

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday November 23, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Douglas Barrett, Chairman
Christopher Cusack, Vice-Chair
Mayor George Hansel
Councilor Michael Remy
David Orgaz
Gail Somers
Pamela Russell Slack
Andrew Weglinski

Staff Present:

Tara Kessler, Senior Planner
Mari Brunner, Planner

Members Not Present:

Michael Burke
Tammy Adams, Alternate
Emily LaVigne Bernier, Alternate

I. Call to order – Roll Call

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

Specifically:

- *The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);*
- *The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).*
- *Provided, however that the public body must:*
 - *Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;*
 - *Provide public notice of the necessary information for accessing the meeting;*
 - *Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and*
 - *Adjourn the meeting if the public is unable to access the meeting.*
- *All votes are to be taken by roll call.*
- *All board participants shall identify the location from where they are participating and who is present in the room with them.*

Chair Barrett said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID 857 8338 6440. The public can, listen, but not view, the meeting by calling the toll-free phone number (877) 853-5257 and enter the Meeting ID above. He noted that if someone is unable to access the meeting, they should call 603-209-4697.

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

II. Minutes of Previous Meeting – October 26, 2020 Meeting

A motion was made by Mayor George Hansel to accept the October 26, 2020 minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

III. Boundary Line Adjustment: S-07-20, Boundary Line Adjustment – 0 & 429 Old Walpole Rd – MacKenzie-Casna BLA – Applicant Monadnock Land Planning on behalf of owners, Warren & Arlie MacKenzie Living Trust and Robert & Barbara Casna, proposes a boundary line adjustment between the parcels located at 0 Old Walpole Rd (TMP# 207-004-000) and 429 Old Walpole Rd (TMP# 210-023-000). This adjustment would result in a transfer of 0.84-acres from the 8.29-acre lot located at 0 Old Walpole Rd to the 43-acre lot located at 429 Old Walpole Rd. Both properties are located in the Rural District.

A. Board Determination of Completeness

Senior Planner Tara Kessler addressed the Board and stated the applicant has requested exemptions from providing a grading plan, landscaping plan, lighting plan, architectural elevations, traffic report, and soils report, as this is a boundary line adjustment and no new development is proposed. Staff recommends the Board grant the exemptions and accept the application as complete. She added the Board did grant a waiver during its September meeting from the requirement that all metes and bounds be surveyed for the 429 Old Walpole Rd parcel. The applicant has delineated the metes and bounds for the area of the two parcels that would be impacted.

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. David Bergeron of Monadnock Land Planning addressed the Board on behalf of the property owners. 429 Old Walpole Road is owned by Mr. and Mrs. Casna (there is an existing single-family house on this property). The proposed boundary line adjustment would transfer 0.84-acres from the parcel at 0 Old Walpole Road to the property at 429 Old Walpole so that the driveway for 429 Old Walpole Road would be located entirely on that parcel. The Casna property is currently 43 acres. After the boundary line adjustment it would become 43.84 acres and the McKenzie property which is currently 8.29 acres will become 7.45 acres. He went on to say all of the McKenzie property at 0 Old Walpole Rd has been surveyed with metes and bounds around the property. The area where the boundary line adjustment is going to take place has also been surveyed. Mr. Bergeron noted a deed would be prepared based on the adjustment.

Ms. Somers asked how long this driveway has been in place. Mr. Bergeron stated the house was built in the late 1970s so it has been in place for approximately 40-50 years.

Staff comments were next. Ms. Kessler noted the applicant did a thorough job reviewing the proposal and since no new development is being proposed and no changes are being proposed to the driveway, there is not much additional to report with respect to staff comments. She noted that there are steep slopes present on both sites, but since the lots would maintain lots sizes required by zoning for the rural district, both lots would maintain their development potential. With respect to Comprehensive Access Management, no changes are proposed to the existing driveway for 429 Old Walpole Road, and hence this standard appears to be met.

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

C. Board Discussion and Action

A motion was made by Mayor George Hansel approve S-07-20, for a boundary line adjustment at as shown on the plan identified as 0 & 429 Old Walpole Road, as shown on the plan identified as “Boundary Line Adjustment Plan Prepared for Warren A. & Arlie M. MacKenzie Living Trust and Robert & Barbara Casna Valley View Drive City of Keene, County of Cheshire, State of New Hampshire” prepared by David Mann Survey at a scale of 1” = 50’ on October 16, 2020 with the following condition:

1. Owners’ signature appears on plan.

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

IV. Public Hearings: SPR-963, Mod. 3, Site Plan – 345 Winchester St – Sunoco Curb Cut Modifications – Applicant McFarland Johnson, Inc., on behalf of owner, RE Sandri TVE LLC, proposes to close an existing curb cut along Winchester Street and create a new curb cut along Old Key Road at the site of the Sunoco Gas Station located at 345 Winchester Street (TMP# 111-027-000). The site is 0.63 acres in size and is located in the Commerce District.

A. Board Determination of Completeness

Senior Planner, Tara Kessler stated the applicant has requested exemptions from providing a grading plan, lighting plan, and a traffic report, and staff has determined granting the exemptions will have no bearing on the merits of the application and recommend to the Board that they accept the as complete.

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

B. Public Hearing

Mr. Eugene McCarthy of McFarland Johnson addressed the Board on behalf of the applicant. Mr. McCarthy stated the modification to this project is because of a city project to reconstruct Winchester St. He noted the existing traffic signal at the intersection of Winchester Street, Key Road and Riverside Plaza is to be replaced by a roundabout. The site that is the subject of this

application is 345 Winchester St, the current Sunoco Gas Station and Sandri convenience store. This site is located at the southwest quadrant of this intersection.

Mr. McCarthy stated there are currently three driveway curb cuts on the subject parcel; One off Key Road to the north and two off Winchester Street to the east. As part of the proposed roundabout design, due to proximity to the roundabout, the northern curb cut along Winchester Street will need to be closed off. To mitigate the loss of this driveway, a new driveway is being proposed on the southern side of the property at Old Key Road.

Mr. McCarthy noted Old Key Road is a one-way eastbound roadway.

He noted there is existing landscaping on the site which will be impacted by this project. The landscaped island to the far north, adjacent to the driveway on Key Rd, will be reconfigured and some of the plantings will be transplanted. Currently, there is a narrow strip of landscaping between the gas pump station area and Winchester St. The applicant is proposing to remove this island and replace it with a travel aisle, to create a bypass lane adjacent to the gas pumps to help with onsite circulation. Along the right of way on Winchester Street there will be new island installed that will be planted with grass.

Mr. McCarthy referred to the most recently approved landscape plan for this site. He noted some of those plantings have been removed since this plan was approved. The plantings along Key Road have been replaced, some of the ones along Key Road have been removed. Mr. McCarthy reviewed which existing plants would be relocated on the site and which would be removed. He referred to the drawings showing these landscaping changes, which was submitted with the application, in his presentation.

Staff comments were next. Ms. Kessler addressed drainage first and noted the applicant has submitted a drainage letter from a NH licensed engineer which indicates that there will be a diminimus increase in the amount of impervious area to the site (2.2% increase). The increase that is anticipated in stormwater will remain onsite. As part of the roundabout project there will be a storm water pond installed across the street and any water coming off this site into the right of way will be treated in that pond. Staff feels the drainage standard has been met.

With respect to snow storage, the proposed plan does not alter the existing snow storage plan. This standard appears to be met.

With respect to landscaping, staff would like to see a revised plan showing a more detailed description of where the relocated plantings will be onsite.

Ms. Kessler referred to the screening standard. She noted that there were a number of ink berry plants approved as a screening for the gas pump stations in the original site plan for this business. She noted that the applicant is proposing to remove these shrubs to provide more room for the travel lane. Ms. Kessler noted that the Board may consider asking the applicant to replacing this landscaped screening.

With respect to traffic and comprehensive access management, Ms. Kessler noted that the removed curb cut proposed by the Applicant will serve to improve the safety and access of vehicles entering and exiting the site with the proposed roundabout. As indicated by the Applicant, maintaining the one-way in and one-way out at each of the driveways (including the proposed driveway) will reduce vehicle conflict. The introduction of a new travel isle giving motorists the opportunity to move around the pump islands will be an improvement in access management for this site. Ms.

Kessler note the sidewalk along Winchester Street in front of this site will be replaced as part of the roundabout project.

Chair Barrett referred to the ink berries along Winchester Street and asked whether the Board's screening standards would typically apply to gas stations. Ms. Kessler stated the Planning Board's Development Standards do not specifically require screening for this use but they do encourage screening of equipment, dumpsters etc. She noted it was not clear in the minutes from when this site plan application first came before the Board whether this landscaping was something proposed by the original applicant or requested by the Board at that time. Ms. Kessler noted if this was a new proposal the standard would be met unless the Board felt additional screening was required for aesthetic reasons from Winchester Street. The Chairman clarified that staff is recommending a revised landscape plan be submitted to be reviewed and approved administratively. Ms. Kessler answered in the affirmative and added this plan would serve as a guide for staff to review the site to make sure the proposed plantings have been installed according to the plan.

The Chairman asked for public comment next.

Mr. Michael Behn, President of Sandri Companies, owner of the property at 345 Winchester St, addressed the Board. Mr. Behn stated they were presented by three options to deal with the location of the roundabout which they continue to oppose. Mr. Behn stated they were not properly notified of hearings as it relates to the Winchester Street Reconstruction Project and the offers made to them by the City were not acceptable to them. Mr. Behn noted the curb cut they are losing is the primary entrance to this site. He indicated that what is being proposed would have a terrible impact on the store, the traffic entering the store, and traffic circulation. He explained vehicles travelling on Winchester Street will have to do a U-turn to get to the fueling stations, and another U-turn to exit the site or travel to Key Road to exit the site.

City Engineer Don Lussier addressed the Board next. Mr. Lussier stated the city would need to acquire a certain amount of land from the Sandri property to be able to construct this roundabout. Mr. Lussier indicated staff has been working with this applicant to try and mitigate the proposed impact to their property. Ms. Kessler clarified with Mr. Lussier that there will be a public hearing on the road layout for Winchester Street. Mr. Lussier stated the item before the Planning Board is to seek approval for the portions of this project that are outside the City's right of way – e.g. the addition of a new driveway and changes to landscaping. Parallel to this process the City Council is considering their authority to use eminent domain to acquire that portion of land. There will be a public hearing on this topic before the City Council on December 17. The Council may or may not elect to exercise its eminent domain authority. If they choose not to exercise their eminent domain authority, the site plan will become unnecessary, staff will be back with a different application or it simply would not happen.

Ms. Russell Slack clarified the Board is moving with the site plan application before the eminent domain process has been concluded. Mr. Lussier explained the changes being approved through the site plan modification are to mitigate some of the impacts the roundabout project would have on the applicant's property. He added the city's infrastructure project can move forward without the new proposed driveway. Mr. Lussier went on to say, if the Council decides not to acquire the property needed for the roundabout there would need to be significant redesign to locate the roundabout.

Ms. Russell Slack asked whether the state was involved in any of the design being proposed to the landowner. Mr. Lussier's answered in the negative but added the state was involved in the review and approval of the roundabout and the project is being funded through federal highway money.

He noted the NHDOT has no purview on whether the city grants a driveway on a city street. Ms. Russell Slack stated she was concerned about the access to this site.

Mr. Lussier added when this property was assessed it was with the assumption the driveway will be added on the south side of the parcel. If the Board does not approve this site plan application the city will have to reconsider the valuation of the impacts of the project and the compensation could change.

Attorney Michael Hanley representing the applicant addressed the Board next. He noted he wanted the Board to understand his applicant is moving forward without prejudice to its position; it is a voluntary position. He added the proposal before the Board is the best of three very bad proposals presented to the applicant.

Ms. Gail Somers clarified a future decision by the Council might make the Board's decision irrelevant. Ms. Kessler clarified the Board's decision would be conditioned upon the City Council's decision regarding the modified road layout of Winchester Street. She further stated planning staff was unaware of the applicant's opposition to the proposed site plan application and added that site plan application was signed by the owner of Sandri.

Mr. Jeffrey Pechulis of ASP Land Development Services, Traffic Analyst and Site Planner addressed the Board next. Mr. Pechulis stated his understanding is that this roundabout project was considered to address traffic congestion and to address bicycle and pedestrian safety on Winchester Street. He noted, based on the engineering report submitted, it was identified the traffic signal adjacent to this site experienced 25 accidents in an eight year period (three accidents per year). During this same time period the roundabout south of this intersection has experienced 301 accidents (38 accidents per year). Mr. Pechulis noted the concern is the same accident pattern will continue at this roundabout impacting the applicant's business.

With respect to the site plan, Mr. Pechulis stated the proposed driveways are not the ingress and egress plan this site was designed for. With the layout of the canopy, fueling stations, traffic flow, parking and access to and from the store, the site was designed with three driveways – especially on Winchester Street, a right turn in north of the fueling stations and a right turn out south of the fueling stations. The elimination of the primary driveway will have an overall impact on the project and has the potential to spill vehicles out on to Winchester Street. Without the north driveway, customers will be required to enter the site using the south driveway on Winchester Street, and as was mentioned, take a U-turn from Winchester Street, change their direction to access the fueling stations under the canopy. He added this maneuver can be accommodated if there are no vehicles blocking the egress at that same driveway. Also, passenger vehicles are the only ones that can enter the site under the proposed turning radius. Anything, bigger than a passenger vehicle, such as a box truck, a large pickup truck, will not be able to make the turning radius to enter the fueling stations. Mr. Pechulis noted this would be a tremendous impact to this site and to Winchester Street as well as.

The Sunoco Station currently sells diesel which attracts oversized vehicle. If large vehicles are trying to enter this site and there is a vehicle exiting the south than large vehicle will have to wait on Winchester Street until that vehicle exits the site. Once a large vehicle enters the site, there is inadequate turning radius for vehicles to head south bound. There is a driveway on Key Road, but based on the engineering study that rotary will be expected to have five to six vehicles stacked past this driveway on a regular basis; vehicle queues in excess of 130 feet will further reduce the ability to circulate around the site.

Mr. Pechulis went on to say in the proposed site plan there is reference to an expanded bypass lane between the canopy and the Winchester Street right of way (five feet). Mr. Pechulis stated for two vehicles to be positioned in that area, this widening will have to be in excess of ten feet closer to 13 feet. There will also be vehicles stacked at the south driveway trying to exit the site. Mr. Pechulis noted without a traffic light at the Walmart or Key Road intersection, there will be no stop in traffic flow for vehicles to exit these sites. With a rotary and a continuous flow of traffic it will prohibit traffic from leaving this site.

Mr. Pechulis stated the site plan also does not refer to the elimination of the northern driveway and adding traffic to the southern driveway when fuel delivery is taking place. During such times, traffic will be backed up entering and exiting this site because of the tanker. He added that an additional driveway at Old Key Road is acceptable but is not an adequate exchange for elimination of the north driveway. He added this plan does not address congestion issues in the future. He added the traffic report is only addressing traffic concerns during Saturday retail peak hours but not traffic during weekday commuter peak hours. Mr. Pechulis also provided that there is no safety precautions being provided for pedestrians or bicycles to cross the street in a rotary situation.

Mr. Lussier reminded the Planning Board the nature of the Winchester Street reconstruction project is beyond the scope of the discussion tonight. The MSFI Committee heard the issues and recommended the roundabout option in 2017 as a safer option compared to the intersection. With respect to the driveway onto Old Key Road, he stated he was under the impression the applicant was in support of this option. Mr. Lussier stated there may be a question whether the applicant wishes to withdraw the application, or if the Board may choose to wait until the Council's decision on December 17.

Mr. Behn stated when they signed the application, they were not given many options. It had been decided the city was going to take the land and three options were presented to them and the one before the Board is the best of those three options. He stated this does not mean they feel this plan will work and felt the site will be negatively impacted. He noted to a financial analysis that has been undertaken based on these changes. Mr. Behn stated they signed the application because they felt they did not have any other choice and did not want to give the impression that the approval of this site plan application tonight equates to the applicant being in favor of the city taking the land. He expressed frustration with not being notified about this project until earlier this year.

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

Ms. Kessler stated staff is in a unique position, in that, they were under the impression when the applicant submitted the application that the owner signed this application in support of what was proposed for the site. Given the testimony received this evening, she noted that staff's recommendation is to continue the public hearing on this application to the December 21 meeting.

Ms. Russell Slack stated she was in agreement with continuing this application and added she was having a hard time visualizing what the issues are not having something in front of her. Vice-Chair Cusack stated he would like to wait for the city to come to some type of agreement with the applicant or for the Council to weigh in on this issue before moving forward with a site plan application. Ms. Somers agreed she too felt this item should be continued based on the sequence of events that need to happen.

C. Board Discussion and Action

A motion was made by Mayor George Hansel to continue SPR-963, Modification #3 to the December 21, 2020 Planning Board meeting. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

V. Presentation on Draft City of Keene Sustainable Energy Plan

Planner Mari Brunner addressed the Board next and stated the Sustainable Energy Plan is based on goals adopted by the City Council in January 2019. The goals are to achieve 100% renewable energy for electricity by 2030, and for thermal energy and transportation energy by 2050. She noted a copy of the Resolution is available online.

Ms. Brunner went on to say this has been a two year process; it started in the winter and spring of 2019, when the energy and climate committee worked with staff on public outreach and conducting interviews with stakeholders. They conducted focus groups in the summer of 2019 with local landlords and a workshop was held in October 2019. There were volunteers who were trained using material provided to them and they conducted meetings in the community. There was a resident energy cost survey done in winter and spring of 2020. There were also focus groups conducted with businesses and larger institutions. In summer of 2020, a project website was launched, staff conducted a few online surveys, and in October 2020 the last Community Forum was conducted.

Ms. Brunner then went over the planning process. They started with collecting data and developing energy baselines for electricity, thermal, and transportation. The energy and climate committee looked at potential strategies and actions to reach the City's energy goals. They used the feedback to prioritize strategies, actions, and tools. Staff and the committee has been working on identifying best practices, relevant examples, and implementation steps for each priority actions. The next step would be to incorporate feedback from public and submit the plan to City Council.

The vision statement for the plan reads as follows:

"In 2050, Keene will be a thriving and resilient community powered by affordable, clean, and renewable energy. All electricity and energy used for heating, cooling, and transportation will come from renewable energy sources."

The energy and climate committee felt there was a subset of renewable energy that was even more beneficial, which has fewer detrimental impacts. Ms. Brunner noted these include are wind, solar, biomass, geothermal, biogas and low impact hydropower.

The overall plan is structured around four pathways which are being referred to as a Roadmap to 2050:

1. Reduce energy use.
2. Generate and store renewable energy locally (Generating renewable resources in Keene can create jobs locally and keep money circulating in the community)
3. Switch remaining energy demand to renewable sources
4. Conduct ongoing advocacy and information sharing – to make sure people are aware of the options and to address the existing barrier.

The four pathways were applied to three goals. For Electricity, the priorities identified were to create a Community Power Program, Virtual Power Purchase Agreement, Solar PV & EV Ready

Guidelines, Renewable Energy Loans, and Pilot Battery Storage Program. The city is actively pursuing the Community Power Program and there is a community power committee that has been meeting.

For Thermal, adopting a Home Energy Labeling program, adopting a Benchmarking Ordinance, enhance existing weatherization programs and create new ones, run a Heatsmart Campaign and create Renewable District Heating System.

For Transportation, the four pathways were to reduce vehicle miles traveled, accelerate shift to electric vehicles, promote efficient growth patterns, and conduct continued advocacy and information sharing.

Some of the priority strategies identified for transportation are to accelerate the shift to electric vehicles, enhance Complete Streets Program, support and expand public transit (City Express), support the multi-modal transportation center (currently there is a study being undertaken by Southwest Regional Planning Commission), and advocacy for funding public transportation, active transportation, and alternative fuel vehicles.

A draft plan is posted online at www.KeeneEnergyPlan.com. The Energy & Climate Committee will discuss revisions to this draft at their meeting on December 2, 2020 at 8:00 am (via Zoom). The revised plan will be submitted to City Council in December.

VI. Community Development Director Report

Ms. Kessler addressed this item – she indicated an email notice was sent to all Planning Board members regarding an upcoming Department of Transportation meeting on December 1 at 6:30 pm. The department will be discussing areas proposed for compensatory mitigation associated with the development of the NH Routes 9/10/12 intersection near Monadnock Marketplace.

VII. New Business

None

VIII. Upcoming Dates of Interest –November 2020

- Joint PB/PLD Committee – December 14, 6:30 PM
- Planning Board Steering Committee – December 8, 11:00 AM
- Planning Board Site Visits – December 16, 8:00 AM – To Be Confirmed
- Planning Board Meeting – December 21, 6:30 PM

The meeting adjourned at 8:15 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed by: Tara Kessler, Senior Planner
Additional edits by: Katie Kibler, Clerk's Office