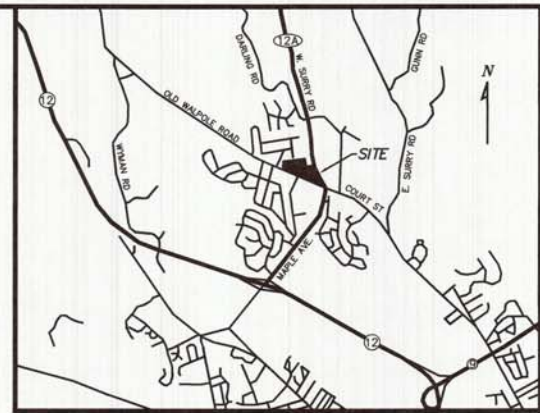
~ NOTES ~

- METHOD OF SURVEY: GEOMAX ZOOM 30 TOTAL STATION.
- BEARINGS ARE REFERENCED TO A 2019 MAGNETIC OBSERVATION
- DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
- THIS PLAN WAS PREPARED FOR THE SOLE USE OF CHARLES O. & KATHRYN L. KINGSBURY AND IS NOT INTENDED TO BE USED BY ANY OTHER INDIVIDUAL OR BUSINESS WITHOUT THE CONSENT OF SAID PARTIES AND DIBERNARDO ASSOCIATES, LLC.
- PROPERTY IS LOCATED IN THE LOW DENSITY ZONING DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:  
 MINIMUM LOT SIZE: 10,000SQFT  
 MINIMUM LOT WIDTH AT BUILDING: 70'  
 MINIMUM FRONT YARD SETBACK: 15'  
 MINIMUM REAR YARD SETBACK: 20'  
 MINIMUM SIDE YARD SETBACK: 10'  
 MAXIMUM % OF LOT OCCUPIED BY STRUCTURES: 35%  
 MAXIMUM % OF LOT COVERED BY IMPERMEABLE MATERIAL (INCLUDES STRUCTURES): 15%  
 MINIMUM % OF GREEN/OPEN SPACE: 55%
- WETLANDS



~ OWNERS SIGNATURES ~

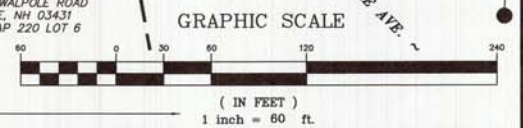
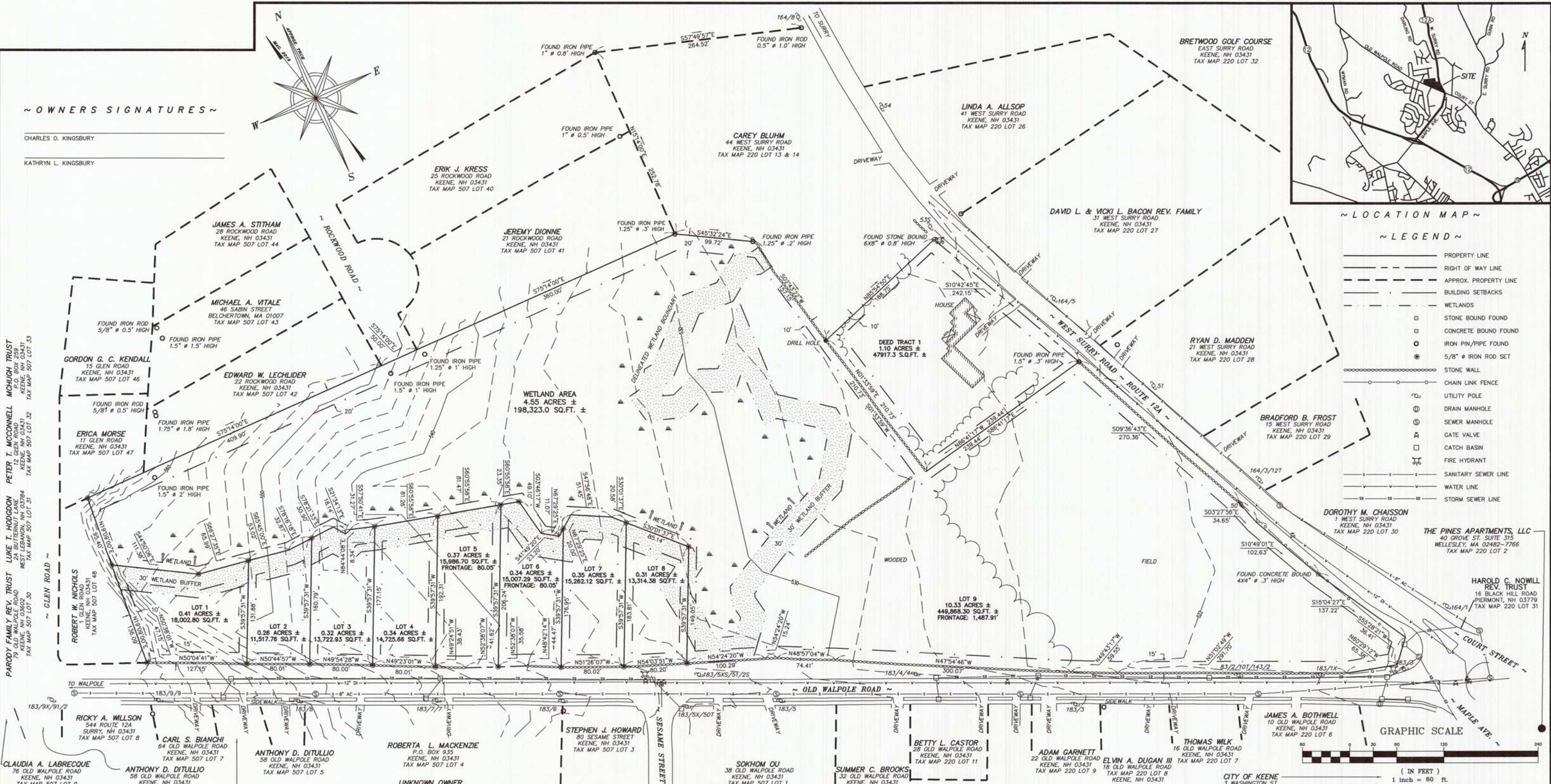
CHARLES O. KINGSBURY  
KATHRYN L. KINGSBURY



~ LOCATION MAP ~

~ LEGEND ~

- PROPERTY LINE
RIGHT OF WAY LINE
APPROX. PROPERTY LINE
BUILDING SETBACKS
WETLANDS
STONE BOUND FOUND
CONCRETE BOUND FOUND
IRON PIN/PIPE FOUND
5/8" IRON ROD SET
STONE WALL
CHAIN LINK FENCE
UTILITY POLE
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MINIMUM FRONT YARD SETBACK: 15'
MINIMUM REAR YARD SETBACK: 20'
MINIMUM SIDE YARD SETBACK: 10'
MAXIMUM % OF LOT OCCUPIED BY STRUCTURES: 35%
MAXIMUM % OF LOT COVERED BY IMPERMEABLE MATERIAL (INCLUDES STRUCTURES): 145%
MINIMUM % OF GREEN/OPEN SPACE: 55%
6. WETLANDS WERE DELINEATED BY BEAVER TRACKS LLC. (603) 313-4925.
7. INDIVIDUAL DRIVEWAY PERMITS WILL BE REQUIRED FOR EACH LOT FROM THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS.

~ REFERENCE PLANS ~

- A. PLAN ENTITLED "MARY J. RICHARDS VOL. 646 - PAGE 146 KEENE, NEW HAMPSHIRE" PREPARED BY R.K. PIPER, DATED APRIL 1959. RECORDED IN CABINET 12 DRAWER 8 NUMBER 59.
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D. PLAN ENTITLED "WOODRIDGE HEIGHTS KEENE, NEW HAMPSHIRE OWNED AND DEVELOPED BY O.T.G. CONSTRUCTION CO. INC." PREPARED BY TUBIO GIOVANNANGELI C.E., DATED NOVEMBER 1964.
E. PLAN ENTITLED "COURT STREET, MAPLE AVENUE AND OLD WALPOLE ROAD INTERSECTION N.H. PROJECT NO. C-2433-B COURT STREET PLAN AND PROFILE KEENE NEW HAMPSHIRE" PREPARED BY DUFRESNE-HENRY ENGINEERING CORPORATION ON FEBRUARY 26, 1980. SHEET 6 OF 15.
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~ CERTIFICATION ~

THE SUBDIVISION REGULATIONS OF THE CITY OF KEENE, NH ARE A PART OF THIS PLAN, AND APPROVAL OF THIS PLAN IS CONTINGENT ON COMPLETION OF ALL THE REQUIREMENTS OF SAID SUBDIVISION REGULATIONS EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE BOARD AND ATTACHED HERETO, TOGETHER WITH THE FOLLOWING INFORMATION.
APPROVED BY THE KEENE PLANNING BOARD ON \_\_\_\_\_
CERTIFIED BY CHAIRMAN \_\_\_\_\_
AND SECRETARY \_\_\_\_\_

~ REVISIONS ~

Table with 3 columns: No., Date, Description. Row 1: 1, 11-01-19, ADDED UTILITY LINES, APPROX. ABUTTER PROPERTY LINES, 30' WETLAND BUFFER, FRONTAGE ON LOTS 5 & 6.

PLAN SHOWING SUBDIVISION OF PROPERTY OF CHARLES O. KINGSBURY KATHRYN L. KINGSBURY
DIBERNARDO ASSOCIATES, LLC
VT NH LICENSED LAND SURVEYORS
P.O. BOX 52 BELLOWS FALLS, VT 05101
802-463-3031 803-358-5509
DATE FEBRUARY 4, 2019 SCALE 1" = 60'
DRAWN BY BG CK'D BY JAD
SURVEYED BY BG, ZS
DWG. NO. 3255-1 COPYRIGHT 2019 DIBERNARDO ASSOCIATES, LLC.



October 23, 2019

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.2.

**SUBJECT:** Councilor Greenwald – Request that Crosswalks be Marked at Hillside Village – Wyman Road

---

**COUNCIL ACTION:**

In City Council November 7, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 3-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the correspondence from Councilor Mitch Greenwald, dated October 14, 2019, be referred to the Planning Board for consideration in accordance with Condition #3 of the Board's Conditions of Approval for Site Plan Review No. SPR-11-16, dated November 28, 2016.

**BACKGROUND:**

Chair Manwaring welcomed Councilor Greenwald, who said he spoke to many Hillside Village residents and staff at a recent open house who seek a crosswalk for safe crossing between the two buildings on either side of Wyman Road. He showed the Committee an architectural rendering of the possible crosswalk. He questioned how quickly City staff could accomplish this. He said it seemed extremely simple to him and he hoped staff came prepared to propose a solution before the weather changes. He provided several pages of signed petitions in support.

Chair Manwaring recognized Gregg Burdett, Director of Human Resources for Hillside Village, who said that 180 employees are approved and there will be almost 300 residents within the year. With the tremendous amount of traffic and guests, people walk across Wyman Road on a daily basis. He noted that Wyman Road has become a thoroughfare, with speeds approaching 50mph coming downhill. He said many residents are seniors and it takes them time to cross the road. Mr. Burdett respectfully requested that the Council grant Hillside Village permission for a crosswalk.

The Community Development Director, Rhett Lamb, said much time has passed since the Planning Board spent substantial time reviewing site plans for this property in 2015-2016, when Engineering and Public Works staff worked with the designers and owners to develop the safest solution. He said it was clear from the beginning that it was necessary to address these concerns and he shared the site plan approval from that time. A condition of site plan approval was that the developer must install a crosswalk at the location in question or elsewhere. He said the record is clear that Hillside Village designed the site to direct all pedestrian traffic through an underground tunnel below Wyman Road that connects the two buildings. At the time of approval, the Planning Board expressed concern that people would want to cross Wyman Road at street level; they wanted more information and therefore reached a compromise. Mr. Lamb read the third condition of site plan approval:

*“Between twelve and eighteen months following the issuance of Certificate of Occupancy, the Applicant will hire an independent consultant to complete an assessment of pedestrian traffic and safety along the area of Wyman Road adjacent to the site. If the Public Works Director determines that the pedestrian volumes and assessed safety conditions warrant changes to the site and/or roadway design, the Applicant will work with the Public Works Director and Planning Department to implement the agreed upon changes at the expense of the Applicant.”*

The Community Development Director explained that the 18-month time period provided in that condition ended in June 2019. The Community Development Director shared two possibilities from his view: 1) recognize that the jurisdiction for this matter is with the Planning Board and to refer the applicant there, or 2) accept this matter as informational. He said that referral to the Planning Board follows the path this project is already on in terms of evaluating and reporting back to the Planning Board. He said there is no reason Hillside Village cannot between looking at a solution right away and staff will work with them to do so as soon as possible.

The Public Works Director, Kurt Blomquist, recalled that there were significant conversations with the Hillside Village development team about this need to cross Wyman Road. He did recognize the difference between the development team several years ago when built and the operational team there now. He said this is not a simple conversation of crosswalks, but also where they go and end. During design development, City staff wanted Hillside Village to put sidewalks along Wyman Road to provide safe passage; complaints continue today that there is inadequate walking space along the roadway. The developers countered saying the internal paths would be sufficient and they saw no need for sidewalks along Wyman Road. Thus, the third condition of site plan approval was the compromise for Hillside Village to come back and do it. Because there are no sidewalks on Wyman Road, there is nowhere for a crosswalk to begin and end, so Hillside Village might need additional right-of-way to accomplish managing their facilities on each side. The Public Works Director recommended continuing this through the Planning Board.

Councilor Filiault said it was clear that all agreed there is a problem and sidewalks are the solution. He asked the most expedient process to follow. The Public Works Director recommended that Hillside Village return with their proposed plan, which is their responsibility. The Community Development Director said it might seem obvious that a crosswalk is necessary, but said that the location of that crosswalk is very important in relation to the vertical hill and steep turn. He said the crosswalk's location is not as obvious as it may seem and professional analyses are needed to ensure standards are met; doing so might require on-site improvements via Hillside Village because there is currently no sidewalk on site to lead pedestrians to a crosswalk. Councilor Filiault questioned the speed limit on Wyman Road. The Public Works Director said the current posted speed limit is 30mph and there is a speed table in front of the facility. He agreed that City engineers recommended Hillside Village would need to create walking space on Wyman Road to connect to their internal paths. The development engineers disagreed, however, which is part of why the speed table was installed.

Chair Manwaring asked if there are signs alerting motorists to the speed table. The Public Works Director confirmed and said there are speed limit signs as well. The City Council agreed to change the speed limit to 30mph there, which is uncommon for a road in the Rural Zone, but was done to protect residents. The Community Development Director said staff was in favor of making this happen and would make every effort to work with Hillside Village. Chair Manwaring asked Mr. Burdett why residents could not use the underground tunnel developed for that reason. Mr. Burdett said it is a wonderful walkway but it is impractical for those crossing the street regularly, when the weather is clear. He said most people park 30' from the Community Center but must walk into the Health Center and take the elevator to the lower level and tunnel; he said it is a maze to get there. He added that he understood fully that there is no sidewalk leading to the speed table and he added that it has become an incentive for young kids to “catch air.” Hearing this concern, Councilor Lamoureux asked if police units could be posted there to generate information for the Planning Board. The Community Development Director said he would coordinate that with the Police and Public Works Departments.

Councilor Greenwald said it was obviously a simple situation with a complex process to get to it. He thanked staff for doing anything possible. He asked if Hillside Village could put signs on their own property directing pedestrians to cross at the speed hump. The Public Works Director said that they could not legally place signs in the public right-of-way. They could put signs on their own property but said the speed table is not a crossing and it would not be appropriate or safe as such. He said it is complex, and he admitted frustration because he told the development team that this would likely happen and they countered saying pedestrians would be directed to use the tunnel. It is currently laid out unsafely and it needs to be corrected. Councilor Greenwald said that was a more positive response than he anticipated. He suggested they could put signs on their property during the interim of Planning Board decision. The City Attorney, Tom Mullins, cautioned that although they can do what they wish on their own property, they would in this case be directing people across the City right-of-way, which from staff's perspective is unsafe. He was concerned with a background of the City supporting that unsafe usage in some way. He understood frustration over this process, but said that jurisdiction was with the Planning Board and that was where this issue should go. Councilor Greenwald appreciated anything that would fast track the process and hoped Hillside Village would cooperate.

Chair Manwaring recognized Councilor Philip Jones, who thanked Councilor Greenwald for bringing this forward, as safety is a big concern, and thanked Mr. Burdett for protecting his residents. He requested that the City does anything they can in the interim to make this safer. The Public Works Director did not think more speed tables would help. He said anything suggesting to pedestrians that cars would stop when they enter the roadway provides a false sense of safety for pedestrians and there would be no way to alert public drivers to a crossing. The Public Works Director ensured there would be sufficient signage moving forward to alert drivers of a denser pedestrian population for a rural area. He recommended against anything in the interim encouraging people to cross Wyman Road where it is unsafe. Safety is staff's concern.

Councilor Lamoureux asked Mr. Burdett if he objected to the City proceeding as quickly as possible. Mr. Burdett said he was not present for the development of Hillside Village and appreciates the City's willingness to consider this issue again; he said Hillside Village would do everything possible within financial reason. He understood it is a dangerous spot on Wyman Road and was happy to comply with the City moving forward.

Chair Manwaring recognized Councilor Carl Jacobs, who said he heard nothing keeping Hillside Village and City staff from working together immediately to ensure there are no loose ends when the matter goes to the Planning Board. The Community Development Director agreed completely, saying he was ready to work with Hillside Village immediately following the meeting.

Councilor Filiault made the following motion, which Councilor Lamoureux seconded.

On a vote of 3-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the correspondence from Councilor Mitch Greenwald, dated October 14, 2019, be referred to the Planning Board for consideration in accordance with Condition #3 of the Board's Conditions of Approval for Site Plan Review No. SPR-11-16, dated November 28, 2016.