



## Planning Board – Monday, September 28, 2020, 6:30PM

### AGENDA

**NOTE:** This meeting will be conducted using the online meeting platform, Zoom.\* The public may view the meeting online by visiting [www.zoom.us/join](http://www.zoom.us/join) or by calling toll-free at (888) 475-4499 and entering the **Meeting ID: 857 8338 6440**. You may also join the meeting by calling (603) 766-5646 and entering the **Participant ID: 981441**. More info on how to access this meeting is available at [ci.keene.nh.us/planning-board](http://ci.keene.nh.us/planning-board). If you encounter any issues accessing this meeting, please call 603-757-0676 during the scheduled meeting time.

I. Call to Order – Roll Call

II. Minutes of Previous Meeting – August 24, 2020 Meeting

III. Waiver Request:

**Boundary Line Adjustment – Waiver Request – Old Walpole Road** – Applicant David Bergeron, on behalf of owners Warren & Arlie MacKenzie and Robert Casna, requests a waiver from Section III.C.5.b of the Planning Board Site Plan and Subdivision Regulations with respect to the requirement that an updated survey showing all metes and bounds shall be prepared as part of a boundary line adjustment. The properties are located at 0 Old Walpole Rd (TMP# 207-004-000) and 429 Old Walpole Rd (TMP# 210-023-000) in the Rural District.

IV. Extension Request:

**SPR-05-19 – Colonial Theatre – 89 Main St – Site Plan** – Applicant Weller & Michal Architects, on behalf of owner Colonial Theatre Group Inc., requests a second 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).

V. Public Hearings:

**S-04-20, Subdivision – 366 Park Avenue** – Applicant Cardinal Surveying & Land Planning, on behalf of owner Thomas Perreault, proposes to subdivide the 0.46-acre parcel located at 366 Park Ave (TMP# 539-049-000) into two 0.23-acre lots. The site is in the Low Density District.

**S-05-20, Subdivision – 173 Wyman Road** – Applicant David Borden, on behalf of owner, Bruce L. & Phyllis R. Borden Revocable Trust, proposes to subdivide the 26.5-acre parcel located at 173 Wyman Road (TMP #210-048-000) into a 3-acre lot and a 23.5-acre lot. A waiver is requested from Section III.C.6.b of the Planning Board Site Plan and Subdivision Regulations regarding Hillside Protection. The site is located in the Rural District.

VI. Community Development Director Report

VII. New Business

VII. Upcoming Dates of Interest – October 2020

- Joint PB/PLD Committee – **TUESDAY**, October 13, 6:30 PM & Monday, October 19, 6:30 PM
- Planning Board Steering Committee – October 13, 11:00 AM
- Planning Board Site Visits – October 21, 8:00 AM – To Be Confirmed
- Planning Board Meeting – October 26, 6:30 PM

*\*In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.*

1 **CITY OF KEENE**  
2 **NEW HAMPSHIRE**

3  
4 **PLANNING BOARD**  
5 **MEETING MINUTES**

6 Monday August 24, 2020

6:30 PM

Council Chambers

7 Members Present

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

Staff:

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

Members Not Present:

Gail Sommers  
Tammy Adams, Alternate

8 **I. Statement of Authority to Hold Remote Meeting**

9 Chair Barrett began the meeting by reading the following statement with respect to  
10 holding remote meetings: *“In Emergency Order #12, issued by the Governor of the State*  
11 *of New Hampshire pursuant to Executive Order #2020-04, certain provisions of RSA 91-*  
12 *A regulating the operation of public body meetings have been waived during the*  
13 *declared COVID-19 State of Emergency.*

14 Specifically:

- 15
- 16 • *The requirement that a quorum of a public body be physically present except in an*  
17 *emergency requiring immediate action under RSA 91-A:2, III(b);*
  - 18 • *The requirement that each part of a meeting of a public body be audible or otherwise*  
19 *discernible to the public at the location specified in the meeting notice as the location of*  
20 *the 21 meeting under RSA 91-A:2, III(c).*
  - 21 • *Provided, however that the public body must:*
    - 22 • *Provide access to the meeting by telephone, with additional access*  
23 *possibilities by 24 video or other electronic means;*
    - 24 • *Provide public notice of the necessary information for accessing the meeting;*
    - 25 • *Provide a mechanism for the public to alert the public body during the*  
26 *meeting if 27 there are problems with access; and*
    - 27 • *Adjourn the meeting if the public is unable to access the meeting.*
  - 28 • *All votes are to be taken by roll call.*

29 • *All board participants shall identify the location from where they are participating and*  
30 *who is present in the room with them.*

31  
32 Chair Barrett said the public may access the meeting online by visiting the Zoom website,  
33 www.zoom.us/join, and entering the Meeting ID, which he stated. The Meeting ID also  
34 appeared on the Agenda for the meeting. The public can, listen, but not view, the meeting  
35 by calling the toll-free phone number (888) 475-4499 and entering the Meeting ID. He  
36 noted that if someone is unable to access the meeting, they should call 603-757-0622.

37  
38 **II. Call to order – Roll Call**

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

40  
41 **III. Minutes of previous meeting – July 27, 2020 Meeting**

42 A motion was made by Mayor George Hansel to accept the July 27, 2020 minutes. The  
43 motion was seconded by Councilor Michael Remy and was unanimously approved by  
44 roll call vote.

45  
46 **IV. Driveway Application:**

47  
48 **Symonds School Driveway, 79 Park Ave** – Applicant and owner, Union School  
49 District, is requesting to create an additional driveway at Symonds School located at 79  
50 Park Ave (TMP# 575-015-000) by opening an existing gate that is located at the end of  
51 Wheelock Street and using it as a bus entrance and exit. The property is 7.2 acres in size  
52 and is located in the Low Density District.

53  
54 Mr. Ken Dooley, Facilities Director for the Keene School District, addressed the Board.  
55 He indicated this application is to open an existing gate located on Wheelock Street for  
56 drop off and pickup for Symonds School (morning and afternoon drop off and pickup  
57 only). He referred to a bus turnaround SVE Construction had worked out for the school  
58 district. The bus turnaround can accommodate three buses without the need for street  
59 stacking. During the morning the buses are not at the site at the same time, but they will  
60 be for afternoon pickup.

61  
62 Mr. Dooley noted the school has installed a safe sidewalk fenced off from the playground  
63 and play area around the building. The sidewalk from Wheelock Street has also been  
64 fenced to provide separation between pedestrians entering the site and the bus drop-off  
65 area.

66  
67 Mr. Dooley stated the reason for this request is for safety reasons. He noted during  
68 morning drop off, buses turn right at the entrance and parents turn left, which can get  
69 congested in the morning, and there have been some close calls. This concluded the  
70 applicant's presentation.

71  
72 Ms. Russell Slack asked for the number of buses during the morning and afternoon –  
73 There will be three full size buses and a few special route buses during morning and  
74 afternoon – this is based on full occupancy. Ms. Russell Slack asked whether the school

75 gave any consideration to parent drop off being at the proposed location and the school  
76 buses remaining in the front. Mr. Dooley stated having parents use this area would be too  
77 much traffic on Wheelock Street and the side streets versus three buses in and out.  
78

79 Mr. Orgaz referred to the MSFI minutes on page 22 “...the building was built in 1928  
80 and at that point only had walking access. They added a wing in 1952, changing the  
81 entranceway. Access was through Wheelock Park...” – Mr. Orgaz stated this should read  
82 as Wheelock Street not Wheelock Park. He noted Wheelock Park started in the late 60’s  
83 and late 70’s.  
84

85 Chair Barrett clarified there will be room in the proposed area for three full size buses  
86 and the couple of small buses. Mr. Dooley noted the smaller buses come at a different  
87 time in the morning and further noted the three large ones also stagger their time. It is  
88 during the afternoon pickup that all three will be parked at the same time.  
89

90 Staff comments were next. Tara Kessler, Senior Planner addressed the Board and stated  
91 Symonds School, which is part of the SAU, is exempt from local Planning Board  
92 Standards. She noted this application will fall under Chapter 70 of the City Code of  
93 Ordinances, which is outside of the land use ordinances. Ms. Kessler referred to the intent  
94 statement for the Driveway Standards:

95 “It is the intent of the driveway standards (Section 70-135 of City Code) to:

- 96 • Promote the safe passage of bicycles, pedestrians and vehicles;
- 97 • Locate driveways so as to ensure adequate sight distances;
- 98 • Avoid disruption of existing drainage systems;
- 99 • Ensure that drainage from new driveways is properly channeled;
- 100 • Avoid the creation of hazardous traffic conditions;
- 101 • Ensure that city sidewalks are preserved; and
- 102 • Ensure that roadways and intersections are not overly burdened by improperly  
103 located or excessive numbers of driveways.”  
104

105 Ms. Kessler then referred to the relevant Driveway Standards as follows:

- 106 • Driveways must be placed so as to ensure that vehicles entering and exiting the  
107 driveway have an all season safe sight distance in all directions not only of the  
108 road, but also of bicycle and pedestrian traffic on the sidewalk. Ms. Kessler  
109 explained safe sight distance is 200 feet and this distance has been verified at this  
110 site by the City Engineer.
- 111 • For commercial and industrial activities, the use of service roads and/or common  
112 driveways is encouraged. This is a 2<sup>nd</sup> entry into the site.
- 113 • Driveways must not block the flow of drainage in gutters or drainage ditches or  
114 pipes.
- 115 • Driveways must not direct stormwater across sidewalks or onto city streets,  
116 except that the portion of a driveway within the public right of way may drain  
117 towards the street. The City Engineer has not expressed any concern with this  
118 site, as it is relatively flat.

- 119 • *Industrial, commercial, agricultural, multifamily residential or temporary*  
120 *driveways shall not be more than 25 ft wide at the property line and 50 ft wide at*  
121 *the curbline.* The proposed driveway is about 20 to 22 feet wide.  
122 • *New driveways must be placed so as not to conflict with existing driveways.* This  
123 driveway does not present conflicts with existing driveways in the area. It has  
124 been indicated by the school that there will be someone to open the gate, three  
125 buses could fit appropriately, and the gate will then be locked.  
126 • *All driveways shall be constructed to standards approved by the city engineer.*  
127 The City Engineer has not expressed any concern with this application as it relates  
128 to the driveway standards.  
129

130 Ms. Kessler noted the Board's packet has included letters from residents in the area as  
131 well as minutes from the MSFI Committee in November. She added that driveway  
132 applications are not public hearings, and it is up to the Chairman if he wants to allow for  
133 public comment.  
134

135 Ms. Russell Slack asked if the gate would be opened and closed when school is in session  
136 or whether this is something that would need to be added during final approval. Ms.  
137 Kessler said the applicant has stated that the gate will be manually opened and closed by  
138 school staff during pickup and drop off hours and will remain closed during other times.  
139 She added the Board may wish to place a condition that the gate must be locked when not  
140 in use. Ms. Russell Slack asked if the school wanted to discontinue use of the gate, would  
141 that be something that would need to be approved by the Board. Mr. Lamb in response  
142 stated this is a permit, not a right, and can be changed in the future and no permit  
143 adjustment would be necessary if the school was to discontinue use of this driveway.  
144 However, if the use was to become more intense, or if the school planned to open the gate  
145 during other hours not outlined in the motion, the school district would have to come  
146 back before the Board.  
147

148 Ms. Russell Slack asked if the city was planning on performing any maintenance of  
149 Wheelock Street before the school started using this bus area, and referred to the broken  
150 pavement in this area. Mr. Lamb stated he was not aware of any plans by the city to  
151 perform any work to Wheelock Street anytime in the future. It is not listed in the current  
152 CIP.  
153

154 Councilor Remy asked whether this access would be used for things like field trips. Mr.  
155 Dooley stated this is not something that has been discussed and added the main reason for  
156 this access is to separate buses from parent drop off because of situations that have  
157 occurred in the past. He stated their intention would be to the use the front of the school  
158 for things like field trips. Mr. Tim Ruehr, who also works for the school district, stated  
159 this gate would remain closed during school hours as this area is used as a playground  
160 during school hours. He said at the present time, it is very hard to control the public  
161 during school drop off in front of the school.  
162

163 The Chairman asked for public comment, with no comment from the public the Chairman  
164 asked for Board deliberation.

165

166 Chair Barrett stated he was concerned about buses queuing on the street at some point  
167 should a smaller bus arrive at the same time, and asked whether a condition should be  
168 added to address this issue. Mr. Lamb stated if a car is parked on Wheelock Street, which  
169 is a public street, there is an expectation they would not be blocking a travel aisle. He  
170 added if a bus was to be parked here, there could be an issue for travel on Wheelock  
171 Street for travel on both directions. Should the school obtain Council approval to  
172 eliminate parking on Wheelock Street, it could eliminate some of these concerns. He  
173 added the arrival of the buses to some extent is under the school's control and felt this is  
174 something the school should be paying attention to so queuing on Wheelock Street does  
175 not happen. The Chairman asked whether it is under the Board's authority to add  
176 condition that calls for no queuing on Wheelock Street.

177

178 Vice-Chair Cusack stated he was not comfortable adding this as a condition as he felt the  
179 school could be a good neighbor and prevent queuing.

180

181 A motion was made by Mayor George Hansel that the Planning approve the Driveway  
182 Permit Application for the property at 79 Park Ave to install a driveway on Wheelock  
183 Street, as presented on the application materials and the plan identified as "Symonds  
184 Elementary School 79 Park Avenue Keene, New Hampshire, Bus Route Concept #7,  
185 Sheet C-7" prepared by SVE Associates at a scale of 1 inch = 10 feet on August 14, 2019  
186 and last revised on August 11, 2020, with the following finding and conditions:

187

188 Finding:

189 The Applicant has testified that the driveway at Wheelock St will only be open to  
190 school buses during the morning school drop-off and afternoon school pick-up hours,  
191 and the gates will be manually opened and closed by school staff.

192

193 Conditions:

194 1. During all other times of day, the gate at the driveway entrance on Wheelock St  
195 will remain locked.

196

197 The motion was seconded by Councilor Remy.

198

199 Chair Barrett amended the motion to add a second condition that states "At no time shall  
200 buses entering Symonds School on Wheelock Street be permitted to queue on Wheelock  
201 Street." Mayor Hansel seconded the amendment.

202

203 Mr. Burke noted if this traffic could not queue on Wheelock Street, they are now being  
204 pushed perhaps to another street or intersection. Chair Barrett stated his thought is if this  
205 were a daily concern, it would give residents the ability to address the issue.

206

207 The amendment carried on a 7-2 roll call vote with Vice-Chair Cusack and Michael  
208 Burke voting in opposition.

209

210 The original motion carried on a unanimous roll call vote.

211 **IV. Public Hearings:**

212

213 1. **SPR-972, Mod. 6, Site Plan – CONTINUED** – Colony Mill Retail Building,  
214 210-222 West Street – Applicant and owner Brady Sullivan Properties proposes to  
215 construct a 4,875-sf retail and office building with two drive-throughs on the properties  
216 located at 210-222 West St (TMP# 576-009-000), 0 Gilbo Ave (TMP# 576-008-000) and  
217 0 Island St (TMP#s 583-011-000, 583-012-000, 583-014-000, & 583-015-000). A waiver  
218 is requested from Development Standard 10 – Lighting. These properties are 4.6-ac, 0.94-  
219 ac, 0.3-ac, 0.21-ac, 0.1-ac, and 0.34-ac in size and are located in the Commerce District.

220

221 A. Public Hearing

222 Mr. Orgaz was recused from this public hearing.

223 Mayor Hansel reminded those present not to use the chat feature as this was not  
224 appropriate for a public hearing.

225

226 Mr. Rob Pearson addressed the Board and began by introducing others present tonight:  
227 Charles Panasis and Ben Kelley, owners of Brady Sullivan, Attorney John Cronin, Amy  
228 Sanders, PE with Fuss and O’Neill, and Shaun Kelly with Vanasse & Associates.

229

230 Mr. Pearson stated he would like to address some of the changes made to the site plan  
231 since the last meeting:

- 232 • The four trees taken down in front of the Casino to repair the storm drain have  
233 been added to the site plan and will be replaced.
- 234 • A six-foot fence has been added along the southern end of the site and will be  
235 located on the applicant’s site.
- 236 • A revised photometric plan has been submitted that indicates there will be no light  
237 trespass onto neighboring properties; therefore, the lighting waiver is no longer  
238 needed.
- 239 • An internal sidewalk is proposed to be constructed to provide pedestrian access  
240 from the north. The stop line along the northern drive through has been moved  
241 back to accommodate a crosswalk into the building entrance. The exit for the  
242 northern drive through will be restricted to a right turn only to alleviate traffic  
243 traveling south.
- 244 • The two handicap signs, an access aisle, and parking spaces have been moved  
245 north to make it easier for pedestrians to cross over to the new building without  
246 interfering with vehicles queued at the southern end of the site. This will also  
247 eliminate backing out of the parking spaces into the vehicle queue for the  
248 southern drive through.
- 249 • A sidewalk is being constructed to connect the applicant’s property to the  
250 sidewalk located on Island Street and a bike rack will be located next to this  
251 sidewalk.
- 252 • On the southern drive through, the menu board has been moved further back (to  
253 the east) on the building and the menu board location has been revised to provide  
254 for another entire car length for vehicle stacking.

255

256 Mr. Pearson turned the presentation over to John Cronin. Mr. Cronin noted he had  
257 reviewed the minutes from last month. He said the northbound lane seems to be adequate  
258 and referred to the change to right turn only for existing vehicles that Mr. Pearson had  
259 previously mentioned. Mr. Cronin stated there is always that fine line between what staff  
260 wants and what the Board wants but felt the Board can always set parameters such as  
261 what has been allowed with the south drive through. He noted more and more businesses  
262 especially with Covid are offering drive through opportunities. He felt traffic can be a  
263 self-correcting problem and asked the Board to consider the changes being offered to  
264 address the concerns raised by staff.

265

266 Mr. Lamb responded to comments made by the applicant's representatives. He indicated  
267 staff's role is to assist the Board and provide the Board with information based on Board  
268 standards and felt everything that has been done so far follows that line.

269

270 Ms. Kessler addressed staff comments next. She indicated her comments would be to  
271 address the changes that have been made since the last meeting.

272

273 With respect to landscaping, the applicant has made some modifications on the southern  
274 boundary line by installing a six-foot fence to provide screening. The shrubs proposed  
275 previously for this area will no longer be needed and will be removed from the plan. The  
276 applicant is also proposing to replace the four trees that were previously removed the site  
277 in the parking lot island adjacent to the casino building.

278

279 There is no longer a waiver requirement for lighting as the applicant has worked to  
280 remove light trespass onto abutting properties with the installation of the fence.

281

282 Ms. Kessler addressed the site layout plan next. There were concerns raised last month as  
283 to how pedestrians will travel throughout the site as well as enter the site safely from  
284 neighboring properties. The Applicant has proposed a walkway to eliminate the need for  
285 pedestrians to navigate through traffic. The applicant is also proposing to move the stop  
286 line back and install a right hand only turn. There is also a paved walkway connection to  
287 Island Street being proposed. The applicant is also proposing to move the two accessible  
288 parking spaces to the north to provide more space for stacking for the southern drive  
289 through. A parking space will be removed in the diagonal parking area to address  
290 concerns about vehicles backing out into a travel aisle. The applicant has moved the  
291 drive-through window and relocated the menu board for the southern drive through,  
292 which will allow for four vehicles to stack at the drive-through window. Ms. Kessler said  
293 that, should there be more than four vehicles at the drive through window, there could be  
294 the chance for conflict with the parking area. The bike rack has been moved from its  
295 previous location near the driveway entrance on Island Street further south, adjacent to  
296 the proposed walkway connection between the site and the Island Street sidewalk. This  
297 concluded staff comments.

298

299 Mr. Weglinski asked about the proposed use and stated there is no clear decision as to  
300 what the use is going to be. He added the design is efficient, but when you start getting  
301 those overloads there is bound to be traffic conflicts and inquired whether the Board is



302 permitted to ask what this use is going to be. Ms. Kessler stated it was indicated last  
303 month that the northern drive-through was going to be a coffee establishment and the  
304 southern drive-through was to be a bank.

305

306 Chair Barrett asked whether any analysis was done for on-site traffic and the offsite  
307 traffic at the intersection (for a coffee shop and a bank use).

308

309 Mr. Shaun Kelly stated when they performed the traffic study they looked at a coffee  
310 shop for the northern end and a bank for the southern drive-through. He noted shifting the  
311 menu board to the north is going to provide room for additional stacking and reduce  
312 conflict with the rest of the site. Chair Barrett asked if the northern drive through was to  
313 be a restaurant like a Dunkin Donuts, how that would affect offsite intersection level of  
314 service. Mr. Kelly agreed there might be an increase in traffic if that drive-through was a  
315 restaurant but the traffic report indicates it would mostly be pass by traffic. It might add a  
316 slight delay to the intersection. He added when they looked at the traffic study done for  
317 the gas station reconstruction, the level of service was not drastically affected.

318

319 Mr. Weglinski referred to bank queues at TD Bank on West Street and the Service Credit  
320 Union during Covid where traffic was spilling onto West Street and asked to be cognizant  
321 of that going forward. Mr. Weglinski asked should the use change, whether there was a  
322 condition that could be added to the motion, which calls for the design to be revisited.  
323 Chair Barrett felt a condition could be added as the traffic study assumed a bank at one  
324 location and a coffee shop at the other location. Ms. Kessler stated a condition such as  
325 this would be acceptable. She indicated if a change of use, for instance from a bank to a  
326 restaurant was to occur, an administrative review by staff or review by the Planning  
327 Board would be required. Mr. Lamb agreed the Board would have that authority to add a  
328 condition.

329

330 Mr. Burke referred to the south side close to Island Street (on the left); he questioned if  
331 this parking was to be located at an angle, whether that would enable someone to back  
332 out when there are cars there. Mr. Lamb agreed it would but noted the circulation lane  
333 here is designed for two way traffic, so cars can exit to the north when you back out.  
334 Chair Barrett thought this configuration might cause the loss of a parking space as well.  
335 Amy Sanders, Applicant's representative and traffic engineer responded by saying that  
336 this would allow for an additional car to stack but stated she would want to make sure if  
337 those spaces were to be rotated, the depth of the rotation would only be 20 feet, but  
338 agreed there would be the loss of a space and drivers would be forced to exit through the  
339 rear of the site rather than in two-way fashion.

340

341 Mr. Anthony Mastronardi of 100 Darling Road, Keene addressed the Board next who  
342 owns the abutting property at Island Street. Mr. Mastronardi thanked the applicant for the  
343 addition of the six foot fence and said he hopes it goes up soon so the construction debris  
344 can be shielded from his tenants. He also extended his appreciation to staff.

345

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

347

348 Mayor Hansel stated the changes they have made are much clearer, the safety concerns  
349 have been addressed and was comfortable approving the application. Dr. Cusack agreed  
350 with the Mayor and stated he was ready to approve this application.

351

352 C. Board Discussion and Action

353 A motion was made by Mayor George Hansel that the Planning Board approve SPR-972,  
354 Modification 6 for the construction of a 4,875-sf multi-tenant retail building with two  
355 drive-through tenant spaces, as presented on the plan set identified as “0 Island Street,  
356 Tax Map 576 Lots 8 & 9, Tax Map 583 Lots 11, 12, 14, 15” prepared by Fuss & O’Neill  
357 at a scale of 1 inch = 20 feet on June 17, 2020 and last revised on August 20, 2020, and  
358 as presented in the architectural elevations identified as “New Commercial Building, 222  
359 West Street” prepared by Christopher J. Lewis at a scale of 1/8 inch = 1 foot and dated  
360 June 17, 2020, with the following conditions:

361

362 1. Prior to signature by Planning Board chair:

363

364

365

366

367

368

- a. The Voluntary Merger application for the six parcels of land associated with this project shall be recorded at the Registry of Deeds.
- b. Submittal of security for landscaping, erosion and sediment control, and as-built plans in a form and amount acceptable to the Community Development Director and the City Engineer.

369

370

371

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

372

Mr. Orgaz rejoined the Board.

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2. **SPR-01-13, Mod. 2, Site Plan** – Indoor Shooting Range, 19 Ferry Brook Road – Applicant and owner Cheshire County Shooting Sports Education Foundation proposes to install a 3,300-sf indoor shooting range on the property located at 19 Ferry Brook Road (TMP# 214-021-000). A waiver is requested from Development Standard #6 – Landscaping. This property is located in both the Town of Sullivan and the City of Keene. The portion of the property in Keene is 55-acres and is located in the Rural District.

382

Chris Cusack recused himself from this application.

383

384

A. Board Determination of Completeness.

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386

387

388

389

Planner Mari Brunner addressed the Board and stated that the applicant requests exemptions from providing a Landscaping Plan, a full traffic study, and a soils report. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend accepting the application as “complete.”

390

391

392

393

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.

394 B. Public Hearing

395 Mr. Jim Phippard from Brickstone Land Use Consultants addressed the Board on behalf  
396 of this applicant, Cheshire County Shooting Sports Education Foundation. He indicated  
397 this application is for the expansion of the existing facility located at 19 Ferry Brook  
398 Road. He explained the area outlined in red represents the Keene portion of the property,  
399 which is half of the property that extends into the Town of Sullivan. The property is  
400 about 195 acres in size (45 acres is in Keene). The expansion will be entirely within  
401 Keene.

402  
403 Mr. Phippard noted the clubhouse shown on the plan will remain and an addition will be  
404 proposed to the north. He noted in 2013 the applicant had approval to construct an indoor  
405 shooting range; this approval was for a much larger facility compared to the one being  
406 proposed today. However, due to fundraising issues, this construction did not move  
407 forward and this site plan has since expired.

408  
409 The proposal today is for an addition to the existing clubhouse that is 30 feet wide and  
410 110 feet long and would contain seven indoor shooting lanes. The current parking  
411 configuration is not striped; this plan will contain striped spaces, and wheel stops will be  
412 added (15 spaces with one handicap space). The proposed building will be connected to  
413 the existing building with an air lock. To the left of this area is a curved area, which is the  
414 drainage collection area and infiltration area. This will collect runoff and infiltrate into  
415 the ground. Test pits were done and it was concluded runoff from a 25-year storm could  
416 completely infiltrate into this area.

417  
418 This addition is being constructed on an existing leech field and a new leech field will be  
419 constructed on the area shown on the plan. A new septic design is being completed and  
420 will be submitted to NHDES for their approval. The existing systems will be removed  
421 when the addition is constructed. The leech field area is a gravel area, and a separate  
422 gravel area will serve as an over flow parking area.

423  
424 With respect to lighting, there will be overhead lighting installed in the areas shown on  
425 the plan. They will consist of low-level lighting that meets the lighting standard. The  
426 pole-mounted lights will be on 15 foot poles, which complies with the maximum height  
427 permitted in rural zone, and they will be full cutoff LED lights.

428  
429 Mr. Phippard then referred to the existing elevation and the new proposed elevation. The  
430 existing building has brown siding. The addition would consist of 10-inch CMU concrete  
431 block (bullet proof and soundproof wall system). A sloped roof system would be  
432 constructed on the addition, which would include an HVAC system and ventilation  
433 system as required for an indoor shooting range. The color of the addition would match  
434 the existing site.

435  
436 Mr. Phippard then addressed the landscape waiver. This site is approximately 195 acres  
437 in size and surrounded by a forested area. The applicant is requesting waiver from  
438 planting two trees in the parking area due to the location of the parking area which is not  
439 visible from any road or abutting properties. He added properties wouldn't be diminished

440 by not adding these trees, as they are not visible from abutting properties. It is an  
441 unnecessary hardship - planting of three-inch caliper trees would be at a cost of \$1,200 -  
442 \$1,500 and he felt it would be an unnecessary expense.

443

444 Mr. Weglinski asked for the extent of the asphalt paving. Mr. Phippard stated they are  
445 required to have 14 parking spaces and this is what is being stripped. He indicated it is  
446 asphalt today but it is not striped.

447

448 Chair Barrett asked what material the vertical portion of the shed roof would be  
449 constructed of. Mr. Phippard stated it would be siding and would match the existing  
450 building. The Chairman expressed concern with respect to safety. Mr. Phippard stated  
451 this is a standard design for indoor shooting ranges and the applicant was following  
452 building code requirements.

453

454 Mr. Mike Hagan, Chair of the Shooting Foundation, stated the ceiling was baffled,  
455 slanted and designed to deflect bullets that might get shot upwards.

456

457 The Chairman asked for the hours of operation. Mr. Hagan stated currently they operate  
458 from 8:30 am to ½ hour after sunset. The facility is staffed by volunteers only and will be  
459 looking for a facilities manager. He went on to say they don't have set hours yet but  
460 closing is around 9 pm.

461

462 Staff comments were next. Ms. Brunner addressed Board standards as it relates to this  
463 application.

464

465 Drainage – The applicant is proposing to install a level spreader to the west of the  
466 proposed building addition to infiltrate runoff from the roof of the new addition. She  
467 indicated they submitted a Post Development Drainage Plan as well as a drainage report  
468 dated July 8, 2020 and this indicates the post-development condition will consist of  
469 runoff sheet-flowing from the roof to the level spreader, resulting in slightly less runoff  
470 as compared to pre-development conditions. This standard appears to be met.

471

472 Sedimentation and Erosion Control -The applicant is proposing to install straw wattle or  
473 silt fencing along the western downhill edge of the project area, between the area to be  
474 disturbed and the existing wetland. The Applicant did include details for the straw wattle  
475 and silt fence on the plan set.

476

477 Hillsides -The proposed project would not impact any precautionary or prohibitive  
478 slopes.

479

480 Snow Storage -The Applicant notes in the project narrative that snow will be stored on  
481 site. There is ample room for snow storage along the edge of the existing driveway and  
482 parking area. This standard appears to be met.

483

484 Flooding – There are no floodplains present on this property.

485

486 Landscaping - The Applicant has requested a waiver from this standard, which requires  
487 the installation of one tree per 10 parking spaces for parking lots of 10 or more parking  
488 spaces. Ms. Brunner stated a waiver request is attached on page 42 of the agenda packet.  
489 Ms. Brunner referred to the Planning Board's waiver criteria included in the presentation.

490  
491 The Chairman asked for public comment next.

492  
493 Ms. Leslie Casey of 125 Cross Road, Sullivan, NH addressed the Board first. Ms. Casey  
494 stated she would like to suggest additional outdoor lighting be shielded, as there is an  
495 observatory nearby that is used by local astronomy clubs and have issues with ambient  
496 light. She also asked for light to be turned off at a reasonable hour. Ms. Casey stated she  
497 is glad to hear operation stops half hour after sunset, but neighbors have indicated  
498 operations continue through all hours of the night.

499  
500 Mr. Phippard stated the fixtures would be full cutoff LED fixtures to minimize light  
501 pollution and to prevent up lighting. Lights will be on timers and they are calling for  
502 them to be turned off no later than 10 pm; if it closes earlier it can be set to be turned off  
503 earlier. Only the lights on the buildings will be left on for security reasons per code.  
504 Mr. Hagan stated the lights can be set on a timer to be turned off earlier unless on those  
505 days when they have a Board Meeting.

506  
507 Mr. Chip Woodbury of 488 South Road, Sullivan, NH stated he was an abutter who has  
508 resided at his property for 40 years. He indicated he has had a good relationship with the  
509 applicant but the growing noise has always been an issue, and it has gotten worse as the  
510 use of semi-automatics has increased. Mr. Beauregard stated they listen to this noise for  
511 close to 10-12 hours a day. He stated with the addition being proposed, his concern is the  
512 noise increasing and extending. He questioned to what extent is the building sound proof.  
513 He stated he has had members of the range listening to the noise from his home and have  
514 agreed the noise is louder than how it sounds at their facility because of the echo effect.

515  
516 Ms. Cathy Woodbury added the noise goes on all day long and the noise continues even  
517 with no manager on site. Mr. Woodbury stated he spoke in favor of the last application  
518 and will do the same with this one as long as it is done correctly. Mr. Woodbury stated  
519 his cousin's house a while back was hit with bullets that came from the range. He went  
520 on to say if this extension is going to move some of the shooting inside and provide noise  
521 control then he will be in support of it. Chair Barrett asked what Mr. Woodbury meant by  
522 "done correctly". Mr. Woodbury stated it means the noise level is controlled and the  
523 hours are not extended.

524  
525 Mr. Weglinski felt it was important for the abutters and the applicants work together and  
526 agreed this was a difficult situation. Councilor Remy stated even if some percentage of  
527 the noise could be moved in, it would be better and hoped there is some way to make sure  
528 the building is going to be sound proof. Chair Barrett agreed moving inside is likely to  
529 improve the sound. He added Keene does have a noise ordinance, but stated he wasn't  
530 sure if Sullivan has such an ordinance.

531

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

533

534 C. Board Discussion and Action

535 A motion was made by Mayor George Hansel that the Planning Board approve SPR-01-  
536 13 Modification #2, including granting a waiver from Development Standard #6 –  
537 Landscaping, as shown on the plan set identified as “Proposed Indoor Range, Cheshire  
538 County Shooting Sports Education Foundation, Ferry Brook Road, Keene, NH” prepared  
539 by Brickstone Land Use Consultants dated July 17, 2020 and last revised on August 7,  
540 2020, and on the architectural elevations identified as “Elevations Sections” prepared by  
541 Timothy Sampson at a scale of ¼ inch = 1 foot dated July 17, 2020, with the following  
542 conditions prior to signature by Planning Board chair:

543

- 544 1. Owner’s signature appears on site plan and architectural elevations.
- 545 2. A note be added to the plan set stating that the exterior lights will be placed on  
546 timers and will be turned off at the end of operations each day.

547

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

550

551 V. Community Development Director Report

552 Mr. Lamb reminded the Board that there would be some transitions in board members at  
553 the end of this year, with both Doug and Chris coming to the end of their second terms.  
554 He asked Board members to use their contacts to find people who may be a good fit for  
555 the Planning Board. Doug Barrett said if anyone was interested in taking on a leadership  
556 role or if they know anyone from the City who might be interested in serving on the  
557 Board to let staff know.

558

559 VI. New Business

560

561 VII. Upcoming Dates of Interest – September 2020

- 562 • **Joint PB/PLD Committee – September 14, 6:30 PM**
- 563 • **Planning Board Steering Committee – September 15, 11:00 AM**
- 564 • **Planning Board Site Visits – September 23, 8:00 AM – To Be Confirmed**
- 565 • **Planning Board Meeting – September 28, 6:30 PM**

566

567 The meeting adjourned at 8:45 pm.

568

569 Respectfully submitted,

570

571 Krishni Pahl

572 Minute Taker

573

574 Reviewed and edited by Mari Brunner, Planner

September 10, 2020

Tara Kessler  
City of Keene  
Community Development  
3 Washington Street  
Keene, NH 03431

RE: Request for Waiver, MacKenzie-Casna Boundary line adjustment, Old Walpole Road, Keene

We are hereby requesting a waiver of section III, C. 5-b. Adjustment of boundary lines, which requires an updated metes and bounds survey of all boundary lines for revised parcels. We are requesting this waiver as allowed under section X – Waiver of Regulations and Development Standards.

We are proposing to do a boundary line adjustment between two parcels. One owned by Arlie MacKenzie and one owned by Robert Casna. Currently, a portion of the existing driveway for the Casna property is located on the MacKenzie property. The proposed boundary line adjustment would change the boundary between the two parcels so that the land the driveway is on would be owned by Mr. Casna. The MacKenzie property is approximately 8 acres while the Casna property is approximately 43 acres. A boundary survey has been completed for the MacKenzie property. We are requesting that we not be required to survey the existing boundary lines for the Casna property. Please see the attached existing conditions and proposed conditions plans.

**Waiver Requirements:**

1. The Planning Board may waive strict compliance with the Board’s Development Standards or other regulations on a case by case basis, when criteria established for the granting the specific standards are found to be met, and in any case, as long as granting of such waiver meets each of the following criteria:
  - a. That granting the waiver will not be contrary to the spirit and intent of these regulations.

**An updated survey of the properties would be necessary if the lots involved were small and there was a danger of one of the lots becoming non-conforming due to lot size or setbacks as a result of the boundary line adjustment. In this case, the lot owned by Mr. Casna is the largest lot of the two and is approximately 43 acres. Land is being added to his lot to make it slightly larger. The land being added to his lot contains the driveway to his home so this will place the driveway on his lot instead of on the MacKenzie lot. The smaller lot owned by Ms. MacKenzie is surveyed and has a metes and bounds description. The MacKenzie lot is 8.29 acres now and will be**

**approximately 7.47 acres after the boundary line adjustment and will still conform with the ordinance for lot size. Allowing the waiver of the metes and bounds survey of the Casna lot to place the driveway for the Casna home on the Casna lot will not be contrary to the spirit and intent of the regulations.**

- b. That granting the waiver will not increase the potential for creating adverse impact to abutters, the community, and the environment

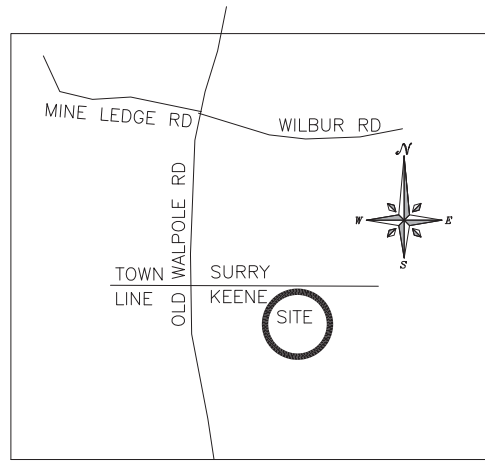
**Granting the waiver will not increase the potential for adverse impacts to the abutters. It will allow a boundary line adjustment between to parties that share a common boundary and allow Mr. Casna to purchase the land his existing driveway is located on. The next closest abutter, Mark MacKenzie, is Ms. MacKenzie's son. He is aware of the boundary line adjustment and is not opposed to it.**

- c. That granting the waver has not been shown to diminish the property values of abutting properties.

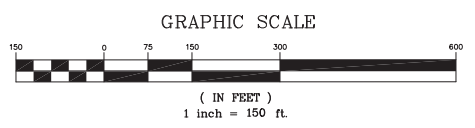
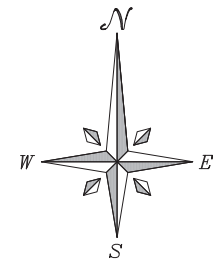
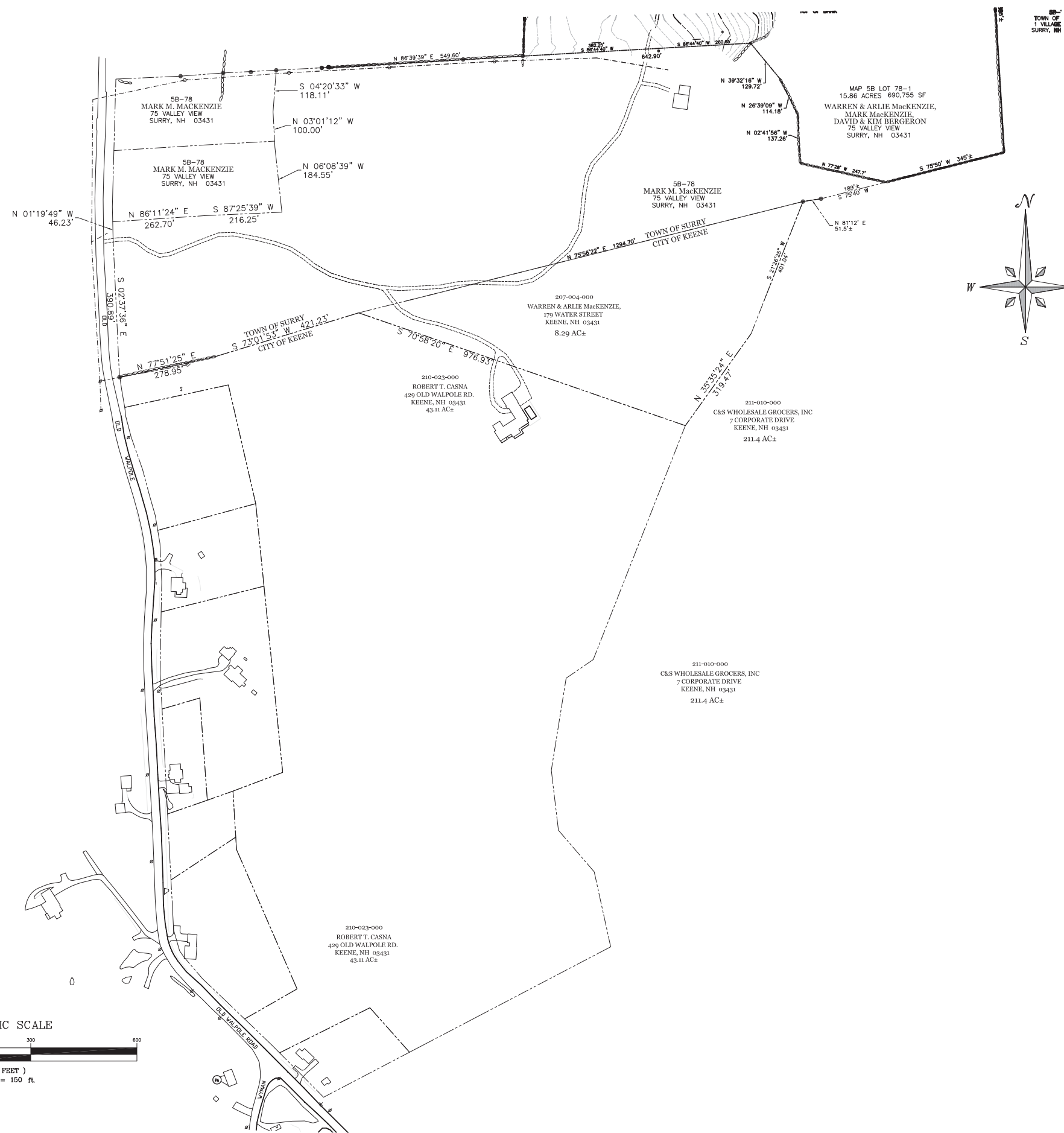
**The Granting the waiver will not diminish property values of abutting properties because it will allow land that the driveway for Mr. Casna's home to is located on to be purchased and added to his lot. This will help to improve the property values of both properties involved in the boundary line adjustment. The next closest abutter, Mark MacKenzie, is Ms. MacKenzie's son. He is aware of the boundary line adjustment and is not opposed to it. One other abutter is approximately 350 feet away and will not be impacted by this boundary line adjustment.**

- d. Consideration will also be given to whether strict conformity with the regulations of Development Standards would pose and unnecessary hardship to the applicant. **Strict conformance with the regulations by requiring a metes and bounds survey of the Casna property would cost almost as much as the cost of the land Mr. Casna is purchasing. It is not necessary to survey his property since his lot is already 43 acres and is being made larger and more conforming by placing his driveway on his lot. The other property involved in the boundary line adjustment does have a metes and bounds survey and will remain conforming for lot size after the boundary line adjustment. No other abutters are impacted by this change and it is an unnecessary hardship to require a costly survey of his property.**





LOCUS



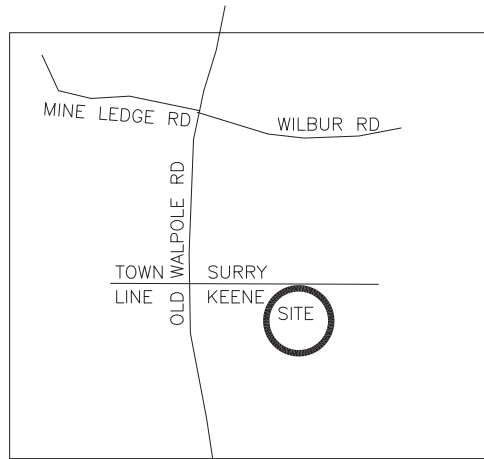
**MONADNOCK LAND PLANNING**  
 139 OLD WALPOLE ROAD  
 KEENE, NH 03431  
 603.209.3050  
 MONADNOCKLP@NE.RR.COM

OWNERS:  
 ROBERT CASNA &  
 ARLIE MACKENZIE  
 139 OLD WALPOLE ROAD  
 KEENE, NH 03431

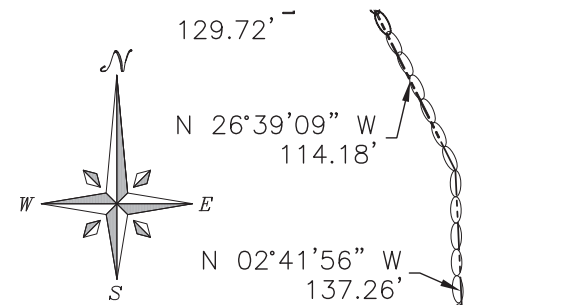
BOUNDARLY LINE  
 ADJUSTMENT  
 TAX MAP 207-004-000  
 & 210-023-000  
 OLD WALPOLE ROAD  
 KEENE, NH 03431

# EXISTING PLAN

SCALE: 1"=150'  
 AUG. 29, 2020  
 SHEET 1



LOCUS



5B-78  
**MARK M. MacKENZIE**  
 75 VALLEY VIEW  
 SURRY, NH 03431

**TOWN OF SURRY**  
**CITY OF KEENE**

207-004-000  
**WARREN & ARLIE MacKENZIE,**  
 179 WATER STREET  
 KEENE, NH 03431  
 8.29 AC±

**LAND TO CASNA**  
 0.82 AC.

210-023-000  
**ROBERT T. CASNA**  
 429 OLD WALPOLE RD.  
 KEENE, NH 03431  
 43.11 AC±

211-010-000  
**C&S WHOLESALE GROCERS, INC**  
 7 CORPORATE DRIVE  
 KEENE, NH 03431  
 211.4 AC±

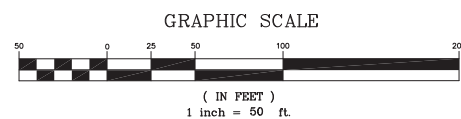
RY  
 421.23'  
 KEENE

S 70°58'20" E 976.93'

N 75°56'22" E 1294.70'

S 21°26'25" W 401.04'

N 35°35'24" E 319.47'



**MONADNOCK LAND PLANNING**  
 139 OLD WALPOLE ROAD  
 KEENE, NH 03431  
 603.209.3050  
 MONADNOCKLP@NE.RR.COM

**ROBERT CASNA & ARLIE MACKENZIE**  
 139 OLD WALPOLE ROAD  
 KEENE, NH 03431

BOUNDARLY LINE ADJUSTMENT  
 TAX MAP 207-004-000 & 210-023-000  
 OLD WALPOLE ROAD  
 KEENE, NH 03431

**PROPOSED PLAN**

SCALE: 1"=50'

AUG. 29, 2020

SHEET 2

August 20, 2020

Mr. Rhett Lamb  
Community Development  
City of Keene  
3 Washington Street  
Keene, NH 03431

Re: SPR-05-19 Colonial Theatre 89 Main Street  
Site Plan Approval Second Extension Request

Dear Rhett,

The Colonial Theatre is requesting a second extension for the Site Plan Approval for the project located at 89 Main Street, Keene, NH which was received on September 25, 2019.

The reason for this request is as follows:

The Colonial Theatre is currently submitting leases, licenses, easements and a discontinuance from the City of Keene. While all of these requests are in process, we do not believe they will be complete by September 25<sup>th</sup>. The second extension is requested to ensure the Site Plan approval does not lapse while the agreements are finalized.

We appreciate your consideration. Please let me know if you need any additional information regarding this matter.

Sincerely,

Tad Schrantz  
[tschrantz@ne.rr.com](mailto:tschrantz@ne.rr.com)  
603-204-8063

C: Alec Doyle-The Colonial Theatre  
Charles Michal- Weller Michal Architects  
Mari Brunner-City of Keene

**S-04-20 – SUBDIVISION– 366 Park Avenue**

**Request:**

Applicant Cardinal Surveying & Land Planning, on behalf of owner Thomas Perreault, proposes to subdivide the 0.46-acre parcel located at 366 Park Ave (TMP# 539-049-000) into two 0.23-acre lots. The site is in the Low Density District.

**Background:**

This property, located on the corner of Park Avenue and Pinehurst Avenue, is the site of an existing single family home with driveway access from Park Avenue. It is within a 10-minute walking distance (0.5 mi.) of Keene High School and a 12-minute walking distance (0.6 mi.) of Symonds Elementary School. The parcel is 20,115 square feet (0.46 acres) and is located in the Low Density District.



*Figure 1. Aerial view of the property located at 366 Park Ave. (outlined in red).*

The Applicant proposes to subdivide the property into two lots that would be 10,057 sf (0.23 ac) and 10,058 sf (0.23 ac) in size. Both of the proposed lots meet the minimum lot size requirement of 10,000 square feet (sf), minimum frontage requirement of 60 feet, and the minimum lot width at the building line of 70 feet for the Low Density District, as shown in the table below.

|                                       | <b>Low Density Requirement</b> | <b>Proposed Lot 1</b> | <b>Proposed Lot 2</b>      |
|---------------------------------------|--------------------------------|-----------------------|----------------------------|
| <b>Minimum Lot Area</b>               | 10,000 square feet             | 10,057 square feet    | 10,058 square feet         |
| <b>Minimum Frontage</b>               | 60 feet                        | 108.6 feet            | 86.46 feet                 |
| <b>Minimum width at building line</b> | 70 feet                        | ~105 feet             | N/A (No building proposed) |

**Completeness:**

The Applicant requests exemptions from providing a separate existing conditions plan, a grading plan, a lighting plan, and a landscaping plan 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 that the Board accept the application as “complete.”

**Departmental Comments:**

- **Engineering:** The property owner will need to obtain a driveway permit for the new building lot (since it is not included in the subdivision). The owner may be required to locate the driveway on Pinehurst Ave. in order to avoid conflicts with existing curb cuts on Park Ave.
- **Fire, Police, Code Enforcement, & Zoning:** No comments

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

3. Hillsides: There are no steep slopes present on this site. This standard does not apply.
5. Flooding: This property is not located in the 100-year floodplain. This standard does not apply.
11. Sewer and Water: This site has access to City sewer and water. Engineering staff have reviewed the proposed subdivision plan, and did not identify any concerns with the capacity of the existing sewer and water lines in this location. This standard appears to be met.
12. Traffic: The increase in traffic volume from the addition of one single family home would not have a significant impact on the capacity or safety of existing City streets, bridges, and/or intersections. This standard appears to be met.
13. Comprehensive Access Management: This site is located across the street from a sidewalk on Park Avenue and along a City Express Bus Route. In addition, upgrades to the existing pedestrian infrastructure and the construction of new bicycle facilities are planned as part of a larger project to enhance bicycle and pedestrian safety along Park Avenue.

Engineering staff reviewed this application and noted that a future driveway for Lot 2 may be required to be located off of Pinehurst Ave. in order to avoid conflicts with existing curb cuts on Park Ave.; however, this would be addressed at the time a driveway permit is issued. This standard appears to be met.

16. & 17. Wetlands & Surface Water: There are no wetlands or surface water present on this site. These standards do not apply.

**Recommended Motion:**

If the Board is inclined to approve this request, the following motion is recommended:

**Approve S-04-20 for a 2-lot subdivision of the parcel located at 366 Park Avenue, as shown on the plan identified as “2 Lot Subdivision, Lot 539-049-00, 366 Park Avenue, Keene, NH 03431” prepared by Cardinal Surveying & Land Planning” at a scale of 1 inch = 20 feet, dated August 20, 2020 and last revised on September 12, 2020 with the following conditions prior to signature by Planning Board Chair:**

1. **Owner’s signature appears on plan.**

# CITY OF KEENE | PLANNING BOARD

## SUBDIVISION APPLICATION



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

|          |   |                                    |   |
|----------|---|------------------------------------|---|
| <b>A</b> | <b>Project Name</b><br>2 LOT SUBDIVISION<br>LOT 539-049-000 | Date Received/Date of Submission:  | <div style="border: 2px solid blue; padding: 5px;"> <b>RECEIVED</b><br/>                 AUG 21 2020<br/>                 By S-01-20             </div> |
|          | <b>Tax Map Parcel number(s)</b><br>539-049-000              | Community Development Dept File #: |   |

|  |  |   |
|--|--|---|
| <b>Project Address:</b><br>366 PARK AVE.     | <b>O</b><br><b>w</b><br><b>n</b><br><b>e</b><br><b>r</b>   | <b>Name/Company: PLEASE PRINT:</b><br>THOMAS PERREault  |
| <b>Acreage/S.F. of Parcel:</b> 0.46 / 20,115 |  | <b>Address:</b><br>7 PINEHURST AVE KEENE  |
|  |  | <b>Telephone:</b> TPERREault@ME.RL.COM<br><b>E-mail:</b> 352-1955                                   |
|  |  | <b>Signature:</b><br><b>Printed Name:</b> Thomas K Perreault  |
| <b>Zoning District:</b><br>LOW DENSITY       | <b>A</b><br><b>p</b><br><b>p</b><br><b>l</b><br><b>i</b><br><b>c</b><br><b>a</b><br><b>n</b><br><b>t</b> | <b>Contact Name/Company: PLEASE PRINT:</b><br>WENDY PELLETIER<br>CARDINAL SURVEYING & LAND PLANNING |
|  |  | <b>Address:</b><br>185 WINCHESTER ST. KEENE   |
|  |  | <b>Telephone:</b> 499-2051<br><b>E-mail:</b> WENDY@CARDINALSURVEYING.NET                            |
|  |  | <b>Signature:</b><br><b>Printed Name:</b> Wendy S. Pelletier 8/21/20                                |

### B Descriptive Narrative Including

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

### C A complete application must include the following

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Two (2) copies of completed application forms signed and dated<br><input checked="" type="checkbox"/> Two (2) copies of descriptive narrative<br><input checked="" type="checkbox"/> Notarized list of all owners of property within 200' - include owner and applicant<br><input checked="" type="checkbox"/> Two (2) sets of mailing labels, per abutter<br><input checked="" type="checkbox"/> Seven (7) copies on "D" size paper of plans (24" x 36") | <input checked="" type="checkbox"/> Three (3) copies of "D" size architectural elevations (24" x 36")<br><input checked="" type="checkbox"/> Plans stamped/signed by reg. professional UPON APPROVAL<br><input checked="" type="checkbox"/> Two (2) copies on 11x17<br><input checked="" type="checkbox"/> Three (3) copies of all technical reports<br><input checked="" type="checkbox"/> Two (2) color architectural elevations on 11" x 17"<br><input checked="" type="checkbox"/> A check to cover the costs of legal notice to advertise the public hearing and mailing notices out to abutters |
|---|---|



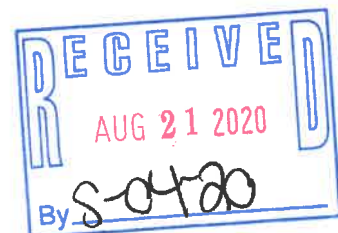
August 20, 2020

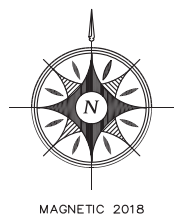
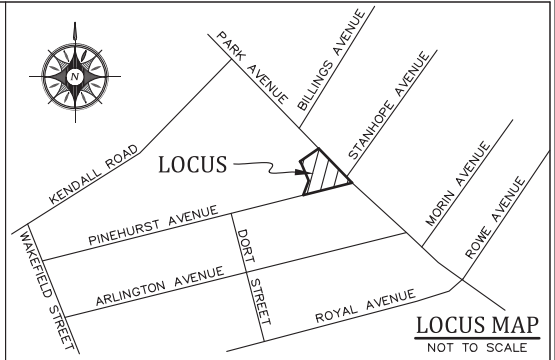
366 Park Ave.  
2 Lot Subdivision  
TM 539-049-000

### Project Narrative

Thomas Perreault is the owner of 366 Park Ave. which is on the corner of Pinehurst Ave. This is a 20,115 s.f. lot with a house and garage at the north end of the property. The lot is zoned low density and is serviced by city sewer and water. This is a request to subdivide the lot into 2 residential building lots. The proposed lot is open and flat, with 86.46' of frontage on Park Ave and 199.93' on Pinehurst Ave.

There is no building or improvements planned on the lot at this time, therefore we request waivers from a Proposed Conditions plan, Grading Plan, Landscaping Plan and Lighting Plan, also Development Standards 1-19.



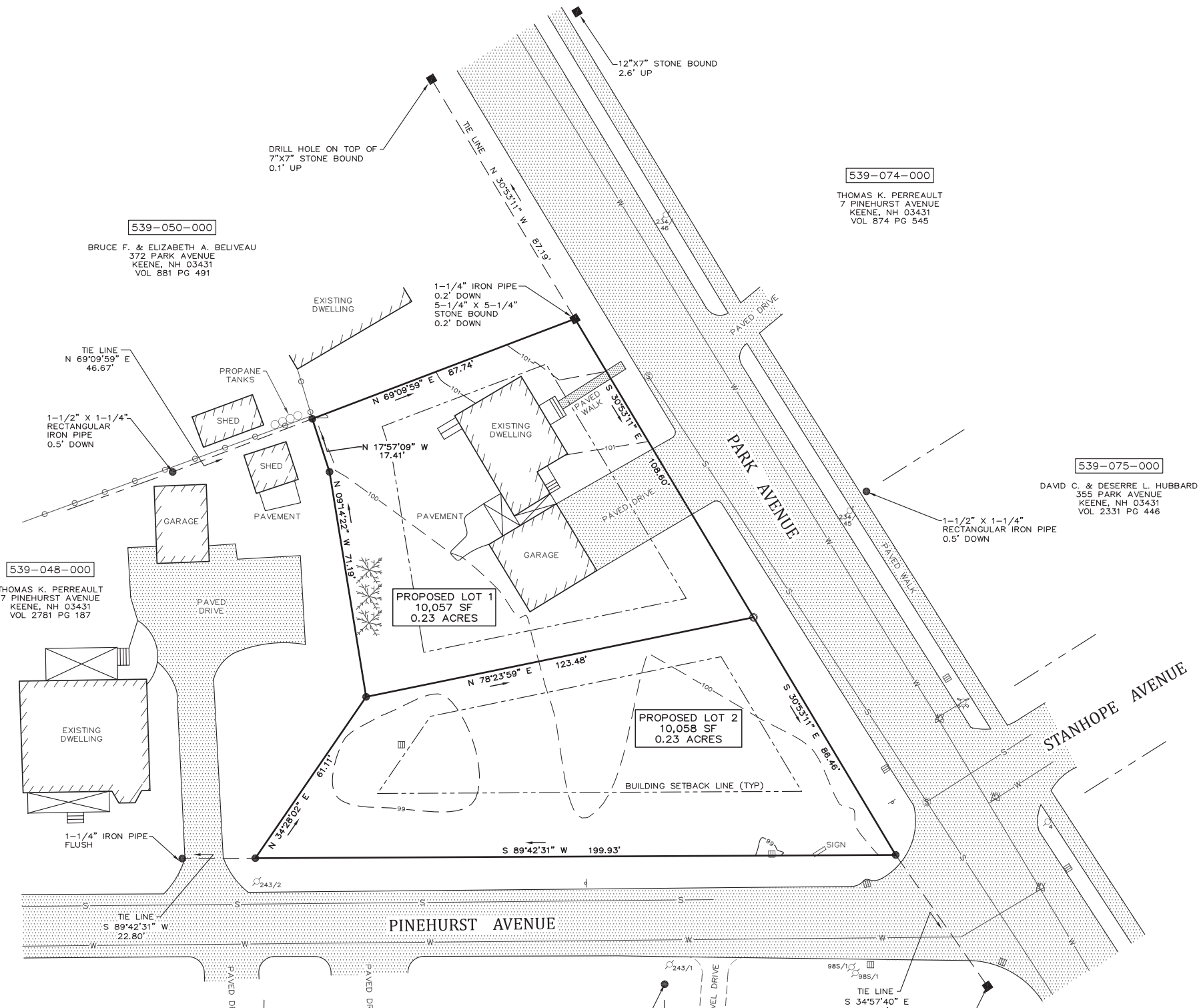


**NOTES**

- 1) THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT 539-049-000 INTO TWO RESIDENTIAL LOTS.
- 2) OWNER OF RECORD:  
THOMAS K. PERREAULT  
7 PINEHURST AVENUE  
KEENE, NH 03431  
VOLUME 687 PAGE 472 (539-049-000)
- 3) EXISTING AREA OF LOT 539-049-000: 20,115 SF OR 0.46 ACRES  
PROPOSED LOT 1: 10,057 SF OR 0.23 ACRES  
PROPOSED LOT 2: 10,058 SF OR 0.23 ACRES
- 4) MAP AND LOT NUMBERS REFER TO THE CITY OF KEENE PROPERTY MAPS.
- 5) CURRENT ZONING: LOW DENSITY DISTRICT  
MIN. LOT AREA - 10,000 SF  
MIN. FRONTAGE - 60 FEET  
MIN. WIDTH AT BUILDING LINE - 70 FEET  
SETBACKS:  
THE NARROWER SIDE OF A CORNER LOT IS CONSIDERED THE FRONT. STREET SIDE SETBACK IS THE SIDE SETBACK PLUS 10'.  
FRONT - 15 FEET  
SIDE - 10 FEET  
REAR - 20 FEET
- 6) THE RIGHT OF WAY OF PARK AVENUE WAS DETERMINED BY THE LOCATION OF MONUMENTATION AND IS SHOWN TO BE 2-1/2 RODS WIDE (41.25') BASED ON THE LAYOUT OF 1836 RECORDED IN VOLUME 1 PAGE 58 ON FILE AT THE CITY OF KEENE CLERK'S OFFICE.
- 7) THE RIGHT OF WAY OF PINEHURST AVENUE WAS DETERMINED BY THE LOCATION OF MONUMENTATION AND IS SHOWN TO BE 40' WIDE BASED ON CCRD VOLUME 433 PAGE 413.
- 8) NO JURISDICTIONAL WETLANDS WERE OBSERVED.
- 9) LOT 539-049-000 IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.
- 10) THE PARCEL MAY BE SUBJECT TO EASEMENTS AS THEY EXIST OF RECORD OR IN FACT. CARDINAL SURVEYING AND LAND PLANNING DOES NOT INTEND OR REPRESENT THAT ALL RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY ARE SHOWN. A SPECIFIC TITLE EXAMINATION IS SUGGESTED TO DETERMINE THE NATURE AND EXTENT OF RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY.
- 11) THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. CARDINAL SURVEYING & LAND PLANNING MAKES NO CLAIMS TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. FIELD VERIFICATION IS REQUIRED PRIOR TO ANY EXCAVATION ON THE SITE.
- 12) LOT 2 WILL REQUIRE A DRIVEWAY PERMIT FROM THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION.

**REFERENCE PLAN**

- 1) "BOUNDARY LINE ADJUSTMENT PLAN, LOTS 539-048-000 & 539-049-000, 7 PINEHURST AVENUE & 366 PARK AVENUE, KEENE, NH 03431, PREPARED FOR THOMAS K. PERREAULT, 7 PINEHURST AVENUE, KEENE, NH 03431"; PREPARED BY CARDINAL SURVEYING & LAND PLANNING; DATED JULY 20, 2018; SCALE 1"=20'; RECORDED AS PLAN NUMBER 18173 AT THE CCRD.
- 2) "ARLINGTON, KEENE N.H., OWNED BY THE MAYNARD LAND CO., PROVIDENCE, R.I."; PREPARED BY C.A. THAYER; DATED APRIL 1921; SCALE 1"=50'; ON FILE AT THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS.



539-034-000  
JENNIFER L. CRANDELL  
20 PINEHURST AVENUE  
KEENE, NH 03431  
VOL 2996 PG 77

539-033-000  
CHRISTOPHER J. & ANDREA D. DUBE  
12 PINEHURST AVENUE  
KEENE, NH 03431  
VOL 1455 PG 424

539-032-000  
JEANANNE M. HARSHBARGER  
334 PARK AVENUE  
KEENE, NH 03431  
VOL 3025 PG 933

539-074-000  
THOMAS K. PERREAULT  
7 PINEHURST AVENUE  
KEENE, NH 03431  
VOL 874 PG 545

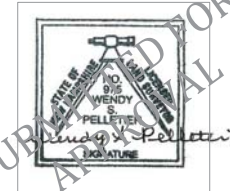
539-075-000  
DAVID C. & DESERRE L. HUBBARD  
355 PARK AVENUE  
KEENE, NH 03431  
VOL 2331 PG 446

539-085-000  
TIMOTHY W. WOOD  
345 PARK AVENUE  
KEENE, NH 03431  
VOL 2467 PG 122

APPROVED AS A SUBDIVISION  
IN ACCORDANCE WITH THE PROVISIONS OF RSA 674.  
THE CITY OF KEENE PLANNING BOARD  
BY \_\_\_\_\_, CHAIRMAN

**SURVEYOR'S CERTIFICATION**

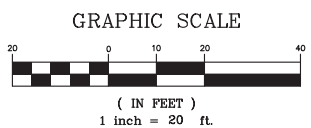
THIS SURVEY IS THE RESULT OF A RANDOM TRAVERSE USING AN ELECTRONIC TOTAL STATION AND MEETS THE MINIMUM REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN NH LAN 500.1.  
I HEREBY CERTIFY THAT THIS PLAT CONFORMS TO ALL APPLICABLE LOCAL ZONING ORDINANCES AND RULES.



**OWNER CERTIFICATION**

I, THOMAS K. PERREAULT, CERTIFY THAT I AM THE OWNER OF LOT 539-049-000, AND APPROVE OF THIS SUBDIVISION.

THOMAS K. PERREAULT



- LEGEND**
- - PIN FOUND
  - - MONUMENT FOUND
  - - REBAR SET
  - ⊕ - SIGN
  - ⊕<sub>243/2</sub> - UTILITY POLE
  - ⊕ - GUY ANCHOR
  - ⊕<sub>3/5</sub> - HYDRANT
  - ⊕ - WATER VALVE
  - ⊕ - CATCH BASIN
  - ⊕ - SEWER MANHOLE
  - - CHAIN LINK FENCE
  - - - - - APPROXIMATE ABUTTER LINE
  - - - - - BUILDING SETBACK LINE
  - - - - - APPROX. WATER LINE
  - - - - - APPROX. SEWER LINE

| NO. | DATE    | REVISION | ADD NOTE 12, STAMP PER CITY COMMENTS | WP | BY |
|-----|---------|----------|--------------------------------------|----|----|
| 1   | 9/12/20 |          |                                      |    |    |

**2 LOT SUBDIVISION**

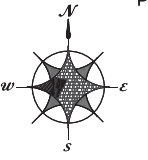
LOT 539-049-000  
366 PARK AVENUE  
KEENE, NH 03431

DATE: AUGUST 20, 2020 SCALE: 1"=20'

PREPARED FOR:

THOMAS K. PERREAULT  
7 PINEHURST AVENUE  
KEENE, NH 03431

CARDINAL SURVEYING & LAND PLANNING  
Keene, New Hampshire 03431  
Tel. (603) 499-6151



JOB NO. 458 SURVEY DATE: 7/11/18 FB: 6/76



## S-05-20 – SUBDIVISION – 2-Lot Subdivision, 173 Wyman Road

### **Request:**

Applicant David Borden, on behalf of owner, Bruce L. & Phyllis R. Borden Revocable Trust, proposes to subdivide the 26.5-acre parcel located at 173 Wyman Road (TMP #210-048-000) into a 3-acre lot and a 23.5-acre lot. A waiver is requested from Section III.C.6.b of the Planning Board Site Plan and Subdivision Regulations regarding Hillside Protection. The site is located in the Rural District.

### **Background:**

This property, historically known as the Borden Farm property, is located on the corner of Wyman Road and Abbott Road, about 0.6 miles south of the border with the Town of Surry in the Rural District. The 26.5-acre parcel is bordered by Hillside Village to the south (95 Wyman Road), Wyman Road to the west, Abbott Road to the north, and residential properties to the east. In addition, there is a separate, 5.2-acre parcel of land associated with this property, referred to as the “meadow lot” (striped in red in Figure 1). The meadow lot was historically considered part of the Borden Farm property; however, when this land was surveyed in 2019 it was discovered that the meadow lot is separate from the Borden Farm property. Starting in 2021, the 5.2-acre meadow lot will have a separate tax map parcel number. This 5.2-acre lot would not be impacted by this proposed subdivision.

There is an existing single family home on the north section of the Borden Farm property, with driveway access on both Wyman Road and Abbott Road. A large portion of the lot to the south (~17 acres) is forested wetlands. In addition, there are some steep slopes present on the site.

The Applicant proposes to subdivide the 26.5-acre parcel of land into a 3-acre lot and a 23.5-acre lot. The Applicant received a variance from the Zoning Board of Adjustment to permit a three +/- acre lot with 2.85 +/- acres of upland and 0.15 +/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance. A waiver is requested from Section III.C.6.b of the Planning Board Site Plan and Subdivision regulations regarding Hillside Protection. This waiver request is discussed further under “Hillsides” in the application analysis section of this staff report.

### **Completeness:**

The Applicant requests exemptions from providing a grading plan, landscaping plan, lighting plan, visual and architectural details, and technical reports as no development is proposed at this time. Staff have determined that the requested exemptions would have no bearing on the merits of this application and recommend accepting this application as “complete.”

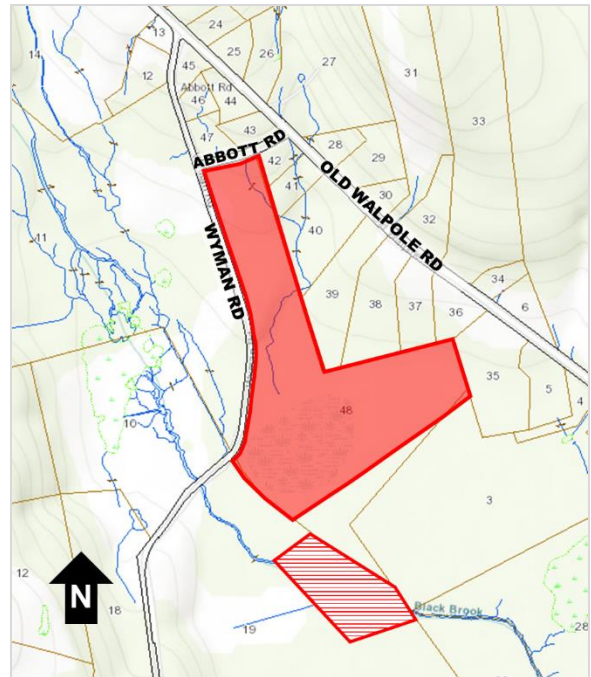


Figure 1. Aerial image of the property located at 173 Wyman Road (TMP# 210-048-000). The parcel shaded in solid red is the 26.5-acre Borden Farm property. The parcel striped in red is a 5.2-acre "meadow lot" associated with the Borden Farm property.

**Departmental Comments:**

There were no comments from City staff in Engineering, Zoning, Code Enforcement, Police, or Fire on this application.

**Application Analysis:** The following is a review of the Planning Board development standards relevant to this application.

3. **Hillsides:** Section III.C.6.b of the Planning Board Site Plan and Subdivision Regulations states “Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, land areas meeting the definition of a prohibitive slope shall be excluded in the calculation of minimum lot size for each new lot.” This standard further states “Except for Conservation Residential Development Subdivisions, for all proposed subdivisions of parcels greater than fifteen (15) acres in size, fifty (50) percent of land areas meeting the definition of a precautionary slope shall be excluded in the calculation of minimum lot size for each new lot.” The proposed 23.5-acre parcel does have precautionary and prohibitive slopes present on the site; however, the Applicant has requested a waiver from the requirement to exclude these areas from the minimum lot size calculation. The Applicant notes that, if the land area of prohibitive and precautionary slopes were excluded from the minimum lot size, the lot may not meet the minimum lot size requirement of 5 acres for the Rural District. This is due to the fact that a large portion of the lot (~17 acres) is wetland area, which is also excluded from the minimum lot size calculation.

The Applicant submitted a written waiver request, which is attached to this staff report. This waiver request notes that there is sufficient area on the lot outside of steep slope and wetland areas for a future property owner to build a house. In determining whether to grant a waiver from this standard, the Planning Board should consider the Planning Board waiver criteria, which are included below.

**“X. WAIVER OF REGULATIONS AND DEVELOPMENT STANDARDS**

1. *Unless otherwise set forth in these regulations, the Planning Board may waive strict compliance with the Board’s Development Standards or other regulations on a case-by-case basis, when criteria established for the granting of specific standards are found to be met, and in any case, as long as the granting of such waiver meets each of the following criteria:*
  - a) *That granting the waiver will not be contrary to the spirit and intent of these regulations;*
  - b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and*
  - c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*
  - d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.”*
5. **Flooding:** This site is not located in the 100-year floodplain. This standard does not apply.
11. **Sewer and Water:** There are no existing City water or sewer services available for this site. No development is proposed at this time; however, future development on the 23.5-acre lot may require the installation of a septic system and/or well.

12. Traffic: The increase in traffic from the addition of one single family home would not have a significant impact on the capacity or safety of existing City streets, bridges, and/or intersections. This standard appears to be met.
13. Comprehensive Access Management: This parcel is located in a rural area of the City and is not located along a bus route, sidewalk, or near a bicycle facility. No changes are proposed to the location of the existing driveway on the proposed 3-acre lot, and the Applicant does not propose to install a driveway on the proposed 23.5-acre lot at this time. This standard appears to be met.
16. Wetlands: There are wetlands present on both the proposed 3-acre lot with the existing house (0.15-acres of wetland) and the proposed 23.5-acre lot (less than 17.4 acres of wetland). The Applicant received a variance from the Zoning Board of Adjustment on September 15, 2020 to permit a three +/- acre lot with 2.85 +/- acres of upland and 0.15 +/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance.

With respect to the proposed 23.5-acre lot, the edge of wetlands for the northern portion of the lot was delineated by a wetlands scientist registered in the state of New Hampshire in order to demonstrate compliance with the minimum lot size requirement of 5 acres for this district; however, the remainder of the wetlands on this lot were not delineated. There are at least 6.1 acres of land outside the wetland areas. The proposed subdivision plan shows the 75-foot wetland buffer and includes a note that states “Any future work within the 75-foot wetland buffer may require a Conditional Use Permit from the City.” This standard appears to be met.

17. Surface Water: As noted above under Wetlands, this site includes approximately 17 acres of wetland. There are no other surface waters present on the site.

#### **Recommended Motion:**

If the Board is inclined to approve this request, the following motion is recommended:

**Approve S-05-20, including granting a waiver from Section III.C.6.b of the Planning Board Site Plan and Subdivision Regulations, for a 2-lot subdivision of the property located at 173 Wyman Road (TMP# 210-048-000) as shown on the plan identified as “Subdivision Proposal Plan of the Bruce L. Borden and Phyllis R. Borden Revocable Trust” prepared by Edward C. Goodrich, Jr. at a scale of 1 inch = 100 feet, dated November 18, 2019 and last revised on September 10, 2020, with the following conditions prior to signature by Planning Board chair:**

1. **Owner’s signature appears on plan.**

# CITY OF KEENE | PLANNING BOARD

## SITE PLAN REVIEW / MODIFICATION APPLICATION



subdivision

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

|   |                                    |
|---|------------------------------------|
| <b>A</b> Project Name<br>Borden Farm    | Date Received/Date of Submission:  |
|   | Date of pre-application meeting:   |
| Tax Map Parcel number(s)<br>210-248-000 | Date Application is Complete:      |
|   | Community Development Dept File #: |

|  |       |  |
|--|-------|--|
| Project Address:<br>173 Wyman Rd.<br>Keene, NH 03431 | Owner | PRINTED Name:<br>Bruce L Borden & Phyllis R Borden |
|  |       | Signature:   |
|  |       | Address: 173 Wyman Rd, Keene, NH                   |
| Acreage/S.F. of Parcel:<br>31.7                      |       | Telephone \ Email:                                 |

|                           |           |  |
|---------------------------|-----------|--|
| Zoning District:<br>Rural | Applicant | PRINTED Name:<br>David G Borden                    |
|                           |           | Signature:   |
|                           |           | Address: 55 Langley Rd, Keene, NH                  |
|                           |           | Telephone \ Email: 603 313 1319 dborden@ppginc.com |

**Modifications:** Is this a modification to a previously-approved site plan:  No  Yes: SPR#: \_\_\_\_\_ Date: \_\_\_\_\_

For those sections of the application that are not affected by the proposed modification to the previously approved site plan, you are encouraged to request exemptions in lieu of submitting required documents.

**B** Descriptive Narrative Including

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

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

RECEIVED  
 AUG 24 2020  
 By S-05-20

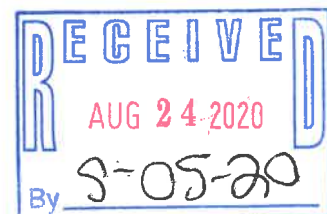
## **Descriptive Narrative:**

173 Wyman Road property includes 31.7 acres and has a farm house and garage on it. There is a 5.2 acre haying field included. The owner is 'The Bruce L and Phyllis R Borden Revocable Trust'. Bruce and Phyllis have passed on and left the land to the heirs of the estate. The heirs would like to sub divide the land into 2 lots.

The first lot would be approximately 3 +/- acre lot that contains the farm house and garage.

The second single family home building lot would measure approximately 23.5 acres (plus the 5.2 acre haying field). It contains a lot of wetlands but does have suitable upland for building.

Both lots are accessed from Wyman Road and have lots of frontage.



September 11, 2020

Mr. Douglas Barrett, Planning Board Chairman  
City of Keene  
Community Development  
3 Washington Street  
Keene, NH 03431  
RE: Request for Waiver, 173 Wyman Road subdivision, Keene

Chair Barrett:

We are hereby requesting a waiver of Section III.C.6.b of the Planning Board Site Plan and Subdivision Regulations, which requires that 100% of the area of all prohibitive slopes (25% grade +) and 50% of the area of precautionary slopes (15%-25% grade) must be subtracted when calculating the minimum lot area for lots that are 15 acres in size or greater.

We are requesting this waiver as allowed under Section X – Waiver of Regulations and Development Standards.

We are proposing to do a subdivision of 173 Wyman Road into 2 lots. The first 3 acre lot has an existing house on it and the second 23.5 acre lot to be used for a house building lot. Please see the existing conditions and proposed conditions plans . We are asking for a waiver on the above regulation because we discovered this regulation late in the subdivision process. We spent much money and effort finding 6 acres of upland on the 23.5 acre lot, it would most likely be reduced somewhat, maybe below the required 5 acres if we had an exact study of slopes done on the parcel. Referring to the contour lines shows a bumped up area where slopes could be calculated and discounted and subtracted, we just question the necessity of it. We are confident that there is plenty of flat areas to build a house on and the slopes are unique enough not to cause problems. The south facing slope actually has the potential to be a very desirable solar home site.

**Waiver Requirements:**

1. The Planning Board may waive strict compliance with the Board’s Development Standards or other regulations on a case by case basis, when criteria established for the granting the specific standards are found to be met, and in any case, as long as granting of such waiver meets each of the following criteria:

a. That granting the waiver will not be contrary to the spirit and intent of these regulations.

**The proposed sub divided lot is well suited for a single family dwelling. It is 23.5 acres with 6 documented acres of upland, there is more upland along the Hillside boundary but it is not delineated as of this time so we can’t add it into the equation. We spent a lot of money delineating wetland to reach the required 5 acres and feel this next discounting of the required 5 acres is not necessary. There are enough flat areas to locate a house and the steep areas which are present need not be used. This lot would have very desirable characteristics and will not be contrary to the spirit and intent of the regulations.**

b. That granting the waiver will not increase the potential for creating adverse impact to abutters, the community, and the environment.

**Granting the waiver will not increase the potential for adverse impacts to the abutters. It will allow a house lot that contains lots of wet lands that will never be developed and continue to provide a wildlife corridor. The future house designer will be able to develop a nice attractive functional site plan.**

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

**Granting the waiver will not diminish property values of abutting properties because it will allow a lot with many attractive features to be developed which may actually have the effect of increasing surrounding property values.**

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

**Strict conformance with this regulations will be an unnecessarily hardship since the work required to further survey and calculate this sloped area will take time and money. Since we started this subdivision process we do have a buyer under contract for the house lot and a delay will mean economic hardship for the estate of Bruce and Phyllis Borden since the sale would be delayed and or canceled. Phyllis was lucky she got to live out her final days at home but it came at a cost. The estate needs to sell and pay the final bills. To delay this subdivision process would be an unnecessary exercise for no measurable gain.**

Thank you for your consideration of this request.

Sincerely,

David Borden



# City of Keene

*New Hampshire*

## NOTICE OF DECISION

### **ZONING BOARD OF ADJUSTMENT**

**CASE NUMBER:** ZBA 20-14  
**Property Address:** 173 Wyman Rd.  
**Zone:** Rural District  
**Owner:** Bruce L. and Phyllis R. Borden Revocable Trust  
**Petitioner:** David Borden  
**Date of Decision:** September 15, 2020

#### **Notification of Decision:**

Petitioner, David Borden, of Keene, NH, request a Variance for property located at 173 Wyman Rd., Keene, Tax Maps #210-048-000, which is in the Rural District. The Petitioner, which requested a Variance to permit a three +/- acre lot with 2.85 +/- acres of upland and 0.15 +/- acres of delineated wetlands, where five acres are required per Section 102-791 of the Zoning Ordinance, was approved 3-2.

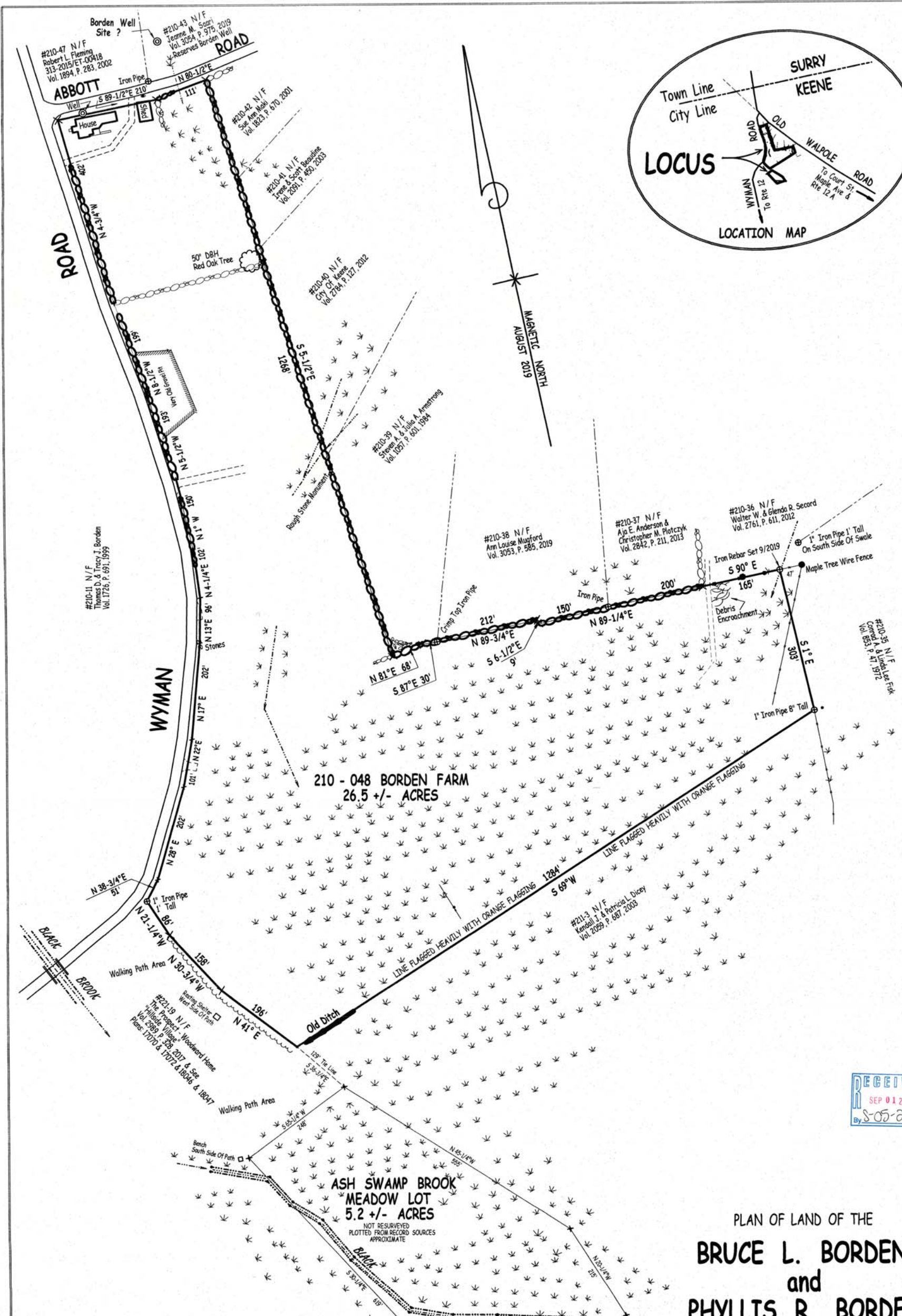
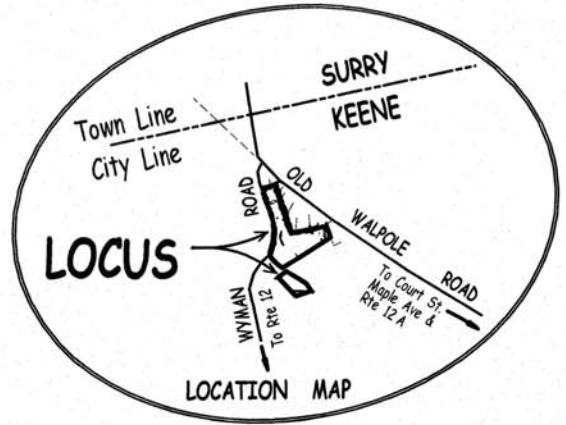
#### **Condition:**

Corinne Marcou, Clerk

**Any person directly affected has a right to appeal this Decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The Motion for Rehearing must be filed not later than 30 days after the first date following the referenced Date of Decision. The Motion must fully set forth every ground upon which it is claimed that the decision is unlawful or unreasonable. See New Hampshire RSA Chapter 677, et seq.**

cc: Planning Dept.  
Assessing Dept.  
City Attorney  
File Copy





RECEIVED  
SEP 01 2020  
S-05-20

PLAN OF LAND OF THE  
**BRUCE L. BORDEN**  
and  
**PHYLLIS R. BORDEN**  
**REVOCABLE TRUST**

173 WYMAN ROAD & ABBOTT ROAD  
MAP 210, LOT 48, CITY OF KEENE  
CHESHIRE COUNTY, NEW HAMPSHIRE

SCALE: 1" = 100'

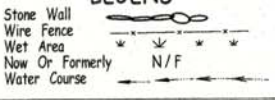


NOTES:

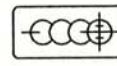
- Map 210, Lot 48, 173 Wyman Road & Abbott Road, Keene, NH, The Bruce L. Borden and Phyllis R. Borden Revocable Trust, Deed Vol. 1664, P. 190, 1998. Also see survey plan "Copied by Samuel Wadsworth, March 1909", Wadsworth File # XVIII - 83, Drawn by George Stuartant, Jan. 1884, Surveyed by H. Coolidge Dec. 7, 1820.
- Road Data: Wyman Road, Two Roads Wide (33'), City Clerk's Book, Vol. 0, P. 49, 1782. Physical evidence observed at 2 rods wide & Resurveyed 1836, Vol. 1, P. 51. Abbott Road, The City has this listed as Three Roads Wide (49.5'), City Clerk's Book, Vol. 1, P. 15, 1830, but I believe that this layout is for the section of Wyman Road north of Abbott Road to Old Walpole Road. Abbott Road physical evidence observed at 2 rods wide.
- This plan represents a "Farmlot / Woodlot" classification survey and is the result of land record research and actual closed field survey traverses using two Suunto Compasses, Suunto Clinometer and steel tape with an unadjusted linear misclosure better than 1 part in 300. Some peripheral data may be located by other traverse methods or sources. All measurements should be considered +/- based on the accuracy of the survey methods used. All physical evidence shown hereon was found unless otherwise stated. Lines shown along the road frontage area should be considered as tie lines at or near the right of way line, excepting and reserving any rights or lands, if any, the public may have by virtue of road layouts.

NH RSA 676:18, III  
I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown.

LEGEND



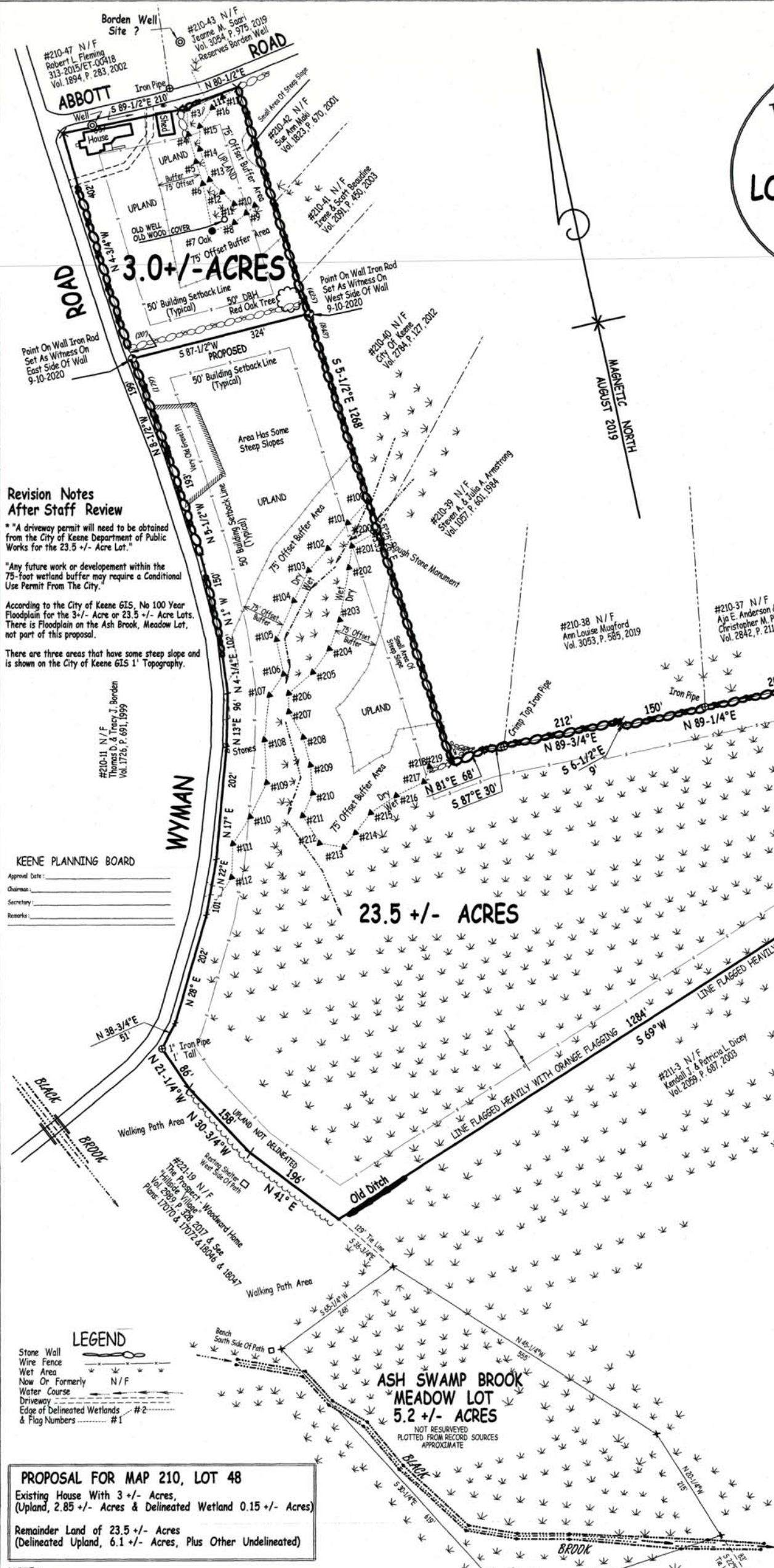
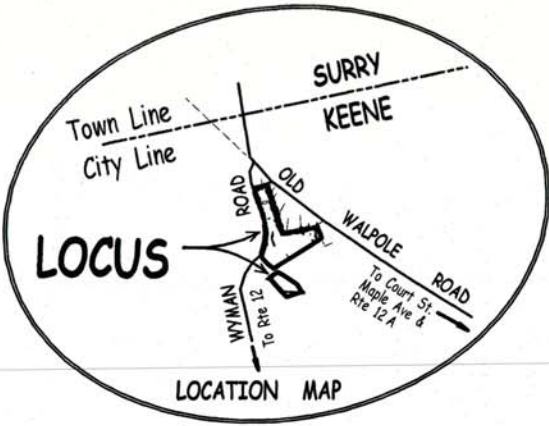
Date Of Plan: November 18, 2019



Edward C. Goodrich, Jr.  
Licensed Land Surveyor NH # 677  
PO Box 132, Marlborough, NH 03455  
Tel # 603-876-4038

# 19-1330

Edward C. Goodrich, Jr., NH LLS # 677, Date



**Revision Notes After Staff Review**

\* "A driveway permit will need to be obtained from the City of Keene Department of Public Works for the 23.5 +/- Acre Lot."

\* "Any future work or development within the 75-foot wetland buffer may require a Conditional Use Permit From The City."

According to the City of Keene GIS, No 100 Year Floodplain for the 3 +/- Acre or 23.5 +/- Acre Lots. There is Floodplain on the Ash Brook, Meadow Lot, not part of this proposal.

There are three areas that have some steep slope and is shown on the City of Keene GIS 1' Topography.

**KEENE PLANNING BOARD**

Approval Date: \_\_\_\_\_

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_

Remarks: \_\_\_\_\_

**LEGEND**

Stone Wall

Wire Fence

Wet Area

Now Or Formerly N/F

Water Course

Driveway

Edge of Delineated Wetlands #2

& Flag Numbers #1

**PROPOSAL FOR MAP 210, LOT 48**

Existing House With 3 +/- Acres,  
(Upland, 2.85 +/- Acres & Delineated Wetland 0.15 +/- Acres)

Remainder Land of 23.5 +/- Acres  
(Delineated Upland, 6.1 +/- Acres, Plus Other Undelineated)

- NOTES:**
- Map 210, Lot 48, 173 Wyman Road & Abbott Road, Keene, NH, The Bruce L. Borden and Phyllis R. Borden Revocable Trust, Deed Vol. 1664, P. 190, 1998. Also see survey plan "Copied by Samuel Wadsworth, March 1909", Wadsworth File # XVIII - 83, Drawn by George Stuart, Jan. 1864, Surveyed by H. Coolidge Dec. 7, 1820. See a version of this 2020 Borden plan recorded at Plan #19162, Cheshire Co. Reg. Deeds.
  - Road Data: Wyman Road, Two Rods Wide (33') City Clerk's Book, Vol. 0, P. 49, 1782. Physical evidence observed at 2 rods wide & Resurveyed 1836, Vol. 1, P. 51. Abbott Road, The City has this listed as Three Rods Wide (49.5'), City Clerk's Book, Vol. 1, P. 15, 1830, but I believe that this layout is for the section of Wyman Road north of Abbott Road to Old Walpole Road. Abbott Road physical evidence observed at 2 rods wide.
  - This plan represents a "Farmlot / Woodlot" classification survey and is the result of land record research and actual closed field survey traverses using two Suunto Compasses, Suunto Clinometer and steel tape with an unadjusted linear misclosure better than 1 part in 300. Some peripheral data may be located by other traverse methods or sources. All measurements should be considered +/- based on the accuracy of the survey methods used. All physical evidence shown hereon was found unless otherwise stated. Lines shown along the road frontage area should be considered as the lines at or near the right of way line, excepting and reserving any rights or lands, if any, the public may have by virtue of road layouts.
  - Wetland Delineation numbered flags placed by Carl Hagstrom, NH Wetland Scientist #108, August 18, 2020, Monadnock Septic Design, LLC. PO Box 536, Fitzwilliam, NH 03447, 603-585-2272. Flags located August 21, 2020.

**SUBDIVISION PROPOSAL**  
**PLAN OF LAND OF THE**  
**BRUCE L. BORDEN**  
**and**  
**PHYLLIS R. BORDEN**  
**REVOCABLE TRUST**

173 WYMAN ROAD & ABBOTT ROAD  
 MAP 210, LOT 48, CITY OF KEENE  
 CHESHIRE COUNTY, NEW HAMPSHIRE

SCALE: 1" = 100'



Date of Plan: November 18, 2019  
 REVISED August 21, 2020: Wetland Flags  
 REVISED August 24, 2020: Conceptual  
 REVISED September 1, 2020: Additional Wetland Flags  
 REVISED September 10 & 16, 2020: Staff Review Revisions

Edward C. Goodrich, Jr.  
 Licensed Land Surveyor NH # 677  
 PO Box 132, Marlborough, NH 03485  
 Tel # 603-876-4038

RECEIVED  
 SEP 16 2020  
 9-0520



# Borden Farm, Flood Map

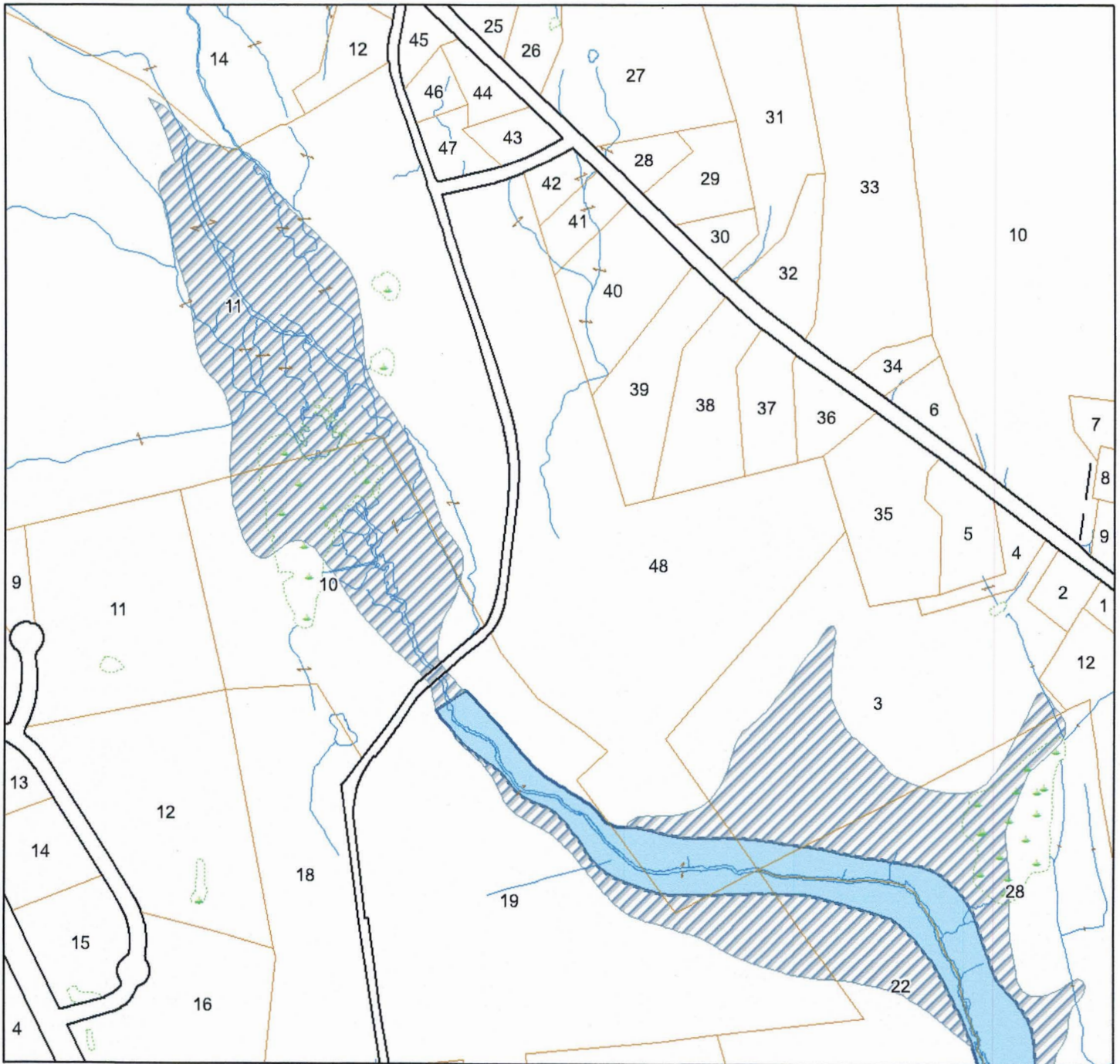
Wyman Road, Keene, NH



1 inch = 551 Feet



September 9, 2020



|  |               |  |             |  |          |
|--|---------------|--|-------------|--|----------|
|  | Property Line |  | Wetland     |  | FLOODWAY |
|  | Public Road   |  | WaterLines  |  |          |
|  | Right of Way  |  | Wet Areas   |  |          |
|  | Property Hook |  | ZONES A ,AE |  |          |



# Borden Farm, 1' Topography

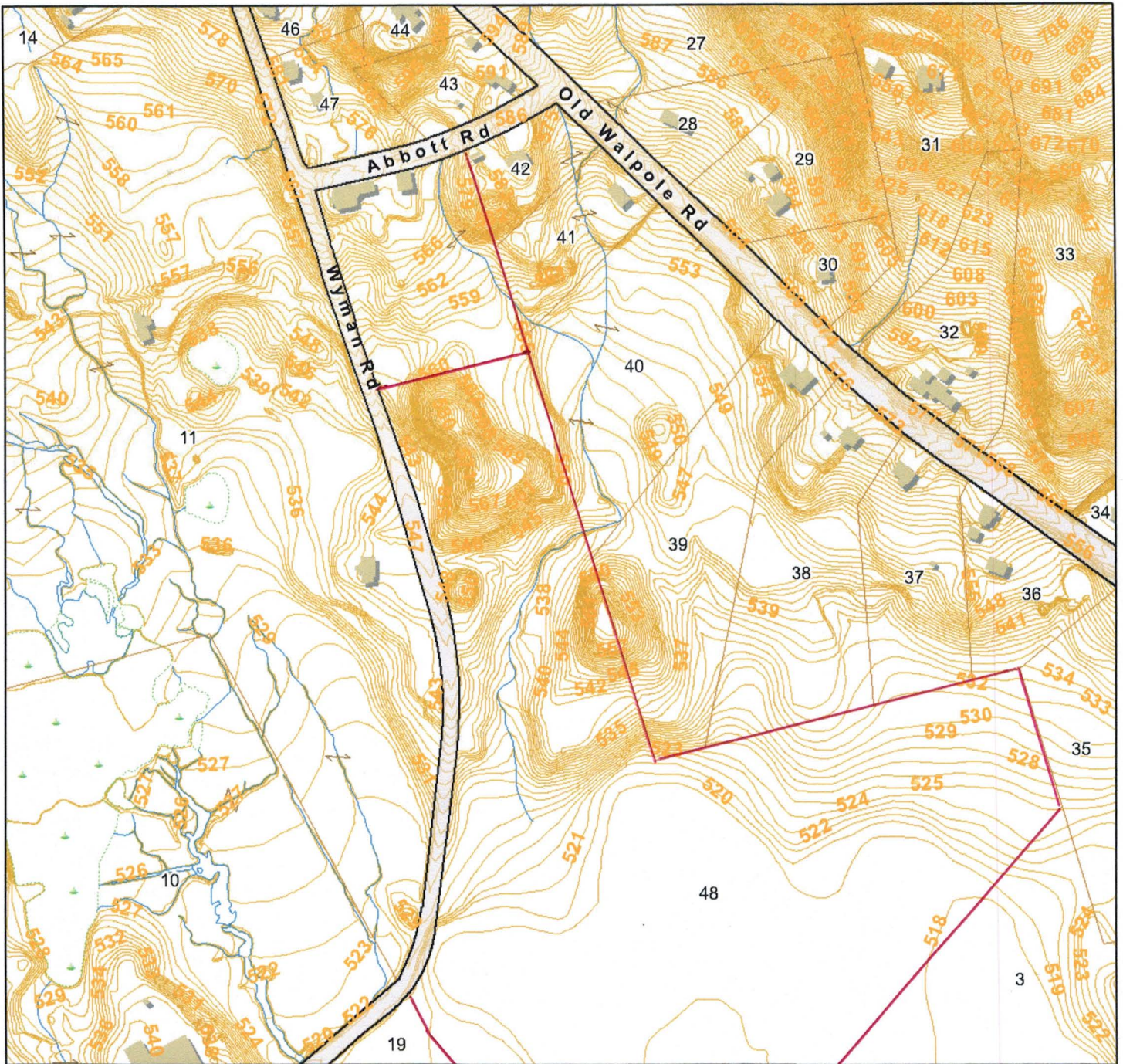
Wyman Road, Keene, NH



1 inch = 300 Feet



September 9, 2020



|               |            |               |
|---------------|------------|---------------|
| Street Names  | Wetland    | Right of Ways |
| Property Line | WaterLines | Wet Areas     |
| Public Road   | Buildings  | Contour       |
| Property Hook | Shadow     |               |