

**City of Keene**  
**New Hampshire**

**PLANNING BOARD**  
**MEETING MINUTES**

**Monday, August 26, 2019**

**6:30 PM**

**Council Chambers**

**Members Present:**

Douglas Barrett, Chairman  
Chris Cusack, Vice-Chair  
Michael Burke  
Martha Landry  
Councilor George Hansel  
Andrew Weglinski  
Mayor Kendall Lane  
Pamela Russell Slack  
Tammy Adams, Alternate

**Staff Present:**

Rhett Lamb, Asst. City Manager/Community  
Development Director  
Tara Kessler, Senior Planner  
Mari Brunner, Planning Technician

**Members Not Present:**

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 – July 22, 2019**

A motion was made by Mayor Kendall Lane to accept the July 22, 2019 minutes. The motion was seconded by Councilor George Hansel and was unanimously approved.

**III. Public Hearings**

- 1) **S-04-19 – Subdivision – Monadnock Covenant Church – 90 Base Hill Road:**  
Applicant, Rob Hitchcock of SVE Associates, on behalf of owner, Monadnock Covenant Church ECC, proposes to subdivide 0.27-acres from the existing 6.83-acre lot located at 90 Base Hill Road (TMP# 242-003-000).. The proposed 0.27-acre lot is the site of an existing single family residential building. The remaining 6.5-acres of the lot would continue to be used by the existing Church, which is an institutional use. The site is located in the Low Density District.

- A. **Board Determination of Completeness**

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

B. Public Hearing

Mr. Rob Hitchcock of SVE Associates addressed the Board. Mr. Hitchcock referred to Base Hill Road and Route 9 on a plan. He referred to the red house, which was originally the parsonage and has been used for storage during the past few years. The church is now interested in subdividing the lot and selling the property at some point. The lot meets all zoning requirements, the pavement is going to be removed to meet setback requirements. He noted the red house is tied into the city sewer line and there is an easement providing access to the line. There is no other construction being proposed other than to remove pavement and replace it with grass.

Staff comments were next. Ms. Kessler stated the proposal before the Board is to subdivide 0.27 acres which is presently the location of a single family home from the remaining 6.83 acre lot. This house had been used by the parsonage but has not been used for this purpose for a few years. The lot is zoned institutional and is located in the Low Density District. However, the Church is an Institutional Use. The section of the Zoning Ordinance related to Institutional Uses calls for a ten-foot setback and this is the reason for removal of the pavement (on the east). She noted the applicant has included a note on the Plan that the owners of the proposed 0.27 acre parcel would hold a sewer easement as the sewer line for this parcel connects into the sewer line on the Church property.

Ms. Kessler stated there are wetlands on the church lot but these wetlands are not in close proximity to the proposed lot. Each of the proposed lots currently has a driveway connecting to Base Hill Rd.

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

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve S-04-19, as shown on the plan identified as “Two Lot Subdivision Plan Land of Monadnock Covenant Church E.C.C. located at Tax Map Parcel No. 242-003-000 90 Base Hill Road, Keene, Cheshire County, New Hampshire Book 1673, Page 529” dated July 3, 2019 and prepared by Huntley Survey and Design, PLLC at a scale of 1-inch equals 40-feet with the following conditions:

1. Prior to Planning Board Chair’s signature on plan:
  - a. Remove pavement and install loam and seed adjacent to the eastern boundary of the 0.27-acre lot as shown on the subdivision plan.
  - b. Owner’s signature on Plan

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

**2. S-05-19 – Subdivision – 560 Main Street: Applicant, Huntley Survey and**

**Design PLLC, on behalf of owner, City of Keene, proposes to subdivide the existing 33.2-acre parcel at 560 Main Street (TMP #114-012-000) into a 9.88-acre lot and a 23.3 acre lot. The proposed 9.88-acre lot lies partially in the Commerce District and the remaining land is in the Industrial District.**

A. Board Determination of Completeness

Senior Planner Tara Kessler recommended to the Board that they accept Application S-05-19 as complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Councilor George Hansel and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of 560 Main Street. He noted the applicant is looking to create a 2-lot subdivision on land owned by the city. Mr. Phippard stated this property has close to 200 feet of frontage on Route 101 as well as on the end of Manchester Street. There is also an access easement that crosses 580 Main Street.

He added this property is divided by the Branch River and further down there is also land that fronts on lower Main Street. This land is in the industrial district and a portion of land in the northwest corner is in the Commerce District. There is an application before City Council to amend this portion of the lot zoned as the Commerce District into the Industrial District.

He noted that there is an existing building on the property, which is the city's salt shed. He referred to an existing 40 foot wide easement across the property at 580 Main St, which serves as the primary entrance/access into the property; however, there is adequate front on Main Street and Manchester Street. The property is also crossed by transmission lines owned by Eversource but none of that is affected by this subdivision proposal. The proposal is to create a 9.88 acre parcel on the westerly side of the lot. The city would continue to use the land to the east of the proposed lot and would require an easement over the proposed lot to access this land. If this subdivision is approved there will be an application coming forward for a new industrial building on this front portion of the land by Froling Energy, who intends to purchase the land from the City. The City will be able to continue to use the salt shed for a period of three years and at the end of the three years, it will need to be relocated. This property is serviced by city water and sewer and has adequate capacity to support this development.

Mr. Phippard stated access to this property would be via the easement crossing the property at 580 Main St, which is located on Main Street / NH Route 12. There is current road frontage on Manchester Street for this proposed parcel; however, this street services a residential neighborhood and the decision is not to use this street for access to this site.

Mayor Lane noted this site is serviced by the water and sewer lines that run along Manchester Street and asked whether this precludes any future development for the larger piece being retained by the city. Mr. Phippard answered in the negative and added the access easement would continue for water and sewer. He noted the parcel that would be retained by the City would have frontage on Main Street / NH Route 12 (further south from the parcel at 580 Main St); however, this does not provide practical access for a driveway as it is sloped and has to cross the river.

Staff comments were next. Ms. Kessler stated this site was used by the city many years ago as a landfill and is a site known to have hazardous material but there is no development being proposed at this time – just a subdivision. However, future development may have to address the presence of contaminants on the site, depending on the proposed uses.

Primary access into the site will be via the easement the city currently holds crossing 580 Main Street. She noted there are steep slopes and wetlands on this site but the proposed subdivision will not affect these environmental features.

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

Mayor Lane noted that the Council would be voting on the sale of this property in the future and suggested that he had a conflict of interest. The Mayor and Councilor Hansel recused themselves from the vote on this application. It was stated by Mr. Lamb according to the Planning Board rules a member can declare a conflict when that individual feels they cannot offer a non-biased view.

C. Board Discussion and Action

A motion was made by Chris Cusack that the Planning Board approve S-05-19, “Two Lot Subdivision Overall Plan Land of City of Keene, New Hampshire located at Tax Map Parcel No. 114-012 560 Main Street, Keene, Cheshire County, New Hampshire, Book 253, Page 421” dated July 10, 2019 and prepared by Huntley Survey and Design, PLLC at a scale of 1-inch equals 80-feet with the following conditions:

- 1) Owner’s signature on Plan.
- 2) Applicant demonstrate adequate right of access to the easement at 580 Main Street.

The motion was seconded by Michael Burke.

The motion carried on 6-1 vote, with Pamela Russell Slack voting in opposition.

Mayor and Councilor Hansel rejoined the session.

- 3) **SPR-886 Modification #2 – Site Plan Review – 12 Bradco Street – Keene Self-Storage: Applicant Brickstone Land Use Consultants LLC, on behalf of owner Keene Self Storage LLC, proposes the addition of two storage buildings, 800 SF and 5,200 SF in size, to the property located at 12 Bradco Street St (TMP# 117-041-000). Other proposed changes include modifications to site grading and drainage, the addition of landscaping, and the addition of lighting. The site is 5.12-acres in size and is located in the Industrial District.**

A. Board Determination of Completeness.

Planner Mari Brunner stated the applicant has requested exemptions from submitting a Landscaping Plan, Architectural elevations, and Traffic, Drainage and Soils Reports. Staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of this application and recommends that the Planning 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 Mayor Kendall Lane and was unanimously approved.

B. Public Hearing

Mr. Phippard addressed the Board and stated this is a self-storage facility located on Bradco Street and is a little over five acres in size, in the Industrial District. He noted the buildings shown in white on the plan were developed in 1999 and that the area highlighted in yellow on the plan was also approved at that time but these buildings were not constructed. These buildings are under construction today.

He stated the application tonight is to add two additional storage buildings (shown in gray) that are 800 square feet and 1500 square feet in size, respectively. The earlier buildings built on the site were masonry but the proposed ones are going to be metal buildings with red doors to match the colors of the existing buildings. The drainage system has been in place for 20 years with stormwater sheet flowing into a drainage system on site. There have been no incidents of failure.

Mr. Phippard further stated the new buildings have been designed to improve lighting. The existing lighting is wall-mounted, old fashioned flood lights. The new lights are going to be LED lighting and noted the owner has been advised, as the older ones need replacing, that they be replaced with LED fixtures. Each light will be controlled by infra-red motion sensors. He noted the only light on all night is the one located on the security gate. He added if all the lights were on the light levels will be 1.9 footcandles (very low level).

Mr. Phippard stated he has asked for a waiver from having to provide a uniformity ratio 4:1 because it does not apply to this application.

Mr. Phippard stated this self-storage business is under new ownership as of January 2019. The previous owner had cleared vegetation in an area that was dedicated as a 50-foot buffer facing Bergeron Avenue. Some of the brush had been cut down which is a violation of the buffer. The new owner has agreed to replant arbor vitae to re-establish this buffer. There are some abutters who were not happy with this arbor vitae and there has been discussion that has taken place with these abutters. The applicant has also agreed to locate a stockade fence (6 feet tall) along the arbor vitae while waiting for the plantings to get taller.

Staff comments were next. Ms. Brunner stated that the Planning Board approved site plan application SPR-886 in September 1999 for the construction of 15 mini-storage buildings in three phases. The first two phases of this application have already been constructed and the third phase came back to the Community Development Department for a minor modification which is under construction now. The current proposal is for two new buildings that would be placed in an area that was previously used for outdoor storage. She noted the applicant had to go before the Zoning Board of Adjustment back in 1999 for the original use of the property and then again in 2019 for an expansion of a non-conforming use. Both of those decisions are in the board packet.

Ms. Brunner noted the only comments received from other city departments were from Engineering regarding the ability of the existing drainage system to handle the extra runoff from the two new buildings. She noted this concern has been addressed and noted it was determined the retention basin was originally designed to handle a full build-out of the site.

With regards to sedimentation and Erosion Control, the applicant proposes to install silt fencing and stone check dams (some of this is already in place) because of the construction that is going on. Snow storage areas are shown on the site plan in two locations, one area at the south end of

the site and one at the north end of the paved area. The original site plan application for SPR-886 indicates that excess snow will be removed from the site.

Ms. Brunner noted that no changes are proposed that would affect the area of the site in the floodplain. When the applicant submitted an application for a modification to Phase 3 of SPR-886, they agreed to add 34 arbor vitae to restore the vegetative buffer stipulated in the ZBA decision as a condition, but they have added 64 arbor vitae instead.

Ms. Brunner noted that based on the presentation from the applicant at tonight's meeting, the applicant seems to have worked out an agreement with the abutters to install a 6 foot tall stockade fence. She noted this could be added as a condition of approval to add this fence to the plan.

Ms. Brunner continued, noting that the applicant proposes to install 42 full cut-off, wall-mounted LED light fixtures on the four buildings currently under construction for Phase 3 of SPR-886 and the two buildings proposed as part of this application. Ms. Brunner noted because this is not a parking lot, the uniformity ratio standard does not apply; hence, the applicant does not need a waiver from the standard. This site connects to the City's sewer and water system, which has adequate capacity.

With regards to the Traffic standard, the applicant notes that the additional 6,000 square feet of mini storage will be divided into approximately 38 individual storage units. Per the ITE trip generation manual, this increase in self-storage space would result in an increase of about 10 vehicle trips per weekday, 10 vehicle trips on Saturday, and between 2-3 vehicle trips during peak hours on weekdays and Saturday. The applicant has requested an exemption from providing a traffic study due to the modest increase in vehicle trips anticipated as a result of this proposal.

There is an existing wetland at the north end of the property; however, no work is being proposed in this area or within the 30-foot wetland buffer.

With regard to Standard #19, Architecture and Visual Appearance, Ms. Brunner said the existing buildings are concrete masonry (gray in color) with garnet red doors. The proposed building will be similar except they would be clad in metal. This concluded staff comments.

Mr. Weglinski asked for the number of abutters to this site. Ms. Brunner stated there are 17 abutters.

Chair Barrett referred to the decision from ZBA dated September 7, 1999 which calls for a 50 foot vegetated buffer to screen the site from an adjacent residential property. He clarified the evergreen was installed and the current agreement is to plant more and add a stockade fence. Ms. Brunner stated in 1999 after approval was received from ZBA, the applicant planted Austrian pines which ended up dying. At the time the owner asked for modification to phase 3 and as part of that modification, staff worked in the change to landscaping and 34 arbor vitae were installed. Between then and coming before the Board today an additional 30 arbor vitae has been planted by the applicant.

The Chairman clarified the stockade fence was because the arbor vitae was not as tall as was originally intended. Ms. Brunner agreed what was agreed was five to six feet tall but what was planted was four feet tall – however, suggested asking Mr. Phippard about the stockade fence. Mr. Phippard stated larger sizes were not available and hence, the applicant supplemented the arbor vitae with the fence. He added the issue was the previous owner cut down the landscaping

that existed here. Mr. Phippard further noted any of the unattractive outdoor storage that existed previously has also been removed.

The Chairman asked for public comment next.

Ms. Amanda Henderson of 16 Bergeron Avenue addressed the Board and began by thanking Mr. Phippard for addressing some of the questions she had. She circulated pictures of new landscaping that was installed as well as flooding she has experienced because of other construction that has taken place in the area. Ms. Henderson stated she has been trying to address the issue with trees since last October; construction has been underway since that time. She noted she did not feel anymore flooding would affect her property but would like this issue addressed.

Mr. Phippard stated he has looked at the backyard area of this abutter and there is an area to the south that is an existing wet area and there is water entering Ms. Henderson's property from this area. He noted snow currently is being piled past the edge of pavement and there are yard drains to deal with snow melt. Mr. Phippard stated he has asked the applicant to change the yard drains to catch basins which better capture the runoff, treated by the level spreader on site and transferred to the onsite storage system in the existing wetland.

The Chairman asked Ms. Henderson whether she was satisfied with the stockade fence. Ms. Henderson answered in the affirmative.

Mr. Jake Pipp of 11 Bergeron Avenue stated drainage is the biggest issue and referred to the swampy area to the south. He stated he is concerned about the additional impervious surface and how runoff from this surface will be handled. With reference to lighting, stated he liked the proposed LED lighting and that they won't be on all night. He stated the current lights are visible from his property and wanted to make sure there is an appropriate barrier and wanted to make sure there won't be more light intrusion with the new development.

Mr. Phippard stated the 1999 drainage study consisted of 20.6 acres of developed area. This proposal is not increasing the developed area and the drainage is not increased by this proposal. He noted the drainage has been severely tested over the years and has withstood the test.

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

Councilor Hansel asked Mr. Phippard to explain the change in grade between this parcel and the parcel to the south and asked whether piling snow along that southern portion won't enter the southerly parcel. Mr. Phippard referred to the contour line (489) at the rear of the property and the catch basins are located at (482) which is seven feet lower.

Ms. Russell Slack expressed concern about drainage. Mr. Phippard stated he has no concern about drainage as this property is much lower in elevation compared to adjacent properties and all runoff collects on site and discharges towards Bradco Street and ends up in Ash Swamp Brook.

Mayor Lane asked where the berm is where the fence is going to be located. Mr. Phippard said the fence would be installed on a natural embankment, along the easterly side of the arbor vitae. He added the ponding happening on the Henderson property to the south is coming from the vacant lot, not this site.

Ms. Adams asked when the catch basins were installed. Mr. Phippard stated the previous owner installed yard drains in a 12 inch line through the site but because they were not working

properly, this spring he requested the new owner install conventional catch basins with three-foot sumps that work well.

Ms. Russell Slack asked whether the arbor vitae that have died will be replaced. Mr. Phippard stated they were part of the 30 that were replaced and six of those have died and stated he will have those replaced.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-886 Modification #4, as shown on the site plan identified as “Keene Self Storage, 12 Bradco St., Keene, NH 03431, Modification #4” prepared by Brickstone Land Use Consultants LLC at a scale of 1” = 50’ on July 22, 1999 and revised July 18, 2019 with the following conditions prior to signature by Planning Board Chair:

- a. Owner’s signature appears on plan.
- b. Submittal of a revised site plan showing the location of a six foot stockade fence along the property line on the southeast corner of the lot.
- c. Replacement of any dead arbor vitae on the southeast corner of the property.

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

**4) SPR-902, Modification #5 – Site Plan Review – 346-354 Winchester Street – Riverside Plaza – Applicant Taylor Associates Architects, on behalf of owner Riverside Improvements LLC, proposes modifications to the building façade and site plan for the property located at 346-354 Winchester St (TMP# 111-004-000). Proposed changes include shifting the southern-most storefront façade further north to allow for a fourth tenant, changes to exterior materials, the removal of an existing loading dock, and the addition of a new loading dock and trash compactor. The site is 21-acres in size and is located in the Commerce District.**

A. Board Determination of Completeness.

Planner Mari Brunner stated he Applicant has requested exemptions from submitting a Grading Plan, a Landscaping Plan, and a Lighting Plan as well as the Traffic, Drainage and Soils Reports. Staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of this application and recommends that the Planning Board grant these exemptions, accepting 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 Mayor Kendall Lane and was unanimously approved.

B. Public Hearing

Mr. Glen Wilson of DLC Management addressed the Board and noted the proposed application which was previously before the Board was for three tenants. However, since the last meeting the third tenant, Tractor Supply has withdrawn their application. This site is located at the former Shaws building. He explained Tractor Supply does a lot of outdoor sales and having outdoor sales in the rear was not conducive to them.

Since that deal fell through, TJX (Sierra Trading) has come forward with a sister concept which would require a slight modification to what was proposed for Tractor Supply; it is a smaller

footprint leaving 5,000 SF of space unused. Because of this, the façade for the third tenant has had to be moved. Mr. Wilson stated he is happy to report they have a signed contract and are ready to continue with construction pending Board approval.

Jeff Taylor, the architect for this project addressed the Board next. He noted Tenant A would be occupying 24,000 square feet, Tenant B 17,000 square feet and what is left is 23,000 square feet. However, TJX is only requiring 18,000 square feet, leaving approximately 5,000 square feet unused for a future tenant. He noted the design proposed last time remains except Tenant C's storefront is being moved down one set of columns to the north. The massing remains the same, materials are the same, synthetic stucco will be used for the sign fascia. Sierra Trading would have field stone veneer for the columns as well as banding of natural wood.

There will be a minor modification to the rear of the site to facilitate receiving; a new overhead door and a compactor pad will be added for Tenant C's use. A concrete pad will be installed to replace the asphalt.

Mr. Taylor stated they were granted a floodplain development permit which was one of the conditions. A bike rack will also be added.

Ms. Adams asked how Tenant D will handle receiving if Tenant C plans to use the entire loading dock. Mr. Taylor stated the intent is to have a less intensive use for the remaining tenant. Mr. Wilson noted that in their business, a store with 5,000 square foot would usually use front loading and wouldn't require a loading dock. The plan is this would be a front loading use or a restaurant.

Chair Barrett asked whether there would be any changes to the front of the building for Tenant D. Mr. Taylor stated the changes would be minimal; the fourth tenant would not have a raised storefront façade like the other three tenants. Mr. Wilson stated the plan is to match the style of the smaller tenants across from Walmart. He stated the only modification they would come before the Board for would be to add in the storefront glass along the brick wall.

Staff comments were next. Ms. Brunner noted this project came before the Board in December 2018 for its approval, at that time the Board approved dividing the former Shaws space into three tenant spaces. As the applicant has noted, the plan now is to divide the third space into two uses. Because of this division of space, the applicant is asking for the raised store front to be moved more towards the north to leave space for the fourth tenant entryway. In addition, there are modifications being proposed for the rear such as the location of a new loading dock, concrete pad and trash compactor.

Ms. Brunner stated because this item was previously reviewed by the Board, she noted he was only going to review what was changing. There is no change to sedimentation and erosion control, drainage, snow storage, traffic and filling and excavation. Staff did not receive comments from any other city departments on this application.

With regards to the flooding standar, Ms. Brunner noted a portion of the site is located in the 100-year floodplain. For the previous modification to this site plan (SPR-902 Modification #4) there was a condition the applicant would obtain a flood permit. At the time of this staff report, the Floodplain Development Permit was ready to be issued.

With reference to screening, Ms. Brunner noted the proposed new loading dock and trash compactor are located behind the existing building out of view from the street and there is already a natural wooded buffer to the east and south. Vehicle access to the site is from an existing

driveway on Winchester Street. For Tenants A, B, and C the applicant is proposing curb cuts and a striped walkway from the parking lot. The fourth tenant space would utilize the same curb cut as Tenant C. In addition, a bike rack will be added to the front of the building.

It appears as though wetlands are present near the property boundary on the southeast corner of the site; however, the edge of the wetlands is located more than 30 feet from the proposed site work.

With reference to Architecture and Visual Appearance, Ms. Brunner stated she included an image on page 37 of the Board's packet to show what the proposed changes would look like. The top image is what was submitted for this application and the bottom image is what was approved in December.

Chair Barrett stated if he recalls from the last time there was encroachment into the wetlands due to the loading dock in the rear and asked whether this issue is part of this application. Ms. Brunner stated in the December when this application came before the Board, the Plans Examiner determined a proposed concrete ramp would require a flood plain development permit. The applicant was trying to avoid the need for a floodplain permit and was proposing a movable metal graded ramp to allow for water to get through. However, because they met the threshold based on how much development occurred on this site, they are required to obtain this permit.

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

The Mayor felt this was a minor modification compared to what the Board approved in December. Except for the loading dock there are no changes to the footprint.

#### C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-902 Modification #5, as shown on the plan sheet identified as "Site Plan" prepared by Taylor Associates Architects at a scale of 1" = 50' on July 18, 2019 and the architectural elevations identified as "Lease Outline Elevation at New Tenant C & D" prepared by Taylor Associates Architects at varying scales on July 18, 2019 with the following conditions prior to signature by Planning Board Chair:

- a. Owner's signature appears on plan.

The original conditions of approval for SPR-902 Modification #4 shall remain in full force and effect.

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

#### IV. Driveway Permit

- 1) **Driveway Permit Application – 18 McKinley Street:** Applicant and owner Maureen Evans is appealing a decision of the City Engineer relative to a driveway permit application for the two-family dwelling located at 18 McKinley Street (TMP# 565-003-000). The request is to allow for a second, gravel driveway 20 feet wide by 35 feet deep. An exception is requested from Sec. 70-135 (e)(4) relative to the number of driveways permitted on

**residential lots. The site is 0.41 acres in size and is located in the High Density District.**

Ms. Maureen Evans, applicant, addressed the Board. Ms. Evans stated they purchased in March with the understanding there was a second driveway. However, when they applied for a driveway permit they found out this was not a permitted driveway. She noted before it was realized this is not a permitted driveway they had asked for a wider area but have narrowed it down to 20 feet, which is what is allowed by City code, and a depth of 35 feet. Ms. Evans felt because this lot was more than large enough to accommodate a second driveway.

She went on to say the prior owner was probably under the impression this was a permitted driveway because there was a complaint filed with the city in 2011 and the city at that time had directed a driveway be located here.

Staff comments were next. Planner Mari Brunner and City Engineer Don Lussier addressed the Board. Ms. Brunner stated this is a two-family home in the High Density district in close proximity to the intersection of West Street and Park Avenue. She noted since at least 2010 a second driveway has been in use and in looking at the complaint log, Code Enforcement received a complaint regarding vehicles being parked on an unimproved surface. At that time, the owner was directed to improve this surface but it does not seem like the owner was directed to seek a driveway permit.

This current owner originally submitted a driveway application to enlarge the second driveway to be 24 feet wide and 20 feet long. This request was reviewed by the City Engineer. City standards do not permit a second driveway on a residential lot without seeking an exception, which requires notice to abutters. Following this notice the Engineer reviewed this application using the exception criteria and found it did not meet all the criteria to grant an exception.

Ms. Brunner then went over the relevant driveway standards listed in Section 70-135 sub-section (e) of City Code:

*(1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced – There is no sidewalk at this location.*

*(2) Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. The distance has to be 200 and according to the Engineer, this standard has been met*

*(4) There shall be no more than one driveway access for each residential lot. The applicant requests an exemption from this standard to allow a second driveway on the lot to provide easier access to the second unit. The entrance to the second unit is on the opposite side of the house. If the tenants in the second unit were to park in the approved driveway, they would have to walk into the street to get to their door or walk across the yard.*

Ms. Brunner went on to say in deciding whether to grant an exception, the Board is required to evaluate the request using the following criteria, per Sec. 70-136 (a) sub-section (2):

*a. Issuance of the exception will not adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.*

*b. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.*

*c. There are unique characteristics of the land or property which present a physical hardship to the requestor.*

*d. In no case shall financial hardship be used to justify the granting of the exception.*

*(6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes. The City Engineer has determined that the proposed driveway would not adversely affect drainage; The engineer has determined this standard has been met.*

*(7) Driveways must not direct stormwater across sidewalks or onto city streets, except that the portion of a driveway within the public right of way may drain towards the street. The City Engineer has determined that the proposed driveway would not direct stormwater onto the City Street.*

*(8) Driveways for single-family homes and duplexes, including shared drives, shall not be more than 20 feet wide at the property line and 30 feet wide at the curbline.*

Ms. Brunner stated after the applicant heard about this standard they revised the request and propose a driveway that is 20 feet wide and noted this standard appears to be met.

*(10) New driveways must be placed so as not to conflict with existing driveways. The City Engineer has no concerns with the placement of the driveway relative to existing driveways – the proposed driveway is sufficiently away from other driveways.*

*(11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.* Ms. Brunner noted the next closest driveway on the opposite side of the street is offset by approximately 70 feet.

*(13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveway lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794 of the zoning code.*

Ms. Brunner said that Sec. 102-794 for “Parking lot and parking space requirements,” includes standards related to the acceptable materials that may be used for driveway surfaces. These materials include concrete, gravel, paving, or other suitable materials to prevent erosion and raising of dust as determined by the City Engineer. Ms. Brunner stated the applicant is proposing to construct this driveway of crushed gravel and hardpack, and it would be lined with road fabric. The City Engineer has determined that this meets all standards described in Section 102-794 with regards to acceptable materials. She further noted, Sec. 102-794(a)(5) states that “Parking areas not included in article VI, division 4, shall have the parking surface located to the rear of the front setback or building line and the surface shall be at least three feet from the side property line.” The applicant submitted a letter dated August 13, 2019 to the Planning Board revising the request to meet this by changing the dimensions to 20 feet wide by 35 feet deep, which would allow two vehicles to park behind the 15-foot front setback side-by-side.

Ms. Brunner noted she had proposed two conditions, the second of which states as follows:  
*The Applicant will procure all necessary permits and approvals prior to commencing construction.*

She noted in talking to other departments it does not seem like there are any other approvals the applicant is going to need and recommended removing this condition.

Mr. Lussier began by stating on a personal level he wishes he could have approved this application. This is an applicant who was trying to improve a condition that existed when she purchased this home but was told she could not improve the driveway and further that the driveway she is currently using is not permitted.

He went on to say the Council provided staff with four concrete criteria staff has to use to evaluate these applications; he noted there is no issue here with safety, capacity, or efficiency and the applicant has not claimed any economic hardship – it is just criteria “C” and added he could not find a unique characteristic of this property. He stated the Engineer’s office approving the driveway standard is fairly new, it is as of 2018 and this is the fourth exception he has received and it has to do with second driveways. As he approves this he is realizing he might be setting precedence. He stated he would like the community through this Board to make judgement calls on issues such as this.

Mayor Lane clarified except for finding that the site has a unique characteristic which creates a physical hardship, all other criteria have been met with this application. Mr. Lussier answered in the affirmative. The Mayor noted what the Board needs to determine is whether the location of the second unit on the opposite side of the house from the approved driveway is a unique characteristic. He noted that in order to access this unit, someone would have to go via the street creating an unsafe situation in icy winter conditions. If the Board finds this to be a unique characteristic, this request should be approved. Mr. Lussier stated this is the heart of the matter. Councilor Hansel added there is also no sidewalk at this location for pedestrian access which would also render itself to a unique characteristic.

Ms. Russell Slack stated there was much discussion the Council had before putting this standard in place and were aware of this type of situation. She also noted it is interesting for someone to raise this as an issue now when this driveway has been in place for many years and were asked to gravel said driveway a long time ago.

Mr. Fred Parsells of 11 McKinley Street addressed the Board next and stated he lives diagonally across from this property. Mr. Parsells noted this is a legal two family home and was purchased with the understanding it came with two driveways and has been a 2 family home for as long as he has lived in his home for the past 47 years. The owner when he moved to his home in the 70’s did not permit parking on the northeast side of the house and noted this parking situation was created by the owner just prior to Ms. Evans.

Mr. Parsells referred to the sale to Ms. Evans and that the property was sold with two driveways and referred to the conversation the prior owner had with the city regarding locating hard pack on the site. He also noted that the owner was never told this was not a driveway but just that the surface was not compliant with city standards. He felt Ms. Evans was trying to do the right thing for herself and for the neighborhood. He added he has also spoken to other abutters who also feel the same way.

Mr. Steve Corrigan of 18 McKinley Street was the next to address the Board. Mr. Corrigan raised the issue about sharing the existing driveway and noted to how that would require someone to go onto the roadway especially in the winter times. Sharing the driveway between the tenants of both units would also require that the driveway be widened, which would cause a 200 year old maple tree to be cut down.

The house is located on a curve in the road, therefore parking on the street is difficult and can be very unsafe. He asked the Board approve this application.

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

The Mayor thanked the applicant for trying to do the right thing. He commended staff for reviewing the application and making the appropriate judgment. He felt this Board can determine there are special characteristics that surround this property based on the items that have been stated and would approve granting an exception.

Dr. Cusack agreed with what the Mayor stated and based on the support from the neighbors and the unsafe situation not approving a second driveway would create (by encouraging parking on the street), he would approve granting an exception as well.

A motion was made by Mayor Kendall Lane that the Planning Board grant the request for an exception from Section 70-135, sub-section (e)(4) and approve the driveway permit application and attachments submitted by Maureen Evans to the Community Development Department on April 16, 2019 and revised on July 23, 2019 for a second residential driveway at 18 McKinley Street (TMP# 565-003-000), subject to the following conditions:

1. The Applicant will submit a revised sketch to show the driveway dimensions as 20' wide by 35' long.

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

**V. Community Development Director Report - NH Municipal Association Seminar "Planning Board Roles and Responsibilities" – October 16, 2019**  
**5:30 PM-8:30 PM**

Mr. Lamb noted that on October 16, 2019, there will be training held by the NH Municipal Association titled "Planning Board Rules and Responsibilities" conducted by Attorney Steven Buckley. There are other town Planning Boards who have also been invited to attend. The event will be held in the Blastos Room next to Keene Ice on Marlboro Street.

On September 9, there will be a public workshop before the Joint Committee on the proposed Congregate Living and Social Services Ordinance, O-2019-13.

**VI. New Business**

None at this time.

**VII. Upcoming Dates of Interest**

September 23; 6:30 PM – Planning Board Meeting

Planning Board Steering Committee – TBD

Joint PB/PLD Committee – September 9; 6:30 PM

Planning Board Site Visits – September 18, 8:00 AM – To Be Confirmed

**VIII. Adjournment**

The meeting adjourned 8:25 pm.

PB Meeting Minutes  
August 26, 2019

ADOPTED

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by: Tara Kessler, Senior Planner and Mari Brunner, Planner