

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

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

**Monday July 27, 2020**

**6:30 PM**

**Remote Meeting via Zoom**

**Members Present:**

Douglas Barrett, Chairman  
Chris Cusack, Vice Chair  
Michael Burke  
Andrew Weglinski  
Gail Sommers  
David Orgaz  
Pamela Russell Slack  
Councilor Michael Remy  
Emily Lavigne Bernier, Alternate

**Staff Present:**

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

**Members Not Present:**

**Mayor George S. Hansel**

**I. Call to Order – Roll Call**

Chair Barrett called the meeting to order at 6:30 PM and read a prepared statement explaining how Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of the State of New Hampshire, gives authority for public meetings to be held remotely and shared information about how members of the public can listen and share comments. Roll call was conducted. All members reported their location and whether anyone else was present in the room with them.

**II. Minutes of Previous Meeting – June 22, 2020 Meeting**

A motion was made by Mayor George Hansel to accept the June 22, 2020 minutes as presented. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

**III. Boundary Line Adjustment: SPR-972 Mod. 6, Site Plan – Colony Mill New Retail Building, 210-222 West Street – Applicant and owner Brady Sullivan Properties proposes to construct a 4,875-sf retail and office building with two drive-throughs on the properties located at 210-222 West St (TMP# 576-009-000),**

**0 Gilbo Ave (TMP# 576-008-000) and 0 Island St (TMP#s 583-011-000, 583-012-000, 583-014-000, & 583-015-000). A waiver is requested from Development Standard 10 – Lighting. These properties are 4.6-ac, 0.94-ac, 0.3-ac, 0.21-ac, 0.1-ac, and 0.34-ac in size and are located in the Commerce District.**

David Orgaz asked to be recused from this application. Chair Barrett asked Emily Lavigne Bernier to take David Orgaz's place for the public hearing.

A. Board Determination of Completeness.

Senior Planner Tara Kessler recommended to the Board that Application SPR-972 Mod. #6 was complete. She noted the Applicant has submitted a voluntary merger application to merge the six parcels impacted by this proposal into one parcel, which has been reviewed by City staff and found to be in compliance with zoning. This merger would need to be recorded with the Registry of Deeds if the application is approved.

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

B. Public Hearing

Mr. Rob Pearson introduced himself as the Project Manager for Brady Sullivan and addressed the Board. He said that he is joined tonight by Charles Panasis and Ben Kelley, owners of Brady Sullivan, as well as Kelly Dowd, legal representation, Amy Sanders, PE from Fuss and O'Neil, and Shaun Kelly from Vanasse and Associates.

Mr. Pearson referred to an aerial image of the site and said this project is going to be located in the bottom left (southwest) corner of the property off Island Street. He referred to the proposed demolition plan, which shows the landscape island and pavement that will be cut out. He added that these areas will be replaced with some changes, which will be addressed later in the presentation.

Mr. Pearson referred to the proposed site plan and explained that the new building will be 65 feet by 75 feet with drive through businesses on the north and south sides. The building will have a brick veneer and white stucco to match existing buildings in the area. The site plan shows traffic flow and parking within the property to accommodate the two drive-through businesses. Mr. Pearson also referred to the dumpster layout and bike racks being proposed for the project. He noted the plan is to have a crosswalk connecting the two islands where the bike racks will be located and another crosswalk going from the drive-through for easy transition from the bike rack to the building. Mr. Pearson stated their proposal is also to provide public access from Island Street to the property.

Mr. Pearson then referred to the drainage plan completed by their consultant. Three tests pits were done to make sure runoff was sustainable. With respect to utilities, the bulk of the utilities will be coming in from Island Street (underground).

Mr. Pearson continued, stating that the existing lighting will be used and two new lights are being proposed and they will be installed with no light trespass onto adjoining properties. Mr. Pearson added if the lights need to be re-scaled, the lighting consultant is present today and it can be discussed. He further stated the applicant did submit a request for a lighting waiver but this new proposal will eliminate the need for this waiver.

Silt fencing will be used to control sedimentation and erosion during construction, and fencing will also be placed around the existing trees and as many as possible will be preserved. They are taking down five trees but are adding 14 crab apple trees and maybe four more as well in the landscape island closest to the casino.

Shawn Kelly, Traffic Engineer, addressed the Board next. Mr. Kelly stated for this study they focused on three time periods; weekday morning peak traffic, weekday evening peak traffic, and Saturday mid-day peak traffic. The intersections that were included in the study were the intersection at West Street and Island Street, Gilbo Avenue, side access driveway onto Island Street and Gilbo Avenue and the Intersection of Pearl Street and Island Street. The traffic expected to frequent this coffee shop and bank is mostly “bypass” traffic. Based on ITE data for the bank it would be 30% - 40% and for the coffee shop, it would be considerably higher at about 80%. Based on this calculation, this new use could generate about 50 cars to this site in the morning and evening, and about 76 trips on a Saturday morning. The traffic is projected to come from different directions, but mostly from Winchester Street. The increase being projected at the highest level would be about 10-15 cars per hour (1.5% increase or less), which Mr. Kelly noted did not result in a notable impact for traffic operations.

Mr. Kelly went on to say their focus mostly is on site access and layout, to make sure there was safe access onto Gilbo Avenue and Island Street. There is a recommendation to locate the bay queues on the southern end of the site where queuing will be lower than the northern end. Morning peak queuing could be higher but this will still be contained within the site and not impact off-site operations. He noted the team has been looking at some potential improvements; connectivity from rail trail and bicycle racks. He felt the off-site impact because of this proposal would be insignificant.

Mr. Kelly stated staff had raised concern as to when these traffic counts were done. The morning and evening counts were done prior to the State of Emergency and felt the State of Emergency could have had an impact on the count. He stated they had looked at traffic counts that were done when the gas station across the street was developed. He felt the volumes were not far off. He noted even if the high level from the gas station was taken, it would still result in a level of service B or C – Mr. Kelly felt there could be some delay but did not feel this development could push it into failing movements. This concluded Mr. Kelly’s presentation.

Attorney Kelly Dowd addressed the Board and asked Mr. Kelly whether he noticed any decline in level of service at any of the intersections. Mr. Kelly noted if the current wait today at a signal is 26 seconds, with this project in place it could increase to 28 seconds but it is not a significant impact.

Attorney Dowd went on to address concerns raised in the staff report. With respect to snow storage, this site has a contract for snow removal and this project would be part of that contract.

In regards to the traffic study, Attorney Dowd went on to say this is a commercial building constructed on specifications, there is no leaseholder, and it is undetermined what commercial entity is going to occupy this space. As a result, the applicant has taken a conservative approach to traffic study by taking into consideration two intensive uses – Dunkin Donuts and a bank. The attorney stated there will be no change to the level of service at the intersections.

He referred to the staff recommendation for 260 feet of sidewalk to be constructed. Attorney Dowd noted this would be close to 50% of the entire construction cost to the project. He also noted it has been suggested that the applicant pay for a traffic light at the intersection of Island Street and the Rail Trail, which would be at a cost of about \$18,000. Attorney Dowd pointed out there is already an existing sidewalk on the west side of Island Street. There are also three crosswalks; on West Street, at the Rail Trail, and one south of that location. He felt pedestrians as a result would not have an issue accessing this site via a sidewalk. Hence, the applicant does not see any rationale for adding more sidewalks to this site.

Next he referred to the intersection at the Rail Trail, which also has a sidewalk. Attorney Dowd stated it is unclear to the applicant how adding a bank and a Dunkin Donuts at this site would change bike and pedestrian traffic to the extent that a lighted crossing system would need to be added at the expense of the applicant. He also stated the applicant is also concerned about the request to extend the Rail Trail through their property.

Attorney Dowd went on to say this is the third project Brady Sullivan has brought before this Board unsuccessfully. This project has no zoning issues and is consistent with what exists in the area. He went on to say the applicant is concerned with the city's request, which would cost half as much as it would cost to develop the entire building.

Community Development Director Rhett Lamb stated that the recommendations to add a beacon at the bike path, the sidewalk extension, and the pedestrian connection into the site came from the applicant's traffic consultant. He felt it was inappropriate for the applicant to say staff came up with suggestions in order for this project to be approved, which he indicated was not the case. Attorney Dowd responded by saying there has been concern raised about pedestrian access on site and noted the applicant will be locating pedestrian connections through the islands.

Chair Barrett stated he was surprised at the cost of constructing 160 feet of sidewalk and asked what this estimate was based on. Attorney Dowd stated they do not know who the final tenant is going to be. Mr. Pearson added the sidewalk length is 265 feet. Mr. Charles Panasis of Brady Sullivan stated the cost of sidewalk is approximately \$85 per foot to construct. With reference to the issue with the sidewalk, he noted items 9 – 11 (which

included the sidewalk) came from the city, but it were inadvertently added in with the Traffic Report.

Chair Barrett questioned the price of the building construction. Mr. Penasas stated it would be close to \$500,000. It was calculated the sidewalk would be at a cost of nearly \$200,000. Chair Barrett reiterated based on his calculation it was close to \$90,000. Attorney Dowd stated even if the cost of the sidewalk was \$60,000, based on the commercial establishments that surround this area, he did not feel it was appropriate to place this burden on the applicant.

Ms. Russell Slack asked to view the area for this sidewalk. Mr. Pearson stated it would be north of where this project is going in.

Staff comments were next. Ms. Kessler addressed the Board, and went through the Planning Board's Development Standards that are relevant to this application.

Drainage – The applicant is proposing two bio-retention systems on site and their drainage report indicates they are meeting city standards and indicates there will be no increase of volume or velocity leaving this site due to this proposal.

Snow Storage – Applicant's proposal is to remove snow from the site.

Landscaping – The applicant has indicated some trees will be removed on site, but overall, there will be an increase in the number of trees on site. There is a landscape island, which was previously landscaped, and these trees were removed to install a storm drain and the applicant has agreed to re-install these trees. Should the Board be inclined to approve this application, staff would suggest the applicant provide a revised plan sheet showing the installation of those four trees that were removed.

Screening – The applicant proposes to install a dumpster in the southeast corner of the site with a chain link fence. Staff recommend that the submittal of a revised dumpster screening detail to show a wooden fence to match the proposed building, which meets Board standards, be a condition of approval.

Utilities – Ms. Kessler said that staff would need the size of the water and sewer connection prior to signature of the plan. The Applicant has agreed to submit this information.

Lighting – Staff has received a photometric plan, but this plan does indicate minor light trespass at the property line. The Applicant is working on bringing these light levels to meet the standard.

Architecture and Visual Appearance – This would be a two-story 4,875 square foot multi-tenant retail and office building. The plan is for three tenants to occupy the building, each with its own entrance. The exterior would be brick façade with EIFS board and metal system.

Comprehensive Access Management – Ms. Kessler stated she was first going to focus on vehicle traffic on site. She noted this is a proposal that is a first for the city; one building with two drive-through businesses, the drive-through on the northern side is being speculated to be a coffee shop. The drive-through to the south is being speculated to be a bank. Ms. Kessler noted there is insufficient space on site for vehicles to queue between the two drive-thrus. She noted there is only space for one vehicle to be able to queue and wait. Any additional queuing would cause conflict with parking adjacent to it on the left side.

The other concern staff has with queuing of vehicles is the conflict they might have with the exiting northern drive-through lane. She noted staff had discussed safety concerns for pedestrians navigating through the site and staff has not seen a revised plan to address this issue.

With respect to offsite traffic accessing the site, one of the recommendations in the traffic report submitted by the Applicant was the installation of a flashing beacon at the Rail Trail and Island Street intersection. This flashing beacon is currently shown on the proposed site plan. However, in a recent conversation with the applicant they indicated that they are not interested in making this improvement. Should the applicant not be interested in this installation, this item would need to be removed from the site plan prior to signature. Ms. Kessler further stated staff will not be pressing on the issue of the installation of a sidewalk, but felt the Board may wish to consider this as a topic of discussion. The other item included in the traffic report was the installation of hi-visibility bicycle crossing warning signs at this intersection. With that, Ms. Kessler turned the presentation over to Mr. Lamb

Mr. Lamb stated in talking with the Brady Sullivan team, staff had questions regarding how counts were collected with respect to the numbers as the pandemic took hold in the area. He indicated staff raised this question because the level of service at the intersection and along West Street were numbers he was not familiar with and felt the numbers were being under represented. Mr. Lamb stated the Brady Sullivan team was advised of this and they understood the concern raised. The report today breaks down the traffic impact based on this development and felt this was the right thing to do. Regardless of whether the level of service is currently B or C probably does not have a significant effect. He noted he wanted to make sure the data was adequate as a starting point, which is critical in deciding whether the project will have any impact that needs to be mitigated.

Vice Chair Cusack referred to the circle shown on the northern portion of the drive-through, which also has a passing lane where both cars will face Island Street. The Vice Chair asked which way these vehicles will turn. He also noted on the top of the page there are two competing one-way lanes. The Vice Chair stated he was concerned about the internal traffic pattern. Ms. Kessler noted there would be a one-way sign installed at the end of the northern drive-thru as well as at the southern drive-thru.

Mayor Hansel raised a concern about the number of cars in the queue and questioned if there were industry standards for this type of use. He said that if too many cars are added,

then eventually there is going to be an issue. Mr. Shawn Kelly explained they have modeled the southern drive-through as a bank and not for restaurant use. He indicated they plan on having a window at this location just for teller activity and another window for ATM use to move vehicles along. He indicated they do not expect the southern portion to extend into the parking area. With respect to the northern portion, a coffee shop is busiest in the morning, the average max queue is about nine and the second lane is a bypass lane but agreed to turning the bypass lane into a right turn only to eliminate the conflict of two vehicles turning the same way.

Mr. Lamb stated this discussion with respect to traffic should also take into consideration where any pedestrian crosswalks would go. He went on to say the Board has two standards that relate to traffic; one has to do with impact to neighboring streets and intersections – he referred to the Dunkin Donut site on Avon Street where traffic constantly extends into the right of way. The Avon Street site plan was approved by the Planning Board based on a traffic report from their traffic consultant and recommendations from the owner that the queue will never get that far. He indicated there is not much concern with the public right of way in this case as there is sufficient internal capacity. However, when it comes to the Comprehensive Management Standard, access for vehicles need to be addressed as well pedestrian movement.

Ms. Kessler referred the Board to the language from the Comprehensive Management Standard as follows:

*“Driveway locations, sidewalks, crosswalks, bicycle/pedestrian paths and accessible paths of travel shall be considered as an integral design feature of every development proposal. Where appropriate, connections shall be made for the continuation of sidewalks, walkways and bicycle lanes within the property, between adjoining properties, and site amenities shall be installed such as bicycle racks, benches and bus stop shelters.”* Ms. Kessler noted the Board standards are very clear about adhering to safe passage for pedestrian travel throughout a site.

Mr. Pearson stated their plan was to work with the city to add a crosswalk and bike rack to the main drive to the island and back to the building.

The Chairman asked for public comment next.

Mr. Anthony Mastronardi of 70 Island Street addressed the Board. Mr. Mastronardi stated he has one request; he would like the construction of a six-foot fence along the southern boundary. He indicated when he constructed his property (when Emile Legere owned the Colony Mill), the Planning Board requested Mr. Mastronardi to locate a fence on his side of the property (south side). He explained a fence would address three things; stationary lights and head lights coming towards his property, as well as the debris that has been at this location for a few years, and lastly one of his tenants treats children with disabilities and he does to want them wandering into a traffic lane.

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

Vice Chair Cusack asked for comments on the request for a fence. Ms. Kessler stated there is a fence requirement under zoning in a residential district. This use, however, is a commercial use in the Commerce District. She noted this item was raised with the applicant who has agreed to install landscaping consisting of a mix of evergreen shrubs and crabapple trees along this edge of the property. She added it would not be outside the Board's purview to request a fence to block vehicular headlight impact on adjacent properties.

Vice Chair Cusack went on to say his concern is with Comprehensive Access Management – he noted the Board is not specifically approving a bank and is not certain what use might go into this property. He stated he has concerns about internal movement of traffic.

Mr. Lamb stated with respect to pedestrian access, it has been stated today that crosswalks and walkways could be added to the plan and asked the Board to look closely at this. He further stated his concern is the Board discussing changes to a plan no-one has seen yet and cautioned the Board moving forward giving staff the authority to approve significant changes to the plan.

Mayor Hansel said that with respect to queuing, it seems there is no danger this could impact the public right away but felt there could be internal conflicts with tenants and asked whether there was a different way this should be looked at by the Board. Mr. Lamb stated some of the Board standards clearly address public improvement and infrastructure. Many of these are also oriented to what is happening on a site, drainage for instance. When done properly, drainage will not impact off site uses. In the same manner, if traffic is addressed correctly, it will not impact off site uses. Mr. Lamb went on to say, Standard 12, Comprehensive Management is built around the idea of safe access of pedestrians and vehicles and how they get on to a property.

Chair Barrett referred to the southern tenant and what exactly that use would be; it has been stated if this were to be a coffee shop as the applicant's representative has indicated, they would need to look at this use. With respect to the sidewalk, he indicated he understands the applicant's position that this is not their responsibility but felt it was not helpful to have such an over statement of the cost for construction of this sidewalk. He also noted the flashing light that would need to be removed from the site plan. He went on to commend the landscaping being proposed, he stated he likes the idea this project will bring vitality to the area and would bring a service to the tenants.

Vice Chair Cusack asked if this plan was to be approved whether the Board will be approving a plan without showing crosswalks on this plan. Chair Barrett stated he would not be comfortable approving something that is not shown on the plan. Mr. Lamb stated it would be outside the Board's authority to approve the plan without walkways and crosswalks already shown on the plan. Mayor Hansel stated he sees a crosswalk on the western side of the site and questioned whether this was not the applicant's plan. The Chairman stated what is being referred to are additional crosswalks. Mr. Lamb agreed it



was more pedestrian connections from Island Street; what is shown on the plan currently is a crosswalk to the middle of the accessible parking spaces.

Mayor Hansel clarified whether a resident of the Colony Mill was to access these businesses, the preferred route would be to go out to Island Street, down the sidewalk and utilize the crosswalk. If they walk through the parking lot, they would be walking in front of the queue. Mr. Lamb stated this is not something that has been decided, and would be something the applicant would need to decide and come up with a route. Ms. Kessler added if you are a resident of the Colony Mill, the question is how you can safely access the southern portion of the site. Because of the gap in the sidewalk, the safe method would be to cross over at the intersection at Island and West Street, come down Island Street and use that crosswalk on Island Street.

Chair Barrett asked for clarification about what is being referred to as additional crosswalks within the site. Would this be crosswalk markings located within the parking area instead of constructing the 265 foot sidewalk on the east side of Island Street? Ms. Kessler noted as was stated by Mr. Lamb, staff would be requesting the applicant to demonstrate how this area has a safe passage of travel for visitors to the site. The Chairman asked what the timeframe has been with discussion between staff and the applicant regarding some of these items. Ms. Kessler stated comments with respect to vehicular conflict within the site was raised in a Memo a week and half after the application was submitted. Since that time, staff has been working with the applicant on revised plan sets to address these questions. She noted the timeframe is always pretty tight for the applicant and staff for review and comment of application; Friday before this meeting was when follow-up comments were provided to the applicant on the revised plan. Ms. Kessler went on to say the applicant was made aware of pedestrian safety, conflict with drive-through queuing, and access to the site from the surrounding sidewalk network early on in the process.

Mayor Hansel stated he would like to see a solution as to how pedestrians can safely move through the northern portion of the site. He noted there is a lot of parking in this area.

The Chairman felt there were enough concerns raised that would make it difficult for him to approve this application tonight.

Ms. Sommers asked whether the Board had enough information to provide a conditional approval. Chair Barrett stated with some of these issues, particularly pedestrian access, by approving this application conditionally, the Board would be asking staff to approve something the Board has not seen. He asked if specific conditions were placed, whether staff will then be comfortable. Mr. Lamb stated, as the Board gets clearer about what it wants, it becomes easier for staff to take on the authority administratively. However, not having seen a solution to pedestrian access – it is too unknown to ask staff to take this on administratively.

Mr. Burke stated he would like to see this property developed but there are way too many questions that need to be clarified before it can be approved. He suggested continuing the application for a month.

Ms. Russell Slack felt there were too many outstanding issues for her to be able to cast a vote tonight and suggested continuing it for a month.

C. Board Discussion and Action

A motion was made by Pamela Russell Slack that the Planning Board continue this application to the August 24 Planning Board meeting. The motion was seconded by Councilor Remy.

Vice Chair Cusack stated he would like to see the crosswalk, the fence along the south side, and new numbers for use of the southern drive-through at the meeting next month.

Councilor Remy thanked the applicant for coming up with this great plan but agreed there were some outstanding issues that would need to be answered.

The motion made by Pamela Russell Slack carried on a unanimous roll call vote.

Mr. Orgaz rejoined the session.

**IV. Community Development Director Report**

Mr. Lamb stated he would like Ms. Kessler to address the public outreach meetings for Building Better Together. Ms. Kessler stated the draft Land Development Code document will be reviewed at the Joint Committee session on August 10<sup>th</sup> and stated she would be sharing some tools with the Board and public to navigate the draft. August 12 (at noon) and August 13 (6:30 pm) would be zoom sessions the public could join in. She noted the public has ways to provide comment and raise questions with staff online or arrange to schedule a one-on-one interview with staff. Staff will also be reaching out to the development committee during that week. Mr. Lamb recognized all the efforts Ms. Kessler has put into this document.

The meeting adjourned at 8:35 PM.

Respectfully submitted by,  
Krishni Pahl,  
Minute Taker

Reviewed and edited by Mari Brunner, Planner