

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, April 13, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Michael Burke
Mayor George Hansel
David Orgaz
Councilor Michael Remy
Andrew Weglinski
Tammy Adams, Alternate
Emily Lavigne-Bernier, Alternate

Staff Present:

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

Members Not Present:

Pamela Russell Slack
Gail Sommers

I. Statement of Authority to Hold Remote Meeting

Chair Barrett began the meeting by reading the following statement with respect to holding remote meetings:

“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provision of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.

Specifically:

- The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);
- The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).
- Provided, however that the public body must:
 - Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;
 - Provide public notice of the necessary information for accessing the meeting;

- Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and
- Adjourn the meeting if the public is unable to access the meeting.
- All votes are to be taken by roll call.
- All board participants shall identify the location from where they are participating and who is present in the room with them.”

Chair Barrett said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID, 669-333-138. The public can, listen, but not view, the meeting by calling the toll-free phone number (888) 475-4499 and entering the Meeting ID. If someone is unable to access the meeting, they should call 603-757-0622.

II. Call to order – Roll Call

Chair Barrett called the meeting to order at 6:30 PM and roll call was taken.

III. Minutes of Previous Meeting – February 24, 2020 Planning Board Meeting

A motion was made by Mayor George Hansel to accept the February 24, 2020. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

IV. Extension Requests

SPR-876, Mod. #1 – Ametek (formerly Precitech) – 44 Black Brook Rd – Site Plan – Applicant Brickstone Land Use Consultants LLC, on behalf of owner NH Black Brook LLC, requests a six-month extension of the 180-day conditional site plan approval timeframe. This conditional approval is for the construction of a 7,870 sf building addition and the installation of new parking areas to the north and east of the existing building. The site is 18.4-acres and is located in the Corporate Park District (TMP 221-021-000).

A motion was made by Mayor George Hansel to grant the six-month extension for SPR-876, Mod. #1. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

SPR-05-19 – Colonial Theatre – 89 Main St – Site Plan – Applicant Weller & Michal Architects, on behalf of owner Colonial Theatre Group Inc., requests a six-month extension of the 180-day conditional site plan approval timeframe. This conditional approval is for modifications to the main entrance and the construction of a 2,800 sf addition to the existing building. The site is 0.36-acres and is located in the Central Business District (TMP# 575- 008-000).

A motion was made by Mayor George Hansel to grant the six-month extension for SPR-05-19. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

V. Boundary Line Adjustment:

S-01-20 – 96 Dunbar St – Knotty Pine Antiques & Railroad St Condo Association - Applicant Brickstone Land Use Consultants, on behalf of owners Knotty Pine Antique Market Inc. and Railroad St Condominium Association, proposes a boundary line adjustment between the property located at 96 Dunbar St (TMP #585-007-000) and the adjacent lot at 0 Cypress St (TMP# 574-041-000). This adjustment would transfer 0.21-acres from the 9.1-acre parcel at 0 Cypress St. to the 0.39-acre parcel at 96 Dunbar St. Both properties are located in the Central Business District. The property at 0 Cypress St is in the Downtown Historic District.

A. Board Determination of Completeness.

Planner Mari Brunner addressed the Board and stated the applicant has requested exemptions from providing a separate proposed conditions plan, grading plan, landscaping plan, lighting plan, drainage report, and traffic report. After reviewing this request, Staff has determined that exempting the Applicant from submitting this information would have no bearing on the merits of the application. Staff recommends accepting this application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of the owner of 96 Dunbar St, Knotty Pine Antique Market Inc. and the owner of 0 Cypress St, Railroad Street Condominium Association. Mr. Phippard referred to an aerial image that shows the two properties. The property shaded in yellow is the property owned by the Railroad Street Condominium Association, which consists of 9.88 acres and contains existing buildings, including the Monadnock Food Co-op, Marriott Hotel, condominium complex, and senior housing. The property shaded in red is the 96 Dunbar Street parcel owned by Knotty Pine Antique Market Inc.

Mr. Phippard said that the proposal is to transfer 0.207 acres from the 0 Cypress Street lot to the 96 Dunbar Street lot. He referred to the 0.207-acre area that will be affected by the boundary line adjustment, and noted that the proposal would eliminate the interior lot line and make it part of 96 Dunbar Street.

Mr. Phippard went on to say the existing Dunbar Street property is in the Central Business District consisting of 0.395 acres, if the boundary line adjustment is approved,

0.207 acres will be added, to increase the lot size to 0.603 acres, which will be considered a conforming lot in the Central Business District. The property at 0 Cypress Street is 9.088 acres in size will be reduced to 8.881 acres. This concluded Mr. Phippard's presentation.

Mr. Weglinski asked for explanation of the slide, which showed the adjustment. Mr. Phippard showed where Knotty Pines is located on Dunbar Street. He indicated this boundary line adjustment would give 96 Dunbar Street more space to add parking in the future. The area in yellow is located in the historic district and a site plan will need to be submitted for the Historic District Commission's approval before it can be approved by the Planning Board

Staff comments were next. Ms. Brunner stated this adjustment would transfer 0.207 acres from 0 Cypress Street to 96 Dunbar Street.

She indicated there were no departmental comments from staff from Code Enforcement, Engineering, Police or Fire. Staff from the Assessing Department noted that a revised condominium plan and documents will need to be submitted to the City of Keene Assessing Department following approval of the Boundary Line Adjustment application by the Planning Board. This comment was shared with the Applicant. Ms. Brunner indicated this boundary line adjustment does not compromise the minimum development capacity of either parcel. As no new development is proposed at this time, many of the Planning Board's development standards are not relevant to this application.

She noted the Applicant has been notified that, if approved, the portion of the property at 96 Dunbar Street that is transferred from the 0 Cypress Street property will be in the Downtown Keene Historic District, and that future proposals to develop that portion of the site may require approval from the Historic District Commission.

In terms of development standards that could apply, there are no steep slopes present on either parcel and neither parcel is located in the floodplain. There are also no wetlands or surface water present on either site.

Chair Barrett clarified that only the portion being added is in the historic district. Ms. Brunner answered in the affirmative. She further stated the Downtown Historic Overlay District is part of the zoning map; the portion being transferred will remain in the Downtown Historic District even though it is being transferred to a lot that is outside the Historic District.

The Chairman asked for public comment next. Attorney Mullins stated he wanted clarify for the Board that he was able to successfully join the session. With no other comment the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-01-20, as shown on the plan identified as “Boundary Line Adjustment Plan between Parcel 585-007 Owned by Knotty Pine Antique Market, Inc., Book 3030, Page 823 & Parcel 574-041 Owned by Railroad Land Development, LLC Book 2375, Page 581” prepared by Huntley Survey & Design at a scale of 1 inch = 20 feet and dated February 13, 2020 with the following conditions prior to signature by the Planning Board chair:

1. Applicant submits a revised Boundary Line Adjustment plan that is printed to scale.
2. Owners’ signatures appear on plan.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

VI. Public Hearings:

S-02-20 – 88 Arch St – 2-Lot Subdivision – Applicant Cardinal Surveying & Land Planning, on behalf of owner Richard Hartman, proposes to subdivide the 0.99-acre parcel at 88 Arch St (TMP #560-005-000) into a 0.61-acre lot and a 0.38-acre lot. The site is in the Low Density District.

A. Board Determination of Completeness.

Planner Mari Brunner stated the applicant has requested exemptions from providing a grading plan, landscaping plan, lighting plan, drainage report, and traffic report as no development is proposed at this time. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend granting these exemptions and accepting the application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. Public Hearing

Ms. Wendy Pelletier of Cardinal Surveying addressed the Board on behalf of owner Richard Hartman. Ms. Pelletier indicated this is a parcel on the corner of Arch Street and Bent Court. It has a single-family dwelling on it. She referred to an image of the topographic plan and noted that the area outlined in red is the current parcel that is proposed to be subdivided into two lots. This parcel is located in the Low Density District. The minimum lot size in the Low Density District is 10,000 square feet. Proposed Lot 1 will be 28,507 square feet and lot 2 will be 16,680 square feet. Both lots are located in the 100-year flood plain. Ms. Pelletier noted building could happen within a floodplain up to the surface water buffer. She said that when someone purchases this lot and is ready to build, they would need to apply for a permit to build within the floodplain.

Ms. Pelletier went on to say the entrance to the second lot would be via Bent Court and there was concern about access to Bent Court and this would be covered during the building permit process. Ms. Pelletier referred to the drainage coming from Wilson Pond, which mostly impacts lot 1, and at the rear of lot 2. Lot 1 has a buildable area of 21,460 square feet and lot 2 has 15,512 square feet. This concluded Ms. Pelletier's presentation.

Staff comments were next. Ms. Brunner stated this lot is a .99-acre parcel located approximately 0.3 miles west of Keene High School directly across from Wilson Pond - Black Brook runs along back of the parcel. The applicant proposes to subdivide the parcel into a 0.61-acre lot (Lot #1) and a 0.38-acre lot (Lot #2). Both lots are partially located in the 100-Year floodplain and floodway zone, and have wetlands present on the site. No new development is proposed at this time. Both proposed lots would meet the 10,000 square foot minimum lot size required for the Low Density District, as well as the 60-foot minimum frontage requirement and the 70-foot minimum width at the building line requirement for this district.

Ms. Brunner stated staff did receive comments from Code Enforcement staff, who stated noted that no new development would be allowed within the Floodway. The portion of the land in the floodplain can be developed with a floodplain development permit, but no new development is permitted in the floodway. Because no new development is being proposed at this time, many of the Board standards do not apply to this application.

Ms. Brunner went over the Board Development Standards relevant to this application.

Hillside Protection: There are no steep slopes present on this site.

Flooding: A portion of both proposed lots is located in the floodplain. Any future development proposed to occur within the floodplain may require a floodplain development permit. A note on the plan (note 10-A) has been included to alert future property owners of this requirement.

Sewer and Water: This site has access to city sewer and water. The applicant included a note on the plan, which states, "All necessary permits will be obtained from City of Keene Public Works Department for sewer and water connections. Private on-site sewer ejector pumps may be needed to access city sewer lines." This is note 11 on the plan and hence this standard appears to be met.

Traffic: The applicant did not submit a traffic narrative; however, the impact to traffic generation is expected to be minimal from the potential future development of Lot #2 into a single or two-family home.

Comprehensive Access Management: Ms. Brunner stated there is a driveway on Lot #1 that provides access to the existing residential house on Arch Street via Bent Court. No new driveways are proposed at this time; however, the applicant included a note on the

plan stating that any future driveways will require a driveway permit issued by the City Engineer's office. There is an existing sidewalk network on Arch Street and Hurricane Road; however, there are no sidewalks on Bent Court, which is a low volume, dead-end residential street.

Wetlands & Surface Waters: There are wetlands and surface waters present on both lots, and per Sec. 102-1494 of City Code, the area of wetlands and other surface waters were subtracted from the minimum lot size calculation for each proposed new lot. In addition, the applicant included the 30-foot Surface Water Protection Overlay buffer on the Topographic plan, as well as a Note, which states, "City permits and approvals will be necessary for any work within the flood plain and within the Surface Water Protection Overlay buffer."

This concluded staff comments.

The Chairman asked for public comment.

Adam Beaudry and Jennifer Beaudry of 11 Bent Court addressed the Board. Ms. Beaudry asked how the wetlands were defined with respect to subtracting them from the lot area. She further noted Wilson Pond is set to be destroyed in the next few years and asked whether this was taken into consideration when assessing the flood area. Ms. Brunner noted the wetlands were delineated by a certified wetlands scientist. Ms. Pelletier added with reference to the dam across the road this was not taken into consideration, because this is an unknown – the survey was done based on existing conditions of the site.

Ms. Mary Shea of 20 Bent Court was the next speaker. She asked how much the elevation of Lot #2 would need to increase in order to be built on. She asked how this would affect her abutting property to the south, and if she would then need to raise her property as well. She further stated she also heard mention about one or two-family and noted this street was not zoned for a two-family dwelling.

Chair Barrett asked for staff comment on the issue with one versus two-family. Ms. Brunner stated she might have mis-spoken and that this lot is intended only for single-family dwelling. She further stated when development is proposed for Lot #2, an applicant will be required to obtain a building permit and at that time, they will be informed that they also need to obtain a floodplain development permit. She further stated the city also has a standard about not allowing runoff onto adjacent properties.

Planner Tara Kessler confirmed that the Low Density District does not allow for two-family homes. The Chairman asked Ms. Pelletier to comment on the abutter's concern about directing water onto their property. Ms. Pelletier responded by saying this land will have to be raised as it is above the base flood elevation - it will need to be surveyed and engineered when it is time to be built. All the grading and drainage will need to stay on the lot, it cannot move onto adjoining lots or onto the public right of way. Ms. Shea stated

this is going to be difficult as the property at the present time is flush with the road and was not sure how it could be raised and without causing flooding in the road.

Chair Barrett asked staff how the information about a particular parcel is conveyed to a buyer. Ms. Brunner said that staff requested notes be added to the subdivision plan so when a prospective buyer purchases a piece of land, any development restrictions will be made available to them.

Ms. Beaudry pointed out the acreage and square footage of the lot are referred to in three places with three different numbers and asked whether this is something that would be taken into consideration. Ms. Kessler responded by saying the applicant relies on a professional survey for accurate measurements. What is available on the City website is not a professional survey; the numbers from the professional survey are the most accurate. Ms. Beaudry stated the property maps that have been outlined in the proposal refers to plans dated April 1946. Ms. Pelletier stated the reference they had available was from 1946 but added they also performed an on the ground survey and 0.99 acres is what it measures.

Ms. Brunner read into the record an email the department had received from Colleen Cleveland of 5 Bent Court:

"I received notice of a public hearing on this potential subdivision. I am a long term resident of Bent Court and have some concerns.

How much of the property floods? Properties nearby experience flooding now. Would a subdivided, developed property alter the water table in the area? The property is listed as being on Arch St. Will access to the subdivided lot be on Bent Court? Bent Court is a dead end, small street. Residents' access to their homes will be disrupted by building construction in this area.

Thank you for considering my concerns. Please keep me updated on this important matter."

Ms. Beaudry addressed the Board again and stated the letter included with this application from Cardinal Surveying dated February 14, 2020 refers to Lot #2 as 0.96 acres and felt the statement regarding the survey being done does not make sense. The Chairman referred the comment to Ms. Pelletier who stated it probably could be a typographic error and stated 0.99 acres is the correct number. It was also agreed the number on the application was incorrect. Ms. Beaudry felt this was cause for concern.

Ms. Shea asked whether anyone has sent in comments with reference to this application. She added if they raise the elevation, she will have flooding and this is of concern to her. Ms. Kessler stated the only other comment was read into the record.

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

Mr. Burke asked whether it would be prudent to make sure the right number is on all documents before an approval is granted for this application. Mr. Lamb in response stated Ms. Pelletier has confirmed the acreage based on the survey is the correct number and did not feel a delay of a vote would be necessary. He felt this was a small discrepancy.

Vice-Chair Cusack agreed the difference was small and regardless both lots would meet the minimum lot size requirement of 10,000 square feet.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-02-20 for a 2-lot subdivision of the parcel located at 88 Arch Street (TMP #560- 005-000) as shown on the plan identified as “2-Lot Subdivision, Lot 560-005-000, 88 Arch Street, Keene, NH 03431” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 20 feet, dated February 14, 2019 and revised through February 28, 2020, with the following conditions prior to signature by Planning Board Chair:

1. Submittal of a revised subdivision plan to show the removal of the area labeled “Garden.”
2. Surveyor’s stamp appears on plan.
3. Wetland scientist’s stamp appears on plan.
4. Owner’s signature appears on plan.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

SPR-908, Mod. #3 – Site Plan Review – 165 Winchester St - Applicant Jim Phippard, on behalf of owner, 165 Winchester St LLC, proposes to narrow the existing 24-ft curb cut to 18- ft. and create a second, 18-ft curb cut at the Montshire Pediatric Dentistry office located at 165 Winchester Street (TMP# 592-035-000). The site is 0.41 acres in size and is located in the Commerce District.

A. Board Determination of Completeness.

Planner Mari Brunner stated the applicant has requested exemptions from providing a grading plan, landscaping plan, lighting plan, architectural elevations, a drainage report, a traffic report, and a soils report. Staff has determined that granting the requested exemptions would have no bearing on the merits of the application and recommend accepting this application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of the owner, 165 Winchester Street LLC. He noted that this is the location of the former Andy's Bicycle Shop property. This property is located in Commerce District, is 0.41 acres in size, and it is an existing non-conforming lot, which does not meet building set back or parking requirements.

Mr. Phippard noted this lot has received several variances over the years to remain in the configuration it is in today. He referred to an existing conditions plan, which has parking along the front of the lot. He referred to the spaces numbered 10-16, which are angled spaces because of a porch the prior owner constructed along the front. Mr. Phippard explained if someone was parked in any of the angled spaces and wants to enter back into traffic onto Winchester Street, they would back out the space, go to the left, back out the entire length of the parking lot to exit onto Winchester Street, which Mr. Phippard felt was an unsafe condition. In order to address this unsafe condition, the applicant is proposing to add a second curb cut. The proposal is to narrow the existing curb cut shown on the left from 24 feet to 18 feet and designate this as an enter only curb cut (marked with signage and arrows on the pavement). The easterly curb cut will be an exit only curb cut; this will also be 18 feet in width, will be marked with a painted arrow and signage, and will be located directly across from Butler Court.

Mr. Phippard referred to the catch basin on site and explained how the runoff will be directed to this catch basin, and added there will be no runoff entering the public right of way. This concluded Mr. Phippard's presentation.

Staff comments were next.

Ms. Brunner stated that, in 2001, the Planning Board approved SPR-908 for a 1,700 sf addition to the east end of the building. In 2011, an administrative approval was granted for minor changes to the site and it was at this time that the porch was added to the site and the reconfiguration of the parking lot was made to include diagonal parking spaces in front of the eastern end of the building.

In October 2019, an administrative approval was granted for SPR-908, Modification #2 for a change of use from retail to dental office and modifications to the building exterior and site. Ms. Brunner noted those changes are outlined on page 22 of the Board's packet.

As far as departmental comments, there were no comments from Fire, Police, or Code Enforcement. Engineering staff provided the following comments:

- (1) The proposed driveway location appears to be in compliance with the City's 200-foot all-season safe sight distance requirement.
- (2) The applicant shall not block the flow of drainage in the gutter line and must comply with ADA requirements.
- (3) The driveway shall be constructed in accordance with Sec. 70-135, "Driveway permit and standards"

Ms. Brunner then went over the Planning Board standards relevant to this application.

Drainage: This standard states that the development of a site shall not result in increased runoff or velocity of surface runoff onto adjacent properties. The applicant has specified that stormwater runoff from the proposed new driveway will be directed from the property line back to an existing on-site drywell located at the southeast corner of the parking lot and that no increase in runoff from the site is expected. She noted that this standard appears to be met.

Hillsides: There are no steep slopes present on the site; hence, this standard does not apply.

Snow Storage: The applicant does not propose any changes to snow storage and states that there is ample room for snow storage on site. The site plan shows snow storage areas at the west end of the parking lot and the area directly to the east of the building. This standard appears to be met.

Flooding: This site is not located within the 100-Year floodplain.

Traffic: This standard states that new development shall not diminish the safety or capacity of existing City streets, bridges and intersections; should provide adequate interior circulation and parking to assure safe passage of vehicles and pedestrians; and, shall comply with the parking requirements of the Zoning ordinance. Ms. Brunner noted the applicant has stated adding the proposed new curb cut and creating a separate entrance and exit will improve on-site traffic circulation and safety by eliminating the need for customers who park in the diagonal parking spaces to back out of the parking lot to exit the site. In addition, the applicant states that locating the new curb cut directly opposite Butler Court will allow for safer left-hand turns for traffic entering Winchester Street. Although fewer parking spaces are provided than is required, the ZBA granted a variance from Sec. 102-793 of the Zoning Ordinance to allow 16 parking spaces where 27 spaces are required in September 2019.

Comprehensive Access Management: This standard states, “new development shall take into consideration current and future needs of walkers, bicyclists and transit riders in addition to private vehicle trips. Driveway locations, sidewalks, crosswalks, bicycle/pedestrian paths and accessible paths of travel shall be considered as an integral design feature of every development proposal.” Ms. Brunner noted there are sidewalks on both sides of Winchester Street; hence, the new curb cut would have an impact on the existing sidewalk. It is also directly adjacent to the Ashuelot Rail Trail and it is on the KSC shuttle route. Currently, no pathway is proposed to connect the on-street sidewalk to the building entrance. Ms. Brunner stated if the Board felt it was important they could ask the applicant how pedestrian and bicycle traffic will safely access the site.

Wetlands: There are no wetlands on the site.

Surface Water: There is no surface water on the site.

Ms. Brunner added because this is a curb cut she also included in the Board's packet a review of the relevant driveway standards as outlined in Section 70-135 subsection (e) of City Code. She went over the standard as follows:

"(1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with section 70-127." This request would disrupt an existing sidewalk on Winchester Street, as shown in the aerial image on the screen. The Board may wish to ask the applicant for clarification as to how the disturbed portion of the sidewalk will be restored or replaced in compliance with section 70-127 of City Code.

"(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." Engineering staff have confirmed that the proposed driveway location appears to be in compliance with 200-foot safe sight distance requirement. This standard has been met.

"(3) For commercial and industrial activities, the use of service roads and/or common driveways is encouraged." The applicant does not propose to use a service road or common driveway.

"(6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes." During the February 5, 2020 Planning Board Pre-submission meeting, engineering staff noted that ponding is a known issue in this area of Winchester Street where the new curb cut is proposed, and further stated in their comments as part of their site plan review that the applicant shall not block the flow of drainage in the gutter line. Ms. Brunner stated it would be important to make sure the applicant is aware of this issue.

"(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 applicant notes in the project narrative that the new curb cut will be graded to direct all runoff to an existing drywell on the southeast corner of the site.

"(9) Industrial, commercial, agricultural, multifamily residential or temporary driveways shall not be more than 25 feet wide at the property line and 50 feet wide at the curb line." The new curb cut will be narrowed to 18-feet wide at the property line and less than 50-feet wide at the curb line. This standard appears to be met.

"(10) New driveways must be placed so as not to conflict with existing driveways." The new curb cut will be placed directly across from Butler Court, about 78 feet away from the existing driveway on the site and approximately 25-30 feet away from the curb cut for the adjacent property located directly to the east. Engineering staff noted that they have

no concerns with the placement of the proposed new curb cut in relation to existing driveways. This standard appears to be met.

“(11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.” The new curb cut will be located directly across from Butler Court in order to minimize turning conflicts with traffic turning on to Winchester Street.

“(13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveways lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794. Section 102-794,” Sec. 102-794 “Parking lot and parking space requirements,” discusses the acceptable standards for parking lots including materials, delineated parking spaces, and wheel stops, as well as size requirements for parking spaces, driveways, and internal travel lanes. The applicant proposes to stripe parking spots in the configuration that was administratively approved in 2011.

This concluded staff comments.

Ms. Adams asked whether the elevation for the proposed curb cut is sufficient to allow gutter drainage to not go back onto the property. Mr. Phippard referred to the proposed conditions plan and stated the travel lane on Winchester Street is approximately 100.0 feet in elevation and it slopes up as you get to the sidewalk. The high point at the driveway was 100.8. The difference in elevation is therefore about 9 inches compared to Winchester Street, which he felt was more than adequate to prevent water from getting onto the property from the street. He added there is no ponding that is happening in front of 165 Winchester Street.

Chair Barrett asked how the existing curb cut is going to be altered. Mr. Phippard stated this curb cut would be reduced from 24 feet to 18 feet. Six feet of gravel will be removed and will be seeded for turf grass to be replaced.

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

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-908, Modification #3 for modifications to the existing curb cut and the addition of a second curb cut on the property located at 165 Winchester Street (TMP #592-035-000), as shown on the site plan identified as “Proposed Driveway, Montshire Pediatric Dental Office, 165 Winchester Street Keene, NH 03431” prepared by Brickstone Land Use Consultants, LLC at a scale of 1 inch = 20 feet, dated June 27, 2001 and last revised on January 28, 2020 with the following condition prior to signature by Planning Board Chair:

1. Owner's signature appears on plan.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

SPR-930, Mod. #6 – Site Plan Review – 11 Production Ave – Owner, Wilco Realty Corp., proposes modifications to the Subaru Building addition that was approved by the Planning Board in September 2018, including changes to exterior materials and the addition of an egress door. The site is 5.67-acres and is located at located at 11 Production Ave in the Industrial District (TMP# 242-002-000).

A. Board Determination of Completeness.

Planner Mari Brunner addressed the Board and stated the applicant is requesting exemptions from providing an existing conditions plan, a proposed conditions plan, a grading plan, a landscaping plan, a lighting plan, and technical reports as no site changes are proposed as part of this application. Staff has determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel that the Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. Public Hearing

Mr. Phippard addressed the Board and stated this is a 5.67 acre property previously developed in the 1970s. Since that time, it has changed hands and has been redeveloped as the Subaru Dealership. He referred to the former Monadnock Flooring building, and said that in the fall of 2019, Monadnock Flooring vacated the property and Subaru has occupied the space since that time.

Today's application deals with the main building. Mr. Phippard referred to the proposed façade facing Route 9, which is identical to the existing façade. The elevation that faces Ash Swamp Brook is not visible from Route 9. Mr. Phippard referred to the west elevation that shows the proposed treatment approved by the Planning Board last year. The bottom three feet on this section is exposed concrete block and above that is EIFS. He referred to a photo of the new addition where it meets the existing façade, the EIFS has been extended to be about six inches above the existing grade. The reason for this is a building code requirement – it was determined that the EIFS should be extended to comply with the new energy code for New Hampshire.

Mr. Phippard stated he incorrectly assumed this item could be approved administratively. He added this same façade was extended to the north to be consistent. He referred also to a passage door that was added to the façade that faces Ash Swamp Brook and this again

is for a building code requirement (egress requirement). He further stated when the egress door was added, the overhead full cutoff light fixture had to be turned around to provide more lighting near this door. He stated however, this does not meet the lighting code so the owner will turn this fixture around to face downward. In closing apologized that the Board has to handle this item.

Staff comments were next. Ms. Brunner stated this request has to do with architectural and visual appearance. Ms. Brunner noted that SPR-930 Modification 4 was approved by the Planning Board in September of 2018, for the construction of a 2,940 sf addition to the Subaru building. In April of 2019, Modification #5 was an administratively approved for a 420 sf addition to the south side of the expansion, in addition to modifications to the former Monadnock Flooring building. During a site visit in February 2020, staff observed that the exterior materials of the building addition did not match the elevations that were approved by the Planning Board, that a second egress door had been added, and wall-mounted lights installed above two egress doors on the west building façade did not meet the Planning Board's standards for down-lighting.

At that point, the applicant was notified that these modifications would require approval by the Planning Board. This modification was not sent out for review to other City departments as the changes are related to architecture and visual appearance and lighting.

Lighting: The lights that were approved were wall-mounted, full cut-off LED fixtures. Ms. Brunner noted staff did speak with the applicant and felt there was an easy fix and that would be to turn the fixtures downward, instead of pointing out away from the building.

Architectural and Visual Appearance: The Applicant proposes to modify the exterior materials for the addition by extending the EIFS siding down 30 inches to replace the band of split face block that was originally proposed as part of Modification #4 to this project. In addition, a second egress door has been installed on the western façade near the southwest corner of the Subaru building. This egress door is not shown on the architectural elevations that were submitted with this application; staff recommend including the egress door on revised elevations as a condition of approval.

Community Development Director Rhett Lamb indicated Mr. Phippard had expressed concern that this request was not approved administratively. He noted there was at least one other modification which was approved administratively on this project and the "after the fact" nature of the request is what made staff hesitate, especially because it also had to do with standard 19. This concluded staff comments.

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

Vice-Chair Cusack thanked the Community Development Director for bringing this item to the Board and giving the Board the opportunity to review same.

Mr. Weglinski referred to the egress door and asked if this was a code issue and was after the fact why it is coming before the Planning Board. Mr. Lamb stated this is because it relates to standard 19.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-930, Modification #6 as shown on the elevations entitled “Subaru of Keene Addition” prepared by Bruce Ronayne Hamilton Architects on March 14, 2019 at a scale of 1” = 8’ with the following conditions prior to signature by Planning Board Chair:

1. Submittal of revised Architectural Elevations to show the addition of a second egress door on the west façade of the building.
2. All wall-mounted lights on the exterior of the addition to the main building shall be in compliance with Development Standard 10.
3. Owner’s signature appears on building elevations.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

VII. Community Development Director Report

Mr. Lamb thanked the Board for their flexibility in managing this process. He also thanked Jim Phippard and Wendy Pelletier as well as Tara Kessler and Mari Brunner for making this new platform work.

The Chair commended staff, Board and participants for making this work.

VIII. New Business

IX. Upcoming Dates of Interest

- Planning Board Steering Committee – April 14; 11:00 AM
- Planning Board Meeting – Monday, April 27; 6:30 PM
- Joint PB/PLD Committee – May 11, 6:30 PM

The meeting adjourned at 8:30 PM.

Respectfully submitted,
Krishni Pahl, Minute Taker

Reviewed and edited by Mari Brunner, Planner