

**Zoning Board of Adjustment  
Monday, February 3, 2020, 6:30 p.m.  
City Hall Council Chambers  
3 Washington Street, 2<sup>nd</sup> Floor**

**AGENDA**

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – January 6, 2020
- III. Unfinished Business
- IV. Hearings:

**ZBA 20-03:** Petitioner, Brady Sullivan Properties of 670 N. Commercial St., Suite 303, Manchester, NH, requests a Variance for properties located at 222 West St., Tax Map #583-012-000, #583-014-000 and #583-015-000 that is in the Commerce District. The Petitioner requests a Variance side set back on side, building set back is supposed to be 20 feet from the property line, in actual will only be 4 feet per Section 102-791 of the Zoning Ordinance.

- V. New Business:
  - A. Meet the City’s new Mayor, George Hansel
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

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1 City of Keene  
2 New Hampshire

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5 ZONING BOARD OF ADJUSTMENT  
6 MEETING MINUTES  
7

8 **Monday, January 6, 2020**

**6:30 PM**

**Council Chambers**

**Members Present:**

Joshua Gorman, Chair  
Joseph Hoppock, Vice Chair  
Jane Taylor  
Joshua Greenwald  
Michael Welsh  
Arthur Gaudio, Alternate

**Staff Present:**

John Rogers, Zoning Administrator  
Corinne Marcou, Zoning Clerk

**Members Not Present:**

Louise Zerba, Alternate

9  
10 **I. Introduction of Board Members**

11  
12 Chair Gorman called the meeting to order at 6:30 PM, welcomed the public, and introduced the  
13 Board members.

14  
15 **II. Chair and Vice Chair Voting for 2020**

16  
17 Ms. Taylor moved to reelect Mr. Gorman as Chairman for the 2020 calendar year, which Mr.  
18 Hoppock seconded and the Zoning Board of Adjustment carried unanimously.

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20 Mr. Greenwald moved to elect Mr. Hoppock as Vice Chair for the 2020 calendar year, which  
21 Ms. Taylor seconded and the Zoning Board of Adjustment carried unanimously.

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23 **III. Adoption of the 2020 Draft Calendar**

24  
25 Vice Chair Hoppock moved to adopt the 2020 Zoning Board of Adjustment draft calendar,  
26 which Mr. Welsh seconded and the Board carried unanimously.

27  
28 **IV. Minutes of the Previous Meeting – October 7, 2019**

29  
30 Ms. Taylor moved to adopt the minutes of October 7, 2019, which Mr. Hoppock seconded.  
31

32 Mr. Hoppock noted a correction: on page seven, “Justice Suter,” should be replaced with,  
33 “Justice Souther.”

34

35 The Board unanimously adopted the October 7, 2019 minutes as amended.

36

37 **V. Unfinished Business**

38 **VI. Hearings:**

- 39 **a. ZBA 19-16:/ Petitioner, Elaine and John Carril of 1157 Roxbury Rd.,**  
40 **represented by Wendy Pelletier of Cardinal Surveying and Land Planning,**  
41 **of 185 Winchester St., requests a Variance for property located at 1157**  
42 **Roxbury Rd., Keene, Tax Map #239- 033-000, which is in the Rural District.**  
43 **The Petitioner requests a Variance to construct a single car attached garage**  
44 **with a mudroom setback 16.5 feet from the side lot line where 50 feet is**  
45 **required.**

46

47 Chair Gorman opened the public hearing and the Zoning Administrator, John Rogers, provided  
48 staff comments using maps provided in the meeting packet to demonstrate the location of the  
49 property in question. This property is at the intersection of Roxbury and Mill Roads, near the  
50 Robin Hood Park as well as Branch Road, and thus the Roxbury town line. The applicant sought  
51 a Variance for setback requirements. Mr. Rogers said that the property is already restricted, not  
52 meeting any setback requirements in the Rural District currently. Most developments near this  
53 property are also substandard for the Rural District. He referred to page 95 of the Zoning  
54 Ordinance, which lists setbacks for the Rural District. Chair Gorman asked if there are wetlands  
55 on the lot and Mr. Rogers was unaware.

56

57 Mr. Welsh asked when the two-acre minimum was applied to the Rural District and how old the  
58 property in question was at that time. Mr. Rogers was unsure when the lot size minimum was  
59 established, but said that an abutter has lived there for 60 years, who said the lot in question has  
60 existed that long. Mr. Rogers said these residences in the area of Mill Road began as sawmill  
61 cabins and now most are full-time residences. Chair Gorman asked the age of the home in  
62 question and Mr. Rogers said the applicant would speak to that, but he thought it was rebuilt in  
63 recent history due to fire.

64

65 Mr. Rogers noted that alternate Board members could be involved in application discussions but  
66 were not permitted to vote if five regular members were present. Chair Gorman agreed and said  
67 that the Board relies on Alternates’ input during hearings.

68

69 Chair Gorman welcomed the applicant’s representative, Wendy Pelletier of Cardinal Surveying  
70 and Land Planning of 185 Winchester Street, Keene. Ms. Pelletier agreed with Mr. Rogers that  
71 these lots were created for a sawmill on Mill Road and they later became residences. The  
72 original home was destroyed in a fire and the current home was rebuilt in 2010. Ms. Pelletier  
73 said that part of this 0.6-acre property is comprised of wetlands and therefore no other location  
74 on the property is suitable for a garage. She used site plans to demonstrate where the setbacks are

75 on the property. She used photos to show that a storage shed was moved recently to make space  
76 for the garage and mudroom. She reiterated that all of the abutting lots are substandard for the  
77 Rural Zone.

78  
79 Ms. Taylor referred to a photo in the meeting packet and said it was difficult to discern where the  
80 shed is both in proportion to the lot lines and where the proposed garage would be. Chair  
81 Gorman recognized the applicant, John Carril of 1157 Roxbury Road, who said the shed was  
82 recently shifted back, parallel to the property line. Chair Gorman asked how large the shed is and  
83 Ms. Pelletier replied 241 square feet and upon re-measuring the site plan, confirmed the shed  
84 size is 12 by 20 feet. If that size of the shed was accurate, the Chairman noted that it should not  
85 be moved into setbacks and he asked for staff comments. Mr. Rogers said that there is an  
86 exception allowing accessory structures under 125 square feet to be within setbacks and anything  
87 over that limit must meet setbacks. The Board questioned if a permit would have been needed to  
88 move the shed in addition to this Variance. Mr. Rogers thought a valid question was whether a  
89 permit was obtained for the shed initially. If the shed was built with a permit and legally set, he  
90 said that the applicant could have then moved it further without violating setbacks; staff would  
91 need to research if the shed were a preexisting non-conforming use. Ms. Taylor asked about the  
92 rear setback and Ms. Pelletier said that all setbacks are 50 feet. Ms. Taylor also asked that the  
93 Community Development Department follow-up on the shed issue because it was not the matter  
94 before this Board and Mr. Rogers agreed. Chair Gorman agreed to focus on the matter at hand.

95  
96 Ms. Taylor referred to the site photo in the meeting packet and asked about the apparent gravel  
97 pad. Ms. Pelletier said that is where the shed was previously located. The Chairman asked the  
98 size of the proposed garage. Ms. Pelletier and Mr. Carril confirmed it would be a standard 14-  
99 foot wide single car garage.

100  
101 Ms. Pelletier reviewed the applicant's responses to the criteria for a Variance.

102  
103 1. *Granting the Variance would not be contrary to the public interest because:*

104  
105 Ms. Pelletier said this is an existing non-conforming lot located in an area of other small, non-  
106 conforming lots that were originally part of a mill village. These lots are less than one acre in a  
107 five-acre zone and cannot support the 50-foot setback requirement.

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109 2. *If the Variance were granted, the spirit of the ordinance would be observed because:*

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111 Ms. Pelletier said the character of the neighborhood would not be affected, that the garage  
112 addition is a reasonable use, and that no area of the lot would meet the setback requirement.

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114 3. *Granting the Variance would do substantial justice because:*

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116 Ms. Pelletier said that due to the configuration of the lot, as well as wetlands on this and the  
117 abutting lot, there is no other suitable location for the garage. There is no garage presently.

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

Ms. Pelletier said the addition of a garage and mudroom would add value to the property.

5. *Unnecessary Hardship*

- A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because:*

- B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a Variance is therefore necessary to enable a reasonable use of it:*

Ms. Pelletier said that this lot is 0.6 acres and cannot meet the 50-foot setback requirement. There are wetlands on this and the adjacent lot, which further restrict the building area. She said the request to build a single car attached garage is reasonable because the garage would add value to the home. The proposed garage would be abutted by a wooded wetland and would not be near an abutting structure. She said the rural character of the neighborhood would not be affected by the addition.

The Chairman welcomed comments from the public in favor of this application. He recognized Bill Hooper of 1156 Roxbury Road, who confirmed that there was a fire at the property in question 10 years ago. Before the fire, he said there was a garage where the shed is now but it was destroyed, though he was unsure if the previous garage was attached. He said that the hurricane of 1938 brought down many trees that needed to be milled from local lakes and ponds. A sawmill on Mill Road brought many people from Maine in search of work, who lived in the cabins around the mill, some of whom bought the properties after the mill closed. During that time, he was sure Keene's Zoning Ordinance had changed along with the changing topography. Mr. Hooper said he was in favor of the Board approving this application because the garage would not interfere with neighbors, because he was unbothered by what he called an insignificant change, and because the property is better than it was before these owners.

With no public comments opposing this application, Chair Gorman closed the public hearing.

Ms. Taylor moved to approve ZBA 19-16 for the petitioners, Elaine and John Carril of 1157 Roxbury Rd., for a Variance for the property located at 1157 Roxbury Rd., Keene, Tax Map #239- 033-000, which is in the Rural District, to construct a single car attached garage with a mudroom setback 16.5 feet from the side lot line where 50 feet is required. Vice Chair Hoppock seconded the motion and the Board reviewed the findings of fact.

1. *Granting the Variance would not be contrary to the public interest.*

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Ms. Taylor thought that granting the Variance complied with the public interest because the garage would improve the property and would not impede any abutting property owners or access to the surrounding area. Chair Gorman agreed and said he saw no safety issues or egregious neighbor issues, so he thought granting the Variance was in the public interest. The first criteria passed with a vote of 5-0.

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

Vice Chair Hoppock did not see anything in the application that would alter the spirit of the Ordinance or impact public health, safety, or welfare. He thought the garage addition would enhance the neighborhood. The second criteria passed with a vote of 5-0.

3. *Granting the Variance would do substantial justice.*

Mr. Greenwald thought that granting this Variance would do substantial justice because there is nowhere else on the property to place a garage within setbacks due to wetlands and property lines. Chair Gorman agreed. Vice Chair Hoppock added that the loss to the owners by not granting this Variance would not be outweighed by a public gain. The third criteria passed with a vote of 5-0.

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

Mr. Welsh thought that the applicant demonstrated how property values in the neighborhood would increase, which a neighbor supported. The fourth criteria passed with a vote of 5-0.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship.*

While the applicant responded to criteria 5.B., the Board agreed that the nature of the parcel itself creates the special condition because there is nowhere else on the property to build a garage. Ms. Taylor said she thought the configuration of the lot itself created a hardship and so this would be a reasonable use. The Chair and Vice Chair agreed. The fifth criteria passed with a vote of 5-0.

With a vote of 5-0, the Zoning Board of Adjustment unanimously approved ZBA 19-16.

**b. ZBA 20-01:/ Petitioner, Brand and Blade Brewing Company, Inc. of 17 Bradco St., owned by TreMac Development, LLC of 20 Central Square, requests a Variance for property located at 17 Bradco Street, Keene, Tax Map # 116-002-000, which is in the Industrial District. The Petitioner**

204 **requests a Variance for the expansion of the existing restaurant use to allow**  
205 **for space outside the brewery to access the restaurant, including service of**  
206 **food. There would also be a stage for occasional music events and a small**  
207 **pavilion to allow cover for customers in case of rain or other inclement**  
208 **weather, with a limited enclosed area to allow for service to customers per**  
209 **Section 102-632 of the Zoning Ordinance.**  
210

211 Vice Chair Hoppock recused himself from this hearing. Mr. Gaudio acted as a voting member.  
212

213 Chair Gorman opened the public hearing. The Zoning Administrator, Mr. Rogers, used maps to  
214 demonstrate the location of this mixed use building on Bradco Street, with respect to Winchester  
215 Street and Hamshaw Lumber. Branch & Blade Brewing Company has operated from this  
216 location since May 2018 as a brewery, which is an allowed use in the Industrial Zone, with an  
217 approved taproom as an accessory use. A production kitchen operates next to the brewery within  
218 the same building, serves the taproom and the Street & Savory Food Truck. Mr. Rogers said the  
219 applicant wanted to expand the accessory taproom use beyond the 25% of total floor space  
220 allowed in the Zoning Ordinance.  
221

222 Mr. Welsh asked if the issue in this application was whether the restaurant is permitted or  
223 whether the restaurant can expand to occupy a certain amount of space. Mr. Rogers said the  
224 Board could consider either. Mr. Rogers thought the applicant sought a Variance from §102-632,  
225 which lists permitted uses in the Industrial Zone for an additional primary use on the property  
226 and not the expansion of an accessory use. Mr. Welsh said a restaurant is not a permitted use in  
227 the Industrial Zone, but he thought the current taproom with some food was allowed as an  
228 accessory use of 25% of the brewery floor space, as allowed by Zoning; Mr. Rogers agreed.  
229 Regarding the music space, Mr. Welsh asked how music venues are defined in the Zoning  
230 Ordinance and if there are similar venues permitted in the Industrial Zone. Mr. Rogers replied  
231 that a music venue is not a defined use in the Zoning Ordinance and therefore disallowed in the  
232 Industrial Zone; he believed the application narrative called the music venue an additional  
233 accessory use based on occasional frequency, and not a percentage of floor space. Mr. Welsh  
234 asked, if a music venue is undefined and therefore disallowed in any zone, if it needs to be  
235 permitted at all. Mr. Rogers replied that it would come down to the music venue being a part of  
236 the use Variance the applicant sought.  
237

238 Ms. Taylor stated that the applicant sought permission for what is currently a taproom as an  
239 accessory use to become a restaurant use by Variance because restaurants are not permitted uses  
240 in the Industrial Zone; she asked Mr. Rogers to confirm her understanding and he replied in the  
241 affirmative. Ms. Taylor asked if music venues are addressed at all in the Zoning Ordinance. Mr.  
242 Rogers said the Board would look at the music venue as an accessory to the restaurant use, which  
243 is common elsewhere in the City. Beyond Zoning, Mr. Rogers added that any of these outdoor  
244 music events require a Periodic Outdoor Event License from the City Clerk and therefore this  
245 accessory use would be regulated. Ms. Taylor asked if there is a distinction between a music  
246 venue as a primary function of the use of a structure versus a band playing in the corner of a



247 restaurant on a given night. Mr. Rogers said that whether inside or outside, he would consider  
248 that an accessory use from a Zoning perspective. Mr. Greenwald asked if the current allowed  
249 accessory use is the taproom, where they can have music anytime; Mr. Rogers replied in the  
250 affirmative. Ms. Taylor asked when a license is required for music events. Mr. Rogers replied  
251 that when events move outside, a Periodic Outdoor Event License is required from the City  
252 Clerk, which is common for events throughout the City to ensure no pedestrian or traffic  
253 concerns.

254  
255 Chair Gorman thought the Board should place less weight on the music venue itself in this  
256 application and more on the fact that occasional music events must be permitted by the City  
257 Clerk. Mr. Rogers added that the outdoor brewery and food section proposed in this application  
258 would also go before the Planning Board. Chair Gorman asked about the likelihood of  
259 administrative approval instead of Planning Board oversight in this instance. Mr. Rogers said the  
260 Community Development Director would decide to send this matter to the Planning Board if it  
261 passed a certain threshold of development.

262  
263 Mr. Greenwald asked the extent of food service at the brewery currently. Mr. Rogers said there is  
264 a kitchen next door that produces diverse food, but there is no established kitchen in the brewery  
265 itself. Mr. Greenwald noted that the current accessory use is 25% of the whole brewery floor  
266 space and he asked if it would be more 50/50 brewery to restaurant if this Variance passed. Mr.  
267 Rogers had not seen the square feet of the proposed outside footprint and could not speak to that,  
268 but because they were nearing the 25% of allowed accessory use, they applied for the Variance.

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270 Mr. Gaudio asked how this outdoor expansion could affect regular traffic, particularly with  
271 respect to the unregulated intersection at Bradco and Winchester Streets. Mr. Rogers imagined  
272 that the applicants would need to provide some traffic analysis to the Planning Board. Mr.  
273 Gaudio asked if the Board should consider traffic in granting a Variance. Mr. Rogers replied that  
274 considering traffic is at this Board's discretion but he knew that the Planning Board would ask as  
275 well. The Chairman anticipated the applicant would have input as well.

276  
277 If this Variance were approved, Ms. Taylor asked if the food service aspect would then be an  
278 approved use, as opposed to the accessory use that it is currently. Mr. Rogers replied in the  
279 affirmative, adding that under the Zoning Ordinance, any establishment serving food and/or  
280 beverages is defines as a restaurant. Therefore, he said this would be another primary use on a lot  
281 with mixed uses already. Ms. Taylor said the brewery is there as a permitted use by Special  
282 Exception and the restaurant, if approved, would be there by Variance; Mr. Rogers confirmed.

283  
284 The Chairman welcomed Steve Bonnette of 20 Central Square, Keene, who represented the  
285 applicant, Branch & Blade Brewing Company. Branch & Blade opened in May 2018 and Mr.  
286 Bonnette said that operations have gone well so far, including special outdoor events, which  
287 receive a one-day permit from the City Clerk and would continue to in the future. He said that  
288 customers have requested outdoor expansion because there are no similar outdoor venues in the  
289 City and he said that in part, this application is to give the public what they have been asking for.

290 Currently, Mr. Bonnette said that bands perform on a temporary outdoor stage or under cover of  
291 the loading dock during poor weather; thus, part of the application was to construct a small  
292 outdoor stage. The second part of the application was for a pavilion structure that patrons can use  
293 for cover during outdoor events with rain. Within the pavilion, there would be a temporary bar  
294 space with beer taps and an area to stage food coming from inside.

295  
296 Mr. Bonnette continued explaining that Bradco Street is in the Industrial Zone and the 20,000  
297 square foot building has always been multi use, including at various times a bakery, a gym, and  
298 Meals on Wheels. Surrounding industrial features include storage units, manufacturing, Cheshire  
299 Animal Hospital, and Hamshaw Lumber, among others. Regarding traffic, Mr. Bonnette  
300 continued saying that these periodic events are only on the weekends and therefore would not  
301 add any more traffic exiting Bradco Street onto Winchester Street than on weekdays. He agreed  
302 with Mr. Rogers that he anticipates this project going to the Planning Board, from which he also  
303 anticipates traffic questions.

304  
305 1. *Granting the Variance would not be contrary to the public interest because:*

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307 Mr. Bonnette said that the applicant's use is already permitted by the City of Keene. As set forth  
308 in this application, he said the intended expansion of the permitted use would allow for a better  
309 use of the property and would not affect any neighboring properties. Many customers have asked  
310 the applicant to expand the restaurant service outside to allow for events.

311  
312 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*

313  
314 Mr. Bonnette said that the applicant already operates a brewery with a restaurant on the property.  
315 The brewery is a permitted use and has a license to operate a restaurant on the property. He said  
316 that the applicant seeks only to expand the presently permitted uses to allow for outside  
317 restaurant service during occasional music events, brew fests, food truck festivals, and other  
318 outside activities. The applicant proposed two structures, which Mr. Bonnette said are minimal in  
319 size, especially considering they would be in the Industrial Zone and that the property contains  
320 approximately 6.78 acres. There would be a small stand for bands to set up their equipment and  
321 there would be a small pavilion to allow cover for the customers in case of inclement weather,  
322 with a small storage area inside the pavilion for the brewery service.

323  
324 3. *Granting the Variance would do substantial justice because:*

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326 Mr. Bonnette said the brewery is a permitted use on the property and that the brewery operates a  
327 restaurant as well, as approved by the City of Keene. The property contains approximately 6.78  
328 acres and currently there is only one approximately 20,000 square foot building on the property.  
329 He said that the present and intended uses of the property are at the far end of Bradco Street and  
330 there are no residences for a very long distance. Mr. Bonnette said that granting the Variance  
331 would allow the applicant to make better use of the property. He reiterated that customers have  
332 asked the applicant to expand the restaurant service outside and allow for outside events.

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

Given that the property is in the Industrial Zone, Mr. Bonnette said that all of the surrounding properties are businesses such as manufacturing, storage, and retail sales, including outside storage of lumber and building materials (Hamshaw Lumber Company). The applicant is at the far end of Bradco Street and he said there are no residences anywhere near the property and the closest residences would not be affected by granting the Variance. Mr. Bonnette said that the use requested by the applicant would not be injurious, obnoxious, or offensive to the neighborhood. The values of surrounding properties would not be diminished if the Variance were granted, because he said they would not be affected by the Variance.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because:*

- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

Mr. Bonnette said that the applicant is only seeking an expansion of the current permitted accessory use of the property beyond the 25% allowed. The expansion is to allow for outside service of food from the restaurant to customers, to have a small music stage, to have a small pavilion to allow cover for customers in case of inclement weather, and a small, enclosed space inside of the pavilion to allow for the brewery service. He said the property contains approximately 6.78 acres of land and only one building of approximately 20,000 square feet is on the property. Mr. Bonnette said the property is truly unique in the City of Keene and is large for the Industrial Zone. He demonstrated where abutters are on a map and said vehicles are rarely there on weekends. The property's abutters are industrial in nature and he said that no residences would be affected by the expansion.

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

Mr. Bonnette said that the proposed use is reasonable because the applicant is merely seeking an expansion of the current, permitted use of the property. He said it would be reasonable to allow the applicant to make better use of the property for business purposes. Many customers have stated they would like more outdoor space for the restaurant use and occasional outside events. Mr. Bonnette said the property is uniquely situated, there are no residences anywhere near the property, there are trees serving as sound barriers, and there is a distance barrier to the residences.

375           B. *Explain how, if the criteria in subparagraph (A) are not established, an*  
376           *unnecessary hardship will be deemed to exist if, and only if, owing to special*  
377           *conditions of the property that distinguish it from other properties in the area, the*  
378           *property cannot be reasonably used in strict conformance with the ordinance, and*  
379           *a Variance is therefore necessary to enable a reasonable use of it:*  
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381 Mr. Bonnette concluded that denying the Variance would create an unnecessary hardship on the  
382 applicant, as the expansion is necessary to satisfy the requests of its customers. As described in  
383 earlier responses, he said there are special conditions of the property that distinguish it from  
384 other properties in the area and said the property cannot be reasonably used in strict conformance  
385 with the Zoning Ordinance. The property currently has limited use because there is only one  
386 20,000 square foot building on the 6.78-acre property at the end of Bradco Street. There are  
387 natural buffers to eliminate any sound issues, as a substantial portion of the property is  
388 surrounded by trees and has a great distance barrier to any residences. Mr. Bonnette said it is a  
389 tough business climate and granting the Variance would allow the applicant to serve its  
390 customers better, which he said in turn, makes the request a reasonable use.

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392 Mr. Welsh asked about the degree of expansion the Board was considering and Mr. Bonnette  
393 confirmed that the newly proposed outdoor space would only be utilized on some weekends  
394 during the four warmest months of the year, May-September. Mr. Bonnette confirmed that no  
395 actual permanent expansion to the restaurant or building would occur, only platform and awning  
396 structures would be added to protect patrons, bands, and service already outside during events.  
397 Bad weather at past events deterred patronage significantly and if there had been a permanent  
398 pavilion (tents have flown away in storms), the events might have been more successful. Mr.  
399 Welsh asked if the taproom would continue operating most of the time as 25% of the floor space  
400 allowed as an accessory use. Mr. Bonnette replied in the affirmative.

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402 Ms. Taylor asked if the brewery is a permitted use by Special Exception. Mr. Bonnette replied  
403 that the brewery is a permitted use in the Industrial Zone. Mr. Rogers confirmed that the brewery  
404 is a permitted use in the Industrial Zone by Special Exception, which the business received  
405 before opening. Ms. Taylor stated that, because the food service would now occupy more than  
406 25% of the total floor space allowed for an accessory use by Special Exception, it would now  
407 count as a restaurant use itself, and therefore requires a Variance.

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409 Ms. Taylor referred to several gas tanks visible in the site drawings and asked if they would  
410 remain on the property and if so, how far they would be from the proposed structures; she  
411 thought of public health and safety. Mr. Bonnette said that the tanks, which heat the building and  
412 provide propane for cooking, would remain where they are and he estimated that they were 50-  
413 60 feet from the back of the proposed pavilion.

414  
415 Ms. Taylor asked if power would run to the enclosed storage area of the pavilion. Mr. Bonnette  
416 replied in the affirmative and added that the area would also have to have a three-bay sink to

417 utilize during the temporary services. He added that no glassware would be allowed for the  
418 outside service and that there are always temporary toilets onsite for events.

419  
420 Ms. Taylor said she assumed the brewery has substantial trucks passing through the parking lot  
421 to the loading docks for deliveries. She was concerned with traffic conflicts and asked when  
422 deliveries are scheduled. Chair Gorman recognized Jesse O'Bryan of 45 Summer Street, Keene,  
423 who said that deliveries are only scheduled Monday-Friday. Ms. Taylor asked, regardless of  
424 events, if the applicants anticipate patrons using the new pavilion area to eat and drink regularly.  
425 Mr. O'Bryan said that there are currently two decks attached to the outside of the building for  
426 patron use and the proposed pavilion would be off-limits to patrons during day-to-day  
427 operations. Mr. Bonnette agreed and added that liquor laws require segregated areas for liquor  
428 consumption, which is why the current decks are bordered with railings to enclose the space;  
429 patrons cannot wander across the parking lot with alcohol during normal daily operations.

430  
431 With no comments in support or opposition, Chair Gorman closed the public hearing.

432  
433 Mr. Greenwald supported approving the Variance. He recalled weather inhibiting one outdoor  
434 event that he attended at Branch & Blade. He said the applicants were not asking for a massive  
435 expansion of the business, but rather trying to right some wrongs and help the business run more  
436 effectively, as needed. He thought that granting the Variance would be in the public interest  
437 because the establishment would be more usable than currently.

438  
439 Chair Gorman thought it was clear on the aerial map that the lot is unique and he said that  
440 affording the business adequate use of the property should be considered. He thought these  
441 events are good for the community and saw no safety hazards because of industrial surroundings.

442  
443 Mr. Welsh agreed with Mr. Greenwald and Chair Gorman's comments. He added his impression  
444 that the Variance under consideration in this case is rather minor because most often the facility  
445 would continue operating as it does today and at the same scale. He was reassured that outdoor  
446 events would still require one-day permits from the City Clerk, with public safety in mind. He  
447 thought the concern about traffic would be well addressed by City staff when granting a Periodic  
448 Outdoor Event License. He was inclined to support granting the Variance.

449  
450 With the exception of unnecessary hardship, Ms. Taylor thought that the application met all other  
451 criteria for granting a Variance. She agreed that the owner's loss would not be outweighed by  
452 public benefit if the Variance were denied, that there were no threats to public safety, and that  
453 granting the Variance would do substantial justice. While she said that economic benefits or  
454 satisfying customer requests do not create a hardship, she said that the nature of the property and  
455 the building themselves presented a hardship. She said it is challenging to serve alcohol without  
456 serving food, and said that alone created enough hardship to satisfy the criteria for a Variance.

457  
458 Mr. Gaudio asked if the Board was considering subparagraph 5.A. or 5.B., because the applicant  
459 replied to both. Ms. Taylor replied that she believed subparagraph 5.A. was most relevant in this

460 instance. Mr. Gaudio agreed and added that the primary possible safety issue, traffic, would be  
461 addressed by the Community Development Director and/or the Planning Board. He added that  
462 his calculations showed the nearest residence just over 1000 feet away from the brewery. Mr.  
463 Gaudio thought all criteria for granting the Variance were satisfied.

464  
465 Mr. Greenwald moved to approve ZBA 20-01 to grant a Variance to expand the existing  
466 restaurant use to allow for space outside the brewery to access the restaurant, including service of  
467 food, as well as a stage for occasional music events, and a small pavilion to allow cover for  
468 customers in case of rain or other inclement weather, with a limited enclosed area to allow for  
469 service to customers, per §102-632 of the Zoning Ordinance. Mr. Welsh seconded the motion  
470 and the Board reviewed the findings of fact.

471  
472 1. *Granting the Variance would not be contrary to the public interest.*

473  
474 Mr. Gaudio said there were no apparent threats to public safety or interest. The first criteria  
475 passed with a vote of 5-0.

476  
477 2. *If the Variance were granted, the spirit of the ordinance would be observed.*

478  
479 Ms. Taylor said it did not make sense to have a brewery without food service and therefore  
480 granting the Variance would uphold the spirit of the Ordinance. The second criteria passed with a  
481 vote of 5-0.

482  
483 3. *Granting the Variance would do substantial justice.*

484  
485 Ms. Taylor said the loss to the applicant by denying the Variance would not outweigh the public  
486 gain. Therefore, she said granting the Variance would do substantial justice. The third criteria  
487 passed with a vote of 5-0.

488  
489 4. *If the Variance were granted, the values of the surrounding properties would not be*  
490 *diminished.*

491  
492 Mr. Welsh said it seemed that granting the Variance would enhance the property value and could  
493 enhance neighboring properties with increased traffic/exposure. The fourth criteria passed with a  
494 vote of 5-0.

495  
496 5. *Unnecessary Hardship*  
497 A. *Owing to special conditions of the property that distinguish it from other properties*  
498 *in the area, denial of the Variance would result in unnecessary hardship.*

499  
500 Mr. Greenwald said the applicant cannot operate their business the way they should and provide  
501 great events for the city without cover from inclement weather for outdoor events. Ms. Taylor  
502 said the reasons Mr. Greenwald listed did not necessarily create a hardship legally. However, she

503 said the nature of the building, business, and type of property gave rise to a hardship because  
504 they cannot operate under state liquor regulations without adequate food service. The fifth  
505 criteria passed with a vote of 5-0.

506  
507 With a vote of 5-0, the Zoning Board of Adjustment unanimously approved ZBA 20-01.

508  
509 **c. ZBA 20-02:/ Petitioner, National Sign Corporation of 2 Phoebe Way,**  
510 **Worcester MA, representing 480 West Street, LLC of 177 Huntington Ave.,**  
511 **Boston MA, requests a Variance for property located at 420-486 West St.,**  
512 **Tax Map #578-004-000, which is in the Commerce District. The Petitioner**  
513 **requests to allow two menu boards/ordering units on site where one is**  
514 **allowed per Section 102-1311(3) of the Zoning Ordinance.**

515  
516 Chair Gorman opened the public hearing and Vice Chair Hoppock returned to the Board as the  
517 fifth voting member. Mr. Rogers said that this application was for the new Burger King on West  
518 Street in the Kohl's plaza. During the Site Plan Review for the restaurant, two drive-thru lanes  
519 were approved. Currently, Keene's Sign Code only allows for one menu board per property and  
520 the applicant requested a Variance to allow a second menu board to serve the second lane.

521  
522 Mr. Welsh recalled seeing a similar request recently for the Keene McDonald's location. While  
523 the request for a menu board to serve each lane seemed reasonable, he asked whether the Board  
524 should be seeing these requests before drive-thru restaurants are constructed. Mr. Rogers said  
525 that sign issues sometimes fall through the gaps in the Planning Board stage because they are so  
526 small on site plans, but added that other fast food restaurants in Keene have operated for many  
527 years with two lanes and only one menu board. Because two menu boards per restaurant are  
528 becoming more commonplace, Mr. Rogers said a revision to that part of the Sign Code is up for  
529 review in the forthcoming Unified Development Ordinance, dependent on Council approval.

530  
531 Ms. Taylor asked where the second menu board would be located. Mr. Rogers left that for the  
532 applicant to confirm but he believed that it would be on the island between the two lanes.

533  
534 Chair Gorman welcomed Heather Dudko of National Sign Corporation of Worcester, MA, on  
535 behalf of the owner, West Street, LLC of Boston, MA. Ms. Dudko was not involved with any  
536 aspect of Site Plan Review or construction of this Burger King establishment. As a representative  
537 of National Sign Corporation, she did apply for all of the permitted signage currently at the  
538 establishment. . This Variance application is to install identical units on the island between the  
539 two lanes. Ms. Dudko said the new and only Burger King in Keene opened on December 19,  
540 2019. Based on the projected volume for the restaurant, drive-thru, and the building, the  
541 restaurants are typically built with two drive-thru lanes, ordering units, and presale menus to  
542 stagger customers, ease traffic, and speed service. With only one lane/menu board open there  
543 now, she said there is some competing traffic because there are two entrances to the parking lot,  
544 one from the Walgreens side and one from the Kohl's side. She said it is uncommon to have two  
545 competing entrances trying to access the one currently open lane, which means patrons must

546 yield to each other right now. She thought that was the particular reason two drive-thru lanes  
547 were constructed at this location, one to serve each entrance easily. Ms. Dudko responded to the  
548 criteria for granting a Variance.

549  
550 1. *Granting the Variance would not be contrary to the public interest because:*

551  
552 Ms. Dudko said that approving two menu boards would allow better and quicker access to drive-  
553 thru ordering and faster service for customers.

554  
555 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*

556  
557 Ms. Dudko said that the Zoning Ordinance allows for menu boards. This particular site has two  
558 drive-thru lanes and therefore two menu boards are required. She thought the site was built with  
559 two drive-thru lanes because of the two entrances into the restaurant parking lot.

560  
561 3. *Granting the Variance would do substantial justice because:*

562  
563 Ms. Dudko said this restaurant was designed with two drive-thru lanes to expedite ordering. By  
564 allowing a menu board at each drive-thru lane, traffic would be kept to a minimum and  
565 customers could navigate the drive-thru easily and quickly. She added that during popular hours,  
566 there could be 15 cars waiting at the drive-thru, which she saw before this meeting.

567  
568 4. *If the Variance were granted, the values of the surrounding properties would not be*  
569 *diminished because:*

570  
571 Ms. Dudko said that this is a commercial area with many retail facilities and commercial  
572 buildings.

573  
574 5. *Unnecessary Hardship*

575 A. *Owing to special conditions of the property that distinguish it from other*  
576 *properties in the area, denial of the Variance would result in unnecessary*  
577 *hardship because:*

578 i. *No fair and substantial relationship exists between the general public*  
579 *purposes of the ordinance provision and the specific application of that*  
580 *provision to the property because:*

581  
582 Ms. Dudko said that having two drive-thru lanes would help the public to navigate the drive-thru  
583 quickly and easily and to order take-out safely.

584  
585 ii. *The proposed use is a reasonable one because:*

586  
587 Ms. Dudko said the site was designed with two drive-thru lanes, each needing a menu board and  
588 an ordering unit.



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*B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a Variance is therefore necessary to enable a reasonable use of it:*

Ms. Dudko said that allowing two drive-thru ordering units would alleviate traffic congestion and back-ups at the restaurant. She said that delays sometimes cause people to get angry, which can lead to poor treatment of employees.

Ms. Dudko noted that the property owner sent a letter of allowance, included in the packet, along with dimension and performance specifications.

Ms. Taylor asked if the current parking configuration at Burger King was approved by the Planning Board. Mr. Rogers said all Planning Board site plan requirements were met and no aspects of the parking configuration would change.

With no comments in support or opposition, Chair Gorman closed the public hearing.

Mr. Greenwald moved to approve ZBA 20-02 to grant a Variance for the property located at 420-486 West St., Tax Map #578-004-000, which is in the Commerce District, to allow two menu boards/ordering units on site where one is allowed per Section 102-1311(3) of the Zoning Ordinance. Mr. Welsh seconded the motion and the Board reviewed the findings of fact.

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

Mr. Welsh thought that granting this Variance would be in the public interest because of increased safety in the parking lot. The first criteria passed with a vote of 5-0.

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

Vice Chair Hoppock did not think there were threats to the essential character of the neighborhood. He said it is already a busy area and he thinks minimizing lines and traffic in the lot would increase public safety. The second criteria passed with a vote of 5-0.

*3. Granting the Variance would do substantial justice.*

Chair Gorman thought that two drive-thru lanes with two menus made sense, particularly because this Board has approved the same at other establishments. Ms. Taylor added that it is rare that an application is serving both the applicant's and the public's interests nearly equally. The third criteria passed with a vote of 5-0.

632 4. *If the Variance were granted, the values of the surrounding properties would not*  
633 *be diminished.*

634  
635 Mr. Welsh thought that surrounding properties would appreciate the improved flow of traffic and  
636 Chair Gorman agreed. The fourth criteria passed with a vote of 5-0.

637  
638 5. *Unnecessary Hardship*  
639 A. *Owing to special conditions of the property that distinguish it from other*  
640 *properties in the area, denial of the Variance would result in unnecessary*  
641 *hardship.*

642  
643 Ms. Taylor cited the Harborside Associates v. Parade Residence Hotel case, which was also a  
644 sign case and an instance where the nature of the property and buildings themselves created a  
645 hardship, like in this case. She added that the request for the proposed use was a reasonable one.  
646 The fifth criteria, subparagraph A, passed with a vote of 5-0.

647  
648 With a vote of 5-0, the Zoning Board of Adjustment unanimously approved ZBA 20-02.

649  
650 **VII. New Business:**

651  
652 Mr. Rogers notified the Board that they received an updated copy of the ZBA Handbook.

653  
654 **VIII. Communications and Miscellaneous:**

655 **IX. Non Public Session: (if required)**

656 **X. Adjournment**

657  
658 There being no further business, the meeting adjourned at 8:11 PM.

659  
660 Respectfully submitted by,  
661 Katryna Kibler, Minute Taker  
662 January 13, 2020

663  
664 Reviewed & Edited by: Corinne Marcou & Jane Taylor

665  
666 Respectfully revised by Katryna Kibler on January 22, 2020

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# 0 Island St. ZBA 20-03



Petitioner requests a Variance side set back, building set back is supposed to be 20 feet from the property line, in actual will only be four feet per Section 102-791.



**NOTICE OF HEARING**

**ZBA 20-03**

A meeting of the Zoning Board of Adjustment will be held on Monday, February 3, 2020 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the petition of Brady Sullivan Properties of 670 N. Commercial St., Suite 303, Manchester, NH; who requests a Variance for properties located at 0 Island St., Tax Map #583-012-000, 583-014-000 & 583-015-000, which is in the Commerce District. The Petitioner requests a Variance side set back on side, building set back is supposed to be 20 feet from the property line, in actual will only be 4 feet per Section 102-791 of the Zoning Ordinance.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at <https://ci.keene.nh.us/zoning-board-adjustment>

ZONING BOARD OF ADJUSTMENT

Corinne Marcou, Clerk

Notice issuance date January 22, 2020

# APPLICATION FOR APPEAL

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

<b>For Office Use Only:</b>	
Case No.	<u>ZBA 20-03</u>
Date Filed	<u>1/15/2020</u>
Received By	<u>CJM</u>
Page	<u>1</u> of <u>8</u>
Reviewed By	_____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

## TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

### SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Brady Sullivan Properties Phone: 603-231-1240  
Address 670 N. Commercial St. Suite 303, Manchester NH 03101  
Name(s) of Owner(s) Brady Sullivan Properties  
Address 670 N. Commercial St. Suite 303, Manchester NH 03101  
Location of Property 222 West Street

### SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 583-012, 014 & 015 Zoning District Commerce  
Lot Dimensions: Front See Attached Rear \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_  
Lot Area: Acres \_\_\_\_\_ Square Feet \_\_\_\_\_  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing \_\_\_\_\_ Proposed \_\_\_\_\_  
Present Use Vacant / Parking lot  
Proposed Use Retail / Office Building

### SECTION III - AFFIDAVIT

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

Robert Pearson Date January 10, 2020  
(Signature of Owner or Authorized Agent)

Please Print Name Robert Pearson

PROPERTY ADDRESS 0 Island Street

***APPLICATION FOR A VARIANCE***

- A Variance is requested from Section (s) 102-791 of the Zoning Ordinance to permit:  
Variance side set back on side, building set back is supposed to be 20' from property line, in actual will only be 4'.

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

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

**See Attached**

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

**See Attached**

3. Granting the variance would do substantial justice because:

**See Attached**

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

**See Attached**

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

See Attached

and

ii. The proposed use is a reasonable one because:

See Attached

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.



O Island Street Keene, NH  
Responses: Zoning Board of Adjustment application

Granting the Variance would not be contrary to the public interest because the setback is based on a tree line that abuts a parking lot area and is a natural organic fit with these lots. In addition, the setback would allow the building to be laid out in a more inviting fashion, open to the parking and building areas of 222 West Street and the neighboring retail building across the way on Island street.

Granting the Variance is not contrary to the spirit of the ordinance because of the way the lots are aligned and the nature of the abutting use, the setback does not negatively affect property abutting the setback.

Granting the Variance would do substantial justice because it will allow the building to be sited in a more meaningful and logical way without intruding on the abutting property and supporting surrounding uses.

The introduction of the retail building with the variance granted for the setback would not diminish surrounding property values and in fact would have the opposite effect by thoughtfully building a higher-end retail building on the site it should raise neighboring property values.

**Unnecessary Hardship:**

The lot setback needed is for additional access behind the building, while abutting a tree line which then transitions to a parking area. The hardship exists in that there are really multiple “natural” setbacks already existing on the site and the configuration of the site doesn’t allow for a meaningful building to be laid out otherwise.



# ZBA ABUTTERS LIST

ADDRESS: 0 Island Street

Owner Name	TMP NO.	Mailing Address
Brady Sullivan Properties LLC	576-015-000	670 N. Commercial St. Manchester, NH 03101
69 Island Street Realty LLC	583-010-000	87 Elm St. Floor 3 Hopkinton, MA 01748
70 Island Street LLC	583-016-000	100 Darling Rd. Keene, NH 03431
AR-GE Properties	583-010-000	117 West St. Keene, NH 03431
City of Keene	577-034-000	3 Washington St. Keene, NH 03431
Dental Health Works Of Cheshire County	583-010-000	69V Island St. 2B Keene, NH 03431
Dewitt Clinton Real Estate LLC	583-010-000	50 Acrebrook Rd. Keene, NH 03431
GSK Realty LLC	583-017-000	50 Franklin St. Suite 400 Boston, MA 02110-1306
Island Mill Realty Group	583-010-000	PO Box 1060 Keene, NH 03431
PSNH	583-013-000	PO Box 270 Hartford, CT 06141
JRG Realty Partnership	583-010-000	69 Island St. Keene, NH 03431
Kiristy LLC	576-010-000	Hilton Head Island, NC 29925
149 Emerald Street Owner LLC	576-007-000	455 Tarrytown Rd. Suite 1526 White Plains NY 10607
Bank of New Hampshire	576-004-000	10-380 WELLINGTON ST, London Ontario Canada N6A 5B5
Keene Island Holdings	583-010-000	262 CENTRAL PARK WEST APT. 8B New York NY 10013
Keene Propane Corporation	583-038-000	262 CENTRAL PARK WEST APT. 8B New York NY 10024
Keene Relate LLC	583-038-000	95 FRANKLIN ST. #6A New York NY 10013
Mascoma Bank	576-012-000	255 West St. Keene NH 03431
Mountainscapes Capitol Investment Trust	576-006-000	911 EAST COUNTY LINE RD. SUITE 203 Lakewood NJ 08701
NH Gas Corp	583-038-000	PO Box 438 Keene NH 03431

### Notarized Statement

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

[Signature]  
Signature

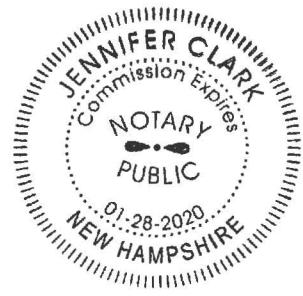
STATE OF NEW HAMPSHIRE  
CHESHIRE, SS

Subscribed and sworn before me this 15<sup>th</sup> day of January, 2020.

[Signature]  
Notary Public Justice of the Peace

My Commission Expires 1/28/2020

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## ZBA ABUTTERS LIST

ADDRESS: 0 Island Street

Owner Name	TMP NO.	Mailing Address
Noble Dental Properties LLC	583-010-000	327 Court St, Keene NH 03431
S.S. Bakers Realty Co. LLC	576-018-000	428 Main St, Keene NH 03431
SKIPITARIS GEORGE	576-017-000	9 Ashuelot St, Keene NH 03431
Summit Distributing LLC	576-013-000	240 Mehanic St. Lebanon, NH 03766

### Notarized Statement

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

Robert Pearson  
Signature

STATE OF NEW HAMPSHIRE  
CHESHIRE, SS

Subscribed and sworn before me this 15<sup>th</sup> day of January, 2020.

Jennifer Clark  
Notary Public/Justice of the Peace

My Commission Expires 1/28/2020

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3 'ISLANDS' TO BE REBUILT -  
 CURBING  
 CONDUIT  
 LAMP POSTS  
 SPRINKLERS

ZONE "X" - OUTSIDE  
 500 YR. FLOOD

ZONE "X" - 500 YR.  
 FLOOD, ETC.  
 (SEE SURV. CRT. #7)

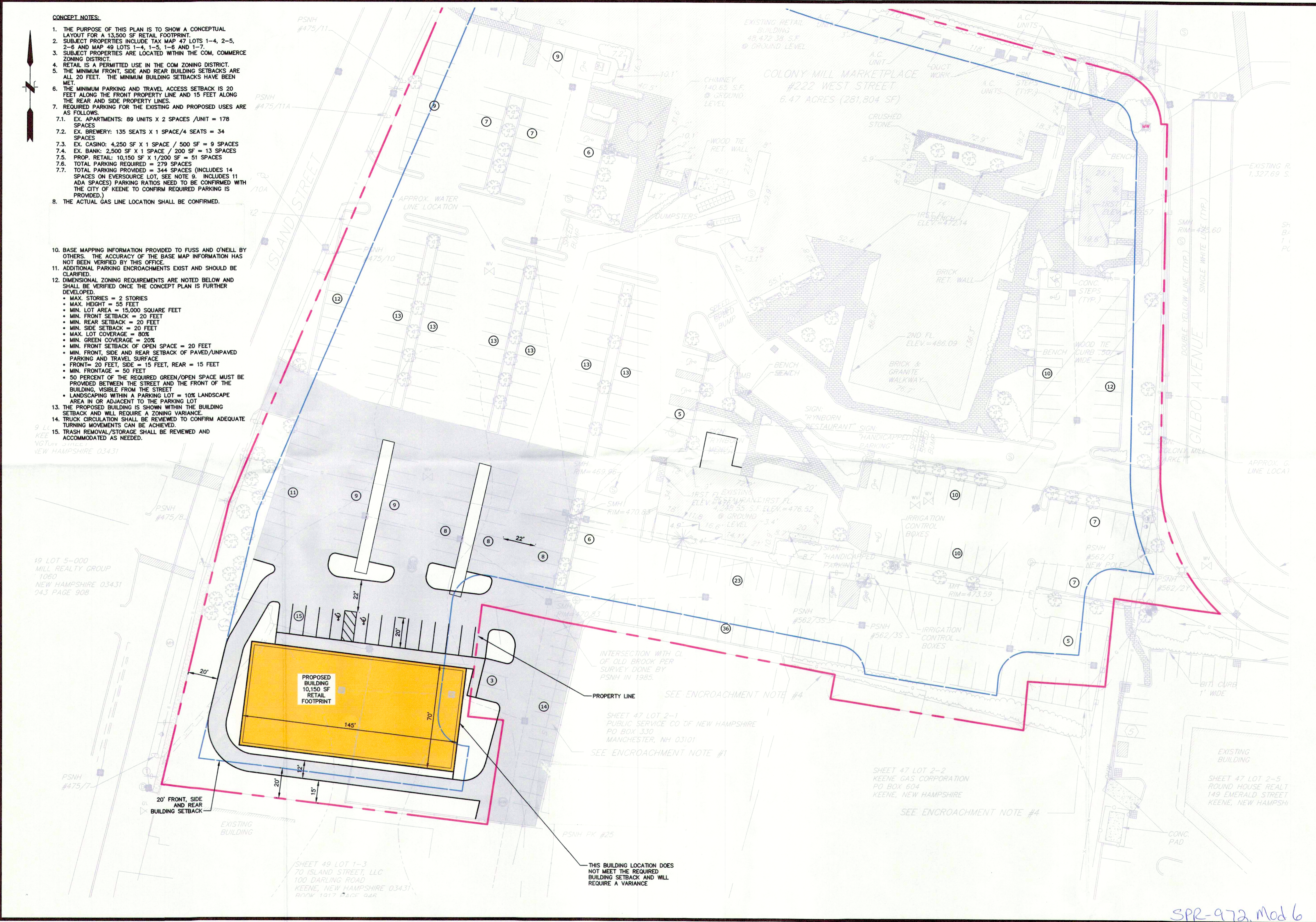
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 L=107.54' CH=N22°49'48"W  
 104.25'

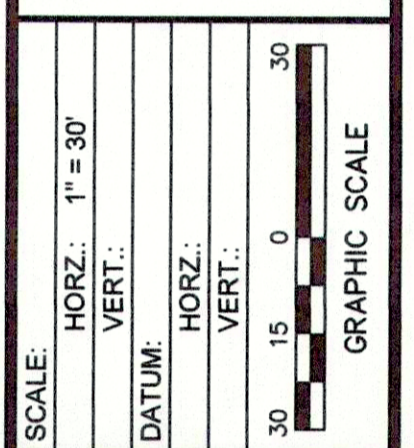
NON-TANGENT  
 R=125.00  
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 16.82'

- CONCEPT NOTES:**
1. THE PURPOSE OF THIS PLAN IS TO SHOW A CONCEPTUAL LAYOUT FOR A 13,500 SF RETAIL FOOTPRINT.
  2. SUBJECT PROPERTIES INCLUDE TAX MAP 47 LOTS 1-4, 2-5, 2-6 AND MAP 49 LOTS 1-4, 1-5, 1-6 AND 1-7.
  3. SUBJECT PROPERTIES ARE LOCATED WITHIN THE COM. COMMERCE ZONING DISTRICT.
  4. RETAIL IS A PERMITTED USE IN THE COM ZONING DISTRICT.
  5. THE MINIMUM FRONT, SIDE AND REAR BUILDING SETBACKS ARE ALL 20 FEET. THE MINIMUM BUILDING SETBACKS HAVE BEEN MET.
  6. THE MINIMUM PARKING AND TRAVEL ACCESS SETBACK IS 20 FEET ALONG THE FRONT PROPERTY LINE AND 15 FEET ALONG THE REAR AND SIDE PROPERTY LINES.
  7. REQUIRED PARKING FOR THE EXISTING AND PROPOSED USES ARE AS FOLLOWS:
    - 7.1. EX. APARTMENTS: 89 UNITS X 2 SPACES /UNIT = 178 SPACES
    - 7.2. EX. BREWERY: 135 SEATS X 1 SPACE/4 SEATS = 34 SPACES
    - 7.3. EX. CASINO: 4,250 SF X 1 SPACE / 500 SF = 9 SPACES
    - 7.4. EX. BANK: 2,500 SF X 1 SPACE / 200 SF = 13 SPACES
    - 7.5. PROP. RETAIL: 10,150 SF X 1/200 SF = 51 SPACES
    - 7.6. TOTAL PARKING REQUIRED = 279 SPACES
    - 7.7. TOTAL PARKING PROVIDED = 344 SPACES (INCLUDES 14 SPACES ON EVERSOURCE LOT, SEE NOTE 9. INCLUDES 11 ADA SPACES) PARKING RATIOS NEED TO BE CONFIRMED WITH THE CITY OF KEENE TO CONFIRM REQUIRED PARKING IS PROVIDED.)
  8. THE ACTUAL GAS LINE LOCATION SHALL BE CONFIRMED.

10. BASE MAPPING INFORMATION PROVIDED TO FUSS AND O'NEILL BY OTHERS. THE ACCURACY OF THE BASE MAP INFORMATION HAS NOT BEEN VERIFIED BY THIS OFFICE.
11. ADDITIONAL PARKING ENCROACHMENTS EXIST AND SHOULD BE CLARIFIED.
12. DIMENSIONAL ZONING REQUIREMENTS ARE NOTED BELOW AND SHALL BE VERIFIED ONCE THE CONCEPT PLAN IS FURTHER DEVELOPED:
  - MAX. STORIES = 2 STORIES
  - MAX. HEIGHT = 55 FEET
  - MIN. LOT AREA = 15,000 SQUARE FEET
  - MIN. FRONT SETBACK = 20 FEET
  - MIN. REAR SETBACK = 20 FEET
  - MIN. SIDE SETBACK = 20 FEET
  - MAX. LOT COVERAGE = 80%
  - MIN. GREEN COVERAGE = 20%
  - MIN. FRONT SETBACK OF OPEN SPACE = 20 FEET
  - MIN. FRONT, SIDE AND REAR SETBACK OF PAVED/UNPAVED PARKING AND TRAVEL SURFACE
  - FRONT = 20 FEET, SIDE = 15 FEET, REAR = 15 FEET
  - MIN. FRONTAGE = 50 FEET
  - 50 PERCENT OF THE REQUIRED GREEN/OPEN SPACE MUST BE PROVIDED BETWEEN THE STREET AND THE FRONT OF THE BUILDING, VISIBLE FROM THE STREET
  - LANDSCAPING WITHIN A PARKING LOT = 10% LANDSCAPE AREA IN OR ADJACENT TO THE PARKING LOT
13. THE PROPOSED BUILDING IS SHOWN WITHIN THE BUILDING SETBACK AND WILL REQUIRE A ZONING VARIANCE.
14. TRUCK CIRCULATION SHALL BE REVIEWED TO CONFIRM ADEQUATE TURNING MOVEMENTS CAN BE ACHIEVED.
15. TRASH REMOVAL/STORAGE SHALL BE REVIEWED AND ACCOMMODATED AS NEEDED.



No.	DATE	DESCRIPTION	DESIGNER/REVIEWER
1.			XX/XX

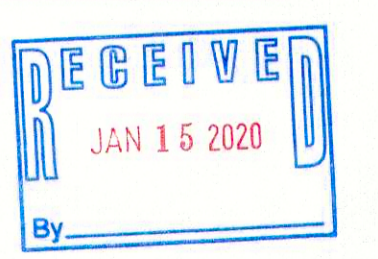


**FUSS & O'NEILL**  
 90 COMMERCIAL STREET  
 MANCHESTER, NEW HAMPSHIRE 03101  
 603.688.8223  
 www.fussandoneill.com

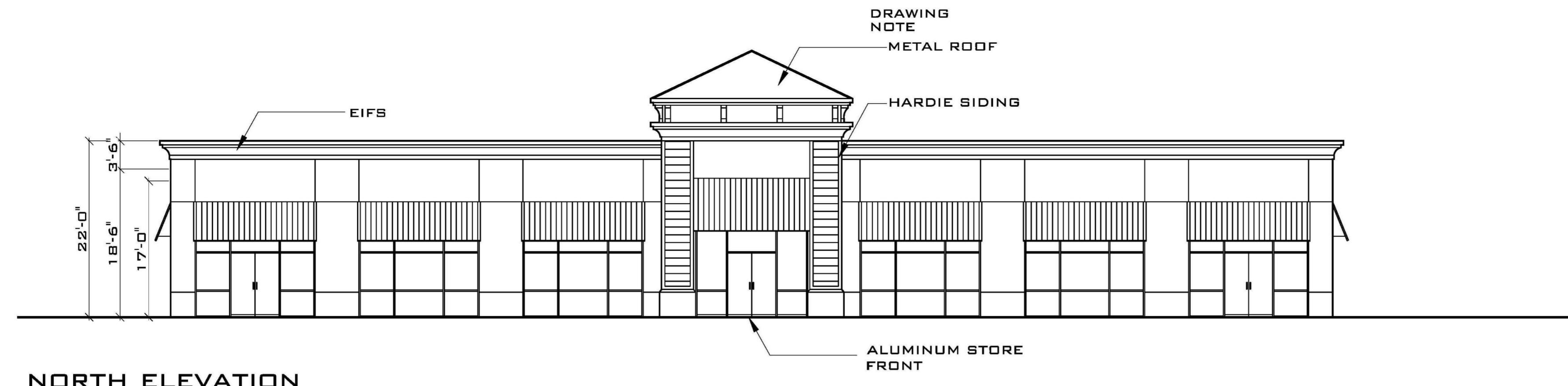
BRADY SULLIVAN PROPERTIES  
 CONCEPT PLAN 3  
 COLONY MILL  
 222 WEST STREET  
 NEW HAMPSHIRE  
 KEENE

PROJ. No: 20191323.A10  
 DATE: 12/13/2019

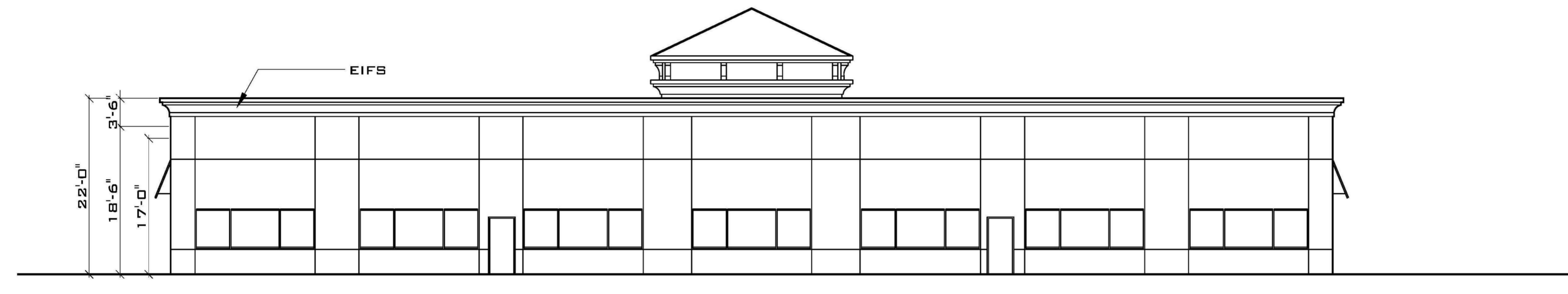
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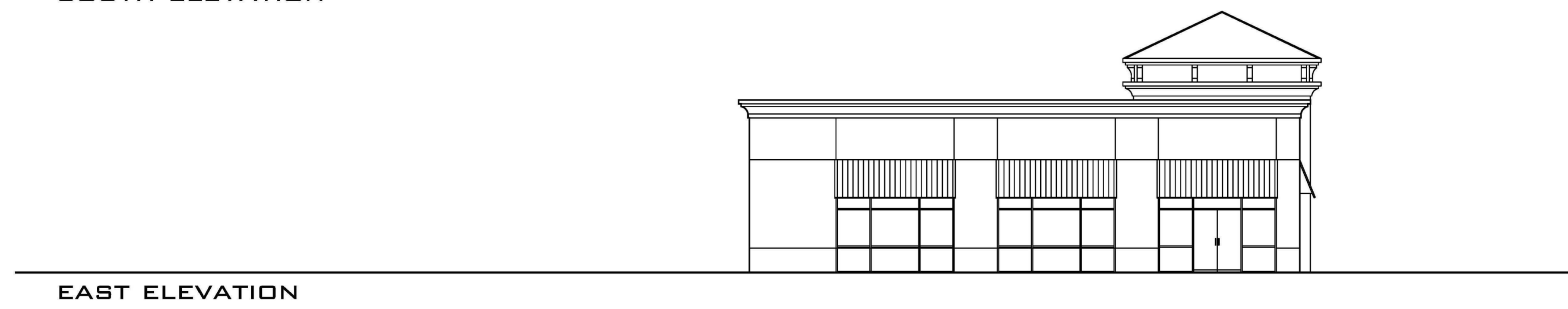
**COLONY MILL**  
 222 WEST STREET, KEENE NH



**NORTH ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**



**WEST ELEVATION**

NO.	DESCRIPTION	DATE

**PROPOSED  
 FLOOR PLAN &  
 ELEVATIONS**

PROJECT ISSUE DATE:	ISSUE DATE:
SHEET ISSUE DATE:	8/1/19
PROJECT NO.:	PROJECT NUMBER
APPROVED BY:	APPROVER
DRAWN BY:	AUTHOR
CHECKED BY:	CHECKER

**A4-1**

SCALE: AS INDICATED