



City of Keene Zoning Board of Adjustment

AGENDA

Monday, March 6, 2023

6:30 p.m.

City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: November 7, 2022 & February 6, 2023
- III. Unfinished Business:
- IV. Hearings:

ZBA 23-02: Petitioner, Hundred Nights Foundation, Inc., and represented by Jim Phippard of Briskstone Land Use Consultants, LLC, requests an Equitable Waiver for property located at 122 Water St., Tax Map # 585-027-000-000-000 and is in the Business Growth and Reuse District. The Petitioner requests an Equitable Waiver from Article 5 Section 5.4.2, front setback, to allow a roof overhang to extend 2.87 feet into the front setback.

ZBA 23-03: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

ZBA 23-04: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit a vehicle fueling station on a lot in the Industrial District where vehicle fueling station is not a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

ZBA 23-05: Petitioner, Jennifer Whitehead and Hans Porschitz requests a Variance for property located at 190 South Lincoln St., Tax Map #572-004-000-000-000, is in the Medium Density District, and owned by Aaron Cooper. The Petitioner requests to permit a smaller lot size than prescribed, a smaller side setback than prescribed and a less than 3 foot distance of a drive way to the property line, per Chapter 100, Articles 3.6.5, 1.3.3.A.3 and 9.3.2.2 of the Zoning Regulations.

ZBA 23-06: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests to allow multifamily housing use where multifamily housing use is not a permitted use per Chapter 100, Article 3.3.5 of the Zoning Regulations.

ZBA 23-07: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage and less than 55% green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.

ZBA 23-08: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Special Exception for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests a Special Exception from the parking requirements to allow less than two spaces per units per Chapter 100, Article 9.2.6, 9.2.7 and Table 9-1 of the Zoning Regulations.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non-Public Session: (if required)
- VIII. Adjournment:

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1 City of Keene
2 New Hampshire

3
4
5 ZONING BOARD OF ADJUSTMENT
6 MEETING MINUTES
7

8 **Monday, November 7, 2022**

6:30 PM

**Council Chambers
City Hall**

Members Present:

Joshua Gorman, Chair
Joseph Hoppock, Vice Chair
Richard Clough

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk
Michael Hagan, Plans Examiner

Members Not Present:

Jane Taylor
Michael Welsh

9
10
11 **I) Introduction to Board Members**
12

13 Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting.
15

16 **II) Minutes of the Previous Meeting: September 19 and October 3, 2022**
17

18 Mr. Hoppock made a motion to approve the meeting minutes of September 19 and October 3,
19 2022. Mr. Clough seconded the motion, which passed by unanimous vote.
20

21 **III) Unfinished Business**
22

23 **IV) Hearings**
24

25 **A) Continued ZBA 22-13: Petitioners, Brian & Amalia Harmon, requests a**
26 **Variance for property located at 27-29 Center St., Tax Map #568-016-000-000**
27 **that is in the Downtown Transition District. The Petitioners requests a Variance to**
28 **permit a multi-family dwelling with three units on a lot with 3,049 sq. ft. where**
29 **18,800 sq. ft. is required, per Chapter 100, Article 4.6.1 of the Zoning Regulations**

30
31 Chair Gorman introduced ZBA 22-13 and asked to hear from staff.

32 John Rogers, Zoning Administrator, read from the meeting minutes of the August 15, 2022 ZBA
33 meeting:

34 *“Mr. Hagan stated that 27-29 Center St. is located in the Downtown Transition District. He*
35 *continued that it is a brick building, built in 1920. It currently sits on 3,049 square feet where, if*
36 *this Variance were granted, it would be required 18,800 square feet for a three unit building.*
37 *This property received a Variance on September 7, 2021 to convert from an office building to a*
38 *two-unit dwelling. In addition, four parking spaces were required, and a Variance was granted*
39 *for three.*

40 *Mr. Welsh stated that the application before the Board is for the addition of another unit. He*
41 *continued that they considered parking last time and asked if the Board should consider the*
42 *addition of parking this time.*

43
44 *Mr. Rogers replied that staff spoke with the Applicant, who will be presenting the Board with a*
45 *different alternative that is allowed under the Zoning Code. He continued that a section of the*
46 *Zoning Code speaks to the ability to provide the required off-street parking as ‘remote parking,’*
47 *meeting the parking requirements by leasing off-site spaces somewhere within 1000 feet of where*
48 *the required parking is needed. He will let the Applicant speak to that, but he believes their*
49 *intent is to seek the additional parking spaces that would be required if this dwelling unit were*
50 *granted through that ‘remote parking’ section of the Zoning Code.*

51
52 *Chair Gorman asked, for clarity, if it is correct that with the Variance the Board approved, the*
53 *Applicant had two and a half spaces. Mr. Rogers replied that he believes that what they*
54 *presented at the previous Variance request was that they had three and something spaces. The*
55 *Variance that was granted, was for the one parking space that was lacking, because with that*
56 *granted Variance was for the two dwelling units, which would require four spaces. With this*
57 *new request, would require two more spaces, and again, they are proposing to provide it*
58 *through the remote parking section of the Zoning Code. Chair Gorman replied that it would be*
59 *imperative for the Board to focus on these two, because they have already granted a Variance*
60 *for the existing fourth one. Mr. Rogers replied that that would be his recommendation.*
61 *Certainly if this Variance were to be approved, they could condition that approval on the*
62 *Applicant meeting the parking demand for that third unit.*

63
64 *Chair Gorman asked if there were any more questions for staff. Hearing none, he asked to hear*
65 *from the Applicant.*

66
67 *Brian Harmon and Amalia Harmon, of 184 Colby Road, Danville, introduced themselves. Mr.*
68 *Harmon stated that he and Mrs. Harmon do understand, and they have two options for parking,*
69 *but they do not have leases. He continued that they have not selected either of the two options,*
70 *because they did not know where this Variance request would take them. Not having any*
71 *previous knowledge of how best to prepare for the meeting, they did seek two particular areas*
72 *for potential parking. They do not have those leases in hand. They would like time, if that were*
73 *what the Board needs, to produce these leases or submit them somehow.*

74 *Mr. Rogers stated that just so the Board is aware, there is a whole process laid out in the Zoning*
75 *Code for this parking lease agreement. He continued that there is an approval process that runs*
76 *through the Community Development Department and ultimately is approved by the City*
77 *Manager, if the Harmons are going to go with the remote parking.*

78
79 *Chair Gorman stated that he would like to ask the Board if they are comfortable moving forward*
80 *with the application without a lease in hand, but perhaps making that a contingency, should they*
81 *see fit to approve the application otherwise.*

82
83 *Ms. Taylor stated that if this moves forward, she thinks it would be appropriate to have that as a*
84 *condition. Chair Gorman agreed. Mr. Hoppock agreed.*

85
86 *Chair Gorman asked the Harmons if they are prepared to continue. He continued that the Board*
87 *would be happy to continue this application to the next scheduled meeting, if they want to make*
88 *further preparations. Mr. Harmon replied that he thinks they would like the opportunity to*
89 *postpone this to the next meeting if possible. Chair Gorman replied that he is comfortable with*
90 *that but cannot speak for the entire Board. He continued that they would have to make a motion.*

91
92 *Ms. Taylor made a motion to move consideration of ZBA 22-13 to be considered further at the*
93 *September meeting of the Zoning Board of Adjustment, at the Applicant's request. Mr. Hoppock*
94 *seconded the motion."*

95
96 *Mr. Rogers stated that at that point, a member of the public spoke, and that person is here tonight*
97 *to give his thoughts. He continued that moving forward in the meeting minutes, another abutter,*
98 *who was not able to be here tonight, spoke. He read from the minutes:*

99
100 *"Frank DePippo, of Blue Spruce Ocean Holdings, stated that he owns the property next door at*
101 *33 Center St. and has for many years. He continued that never has anyone removed his fence.*
102 *The Board was given a photograph showing the potential parking, and he is very uncomfortable*
103 *with it. The photo shows his fence in place. Mr. DePippo continued to share his opinions about*
104 *the building, the parking, and the application. Chair Gorman stated that he is not comfortable*
105 *allowing Mr. DePippo to continue in such depth, given that the Board has not yet heard from the*
106 *Applicant. He continued that if the Board were going to continue this hearing, they would love*
107 *to hear all of Mr. DePippo's input at the next hearing. He hears that Mr. DePippo is dissatisfied*
108 *with a decision the Board has already made regarding a previous Variance, but that has been*
109 *done, and they are moving on to this hearing. If they move this hearing to next month, he urges*
110 *Mr. DePippo to come to speak, or write a letter to the Board. They did not know the application*
111 *would be proposed for continuance, but it is an attempt to be fair to everyone, including Mr.*
112 *DePippo.*

113
114 *Mr. DePippo replied that he at least wants to submit a photograph he brought. Chair Gorman*
115 *replied that he could submit it to City staff. Mr. DePippo continued to speak about his fence,*

116 *and Chair Gorman stated that the topic is not the Board's purview and he encourages Mr.*
117 *DePippo to reach out to the appropriate City staff members instead.*

118
119 *Chair Gorman called for a vote on the motion to continue ZBA 22-13 to the September 6, 2022*
120 *meeting. The motion passed unanimously."*

121
122 Chair Gorman thanked Mr. Rogers and asked if the Board had any questions.

123
124 Mr. Hoppock asked if the Variance is for the square footage, not for the parking. Mr. Rogers
125 replied that is correct; his understanding is that the applicants were going to try to meet the
126 parking requirements in a different way, with remote parking.

127
128 Chair Gorman asked if there were more questions. Hearing none, he asked to hear from the
129 applicants.

130
131 Brian and Amalia Harmon, of 184 Colby Rd., Danville, NH, introduced themselves. Mr.
132 Harmon stated that they are here regarding 27-29 Center St. He continued that the last time they
133 talked to the Board; they were in transition to get remote parking spaces, to meet the
134 requirements to hopefully get the third unit approved. They did this; two parking spaces are
135 required within 1,000 feet. They are happy to have done it as well, and take the parking burden
136 away from that street.

137
138 Chair Gorman asked if it is correct that the remote parking exempts this application from having
139 the (Board) involved with parking, which would be handled by City staff. Mr. Rogers replied
140 yes, the Zoning Code has a process with additional steps for the applicants to go through
141 regarding remote parking, if this Variance were granted by the Board. Chair Gorman replied that
142 the Board would then focus on the five criteria regarding inadequate lot size.

143
144 Chair Gorman asked if the applicants wanted to go through the five criteria.

145
146 Amalia Harmon stated that they are seeking to add a unit to the 27-29 Center St. property, which
147 she and Mr. Harmon have owned since last March, with construction began in May. There has
148 been an increase in construction materials costs and a decrease in the construction workforce.
149 The property needed more work than she and Mr. Harmon had anticipated. The request is to
150 apply the new grant program that Governor Sununu just launched, Invest NH. The program is
151 specifically for projects with three or more units. There is plenty of room for a third unit.
152 Governor Sununu wants to expand and accelerate housing and construction by incentivizing it
153 with such grants, to alleviate the housing shortage. The program is for three units but she and
154 Mr. Harmon have two, which is why they are asking for the third.

155
156 Chair Gorman asked the Harmons to begin with the first criteria and give the Board some
157 background as to why granting the Variance would not be contrary to the public interest. He

158 continued that what Ms. Harmon just went through was the background of their request and why
159 they are applying for the Variance.

160

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

162

163 Mr. Harmon stated that Keene is experiencing a housing shortage/crisis, and granting this
164 Variance would allow three dwelling units to provide much needed affordable housing. He
165 continued that the essential character of the neighborhood would not be altered. There are
166 residential units in the area and a few multi-family units as well.

167

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

169

170 Mr. Harmon stated that the proposed change, the addition of a unit, is necessary to continue the
171 construction on the property. He continued that inflation has impacted his and Ms. Harmon's
172 ability to (continue). It is difficult to keep going because everything is so expensive. He cannot
173 find any qualified construction people to hire. In order to accelerate completion, the grant is
174 needed, and the grant requires three units for application submittal to the Invest NH Housing
175 Fund. This uses federal American Rescue Act dollars for one of the state's most critical needs,
176 more workforce housing to help support businesses in need of more workers. Cheshire Hospital
177 is in need, which is close. The property is close to everything, which is why he and Ms. Harmon
178 love the building and location so much. It has a lot to offer, for many people. The third unit
179 would bring costs down so someone could work and have money to be saved, instead of having
180 it all go to a high mortgage.

181

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

183

184 Mr. Harmon stated that it would supply Keene with three more living units to house much-
185 needed workforce. He continued that Governor Sununu predicts that the money will go a long
186 way to help ease the state's housing crisis.

187

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

190

191 Mr. Harmon stated that the building is beautiful, historic and has so much potential. He
192 continued that the offices were empty; he could not get anyone in there. This can be transformed
193 into something desirable. Cities prosper and succeed by attracting young professionals and
194 workforce. This will increase the value of the surrounding properties and improve the security
195 and longevity of Keene's economy.

196

197 *5. Unnecessary Hardship*

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

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

202
203 Mr. Harmon stated that the building does not impact the general public.

204
205 *And*

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

207
208 Mr. Harmon stated that the proposed use is reasonable because they can do so much with it, and
209 it will be preserved and used for something instead of staying empty [inaudible]. The NH
210 housing shortage will not be going away soon. He continued that in the local news on June 6,
211 2021, Casey McDermott of NH Public Radio reported, “*New Hampshire’s housing landscape is*
212 *pretty brutal.*” A Sentinel Source article from November 7, 2020 said, “*...apartment vacancy*
213 *rates are low and the pandemic has exacerbated many aspects of the pre-existing housing*
214 *crisis.*” Time is of the essence to apply for the grant. The grant requires the property to have the
215 additional unit. This third unit is much needed by the community. Commissioner Taylor
216 Caswell said the percent of available two-bedroom rentals in the state is below one percent and
217 considered unhealthy from the business community’s perspective.

218
219 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
220 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
221 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*
222 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
223 *use of it.*

224
225 Mr. Harmon stated that if the criteria in subparagraph A are not established, an unnecessary
226 hardship will be deemed to exist in that the intent of creating/constructing crucially needed
227 housing may not be tangible. He continued that the building will sit empty and they cannot
228 maintain the building without financial hardship as well as a negative impact on the
229 neighborhood. There is definitely room for a third unit in the square footage of the building.
230 The building is large [inaudible] a three-bedroom unit would fit. Their target (renters) are local
231 workforce, like people working at Cheshire Hospital, wait staff, employees from the new M&T
232 bank, paralegals, and so on and so forth.

233
234 Chair Gorman asked what the square footage of the building is. Mr. Harmon replied 3,049
235 square feet. Chair Gorman stated [inaudible] vary in size, in excess of 3,000 square feet
236 [inaudible]. Mr. Harmon replied yes, it is 3,362 square feet.

237
238 Chair Gorman stated that he understands that the crux of the Harmons’ application speaks to the
239 housing shortage, which arguably the whole state and country are dealing with. He continued
240 that the housing shortage is indisputable, but the point of the Board, or the purpose in his mind,
241 is to make sure that there is smart housing - that is, not just creating more housing because it is
242 needed, but creating housing that is sustainable for the community and beneficial to the

243 community. Otherwise, in his view, it is not worth having. Creating housing that is not healthy
244 would be just as bad as having a housing shortage. His question is thus whether the Harmons
245 can elaborate a little on the spirit of this particular Zoning Ordinance and why it exists relative to
246 lot size. The concern would be shoehorning too much density into a certain area. He asked what
247 the Harmons could say about the property that might let the Board know why that should be a
248 concern on this particular parcel of land. He knows the building is already there; that is certainly
249 part of it, and he knows it is on a small, pre-existing lot, which is certainly part of this as well.
250 He asked why the Harmons think this is not going to create a situation that is contrary to the
251 Ordinance, where there is too little space.

252 Mr. Harmon stated that they have this over the restaurants, The Pour House, and the Roxbury
253 apartments; the common area is a hallway. He continued that the common area here (at 27-29
254 Center St.) would be the porch and the side entrance. He presented drawings for a two-family.
255 There is a washer/dryer area, too. He is comparing it to the larger places that have studio
256 apartments with people coming and going, and he and Ms. Harmon have no intention to go to
257 that scale at all.

258 Chair Gorman replied that [inaudible] he thinks Mr. Harmon is comparing 27-29 Center St. to
259 10-unit buildings that exist in locations where such a thing is allowed. He continued that it
260 would help if Mr. Harmon kept his focus on the zone that his and Ms. Harmon's property is in,
261 and why they think the area would not be adversely impacted.

262
263 Ms. Harmon stated that the upstairs was designed to have three bedrooms. She continued that
264 the downstairs was designed to have three bedrooms, but if you break that in half and go from
265 front to back on the right-hand side, you can have enough room for a living room, kitchen, and a
266 bedroom and bathroom. On the other side is the same amount of space, but they will use what
267 would have been a bedroom to be a kitchenette area, so it would not be too cramped. She
268 showed where there would be one bedroom, and where there would be two bedrooms, and
269 showed the unit that would be a one-bedroom.

270
271 Chair Gorman stated that basically they are not changing the [inaudible]. He continued that they
272 were originally intent on [inaudible]. With this application, they would have the same six
273 bedrooms. Mr. Harmon replied that is correct. Chair Gorman stated that it would just have an
274 extra kitchen and bathroom and an extra unit. Mr. Harmon replied that is correct. Ms. Harmon
275 stated that [inaudible] and showed the common area, another way out. She continued that this
276 would not change the outline of the outside of the house at all.

277
278 Mr. Hoppock asked how many extra people they are anticipating. He continued that he wants to
279 hear about the parking, too, because that is relevant to the second criterion about public health,
280 safety, and welfare. Ms. Harmon replied that on the right-hand side is a one bedroom for one or
281 two people. Mr. Harmon stated [inaudible]. Mr. Hoppock asked if it is correct that right now
282 they have two units. Mr. Harmon replied yes. Mr. Hoppock asked if there would be six tenants
283 the way they are now, and Mr. Harmon replied yes.

284

285 Mr. Hoppock asked again about parking. Mr. Harmon stated that remote parking would be at the
286 community lot, on the closest side of the Colonial Theater, near/behind Margarita's Restaurant.
287 There are two spots there. He continued that they wanted it closer but they did not allow trucks,
288 which he can understand. They wanted to make sure they could get a minivan or something
289 substantial.

290
291 Mr. Clough asked how far away that is. Mr. Rogers replied that if the Board gives him a few
292 minutes and continues on, he research. He continued that also, just so the Board is aware, the
293 requirements that still need to be followed for remote parking, per the Zoning Code, are: "*Where*
294 *remote parking spaces are under separate ownership from the principal lot, a written and duly*
295 *executed parking agreement between the record owners, which guarantees the use and operation*
296 *of remote parking areas for the life of the principal use, shall be submitted to and approved by*
297 *the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership*
298 *or use of either parcel shall require a renewal of the agreement.*" He continued that staff would
299 have to be provided with something that [inaudible] would not put the Variance in jeopardy.

300
301 Chair Gorman asked if it would negate the Variance if the agreement expired, even though this is
302 not a parking Variance. Mr. Rogers replied yes, because [inaudible] the Variance would be
303 conditioned upon [inaudible]. Chair Gorman replied [inaudible].

304
305 Mr. Clough stated that to him, a lot of the impetus to add the extra unit, at least in the narrative,
306 is from Invest NH. He asked if the Harmons are aware of its status, and if they applied for it.
307 Ms. Harmon replied that even though she and Mr. Harmon told them there was a Variance in the
308 works, they said, "Just apply; we'll deal with that later." She continued that Invest NH also let
309 her and Mr. Harmon know that that is a benefit to the City of Keene as well. For every unit they
310 get \$10,000 that goes to the City to put to whatever they need. It does not need to be earmarked
311 for one particular thing. Parking might be good.

312
313 Chair Gorman stated that he is assuming the Harmons are aware of the elevated fire and life
314 safety codes that come into play as a result of adding a third unit. Mr. Harmon replied yes, that
315 is another reason for the hardship potential. That has quadrupled, especially after [the fire at]
316 Cobblestone. His sprinkler contractors here in Keene [inaudible].

317
318 Chair Gorman asked if there were more questions from the Board. Hearing none, he stated that
319 he will open it up now to public input, and the Harmons will have the opportunity for rebuttal
320 afterwards.

321
322 Chair Gorman read into the record:

323
324 *"ABUTTER'S PETITION*
325 *TO CITY OF KEENE ZONING BOARD OF ADJUSTMENT*

326
327 *RE: the Harmon request for Second Variance on property at 27-29 Center Street*

328 *1. The premises is located in the Historic District at 27-29 Center St. and is two stories in height.*
329 *It has two entry doors in front, and abuts the public sidewalk, completely.*

330

331 *2. It was purchased by the Harmons from Leonide Realty, LLC, March 20, 2021 for \$187,000,*
332 *and deed is recorded at Vol. 1174 page 943 of the Cheshire Registry. There is no mortgage of*
333 *record, to petitioner's knowledge.*

334

335 *3. The Harmons' application for a variance to convert from an office building to a two-family*
336 *residence was granted and a building permit was issued September 23, 2021, by the City of*
337 *Keene.*

338

339 *The lot is 3048 square feet whereas 13,400 square feet is required by City Ordinance. The*
340 *building does not meet maximum building coverage requirement of 50% or the minimum*
341 *green/open space requirement of 30%.*

342

343 *The front setback is 0, and the minimum rear setback is approximately two feet where 15 feet is*
344 *required.*

345

346 *There is a two-story green wooden porch across the entire rear portion of the building that*
347 *closely abuts the Espieffs property, and appears to have been unused or maintained for many*
348 *years. Whether it has historic importance is unclear.*

349

350 *4. Building renovations by Harmon ceased in May of 2022 because of claims that materials*
351 *were more expensive, and of workforce problems.*

352

353 *5. Coincidentally, however, the State of New Hampshire's "Invest" program, enacted by the*
354 *legislature in April 2022 to help fund housing, and funding commenced July 11, 2022 for*
355 *projects with a minimum of three family units.*

356

357 *6. The present (second) petition for variance was filed by the Harmons on July 21, 2022 and*
358 *was promptly noticed for hearing. However, due to an error, the hearing was rescheduled for*
359 *August 15, 2022.*

360

361 *7. At the August 15 hearing, the Harmons were given a continuance to September 6, in order to*
362 *provide alternative parking information.*

363

364 *However, no notice of this continuance was issued/mailed to abutters or others entitled to notice.*
365 *Again, a Continuance was granted to the Harmons to September 26 [sic], without notice to*
366 *abutters.*

367

368 *8. On the facts and evidence available, this second variance request should be denied. It asks*
369 *for a third family to be permitted in the same living area already set aside for a second family*
370 *unit. It is 'the straw that broke the camel's back.' This entire building is literally 'on the street.'*

371 *There is no setback for the intense traffic on Center St. (which comprises its 'front yard'). There*
372 *is no place for children or adults to be safe from the ongoing traffic from the downtown and*
373 *adjacent Court House area during all the seasons and weather conditions. It is a 'living trap'*
374 *for youngsters coming and going. In short, it is a likely 'center' for emergency and police*
375 *responses because of its density, configuration, lack of setback, and very dangerous location.*
376 *Granting the variance would not be in the interest of justice, and would be contrary to the spirit*
377 *of the ordinance.*

378
379 *9. Finally, and most critically, the Board must deny the variance, and take other action in light*
380 *of the bad faith and illegal demands of the Harmons, all set forth in Section 2: Property*
381 *Information; Section 5.B filed with their petition, and in their handwriting – a copy of which is*
382 *attached hereto for reference, and reads as follows:*

383
384 *'If the criteria in sub par A are not established an unnecessary hardship will be deemed to exist in*
385 *that the interest of creating, constructing crucially needed housing may not be tangible. The*
386 *building will sit empty, and we cannot maintain an empty building, without financial hardship as*
387 *well as a negative impact on the neighborhood.'*

388
389 *The Harmons' threat is clear – give us the second variance or you get nothing but an empty*
390 *building. They need the third unit to get State funding (which requires three units). They are*
391 *retroactively willing to throw away their first granted variance from this Board. Their only*
392 *interest is getting the State funds. This amounts to pure DURESS on this Board. The hearing is*
393 *simply a formality, and the Board are nothing but Harmon actors, to see that the third unit*
394 *variance is approved, and Harmon gets qualified for State funding.*

395
396 *This Board's integrity is at stake. Even if you could find for the Harmons, your finding would be*
397 *clouded by their Duress.*

398
399 *This Board's official standing as a reliable and lawful body is at stake, and it must take action to*
400 *protect its integrity and lawful responsibility.*

401
402 *It should deny the pending petition for variance, and revoke the initial grant of variance, leaving*
403 *the Harmons with an office building on Center St. The Board is free to take any other action it*
404 *deems proper.*

405
406 *Clearly, this matter should be referred to the City Attorney.*

407
408 *I reserve my rights.*

409
410 *Respectfully submitted,*
411 *Peter S. Espiefs, November 7, 2022"*

412

413 Mr. Rogers stated that it appears that this parking lot, depending on where in the lot they've
414 rented, might not be within a thousand foot section. He recommended that if this application is to
415 be approved, that there is a condition that the Applicant obtain the recommended parking
416 necessary as outlined in the Land Development Code. He continued that also, just as a note for
417 the Board, the living space of the building is 2,736 square feet. The total building, because of the
418 unfinished basement and the porches, is a total of 4,676 square feet.

419
420 Chair Gorman stated that if this off-site parking does not meet the criteria, his understanding is
421 that any action the Board takes tonight is relative solely to the lot size and if they cannot satisfy
422 off-site parking requirements they would be going back for a parking Variance. He asked if that
423 is correct. Mr. Rogers replied that would be his opinion, certainly if the Board got to the point of
424 making a motion, he would recommend the motion have a condition placed on it to ensure that
425 the parking would be satisfied in some manner, whether through an act of this Board or remote
426 parking.

427
428 Chair Gorman asked for public input.

429
430 Peter Espiefs stated that he is the one who filed the petition in opposition. He continued that he
431 thinks he has stated everything he can about this case. You cannot ask for a Variance based on
432 finances. That is not one of the criteria for a Variance, but that is what the Harmons are saying.
433 They need this Variance so they can get a third unit and get qualified for the NH state funding.
434 They bought this property for \$187,000 and there is no mortgage. They want to see if they can
435 get some money from the State and get the building to have three apartments. They already have
436 approval for two, and could have done the two, but they are not going to do any now unless they
437 get this Variance, and there is no legal basis for the Variance for the third unit. He thinks the
438 Board can read and understand what the situation is. He does not have anything personal against
439 the Harmons. He tried as best he could to get along with them when they first started, and went
440 along with their two-apartment project. He did not oppose that. However, they are dealing with
441 something else now. The Harmons have changed; they are not who they purport to be. They
442 have been in business for a long time and know "all the tricks and the games." He will not
443 tolerate this, and will appeal if the Board does not deny the Variance.

444
445 Chair Gorman asked if there was any more public comment. Hearing none, he invited the
446 Harmons to give rebuttal.

447
448 Mr. Harmon stated that if this was a courtroom, he would ask that (Mr. Espief's words) to be
449 stricken from the record. He continued that he is appalled at the words of this respected elder,
450 and would argue that Mr. Espiefs does not know him and Ms. Harmon very well and does not
451 know their intentions. His and Ms. Harmon's intentions are only for the people of this
452 community, and they themselves are a part of the community. They want to help the
453 community. Their son went to Keene State College, and they fell in love with it here (in Keene).
454 He asks that that not be taken away from them. They have only good intentions in their hearts.
455 Mr. Harmon questioned if this Variance would benefit him and Ms. Harmon then replied that of

456 course as they are here to invest in the community and this neighborhood. He likes this
457 neighborhood and he does not understand why Mr. Espieffs is trying to shut them out. There is a
458 place for everyone. He and Ms. Harmon have every good intention.

459

460 Chair Gorman closed the public hearing and asked the Board to deliberate.

461

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

463

464 Mr. Hoppock stated that the public interest is to regulate the density of land in terms of traffic,
465 population, and overall use at one particular time by people or anything else. He continued that
466 he finds the spirit of the Ordinance is jeopardized by this application. The lot is too small, and as
467 Mr. Espieffs points out, and from what he can tell in the picture, there is really no frontage. He
468 stated that he has been to the property and has seen it; it is a tight fit. He does not think that the
469 2,736 square feet of living space can comfortably fit three units. He is not comfortable either
470 with [inaudible] in a packed neighborhood. He thinks that does not satisfy the criterion.

471

472 Mr. Clough stated that he tends to agree. He continued that it is something he always sees the
473 Board butting up against – many of these densities are based on lot size and building size is quite
474 often skewed when they are closer to downtown. This is a situation where if this was centered
475 on the lot it would not pass any sort of frontages or side setbacks; it is still tight. Then whatever
476 use it has, it is cramped. Thinking of it as a residential unit where people would be there for
477 multiple hours a day and especially overnight, it looks very cramped. He thinks that regarding
478 the first criterion, the public interest, it is so tight to the sidewalk and is definitely questionable.

479

480 Mr. Hoppock asked Mr. Rogers for clarification, stating that it just dawned on him that this is a
481 non-conforming building on a non-conforming lot already. Mr. Rogers replied that that is
482 correct, that as it is mentioned this building would not meet the necessary setbacks and many of
483 the Zoning dimensional requirements. Mr. Hoppock replied that those all are requirements that
484 bar against density and overcrowding. Mr. Rogers replied that that is correct.

485

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

487

488 Chair Gorman stated that he thinks this dovetails with the Board's discussion on the first
489 criterion. He continued that the spirit of the Ordinance is exactly as Mr. Hoppock and Mr.
490 Clough discussed, to prevent overcrowding situations that can lead to uncomfortable living
491 situations for not only the tenants at this building but also tenants or residents of surrounding
492 properties. He is not sure that the housing shortage or the availability of government funds
493 would trump the situation. He does not think a third unit would be in the spirit of the Ordinance.
494 The Board has already given a Variance to this building and now they are being asked to make it
495 even more non-conforming. He does not think that is within the spirit or intent of Zoning in
496 general. In summary, in looking at the square footage of this lot, you can see the Harmons are
497 not asking the Board to overlook a couple thousand square feet. It is a considerable amount
498 more – 18,800 square feet is required. They are asking to allow a use that would require, per the

499 Zoning Code, approximately six times more square footage than it has. He has a hard time
500 finding cause to think that this would be in the spirit of the Ordinance.

501
502 Mr. Hoppock stated that he thinks granting the Variance would alter the essential character of the
503 neighborhood. He continued that it would decrease public health, safety, or welfare with
504 overcrowding.

505
506 3. *Granting the Variance would do substantial justice.*

507
508 Mr. Hoppock stated that he thinks the gain to the public in denying this application outweighs
509 any loss to the individual. The gain to the public is the reduction of the likelihood of
510 overcrowding in this already crowded area. It is supposed to be an area that transitions from
511 downtown to residential or [inaudible].

512
513 Mr. Clough stated that he agrees.

514
515 4. *If the Variance were granted, the values of the surrounding properties would not be*
516 *diminished.*

517
518 Chair Gorman stated that he does not think the exterior appearance of the building [inaudible].
519 He continued that he does not think that element of it could detract from value, but he does think
520 the situation of overcrowding can detract from value. This is a tough one and he could go either
521 way on it, but he thinks at the end of the day, two units are healthy for the values and three are
522 not.

523
524 Mr. Hoppock stated that he does not disagree and can attest that the overcrowding situation did
525 develop there [inaudible]. He does not think this criterion is satisfied.

526
527 Mr. Clough stated that he agrees that having done work on the outside would be great for the
528 neighborhood. He continued that he can imagine it done up and looking beautiful, but again,
529 changing the inside means it becomes a wash.

530
531 5. *Unnecessary Hardship*
532 A. *Owing to special conditions of the property that distinguish it from other properties*
533 *in the area, denial of the variance would result in unnecessary hardship because*
534 i. *No fair and substantial relationship exists between the general public purposes of the*
535 *ordinance provision and the specific application of that provision to the property because:*
536 ii. *The proposed use is a reasonable one because:*

537
538 Chair Gorman stated that the applicant did not give input on 5.A(i), but he addressed 5.A(ii).

539
540 Mr. Hoppock stated that the applicant did not identify a special condition of the property that
541 distinguishes it from other properties in the area. He continued that the other properties in the

542 area are all large and most are non-conforming. He does not think there is anything special about
543 the Harmons' property. He knows that in other cases the Board has worked hard to help
544 applicants determine what special conditions their properties might have, and in this case he has
545 tried that and has been thinking about it, but just cannot identify a special condition of the
546 property that distinguishes it from other properties in the area. Secondly, he thinks there is a fair
547 and substantial relationship between the general public purpose of the Ordinance, protecting
548 against density and overcrowding, and the application of that provision to this property. The
549 square footage of a lot is designed to prevent the lot from being overcrowded. He does not think
550 this criterion is met at all.

551
552 Mr. Hoppock continued that regarding ii., the proposed use of a three-unit building is [inaudible],
553 and is a reasonable use but not here in this particular location, in his view.

554
555 Chair Gorman replied that he is inclined to agree. He continued that it becomes [inaudible] with
556 the third unit. He was comfortable with the second unit when the applicants came in front of the
557 Board because the property already exists and is on a small lot and needs some use, and he thinks
558 it was challenging to find a use for it. He thinks the Harmons have done that and the Board has
559 obliged in granting the first Variance for two units. It is unfortunate that the Harmons find
560 themselves in a financial position where they are not able to continue with the process of
561 building out the two units. However, while financial hardship can be a part of the Board's
562 decision, he is not comfortable making it the whole basis of the decision. He also believes that
563 inflationary pressures exist for everyone. As economics work, with inflation comes much higher
564 rent prices, so he does not see any hardship there. If you put the money into an investment
565 property, you will get the money out. That is just the way it goes – prices go up to build it,
566 prices go up to rent it. In his mind, that is offsetting. That said he does not see that there is a
567 specific hardship to this property, and if in fact there was, the first Variance satisfied that.

568
569 Mr. Clough stated that he was not on the Board for the first Variance, but yes, when he looks at
570 the total amount of living space, he sees that those two units are fairly large. He continued that
571 he does not deny that it would be a fairly expensive space for someone to rent, but when you
572 start to split that off and create a third unit (it changes). If they were all equal, then possibly you
573 would have equity, but it will not be able to be split equally. Thus, you would still have an odd
574 scenario, in terms of how many people are actually there. He has lived in rental units in Keene
575 and had plenty of times when he had to hit the wall next to him because the people next door
576 were making too much noise. Then you realize, oh, there are six people in this place and should
577 have only had four. Thus, adding another unit, with the number of bedrooms that were already
578 there, is a hard thing to be able to justify.

579
580 Mr. Hoppock stated that he is still stuck on the fact that they have an Ordinance governing lot
581 size, and the purpose is to regulate/bar against overcrowding. Applying the Ordinance to this
582 property, there is a direct relationship between the Ordinance and what it is trying to avoid. He
583 does not see anything about the property itself that is a special condition that would make the
584 application of the Ordinance unfair or inappropriate.

585 Chair Gorman asked if anyone had anything else to say. Hearing none, he asked for a motion.

586

587 Mr. Hoppock made a motion for the Zoning Board of Adjustment to approve ZBA 22-13 on the
588 condition of approved appropriate parking. Mr. Clough seconded the motion.

589

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

591

592 Denied with a vote of 0-3.

593

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

595

596 Denied with a vote of 0-3.

597

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

599

600 Denied with a vote of 0-3.

601

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

604

605 Denied with a vote of 0-3.

606

607 5. *Unnecessary Hardship*

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

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

612 *and*

613 ii. *The proposed use is a reasonable one.*

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

619

620 Denied with a vote of 0-3.

621

622 The motion to approve ZBA 22-13 with the condition failed with a vote of 0-3.

623

624 Chair Gorman made a motion to deny ZBA 22-13. Mr. Clough seconded the motion, which
625 passed by unanimous vote.

626

627 **B) ZBA 22-18: Petitioner, Keene Mini Storage, of 690 Marlboro Rd., requests a**
628 **Variance for property located at 678 Marlboro Rd., Tax Map #214-107-000- 000-**
629 **000 that is in the Industrial District. The Petitioner requests a Variance to permit an**
630 **electronically activated changeable copy sign per Chapter 100, Article 10.3**
631 **Prohibited Signs of the Zoning Regulations.**

632
633 Chair Gorman introduced ZBA 22-18 and asked to hear from Mr. Rogers.

634
635 Mr. Rogers stated that he and his wife are abutters, so he will let Michael Hagan, Plans Examiner
636 speak to this.

637
638 Mr. Hagan stated that 678 Marlboro Rd. is located on a 9.5 acre lot and is zoned Industrial. He
639 continued that construction was done in 2019 to permit or convert office space to self-storage,
640 with 11 buildings on site. Currently there are three freestanding signs; one for the Keene Mini
641 Storage located to the east, and a sign to the west that used to be the Cheshire Oil sign, is now a
642 sign for the gas prices. The other is a marquis sign for the Citco signs. Under the current
643 Ordinance those signs would all be non-conforming.

644
645 Chair Gorman asked if anyone had questions for Mr. Hagan. Hearing none, he asked to hear
646 from the applicant.

647
648 Jay Frazier of 290 Cheshum Rd., Harrisville, introduced Jim Robinson, owner of Keene Mini
649 Storage. Mr. Frazier continued that they are looking to receive Variance to allow them to change
650 their flip signs to digital activated signs. He asked Chair Gorman what the Board wants to know.

651
652 Chair Gorman replied that Mr. Frazier is welcome to proceed however he wishes, such as going
653 through the five criteria or giving a brief background as to why Mr. Frazier thinks this should be
654 an acceptable request.

655
656 Mr. Frazier stated that the flip signs have to be done by hand, which means going outside in the
657 snow, standing on a milk crate, and flipping the signs down. He continued that with the
658 volatility of fuel prices these days, it could happen two or three times a week. Keene Mini
659 Storage has one fulltime employee, an office manager; that is basically it on the property.
660 Occasionally he himself does maintenance for them or might go out and flip the signs and get
661 them unfrozen from the ice and snow. The LED (signs) are what most other fueling stations
662 have. It would have 10-inch digits and the LED signs are 27"x24", or about 4.5 square feet each.
663 The current metal signs are 36"x32", or 8 square feet, so the LED signs would have a smaller
664 footprint. The sign itself is 40 square feet. He is looking to have signs that can be changed
665 remotely from the office, which is what nearly everyone else in this business does. He went
666 through this process when Cheshire Oil owned all the T-Birds; there was a process for all the
667 different stations in all the different towns, to get permits to change those signs.

668

669 Chair Gorman replied yes, the Board has heard a few of these (types of Variance requests) in the
670 past few years, from some of the local gas stations.

671
672 Mr. Frazier stated that a lot of it is a safety issue, such as having to put signs up on a pole on a
673 windy day with things flying off.

674
675 Mr. Hoppock asked how bright the lights are. He continued that regarding the picture the Board
676 [inaudible]. He asked if there are any neighboring houses that would see this and be impacted by
677 the light. Mr. Frazier replied that the apartment building on the corner of Factory Rd. is the
678 closest residential building.

679
680 Mr. Hoppock asked [inaudible]. He asked for Mr. Frazier's best guess. Mr. Frazier replied
681 across the street, on the corner.

682
683 Chair Gorman stated that the primary visual for the lighting, if you are an abutter, would be the
684 coffee roaster. He asked if that were correct, that the coffee roaster is the most visible the light
685 would be. The apartment buildings are either across the street or up the street. Mr. Frazier
686 agreed.

687
688 Mr. Clough asked if the lights are dimmable, and if Mr. Frazier would be able to program them
689 so that when it is really dark they do not need to be as bright. Mr. Frazier replied no, they have
690 just one setting. He continued that they would fit right into the footprint on that existing sign. It
691 is a good-looking, two-post sign that has been there for years and has good landscaping around
692 it. The whole property is landscaped well.

693
694 Chair Gorman asked if Mr. Frazier could read through the five criteria.

695
696 1. *Granting the Variance would not be contrary to the public interest because:*

697
698 Mr. Frazier stated that the LED sign is more attractive and easier to read on a busy highway. He
699 continued that he wants to emphasize that it is a busy highway, and people are looking at the
700 price per gallon. Drivers coming from Factory Rd. and from the other direction will take a
701 glance.

702
703 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*

704
705 Mr. Frazier stated that similar signs have been approved at most fueling locations in Keene.

706
707 3. *Granting the Variance would do substantial justice because:*

708
709 Mr. Frazier stated that LED price signs are easier to read after dark than the flip signs, which are
710 not backlit and difficult to see at night.

711

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

714
715 Mr. Frazier stated that the LED signs, like the existing flip signs, would be attached to the main,
716 existing wooden sign with two posts. The sign has been on the property for years and is well-
717 maintained and landscaped around.

718
719 5. *Unnecessary Hardship*
720 A. *Owing to special conditions of the property that distinguish it from other properties in the*
721 *area, denial of the variance would result in unnecessary hardship because:*

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

724
725 Mr. Frazier stated that the metal flip signs are difficult to change in the winter and accumulate
726 ice and snow between their panels.

727
728 *and*

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

730
731 Mr. Frazier stated that (it gives) the ability to change prices from the office, without personnel
732 having to sometimes go through snow banks, brush off the snow, and chip ice to flip the metal
733 numerals.

734
735 B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
736 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
737 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*
738 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
739 *use of it.*

740
741 Mr. Frazier stated that fueling locations need to have the ability to change prices frequently and
742 safely, due to the volatility of the fuel prices.

743
744 Chair Gorman asked if anyone had questions for the applicant.

745
746 Mr. Hoppock asked if it is correct that the lot is relatively flat. He continued that in the picture,
747 the topography looks flat, without hills. Mr. Frazier agreed. He continued that there is a hill
748 coming in from Marlborough; when you pass the main brick building, you are going downhill.
749 Mr. Hoppock replied that the land that makes up the lot is flat, though. Mr. Frazier replied that it
750 is two different heights – half of the storage units are on a higher elevation. Mr. Hoppock asked
751 if that affects the ability to see the sign. Mr. Frazier replied no, there is no crest of a hill; there is
752 a good view all the way down through.

753
754 Chair Gorman asked if there were more questions. Hearing none, he asked for public comment.

755 John Rogers of 660 Marlboro Rd. stated that he wanted to point out that regarding Mr.
756 Hoppock's question. In regards to the sign, there is no residential use at 660 Marlboro so the
757 sign would not be a deterrent to him. In addition, where the sign is located, directly across the
758 street is a convenience store and a larger storage building. The residential properties in this area
759 are non-conforming and cross the street in the Commerce District is a single family, a multi-
760 family, but further west along Marlboro Road and not directly across from the sign. There are
761 storage units between the sign and the Prime Roast building.

762
763 Mr. Hoppock asked if it is correct that there is nothing beyond that. Mr. Rogers replied that
764 further up, quite a ways up, is a plaza with commercial uses.

765
766 Chair Gorman asked if there was any more public comment. Hearing none, he closed the public
767 hearing and asked the Board to deliberate.

768
769 Mr. Hoppock stated [inaudible], but on the other hand, he can see where [inaudible], so they can
770 try it. He continued that the public interest is safety [inaudible].

771
772 Mr. Hoppock made a motion to approve ZBA 22-18. Mr. Clough seconded the motion.

773
774 1. *Granting the Variance would not be contrary to the public interest.*

775
776 Mr. Hoppock stated that it is probably not contrary to the public interest because the public
777 interest [inaudible]. A sign that would not distract a driver [inaudible] a sign that says "\$3.55 per
778 gallon" or "\$5.60 for diesel." If you were looking for gas that is what you would want to see.
779 What might distract the public is something that said, "Regular gas \$7.00 per gallon" or "\$1.50
780 per gallon," but they are not worried about that. He thinks this meets the first criterion.

781
782 Mr. Clough stated that if it were a blinking or flashing sign, that would be a distraction, but a
783 stationary sign with just the numbers is not something he would see as a distraction.

784
785 Chair Gorman stated [inaudible].

786
787 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

788
789 Mr. Hoppock stated that he does not see that the essential character of the neighborhood would
790 be altered, given what is there already. He continued that [inaudible].

791
792 Chair Gorman stated that the numbers would be smaller, so that probably helps comply with the
793 Zoning Ordinance.

794
795 Mr. Hoppock stated that he does not think the public health, safety, or welfare is at all
796 threatened. Chair Gorman and Mr. Clough agreed.

797

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

799 Mr. Hoppock stated that the gain to the public, if the Board denied this, would be nominal. He
800 continued that the loss to the public would be having easily readable signage. It would enhance
801 the public safety; the gain to approving this would be that motorists could read the signs clearly
802 and safely. The loss to the individual, if this were denied, would be the horrible inconvenience
803 of having to go out in a snowstorm to flip the signs. He does not find this criterion to be a
804 problem.

805
806 Chair Gorman stated that he agrees that there is no gain to the public in denying this, and
807 potentially a loss to the public in denying it. The gain to the applicant is obvious and reasonable,
808 the same thing that has been afforded to most every other gas station that has come before the
809 Board and asked for this.

810
811 4. *If the Variance were granted, the values of the surrounding properties would not be*
812 *diminished.*

813
814 Chair Gorman stated [inaudible] the Board heard from an abutter that he did not see any problem
815 with this [inaudible]. The criteria does not say it has to increase the values; it just cannot
816 diminish them, and he does not think it will. Mr. Hoppock agreed.

817
818 5. *Unnecessary Hardship*

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

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

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

825
826 Mr. Hoppock stated that he thinks the special condition of the property is the nature of the use on
827 the property presently, [inaudible]. He continued that as the Chair mentioned, they have had
828 many of these cases where this is the standard of the industry, to have changeable signs. He
829 thinks the special condition of the property is the nature of the business operating on it, and the
830 application of the Ordinance to that particularly property, precluding that type of sign, does result
831 in a hardship to the owner and on the property because a reasonable sign cannot be used. A
832 Variance can be approved without jeopardizing health and safety. He finds this criterion to be
833 met.

834
835 Chair Gorman stated that he agreed. He continued that [inaudible].

836
837 Chair Gorman asked the Board to vote on the criteria.

838
839 1. *Granting the Variance would not be contrary to the public interest.*

840

841 Granted 3-0.

842

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

844

845 Granted 3-0.

846

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

848

849 Granted 3-0.

850

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

853

854 Granted 3-0.

855

856 5. *Unnecessary Hardship*

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

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

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

863

864 Granted 3-0.

865

866 The motion to approve ZBA 22-18 passed 3-0.

867

868 **V) Adjournment**

869

870 There being no further business, Chair Gorman adjourned the meeting at 8:04 PM.

871

872 Respectfully submitted by,

873 Britta Reida, Minute Taker

874

875 Reviewed and edited by,

876 Corinne Marcou, Zoning Clerk

877 John Rogers, Zoning Administrator

878 Michael Hagan, Staff Liaison

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1 **City of Keene**
2 **New Hampshire**

3
4
5 **ZONING BOARD OF ADJUSTMENT**
6 **MEETING MINUTES**
7

8 **Monday, February 6, 2023**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Joseph Hoppock, Chair
Jane Taylor, Vice Chair
Michael Welsh
Richard Clough
Joshua Gorman

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk

9
10
11 **I) Introduction of Board Members**
12

13 Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting. Roll call was conducted.
15

16 **II) Minutes of the Previous Meeting: December 5, 2022**
17

18 Ms. Taylor stated that she has two corrections:
19

20 Line 488, page 14 of 50: the last word is “stable” and should be “statute.”

21 Line 1115, page 29 of 50: the text “under 674.54” should read “under RSA 674:54.”
22

23 Mr. Hoppock made a motion to approve the meeting minutes with the two edits. Ms. Taylor
24 seconded the motion, which passed with a vote of 4-0. Mr. Welsh abstained.
25

26 **III) Unfinished Business – Election of Chair and Vice Chair**
27

28 Ms. Taylor asked if she is allowed to re-nominate Mr. Gorman as chair, given that he is a
29 holdover [his term has technically expired]. Mr. Gorman replied that although it is allowable, he
30 thinks it is time to choose a new chair.
31

32 Ms. Taylor nominated Mr. Hoppock as Chair. Mr. Welsh seconded the motion, which passed by
33 unanimous vote.

34 Chair Hoppock nominated Ms. Taylor as Vice Chair. Mr. Welsh seconded the motion, which
35 passed by unanimous vote.

36 Mr. Gorman thanked the Board members and stated that it was a pleasure being Chair and
37 working with them. Ms. Taylor and other members thanked Mr. Gorman and expressed
38 appreciation for his work, especially during the challenge of the pandemic.
39

40 **IV) Hearings**

41 **A) ZBA 23-01: Petitioner, Christopher Masiello of Nuevo Transfers, LLC of 1**
42 **Bedford Farms, Suite 202, Bedford, NH, and represented by Jim Phippard of**
43 **Brickstone Land Use Consultants, LLC, requests a Variance for two properties each**
44 **located at 0 Carroll St. and two other separate properties located at 0 Elm St. and**
45 **225 Elm St., Tax Map #'s 536-049-000-000-000, 536-050-000-000-000, 536-055-000-**
46 **000-000 and 536-056-000-000-000. The Petitioner requests a Variance to permit a**
47 **building containing five dwelling units on a single lot in the Medium Density District**
48 **where no more than three dwelling units on a single lot may be permitted per**
49 **Chapter 100, Article 8.3.1.C.2a of the Zoning Regulations.**
50

51 Chair Hoppock noted a correction to the agenda: “ZBA 32-01” should be “ZBA 23-01.” He
52 introduced ZBA 23-01 and asked to hear from staff.
53

54 John Rogers, Zoning Administrator, stated that there are four properties involved with this
55 application. He continued that they are all in the Medium Density District, which has a
56 restriction of a maximum of three units, and that is why the applicant is before them tonight. On
57 the screen, the one that is highlighted yellow is one of the properties on Elm St. The other three
58 right around it are the other three that are part of this application.
59

60 Ms. Taylor stated that the application is phrased as being only three parcels – 0 Carroll St. and 0
61 and 225 Elm St. Mr. Rogers replied that until a structure is present, properties have a ‘0’
62 address, and on Carroll St. there are two ‘0’ properties. He continued that there are four tax map
63 numbers. Ms. Taylor replied that she saw that but thought it should say ‘0 Carroll St.’ twice.
64 Mr. Rogers replied that it says, “*two properties, each located at 0 Carroll St.,*” so he can see the
65 confusion, but there are four properties if you look at the tax map numbers.
66

67 Ms. Taylor asked if these parcels could support, based on the current zoning and the parcels’
68 size, a single-family unit or a duplex. Mr. Rogers replied that prior to this, the applicant had
69 applied for and received permits for four single-family homes. He continued that the applicant
70 will speak to it, but part of their hardship is the soil. They [Community Development Staff] had
71 to issue a stop work order when it became apparent that the soils on this property were not
72 suitable for a traditional foundation. He will let the applicant speak to the conditions, but yes,
73 there would be enough square footage there for four single-family homes. Without the three-unit
74 restriction, if they merged all four lots, they would have enough square footage (in the Medium
75 Density District) to have five units. That is part of the reason why the applicant is asking for
76 that.
77

78 Ms. Taylor stated that she was looking at the City's GIS for this, and the layers show that the
79 area is quite damp. She asked if any of these parcels are in a wetlands area. Mr. Rogers replied
80 that he does not believe there are delineated wetlands on any of these properties and they are not
81 within the floodplain. He continued that the moisture is certainly part of the soil conditions in
82 the whole neighborhood.

83
84 Chair Hoppock asked Mr. Rogers to clarify the location of the four lots in the image on the
85 screen. Mr. Rogers replied that directly to the right of the yellow square is one, as is the one
86 directly north, and the one to the northeast. Carroll St. is on one side and Elm St. is on the other.
87 These lots would need to be merged to do this type of development. It would be one lot with
88 frontage on both Elm and Carroll Streets. The applicant's package has a rendition of the
89 proposed site. If this were approved as a multi-family dwelling, it would have to go to the
90 Planning Board (PB) for site approval.

91
92 Chair Hoppock asked if anyone had further questions for Mr. Rogers. Hearing none, he asked to
93 hear from the applicant.

94
95 Jim Phippard of Brickstone Land Use Consultants stated that he is here on behalf of Nuevo
96 Transfers, LLC, the owner of the four lots. He continued that the plan shown on the board is
97 another version of the same GIS tax map from the City's database. He outlined in red the four
98 lots they propose merging. Ms. Taylor's question was a good one. These are all legal,
99 conforming lots in the Medium Density District. Originally, the owner applied for a building
100 permit to build a single-family home on each of the lots. When it was realized that the peat
101 known to exist in this neighborhood extends under these lots and creates an unsafe building
102 condition they were stopped, rightly so, by [Community Development] and were told they had to
103 hire a geotechnical consultant or qualified engineer to design a proper foundation to safely be
104 able to construct a building.

105
106 Mr. Phippard continued that the problem is the peat that exists under the ground's surface and
107 that it exists in several lots in this neighborhood. Nuevo Transfers hired M&W Soils
108 Engineering, having submitted copies of the boring log with the application. The soil
109 identification portion identifies where the peat is and how deep. It starts close to the surface and
110 extends to as deep as 16 feet, with trying to put a building on soils that contain peat or organic
111 material is problematic since peat acts like a sponge. It compresses easily when weight is put on
112 it, and a building built on peat settles. Several houses in this neighborhood were built prior to
113 extensive knowledge about the peat in the area. One house not too far from here was six inches
114 out of level, meaning that one portion of the house settled six inches more than the other portion.
115 Over the years, people have bought lots and determined how deep the peat was. If it was only
116 four or five feet deep, they would over excavate, remove the organic material, and put in suitable
117 material to build on. Even that was tricky to do without harming adjacent properties.
118 Excavating down into groundwater typically means pumping groundwater out to lower it, to
119 excavate material easier. You cannot do that in an area of peat as pumping the groundwater out
120 and lowering the groundwater table means letting that sponge squeeze and potentially affecting

121 neighboring properties. The history of these problems is why these lots remain undeveloped, and
122 now they have the knowledge of the peat's depth in this specific location.

123
124 Mr. Phippard continued that the geotechnical engineer recommended a pile foundation. Pile
125 foundations are found throughout the downtown area. That method of pile driving is still done to
126 a large degree, but now "helical piles" exist. Mr. Phippard explained, to think of an old-
127 fashioned auger drill, turning with its helical/spiral-shaped bit that can screw into wood. It is a
128 version of that, used for piles with a machine that screws it into the ground instead of pounding
129 it. They add another rod on top and keep going. These have been sized and used enough to
130 become acceptable as a house foundation. They are very expensive, depending on the depth
131 needed. These boring logs only went to 32 feet. The second column shows how many blows it
132 took for the auger to extend another six inches into the ground. Several say "WOH," which
133 means it extended into the ground just by the 'weight of the hammer', and they did not have to
134 pound it at all, because they were in the peat. Once they reached the peat, the auger just sank.
135 He has been on sites when they have done this and has seen how they can actually lose their
136 auger, if it extends deeper and they do not have their cable attached to stop it from sinking.
137 Here, luckily, it stopped at 16 feet. Below that was clays and silts, which is typical for under the
138 City of Keene, which is an old lakebed. The clay extends very deep and thick under the City.

139
140 Mr. Phippard continued that the company that sells the helical piles did drilling of their own and
141 determined that they can put in a helical pier system adequate to support a residential building,
142 having to extend at least 60 feet into the ground, turning into a tremendous expense. [Nuevo
143 Transfers] could not afford to spend \$100,000 on the foundation for one house. The contractor
144 worked with the geotechnical engineer and the company that could install the piers and came up
145 with a plan to save money by combining the units. That is when they came up with the idea and
146 came to him to ask about the possibility of merging the lots and doing a multi-family building.
147 They determined that there was enough square footage to support five units. The contractor and
148 property owner were trying to find a way to save this project of building housing and making it
149 affordable so people can afford to rent the units, making it practical, so [Nuevo Transfers] can
150 make a profit by doing this. He (Mr. Phippard) wanted them to stop at four units, but they felt
151 that it was still too expensive. [Nuevo Transfers] needs the fifth unit to make their plan work,
152 which is why he is before the ZBA on their behalf, asking for a Variance. In the Medium
153 Density District, the maximum number of units that can be on a lot is three.

154
155 Mr. Phippard went through the criteria.

156
157 *1. Granting the Variance would not be contrary to the public interest because:*
158 Mr. Phippard stated that it is well known that residential building lots in Keene are in short
159 supply, and housing is in even shorter supply. He continued that there is a serious need for
160 housing; he hears from clients who are manufacturers and employers in the area that they bring
161 employees into the area as they expand their industry, but the employees cannot find affordable
162 housing in the area. Keene's apartment vacancy rates are down to 0.3%, and without creating
163 more housing, that is a serious problem. This is an existing residential neighborhood, serviced

164 by City water and City sewer. There are City sidewalks here; it is a walkable neighborhood
165 close to downtown. Thus, this is a good residential area to build in, absent the problem of the
166 inadequate soils. A new residential building in this area will enhance the appearance of these
167 now-vacant lots. Over the years, debris has sometimes been left there and [Nuevo Transfers]
168 removed an old refrigerator and stove that were dumped on these sites, for example. Allowing
169 the lots to be developed is in the public interest because it will clean it up and increase the value
170 of these properties and the taxes paid to the City of Keene.

171
172 Mr. Phippard continued that the application he submitted includes the concept plan he did,
173 showing a five-unit building. It shows the size the owner would propose to build. The building
174 would be 32 feet deep and 90 feet long. It would be a two-story building of five townhouse
175 apartments. Each two-bedroom apartment would be about 1,150 square feet, which is a good
176 size. They are a little bigger than the units he (Mr. Phippard) built at Farmstead Commons in
177 Keene, which sold out well. Due to the location, these (five units Nuevo Transfers proposes)
178 will be on the affordable end of rental units in Keene – that is, not \$2,000 per month – and
179 should be well received.

180
181 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

182
183 Mr. Phippard stated that this is consistent in a residential neighborhood in the Medium Density
184 District. He continued that existing housing is marked up on his plan and shows that [Nuevo
185 Transfer's] lot would become the biggest in the neighborhood, at .75 acres. He showed the
186 multi-family buildings he has identified, mainly three-family but with a couple six-family units.
187 There is a mix of single-family homes and multi-family residences, and he believes this will fit
188 in because of that. He continued that as the concept plan shows, there is plenty of room for
189 parking as the City requires two parking spaces per dwelling unit. There is a large yard space
190 behind each of the units, for gardens or play areas. If this is approved and goes to the PB, they
191 will use part of that area for stormwater treatment and retention. City storm drains are on both
192 streets where they would put in an overflow system to overflow into the City storm drains. [This
193 project] would not be increasing runoff in the area, but again, that is a PB issue.

194
195 Mr. Phippard continued that he thinks this project fits well in the neighborhood. The other lots,
196 due to being smaller, have less green space. Even the three-family lots, although larger, have far
197 less green space than what would be created on this lot. By his calculations for this type of
198 layout, the proposed lot coverage would be about 28%. That is well under what the City allows
199 in the Medium Density District. This would comply with all of the Zoning dimensional
200 requirements except for the number of units on one lot. Thus, he believes it meets the spirit of
201 the Ordinance.

202
203 3. *Granting the Variance would do substantial justice.*

204
205 Mr. Phippard stated that the owner of these properties bought them in 2022, thinking that they
206 were vacant building lots that met all the zone requirements, and he could build single-family

207 homes on them. He continued that it was not until after [Nuevo Transfers] bought the lots and
208 applied for the permits that they discovered the problem with the peat. He wishes [Nuevo
209 Transfers] had asked him about that beforehand, because he could have told him before he
210 bought the lots. Nonetheless, [Nuevo Transfers] owns these lots, and the only way he can build
211 on them – and this was quite a bit of expense just to get to this decision – is to use the helical
212 piers. This very expensive foundation system requires asking for the additional unit, which is
213 what is driving this. Building on the lots in this manner would not be out of place in the
214 neighborhood. It would match the character of the multi-family units in the neighborhood, and it
215 meets all the other zone dimensional requirements. He does not think it would hurt property
216 values. He thinks it would help protect property values in the neighborhood and would do
217 substantial justice for the property owner.

218
219 4. *If the Variance were granted, the values of the surrounding properties would not be*
220 *diminished.*

221
222 Mr. Phippard stated that he thinks it is true that the values of surrounding properties would not be
223 diminished. He continued that it has not been a serious, continuing problem, but there has been a
224 problem with people dumping [trash] on the vacant lots. That will stop, which will help clean up
225 this area and help protect the values in the neighborhood. Again, he thinks [this project] will
226 maintain the character, because of other multi-family units in the area. They chose to front the
227 building in the area where City sidewalk exists, facing Elm St. Parking will be to the side and
228 rear. He knows the PB will require more screen plantings, but they will maintain the trees along
229 the Carroll St. frontage and along the boundary to the greatest extent possible. If they need more
230 screening, they can add it. This project will protect the values of surrounding properties and help
231 provide needed housing.

232
233 5. *Unnecessary Hardship*
234 A. *Owing to special conditions of the property that distinguish it from other properties in the*
235 *area, denial of the variance would result in unnecessary hardship because:*
236 i. *No fair and substantial relationship exists between the general public purposes of the*
237 *ordinance provision and the specific application of that provision to the property because:*

238
239 Mr. Phippard stated that the special condition of this property is the peat. He continued that
240 [Nuevo Transfers] did not know about it when they bought the properties, then discovered it, and
241 now is trying to deal with it. He thinks they are dealing with it the correct way, with the only
242 way to build on this lot is to do something like this pier foundation. It would not be proper to
243 excavate and try to remove the material, because it is too deep in the ground and is deep in the
244 groundwater. It is not feasible to excavate the material without disturbing and endangering other
245 properties, causing excessive settlement and movement. It is a serious problem, and the owner is
246 trying to do what is correct. He hopes the ZBA can recognize this special condition.

247
248 *and*
249 ii. *The proposed use is a reasonable one because:*

250 Mr. Phippard stated that this proposed multi-family use is reasonable in a residential
251 neighborhood that contains multi-family residential uses. He continued that this vacant lot has
252 City water, City sewer, and sidewalks. City streets are available to the site, and it is a walkable
253 neighborhood. It is consistent with the character of the neighborhood.

254
255 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
256 *hardship will be deemed to exist if, and only if, owing to special conditions of the property that*
257 *distinguish it from other properties in the area, the property cannot be reasonably used in strict*
258 *conformance with the ordinance, and a variance is therefore necessary to enable a reasonable*
259 *use of it.*

260
261 Mr. Phippard stated that he repeats what he said previously, the merged lots are necessary in
262 order to make the project feasible. He continued that they cannot do single, individual homes as
263 he knows the neighbors would prefer, because it is too expensive, and no one could afford to live
264 in those units.

265
266 Chair Hoppock asked if the Board had questions for the applicant.

267
268 Mr. Welsh stated that Mr. Phippard talked about excavating down to non-peat material and then
269 filling. He asked if he is wrong in thinking that if someone were to do that – pull all the peat out
270 and then put in some sort of impervious material –the water would have to go somewhere, and
271 that strategy would likely have some sort of impact on neighboring properties.

272
273 Mr. Phippard replied that it depends on how they do it. He continued that because of the depth,
274 they would have to use cofferdams, large sheets of corrugated metal pounded into the ground to
275 enclose the whole area. Then they try to excavate deep enough to get through the peat to remove
276 it all. It would be pulled out a bucket at a time. If someone like M&W Soils were going to take
277 that on, they would say you could not de-water the site because it would endanger surrounding
278 properties, suggesting to leave the water alone. They would have to work slowly and pull the
279 material out. As long as they coffer dammed the area, nothing else could slough in to try to fill
280 in the hole. Then they would replace the material, probably with crushed stone, which can
281 compact even in water; you cannot compact water. You cannot dump in sand and run a
282 compactor over it; it would not work. It gets very tricky and has to be done properly. The use of
283 the cofferdams, and the process of trying to excavate, is even more expensive than doing the pier
284 foundations. The piers became the only viable solution that [he and Nuevo Transfers] could find
285 for how to do this without endangering surrounding lots.

286
287 Ms. Taylor stated that the soil information Mr. Phippard gave the Board uses the expression
288 “flowing sand.” She asked what that is. Mr. Phippard replied that when they do borings like
289 this, they are not just pounding a bit into the ground; they want to pull samples out to examine.
290 He continued that they were in a layer of coarse sand, which was completely saturated with
291 water, and screwed the sample tube through it and pulled it back out of the hole. Coarse sand
292 saturated with water will not stay in the tube, the sand flows right out. Thus, they pulled the

293 sample tube up out of the hole and found it empty. They could see this coming, because the sand
294 got coarser and coarser the deeper, they went as is typical in Keene. As the lake formed here
295 from the glaciers in who-knows-when, the area rivers where the coarse sand existed got
296 overtopped and inundated with water and silts and clays formed at the bottom of the lake,
297 covering that. Thus, they see this situation throughout the city, where they might drill through
298 30 feet of clay and suddenly there is beautiful sand and gravel when they were expecting more
299 clay. Downtown, it is all clay under Main St., all the way down to ledge/bedrock. With that
300 situation, they worry about the clay consolidating under the weight of multi-story buildings,
301 which is why they drive the piles when they are building in downtown Keene. To get through
302 the clay, the piles sit on the ledge, which supports the building. For houses, they use these
303 augers/helical piles, down to a depth of at least 60 feet. At the top, they use grade beams to
304 connect the top of a pile to the next pile to the next pile, then do a frost wall. These buildings
305 will be a slab on grade, with no basements, due to the water in the area. The basements would be
306 wet, and water getting through would eventually be a problem. They could use a sump pump,
307 but it would never end.

308
309 Ms. Taylor asked if it is correct that the sample depths go down to 32 feet. Mr. Phippard replied
310 yes. Ms. Taylor asked if they drill the helical piers down to bedrock. Mr. Phippard replied no,
311 they would go down at least 60 feet. He continued that the company that does the helical piers
312 came in and did their own borings, which he does not have. However, the report the company
313 gave to the contractor and the owner includes the price for the company to drill down 60 feet and
314 screw the helical piers in. It is not like the pile drivers you see downtown. Ms. Taylor asked if it
315 is correct that Mr. Phippard does not know what is beyond 32 feet. Mr. Phippard replied that he
316 assumes dense clay. He continued that it is not just a matter of a building sitting on something
317 hard enough to hold it; soil *friction* also supports the weight. It gets complicated and he will not
318 go into all the technical details, but this company knows what they are doing and how to go deep
319 enough to hold up a two-story residential building.

320
321 Ms. Taylor stated that she looked at the City maps online, and apparently, the 225 Elm St. parcel
322 once had a house. She asked whether Mr. Phippard knows anything about that and about its
323 demolition. She is curious as to whether it was a structural issue with the foundation. Mr.
324 Phippard replied that he was told it was a structural failure; the house had settled un-uniformly.
325 He believes it was 11 inches out of level across 30 feet of the house, and it was not livable.
326 Windows were breaking, doors would not open, and the basement flooded.
327 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he
328 asked for public comment, beginning with people opposed to the application.

329
330 Carl Babbitt of 152 Carroll St. stated that he lives on the corner of Carroll and Spruce St. and has
331 owned his house for about 14 years. He continued that he is not against anyone owning a house.
332 He owns a Habitat for Humanity house and is very proud of that. It is on a slab. What he is not
333 proud of is that when he looks out his kitchen window, this property “is disgusting” – nothing
334 but dirt mounds. A while back, there was a lot of rain, causing a lot of mud. He is not against
335 anyone building a house here but thinks they should go by the law. If the law is three houses,

336 then let three houses be there. Mr. Babbit said there are many multi-family units on this street;
337 there are also many children. Cars have been flying up and down the street and one day one of
338 those children will get hit because of the [speeding]. He only wants to see what is allowed by
339 law. He gets up at 3:30 AM to go to work, for the State of NH, and comes back at 4:30 or 5:00
340 PM. He wants to see only what is proper and allowed by law. His house is on a slab because
341 when it was first built, his understanding is that Habitat for Humanity had to go to the ZBA for a
342 Variance because of the wetlands and his property gets really wet. He has done things to
343 circumvent that. Other than that, he asks that people stick to the law. He is a taxpayer and has
344 been paying his taxes right along. He is a good homeowner and takes care of his property. He
345 does not want to see property values go down or something bad happen.

346
347 Ronald Dunn stated that he lives right across the street at 228 Elm St. He continued that he
348 knows what was there [at the properties in question], and he knows what was left there by the
349 person who bought it when he demolished the house. He does not know if the contractor knows
350 there is still cement in the ground in several places. He does not know if this [project/plan]
351 would work or not. It would be nice to see something there, but he does not know about five
352 units and questions the measurements as five units seems like a lot. Using the map, he indicated
353 the location of where the house used to be, and where the foundation was/is. He showed the
354 back corner where a person dumped several slabs of the walls, twenty feet down. He continued
355 that he does not know if the contractors would have to dig all that up and remove it to get it out
356 of the way of the helical piers. He thinks it would be too expensive, which is why he is unsure
357 about this project. He does not know what is underneath the other properties, but he has seen
358 what is underneath that one, and it was still peat. It is now several layers of stone, from large
359 stones to smaller stones to smaller stones. They did not get to the final grade and at what grade
360 will all of this end? At the level of the sidewalk, or higher? When it rains, this [neighborhood]
361 floods, especially in big rains, even his yard floods. Every year, since they have redone Elm St.,
362 a section of his property floods every spring with knee-deep water. Since they put the road in,
363 some of the land has sunk, about a foot. He watched as they were digging it, and told one of the
364 crew members, "Hey, you broke a pipe." The crew member told him, no, that was a root that
365 was pulled out, and the water was running out from his [Mr. Dunn's] land, into where the road
366 was going to be, thus, his land is on a ton of water. He hopes it is not leaking through the road
367 over to [Nuevo Transfer's property], but if it does, he does not know what will happen.

368 Chair Hoppock asked if anyone else wanted to speak in opposition to this application. Corinne
369 Marcou, Zoning Clerk, stated that the ZBA received a letter in opposition that needs to be read
370 into the record.

371
372 Chair Hoppock stated that they have received a letter from Michael Melisi on behalf of abutter
373 Ann Claridge. He continued that Ms. Claridge's statement is as follows:

374
375 *"To the Zoning Board of Adjustments,*

376
377 *This letter is pertaining to the request for 5 apartments being built in one building.*

378

379 *Please let me introduce myself. I am Ann Claridge. I own the house and property at 140 Carroll*
380 *St. (TMP#)536-051-000-000-000.*

381
382 *My house is a split entry with a cellar that gets water in it every time it rains and when the snow*
383 *melts. The house was built on peat and the yard is all peat. My property abuts the vacant lot*
384 *and after heavy rains and snow melt, it floods up to my large maple trees beside my house in the*
385 *back yard. It also floods over from the vacant lot. The vacant lot used to have trees and bushes*
386 *on it that would suck up the water. But now they have been removed and I am very concerned*
387 *about the water levels being much worse now and my cellar being flooded even more. I hope*
388 *your committee can help with this problem.*

389
390 *Now to get to the subject of one building with 5 apartments in it. I definitely do not want that to*
391 *happen. I can see one building with 3 apartments in it that have nice size apartments in it like*
392 *the one on Carroll St. Putting 5 apartments in one building [would mean] the apartments would*
393 *be so small. It would look like a slum area. Are these apartments going to have 2 floors and a*
394 *cellar? Nothing has been mentioned about this. Also, nothing has been mentioned about*
395 *parking cars or pickups. What is going to be done in that area? If the peat is not taken out and*
396 *sand or gravel put into that area, cars and trucks will be sinking into the ground and the owners*
397 *will be up to their knees in mud. Is the dumpster going to be fenced in so the trash can't be*
398 *blown all over the place and neighborhood? The dumpster has to be put on a very sturdy area*
399 *also or it will be sinking.*

400
401 *There are 4 house lots that I know about that had trees, brush, peat and water that was all*
402 *removed and lots of sand brought in before the houses were built. Three on Carroll St. and one*
403 *on Elm St.*

404
405 *(TMP)#549-024-000-000-000 104 Carroll St.*
406 *(TMP)#549-024-000-000-000 110 Carroll St.*
407 *(TMP)#536-052-000-000-000 152 Carroll St.*

408
409 *The house on Elm St. and had to be demolished because the cellar flooded every time it rained or*
410 *snow melted. The land was all dug out and the peat was removed and sand brought in my*
411 *(TMP#)536-051-000-000-000 140 Carroll St. There is a house directly behind my house on Elm*
412 *St. [but] I do not know their name, address, or number.*

413
414 *Looking from Carroll St. over to Elm St. that house lot is to the left of the house directly behind*
415 *my house. I don't know if Christopher Masiello bought that property also. I would think he*
416 *probably did.*

417
418 *I also have a major concern about the pounding of the posts into the ground to hit hardpan or*
419 *clay to hold the building. That is going to shake all of the homes around that area, especially the*
420 *houses built on peat, and seriously do damage to other houses in the neighborhood.*

421

422 *Voting NO to 5 units.*

423

424 *Thank you,*

425 *Ann Claridge”*

426

427 Chair Hoppock asked if anyone wanted to speak in support of the application. Hearing none, he
428 asked if Mr. Phippard wanted to respond to the public comments.

429

430 Mr. Phippard stated that Mr. Babbitt was complaining about the condition of the property as it
431 exists. He continued that this is what he was referring to with vacant properties – [trash] gets
432 dumped, does not get cleaned up, and becomes unsightly. Obviously, the owners would have to
433 clean it up in order to build a new building and parking area on the property. The laws allow
434 five units on that land area. He is just changing it to one lot instead of four lots. Originally,
435 [Nuevo Transfers] was going to build four houses but determined that it was not feasible. What
436 the application proposes is allowed under the City’s existing regulations.

437

438 Mr. Phippard continued that Mr. Dunn pointed out that some of the concrete foundation was
439 probably left in place. Obviously, [Nuevo Transfer’s] contractor would remove that because the
440 proposed building is along that frontage. That will be cleaned up.

441

442 Mr. Phippard continued that many of the [other comments from the public] were issues for the
443 PB; he does not know if the ZBA wants him to respond, although he is willing to do so. He does
444 not have a site plan completed yet. They have yet to design drainage, which is always a big one,
445 but obviously, he would propose raising the location of the building a couple feet and then slope
446 down around it with a drainage collection system that keeps water on the site. They do not want
447 to run the water into the street. They have to keep it on site, per NH law and the City’s Zoning
448 requirements. All of those issues will be addressed with the PB, and as Mr. Rogers mentioned,
449 this project requires PB review, because it is not a single-family home nor a duplex. Other items
450 they will address include drainage, screening, lighting, and landscaping, which the PB
451 regulations require.

452

453 Mr. Phippard showed the concept plan he prepared. He continued that once he looked at the land
454 area, his thinking was a single building, adequately sized for two-bedroom units, with 1,150
455 square feet per unit. He wanted to front it on Elm St. because that is where the sidewalk is,
456 creating a good façade and street frontage setting. Regarding access to the property, they would
457 eliminate all the other curb cuts on the separate lots, to have a single curb cut from Elm St. into
458 the parking area. He identified a dumpster location, which is required to be on a concrete pad.
459 The entire parking area would be excavated, putting down fabric, which acts as a unifier, holding
460 together the gravel put on it. A gravel parking lot that sits on fabric can sustain the weight of a
461 vehicle without non-uniform settlement, so that is how he designed that. The concrete pad
462 would also be on the same material. They would over excavate, put in the fabric, bring in 18
463 inches of gravel (12 inches anchoring, 6 inches crushed), and put a concrete pad on top. The
464 City’s development standards require screening dumpsters with 6’ high fencing. The letter-

465 writer had a concern that rubbish would blow through the neighborhood, but obviously, they will
466 not allow that to happen. He thinks this project will be a huge improvement over what is there
467 today. Keene badly needs housing, and this is a step in the right direction.

468
469 Carl Babbitt asked how far back the house will be from the sidewalk. Mr. Phippard replied
470 about 20 feet. He continued that Zoning requires a building to be 20 feet back from the property
471 line.

472
473 Mr. Babbitt asked why a soil test was not done prior to purchase. He continued that when he
474 bought his house, he had to have a soil test done and that he, too, had water issues to deal with.
475 Chair Hoppock replied that the question is not so relevant for this meeting, but probably, the
476 owner just did not know he needed one. Mr. Phippard stated that if a lender is involved, the
477 lender requires all those tests to be done. He continued that in this case, there was no lender –
478 [Nuevo Transfers] just paid cash. Not having a soil test done was a mistake.

479
480 Chair Hoppock asked if the ZBA had further questions.

481
482 Ms. Taylor stated that she has a question for Mr. Rogers. Many years ago, there was an attempt
483 to develop a parcel of land at the corner of Carroll St. and North St., but they gave up and that is
484 now in conservation, mostly because it is a peat bog. She continued that she realizes that these
485 were subdivided lots a long time ago. She is curious as to why all of this testing does not scream
486 that this is another peat bog. She does not know how the City goes about identifying these
487 things.

488
489 Mr. Rogers replied that he thinks that is exactly what the applicant is implying – this is now a
490 peat bog, and hence why an engineer was required to determine what kind of foundation these
491 soil conditions would require. He continued that people are building on another lot down the
492 street, which has soils that are probably slightly different, because his opinion is that the peat bog
493 is deepest in this area. A little further down, the City attempted to develop the field that was
494 behind the Keene Housing property and had to stop because that was all peat. Ms. Taylor replied
495 that she thinks that is the one she is thinking of. Mr. Rogers continued that they were going to
496 build something like a ballpark there but were unable to. That is probably the worst area. He is
497 not sure exactly what Ms. Taylor’s question is.

498
499 Ms. Taylor replied that she is concerned because a peat bog is within the definition of wetlands.
500 She continued that if this is wetlands, she questions whether anything should be built there,
501 notwithstanding the fact that this person has purchased the property. Mr. Rogers replied that the
502 words “peat bog” are probably being thrown around a little too easily. He continued that
503 certainly there is a huge layer of peat and he does not know the official definition of “peat bog.”
504 The fact is that a house was previously built on one of these lots. They are subdivided lots. He
505 apologizes for using the term “peat bog.” There is peat. Ms. Taylor replied that she is the one
506 who brought up the term. She continued that she is not an engineer or a soil scientist, but
507 intuitively, it strikes her that a form of wetlands is what they are looking at.

508 Mr. Gorman stated that he has a question for Mr. Rogers, too. Would it be fair to say that all of
509 these issues that fall under the category of engineering or wetlands delineations/wetlands
510 regulations are not really ZBA issues? He continued that they are more building permit issues,
511 State of NH regulations and City regulations that will need to be complied with, right down to
512 the parking, the dumpster, and all of the issues that have been raised. Those issues are not why
513 the ZBA is here tonight. They are here tonight to see if the Board can approve a Variance for
514 five units where three are allowed.

515
516 Mr. Rogers replied that is correct. He continued that many of these issues are ones that would
517 pop up under the PB application and approval process. Certainly, they would be looking into
518 that soil specialist if required by the PB, but Mr. Gorman is correct that the PB would be
519 covering these issues.

520
521 Mr. Phippard stated that regarding Ms. Taylor's question, the surface soils existing at the site are
522 not wetlands soils. He continued that it is not peat; it is sand and silt. That is why no wetlands
523 were delineated on the property. It did not look like wetlands, but the peat begins four feet
524 down. Over the years, he does not know who did it, but someone obviously filled it with sand
525 and silt in hopes of building on it. Apparently, they tried to build on the Elm St. lot where the
526 house was torn down, and it failed. The problem is the depth of the peat. It is not at the surface,
527 so unless you are trained to look for it, you will not know it is there.

528
529 Chair Hoppock asked if it is fair to say that the peat exists about four feet below the surface to 32
530 feet below. Mr. Phippard replied four feet to 16 feet below.

531
532 Chair Hoppock asked if there were any further questions. Hearing none, he closed the public
533 hearing and asked the Board to deliberate.

534
535 Ms. Taylor stated that she brought up the issue of wetlands because she felt it had some bearing
536 on the public interest criterion the Board has to look at. She continued that it is true that housing
537 is in short supply, though she does not necessarily think that is enough of a reason for a
538 Variance, given everything else they have to look at. However, she suspects that if this were not
539 wetlands, then using it for housing would be in the public interest. Personally, she would prefer
540 to see four units instead of five. Four would fit individually on those lots, and financial interest
541 should not be the sole determining factor.

542
543 Chair Hoppock asked how the wetlands issue would be addressed in the further regulatory
544 process for this [application], such as the PB review. He continued that he is not sure if this is
545 wetlands, although he doubts it. Mr. Rogers replied that he appreciates Mr. Phippard's response,
546 about how this is a site that if you were to drive by, [you would not see wetlands]. He continued
547 that as Mr. Phippard stated, these vacant lots were subdivided back in the day, and this became
548 an area where people started to put stuff down and you now have four to six feet of silty sand on
549 top. He is seeking the definition of "peat bog," but he thinks that the presence of 12 feet of peat
550 does not necessarily make it a "peat bog" or "wetlands" in this setting. They could confer with

551 the State’s wetlands division to get their opinion, but seeing these lots, how long they have been
552 there, with one of them having already been developed, he does not think this would meet the
553 criteria. Mr. Rogers will reach out to the NH Department of Environmental Services (NHDES).
554

555 Chair Hoppock stated that he thinks this application would serve the public interest for
556 addressing the need for housing in this community. He continued that in terms of the impact on
557 the neighborhood of three (units) versus five, he thinks it fits in with the neighborhood more than
558 it does not fit in; and it is consistent with what is there, generally. This particular property seems
559 to have an abundance of this special condition located right in the middle of it – the peat. He did
560 not hear that other properties had higher concentrations of it. Maybe they do not have that data.
561 He can accept that the peat is a special condition.
562

563 Mr. Gorman stated that in terms of the application being in the public interest, he thinks this does
564 meet that requirement. Number one, they have a shortage of housing in the city – and in the state
565 and nation, probably – so the project is filling a need for the public. He continued that he does
566 not think there is much public gain from having a vacant lot. In fact, the ZBA heard testimony
567 from neighbors who are discouraged by the condition of the lot presently. He thinks that some of
568 the issues the neighbors brought up in opposition to this development could actually be alleviated
569 by the development, in the long term. They will gain water retention from it because the
570 developer will have to put in a water retention system, which will be a plus for the neighbors.
571 They will lose vacant lots, and gain something new and nicely laid out while serving a need for
572 the public. He thinks it could actually end up being advantageous to the neighbors. That fits in
573 with the property value criterion as well.
574

575 Mr. Gorman continued that the spirit of the Ordinance, generally speaking, to not allow more
576 than three units on one lot, is something he appreciates, but he does not think it was written with
577 the thought in mind that four lots would be being merged. That creates a unique situation, with
578 four individual building lots being put together. If someone was trying to put three units on each
579 individual building lot, they could in theory have 12 units. This applicant is seeking to merge
580 four lots to have five units, which seems reasonable and within the spirit of the Ordinance to
581 him. He certainly thinks the soil conditions create a hardship. Even the abutters, as well as the
582 applicant supported that hardship.
583

584 Mr. Welsh stated that the spirit of the Ordinance, as he reads it, is expressed as this being a zone
585 that is designed to encourage residential development. He continued that this is a way of getting
586 residential development on a vacant lot in this zone. It also says, “three units,” but he thinks that
587 is less important in terms of the spirit and priorities of the zone. In this case, going above three
588 units is the necessary feature of having to get the residential development here. Thus, he thinks
589 the application is consistent with the first two criteria.
590

591 Chair Hoppock replied that in that vein, he would argue that approving the application would
592 grant substantial justice to the owner. He continued that it does not matter much to him that the
593 owner did not know about the peat; the condition of the property is what it is. The owner is

594 trying to do something with it. If the ZBA denied him the ability to do something with it, it
595 would cause him great loss, without any corresponding gain to the public. He does not see that
596 balance working out in favor of the public at large.

597
598 Ms. Taylor stated that going back to the second criteria, the spirit of the Ordinance, her only
599 comment is that five units speaks more of a high density development as opposed to medium
600 density. That is her only her only concern in that area.

601
602 Ms. Taylor stated that regarding the substantial justice criterion, she thinks this is probably a
603 wash.

604
605 Chair Hoppock asked if anyone had thoughts on the fourth criterion, the impact to surrounding
606 properties. Mr. Clough stated that he cannot see how it would have a negative impact. He
607 continued that they would be cleaning up something everyone has said is an eyesore – for
608 example, there were appliances dumped there. If it were not developed in some way, it would
609 probably continue to accumulate things of that nature, whereas in the other direction, if they fix it
610 up it improves everyone’s feeling about their neighborhood. Chair Hoppock added that it could
611 likely increase the values of surrounding properties and continued that that is a realistic
612 conclusion for him.

613
614 Chair Hoppock asked for Board members’ comments on the hardship criterion. Mr. Gorman
615 stated that he thinks the applicant did a good job of describing the situation the property owner
616 finds himself in and finds himself looking for solutions to. He continued that this is seemingly a
617 viable solution. He thinks the soil conditions necessitate a unique situation and sees it as a
618 hardship. He does not think you can have someone own and pay taxes on four building lots that
619 they are hamstrung on and cannot do anything with. If the Board created that, they would be
620 creating a hardship for the owner. He thinks the proposed use is reasonable, given that there are
621 four building lots, which four single-family homes would be allowed on. These are townhouse-
622 style apartments of about 1,000 square feet apiece, which means about a 5,250 square foot
623 structure, based on what Mr. Phippard said. There is adequate parking and green space and they
624 would be cleaning up a vacant lot. All of this is reasonable to him.

625
626 Chair Hoppock stated that he agrees with all those comments. He continued that he would also
627 point out that the purpose of the Zoning Ordinance, in terms of the limit to the number of units
628 on a lot, is to regulate density. Here, they are looking at adding one more living unit than the
629 applicant could have if he left the lots the way they are. As Mr. Gorman mentioned, putting
630 them in one building, with roughly 1,100 square feet per two-bedroom unit, does not, in his
631 view, impact density significantly or at all. There is little connection between the overall
632 purpose of the regulation to this property, and the special condition of the property means that
633 imposing that regulation causes a hardship, in his view. He thinks the fifth criterion is met.

634
635 Mr. Gorman stated that he wants to add, in terms of the abutters’ concerns, that he is confident
636 that the process of developing this property, given the stringent building requirements and

637 stringent wetland requirements, will allay most of their fears. He continued that the abutters'
638 concerns are legitimate, but most can be solved through engineering. He thinks this could end up
639 being a good situation for everyone.

640

641 Chair Hoppock asked if the Board had further comments on this application. Hearing none, he
642 asked for a motion.

643

644 Mr. Gorman made a motion to approve ZBA 23-01 without any conditions, to approve five
645 dwelling units in a single lot in the Medium Density District where no more than three units on a
646 single lot may be permitted. Chair Hoppock seconded the motion.

647

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

649

650 Met with a vote of 5-0.

651

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

653

654 Met with a vote of 5-0.

655

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

657

658 Met with a vote of 5-0.

659

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

662

663 Met with a vote of 5-0.

664

665 5. *Unnecessary Hardship*

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

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

670

671 Met with a vote of 5-0.

672

673 *and*

674 ii. *The proposed use is a reasonable one.*

675

676 Met with a vote of 5-0.

677

678 The motion to approve ZBA 23-01 carried with a vote of 5-0.

679

680 V) **New Business: Adoption of the 2023 Meeting Schedule**

681
682 Chair Hoppock asked if anyone had comments or questions about the 2023 meeting schedule.
683 Hearing none, he asked for a motion.

684
685 Mr. Gorman made a motion to approve the 2023 meeting schedule. Chair Hoppock seconded the
686 motion, which passed by unanimous vote.

687
688 VI) **Communications and Miscellaneous**

689
690 VII) **Non-public Session (if required)**

691
692 VIII) **Adjournment**

693
694 There being no further business, Chair Hoppock adjourned the meeting at 7:53 PM.

695
696 Respectfully submitted by,
697 Britta Reida, Minute Taker

698
699 Reviewed and edited by,
700 Corinne Marcou, Zoning Clerk

701
702 Reviewed and edited by,
703 Jane Taylor, Vice Chair

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122 WATER ST. ZBA 23-02



Petitioner requests an Equitable Waiver to allow a roof overhang to extend 2.87 feet into the front setback Per Chapter 100, Articles 5.4.2 of the Zoning Regulations .



NOTICE OF HEARING

ZBA 23-02

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-02: Petitioner, Hundred Nights Foundation, Inc., and represented by Jim Phippard of Briskstone Land Use Consultants, LLC, requests an Equitable Waiver for property located at 122 Water St., Tax Map # 585-027-000-000-000 and is in the Business Growth and Reuse District. The Petitioner requests an Equitable Waiver from Article 5 Section 5.4.2, front setback, to allow a roof overhang to extend 2.87 feet into the front setback.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date February 23, 2023



For Office Use Only:	
Case No.	2BA23-02
Date Filled	2/16/23
Rec'd By	CM
Page	1 of 11
Rev'd by	

Zoning Board of Adjustment Equitable Waiver Application

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keenenh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Hundred Nights Foundation Inc

MAILING ADDRESS: 17 Lamson Street PO Box 833 Keene NH 0343

PHONE:

EMAIL:

SIGNATURE: *Mindy Cambiar*

PRINTED NAME: MINDY CAMBIAR

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: James P Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester Street Keene NH 03431

PHONE: 603-357-0116

EMAIL: jhippard@ne.rr.com

SIGNATURE: *James P. Phippard*

PRINTED NAME: James P Phippard

SECTION 2: GENERAL PROPERTY INFORMATION

Property Address: **122 Water Street**

Tax Map Parcel Number: **585-027-000-000-000-000**

Zoning District: **Business Growth & Reuse**

Lot Dimensions: Front: **136' +/-** Rear: **142' +/-** Side: **173' +/-** Side: **216' +/-**

Lot Area: Acres: **0.62** Square Feet: **27,090 SF**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **18.8%** Proposed: **18.8%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **58 %** Proposed: **58%**

Present Use: **Hundred Nights Shelter & Resource Center**

Proposed Use: **Hundred Nights Shelter & Resource Center**

SECTION 3: WRITTEN NARRATIVE

Article 25.8.5.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed waiver.

See Attached

SECTION 4: APPLICATION CRITERIA

An Equitable Waiver of Dimensional Requirements is requested from Article _____ of the Zoning Ordinance to permit:
See Attached

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value.



February 16, 2023

**Request for Equitable Waiver
Hundred Nights Shelter
122 Water Street**

An Equitable Waiver of Dimensional Requirements is requested from Article 5 Section 5.4.2, Front Setback, to allow a roof overhang to extend 2.87 feet into the front setback.

Narrative

122 Water Street is owned by Hundred Nights Foundation, Inc. It is a 0.62 acre lot in the Business Growth & Reuse (BGR) district. A new homeless shelter and resource center is under construction at the site and nearly complete. A city inspector recently noticed that the roof overhang on the Water Street frontage appeared to be projecting into the front setback area. An as-built survey performed by Huntley Survey & Design, PLLC determined that the roof overhang projects into the front setback area by as much as 2.87 feet. At this point it would be too costly to move the building or to alter the roof overhang to correct the violation. Ice and snow guards have been installed on the roof to prevent snow and ice from falling in this area next to the city sidewalk. An Equitable Waiver is requested to allow the overhang to remain.

Application Criteria

- 1. The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bonafide purchaser for value.**

The exterior of the new building is essentially complete. The violation was not discovered until early February when a city inspector noticed the drip line from the roof along the Water Street side of the building was very close to the sidewalk. A licensed land surveyor was called to do an as-built survey of the existing building. The building foundation was located correctly at 5 feet from the front property line, but the roof overhang has been determined to encroach as much as 2.87 feet into the front setback.

2. **The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority.**

The encroachment of the roof overhang into the front setback was an oversight by the design team. While the site plan shows the building located at the front setback, they did not include the overhang on that side of the building. This resulted in the completed overhang extending up to 2.8 feet into the front setback.

3. **The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.**

The encroachment into the front setback area does not affect any adjacent properties. While the dripline is closer to the sidewalk than planned, the owner is adding snow and ice guards to prevent any snow or ice from falling on the city sidewalk. The construction of this new building has improved the value of this property and enhanced property values in the area.

4. **Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained that it would be inequitable to require the violation to be corrected.**

It is not feasible to consider moving the building. The cost to remove the overhang on the front side of the building would be 10's of thousands of dollars. There is no public benefit to requiring the removal or relocation of the building on the site. The safety issue of falling snow and ice has been addressed with the installation of ice and snow guards. It would be inequitable to require the violation to be corrected.

5. **In lieu of the first two findings required by the board in subsections (a)(1) and (2) of this section, the owner may demonstrate to the satisfaction of the board that the violation has existed for ten years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the city or any person directly affected.**

N/A

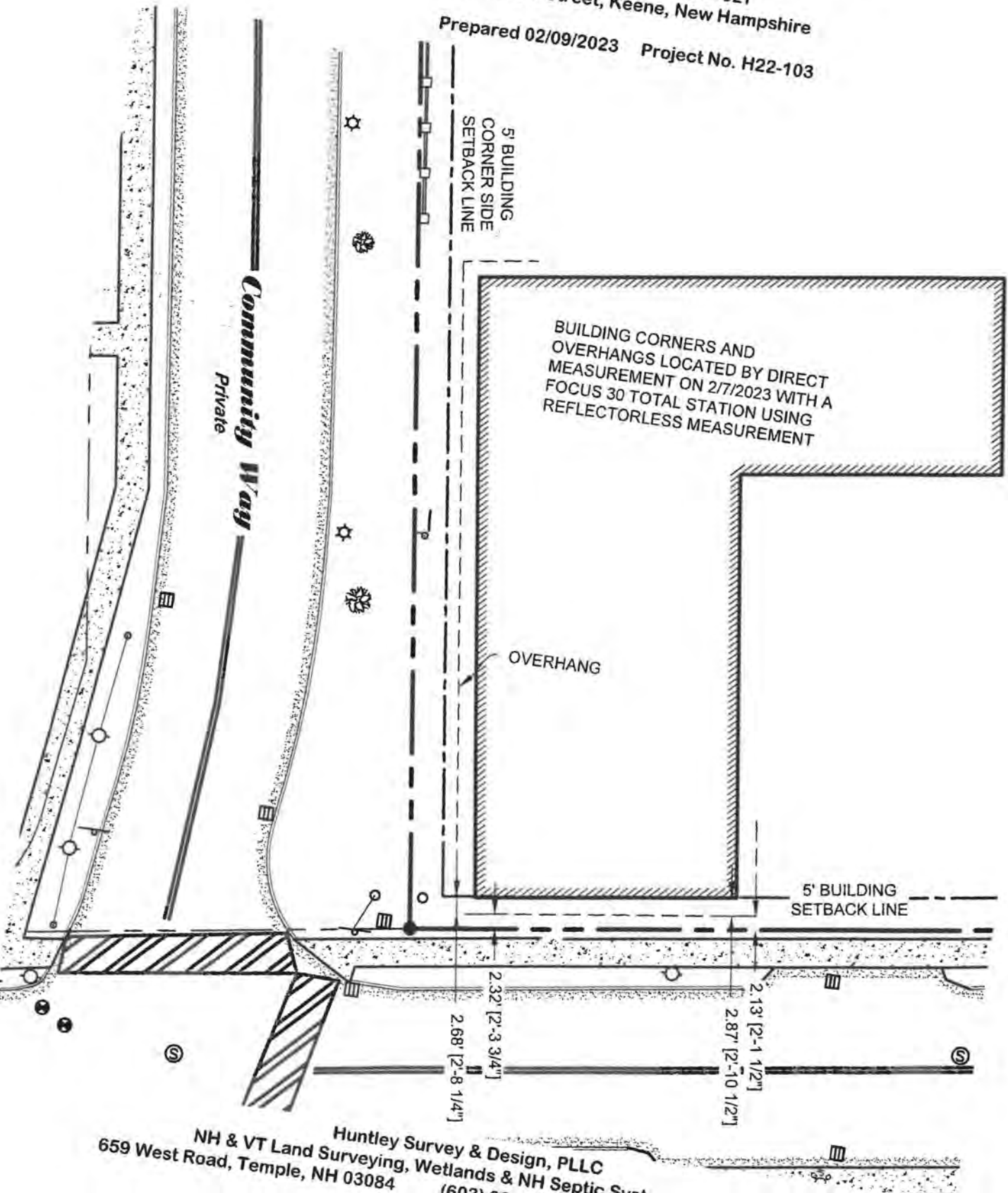
"Building Overhang Asbuilt"

100 Nights

Tax Map Parcel No. 585-027

122 Water Street, Keene, New Hampshire

Prepared 02/09/2023 Project No. H22-103



Huntley Survey & Design, PLLC
NH & VT Land Surveying, Wetlands & NH Septic System Design
659 West Road, Temple, NH 03084
(603) 924-1669
www.huntleysurvey.com

NOTICE LIST

This template can be used to record the name, mailing address, street address, and tax map parcel (TMP) # for each party that is required to be noticed as part of an application.

OWNER NAME	MAILING ADDRESS	STREET ADDRESS (If different from mailing address)	TAX MAP PARCEL (TMP) #
Hundred Nights Foundation Inc	17 Lamson St PO Box 833 Keene NH 03431	122 Water St	585-027-000-000-000
Whitney Bros. Co. LLC	93 Railroad St Keene NH 03431	158 Water St	574-038-000-000-000
Railroad Street Condominium Assc	PO Box 603 Keene NH 03431-0603	0 Cypress St	574-041-000-000-000
Cheshire Medical Center	Attn: Accounts Payable One Medical Center Drive Lebanon NH 03756	51 Railroad St	574-041-000-000-000
Railroad Land Development LLC	PO Box 704 Keene NH 03431	51 Railroad St * A	574-041-000, 00A-400 etc
Railroad SQUARE Senior Housing LP	PO Box 603 Keene NH 03431	49 Community Way * B	574-041-000-00B-000
Southwestern Community Services Inc	63 Community Way Keene NH 03431		574-041-000-00C-000
Monadnock Community Market Cooperative Inc	34 Cypress St Keene NH 03431	56 Dunbar St * D + 51 Railroad St * F	574-041-000-00D-000 574-041-000-00F-000
MFC Land Company Inc	34 Cypress St * E Keene NH 03431		574-041-000-00E-000 574-041-000-00G-000
Knotty Pine Antique Market Inc	PO Box 96 West Swanzey NH 03469	96 Dunbar St	585-007-000-000-000
Cityside Housing Associates LLP	63 Community Way Keene NH 03431	92 Water St	585-025-000-000-000
City of Keene	3 Washington St Keene NH 03431	0 Water St 152 Water St	596-008, 585-026 etc
B&D Holdings Inc	67 Mtn Blvd Ext Ste 201 Warren NJ 07059	131 Water St	585-030-000-000-000
Dirty Water LLC 113	49 Main St Norwell MA 02061	113 Water St	585-031-000-000-000
London Realty Trust Susan Mazzone Trustee	98 Overview Dr Jaffrey NH 03452	8 Grove St	585-032-000-000-000
Theodore E Chabott Living Trust	245 Church St Keene NH 03431	14-16 Grove St	585-033-000-000-000
210 Holdings LLC	PO Box 164 Marlow NH 03456	13 Grove St	585-056-000-000-000
State of NH c/o NH DOT	PO Box 483 Concord NH 03300	0 Grove St	585-057-000-000-000
Joshua Greenwald	55 Main St Keene NH 03431	91 Water St	585-058-000-000-000
Firstlight Fiber Inc	41 State St Ste 1001 Albany NY 12207	0 Water St	596-008-000-001-000
Lawrence R Gilmet Jr	18 Grove St Keene NH 03431		585-034-000-001-000
Market Square Architects	104 Congress St Ste 203 Portsmouth NH 03801		
Hurley Survey & Design PLLC	659 West Rd Temple NH 03084		
Brickstone Realty Consultants LLC	185 Winchester St Keene NH 03431		

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32 OPTICAL AVE.
ZBA 23-03



Petitioner requests a Variance to permit self-storage units on a lot in the Industrial Park District where not permitted per Chapter 100, Article 6.3.5 of the Zoning Regulations.



City of Keene
New Hampshire

NOTICE OF HEARING

ZBA 23-03

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-03: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit self-storage units on a lot in the Industrial Park District where self-storage units are not listed as a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations. You are receiving notice of this hearing as an abutter to or owner of property within 200-ft of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	ZBA 23-03
Date Filled	2/15/23
Rec'd By	GM
Page	of
Rev'd by	

If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

NAME/COMPANY: Samson Associates LLC

MAILING ADDRESS: 32 Optical Ave Keene NH 03431

PHONE: 413-221-4806

EMAIL: scott@samson-mfg.com

SIGNATURE: *Scott Samson*

PRINTED NAME: Scott Samson

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

NAME/COMPANY: James Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester Street Keene NH 03431

PHONE: (603) 357-0116

EMAIL: jphippard@ne.rr.com

SIGNATURE: *James P Phippard*

PRINTED NAME: James P Phippard

SECTION 2: PROPERTY INFORMATION

Property Address: **32 Optical Ave**

Tax Map Parcel Number: **113-006-000-000-000**

Zoning District: **Industrial Park**

Lot Dimensions: Front: **LOT 1 = 488** Rear: **LOT 1 = 199** Side: **LOT 1 = 709** Side: **LOT 1 = 965**
LOT 2 = 399 **LOT 2 = 264** **LOT 2 = 782** **LOT 2 = 665**

Lot Area: Acres: **LOT 1 = 6.75** Square Feet: **LOT 1 = 294,142 SF** **LOT 2 = 178,105 SF**
LOT 2 = 4.09

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **LOT 1 = 19.1%** Proposed: **LOT 1 = 19.1%**
LOT 2 = 0 **LOT 2 = 20.3%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **LOT 1 = 56%** Proposed: **LOT 1 = 57%**
LOT 2 = 0% **LOT 2 = 65%**

Present Use: **Manufacturing Facility**

Proposed Use: **Lot 1: Manufacturing Lot 2: EV Charging Stations & Self Storage**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See Attached

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) _____ of the Zoning Regulations to permit:

See Attached

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

[Empty response area for criteria 1]

PROPERTY ADDRESS 32 Optical Avenue

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 6.3.5 of the Land Development Code of the Keene Zoning Ordinance to permit: Self Storage units on a lot in the Industrial Park district where self storage units are not listed as a permitted use.

Background: Samson Associates LLC is the owner of Tax Map 113-006-000, a 10.84 acre lot in the Industrial Park District located at 32 Optical Avenue. The lot contains an existing 55,200 sf building which houses Samson Manufacturing. 124 parking spaces and several loading dock areas also exist at the site.

To the south of the existing developed portion of the lot is a flat field and wooded area which the owner wants to utilize. He is proposing to subdivide approximately 4.09 acres from the 10.84 acre tract. It will leave the Samson Manufacturing facility on a 6.75 acre lot with the existing parking and loading dock areas. Both lots will comply with the zone dimensional requirements.

At the west end of the proposed 4.09 acre lot the applicant is proposing to add an EV Charging station for up to 10 vehicles. This application proposes to add 36, 240 sf of self storage units on the balance of the new lot. A variance is needed to allow this use in the Industrial Park district.

The self storage units would be open to the public 24/7. The storage facility will be fenced in with 6' high chain link fencing. Access to the storage units will be controlled by a gate operated by a keypad. Lighting will be full cutoff LED fixtures mounted on the buildings at a 9' height. Lighting will be reduced by 50% after 10 PM as required by city regulations.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

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

Self storage units are in great demand in the Keene area. It is in the public interest to create self storage units which are located in town, and close to a state highway. This is an area of vacant land in the middle of the industrial park. Developing this site with self storage units is a low intensity use which will add value to the property and increase property taxes for the City. It is in the public interest to allow new development in the industrial park area which is low intensity and will increase the tax base.

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

The Industrial Park district is intended to provide clean, low intensity industrial uses in an attractive industrial park environment. Self storage units are a low intensity industrial use. The proposed facility will be fenced and screened with an arborvitae hedge. This location is close to the state highway and close to downtown Keene. This is a low intensity use and as proposed meets the spirit of the ordinance.

3. **Granting the variance would do substantial justice because:** The property owner is trying to find a reasonable use for this vacant portion of his lot. Self storage units are a low intensity use and, in this location, will have no negative effects on surrounding properties. There is no public benefit to denying a variance to allow the proposed use when there are no negative effects to the public. It will do substantial justice for the property owner.

4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** This is a low intensity industrial use. The estimated traffic for this use, based on ITE Trip Generation Manual, will be up to 90 vehicle trips on a weekday with 5 vehicle trips during the AM peak hour (7AM-9AM) and 9 vehicle trips during the PM peak hour (4PM-6PM). This is a very low amount of traffic and will have no effect on the safety or capacity on Optical Avenue. This location is in the middle of the industrial park and not near a residential neighborhood. The full cutoff LED fixtures will be mounted at 9 foot height and light levels will be reduced by 50% after 10 PM. It will improve the value of this property. The proposed use will help fill a need in the community and will not diminish surrounding property values.

5. Unnecessary Hardship

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

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

When the Industrial Park district was created back in the 1950's there was a growing demand for sites for large industrial buildings which could accommodate a large workforce. Today there is little demand for such sites. The owner of the property is trying to find a use for his vacant land which will be low intensity and be compatible with the industrial uses in the area. Self storage units are recognized as a low intensity industrial use and are compatible with the industrial uses in this area.

The existing Industrial Park zoning is very restrictive and greatly limits the businesses who can locate there. This creates a special condition for this site. The proposed use is a low intensity industrial use which is needed in Keene. This location is near the state highway and away from a residential neighborhood. It will comply with all zone dimensional requirements and will not have negative impacts on the existing business in the area.

Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.

And

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

This is a low intensity industrial use in the middle of the industrial park area. It is close to the state highway and is not near a residential neighborhood. There is a need for additional storage units in Keene. This is a reasonable use of this property.

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

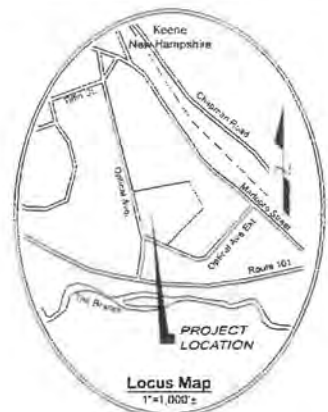
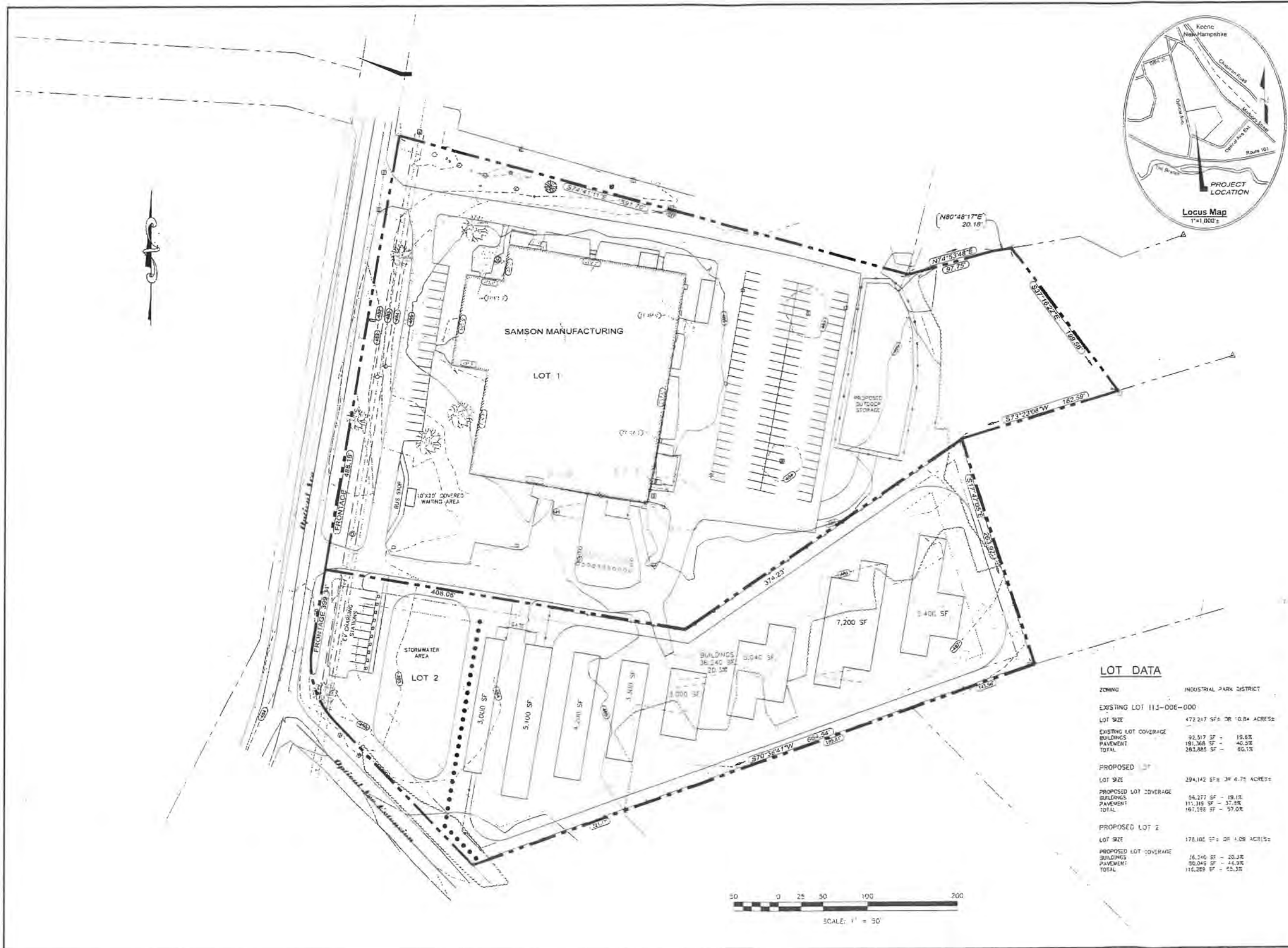
The existing Industrial Park zoning is very restrictive and greatly limits the businesses who can locate there. This creates a special condition for this site. The proposed use is a low intensity industrial use which is needed in Keene. This location is near the state highway and away from a residential neighborhood. It will comply with all zone dimensional requirements and will not have negative impacts on the existing business in the area.

Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.

NOTICE LIST

This template can be used to record the name, mailing address, street address, and tax map parcel (TMP) # for each party that is required to be noticed as part of an application.

OWNER NAME	MAILING ADDRESS	STREET ADDRESS (If different from mailing address)	TAX MAP PARCEL (TMP) #
Samson Associates LLC	32 Optical Ave Keene NH 03431-4319		113-006-000-000-000
HL Realty Holdings LLC	PO Box 323 Keene NH 03431	0 Optical Ave	113-005-000,113-003-000
Mountain Realty LLC	59 Optical Ave Keene NH 03431		241-006-000-000-000
50 Optical Avenue LLC	1 Kenner Ct. Riverdale NJ 07457	50 Optical Ave	241-007-000-000-000
RJ Hall Company	21 Sunset Terr. Keene NH 03431-0626	58 Optical Ave	241-008-000-000-000
Penny D Bell	PO Box 122 Keene NH 03431	505 & 511 Marlboro St	241-011-000, 241-012-000
Charles R Criss Revocable Trust	497 Marlboro St Keene NH 03431		241-013-000-000-000
Andrew T Christie & Rhonda Patnode	487 Marlboro St Keene NH 03431		241-014-000-000-000
Penny D Bell	511 Marlboro St Keene NH 03431	508 Marlboro St	241-071-000-000-000
East Keene RE LLC	7 Corporate Dr. Keene NH 03431	6-8-10 Optical Ave	597-005-000-000-000
MBP Corp	7 Optical Ave. Keene NH 03431		597-006-000-000-000
Brickstone Land Use Consultants LLC	185 Winchester St Keene NH 03431		



REVISIONS:

OWNER/DEVELOPER:
SAMSON ASSOCIATES LLC
 32 OPTICAL AVENUE
 KEENE, NH 03431-4319

PLANNER:
Brickstone Land Use Consultants LLC
Site Planning, Planning and Development Consulting
 185 Worcester Street, Keene, NH 03431
 Phone: (603) 357-6116

32 OPTICAL AVENUE
 KEENE, NH

CONCEPT PLAN

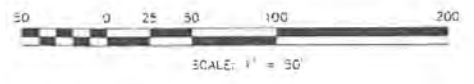
SCALE: 1"=50'

DATE: FEBRUARY 14, 2023

SHEET 1

LOT DATA

ZONING	INDUSTRIAL PARK DISTRICT
EXISTING LOT 113-00E-000	
LOT SIZE	472,247 SF ± OR 10.84 ACRES ±
EXISTING LOT COVERAGE	-
BUILDINGS	92,517 SF ± - 19.6%
PAVEMENT	191,368 SF ± - 40.5%
TOTAL	283,885 SF ± - 60.1%
PROPOSED LOT 1	
LOT SIZE	294,142 SF ± OR 6.75 ACRES ±
PROPOSED LOT COVERAGE	54,277 SF ± - 18.4%
BUILDINGS	111,385 SF ± - 37.8%
PAVEMENT	167,598 SF ± - 57.0%
TOTAL	
PROPOSED LOT 2	
LOT SIZE	178,102 SF ± OR 4.09 ACRES ±
PROPOSED LOT COVERAGE	16,740 SF ± - 9.4%
BUILDINGS	90,045 SF ± - 50.6%
PAVEMENT	112,289 SF ± - 62.5%
TOTAL	



32 OPTICAL AVE.
ZBA 23-04



Petitioner requests a Variance to permit vehicle fueling station in the Industrial Park District where not permitted per Chapter 100, Article 6.3.5 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-04

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-04: Petitioner, Samson Associates, LLC, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 32 Optical Ave., Tax Map #113-006-000-000-000 and is in the Industrial Park District. The Petitioner requests to permit a vehicle fueling station on a lot in the Industrial District where vehicle fueling station is not a permitted use per Chapter 100, Article 6.3.5 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



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email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

NAME/COMPANY: Samson Associates LLC

MAILING ADDRESS: 32 Optical Ave Keene NH 03431

PHONE: 413-221-4806

EMAIL: scott@samson-mfg.com

SIGNATURE: *Scott Samson*

PRINTED NAME: Scott Samson

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

NAME/COMPANY: James Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester Street Keene NH 03431

PHONE: (603) 357-0116

EMAIL: jhippard@ne.rr.com

SIGNATURE: *James P Phippard*

PRINTED NAME: James P Phippard

SECTION 2: PROPERTY INFORMATION

Property Address: **32 Optical Ave**

Tax Map Parcel Number: **113-006-000-000-000**

Zoning District: **Industrial Park**

Lot Dimensions: Front: LOT 1 = 488 LOT 2 = 399 Rear: LOT 1 = 199 LOT 2 = 264 Side: LOT 1 = 709 LOT 2 = 782 Side: LOT 1 = 965 LOT 2 = 665

Lot Area: Acres: LOT 1 = 6.75 LOT 2 = 4.09 Square Feet: LOT 1 = 294,142 SF LOT 2 = 178,105 SF

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: LOT 1 = 19.1% LOT 2 = 0 Proposed: LOT 1 = 19.1% LOT 2 = 20.3%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: LOT 1 = 56% LOT 2 = 0% Proposed: LOT 1 = 57% LOT 2 = 65%

Present Use: **Manufacturing Facility**

Proposed Use: **Lot 1: Manufacturing Lot 2: EV Charging Stations & Self Storage**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See Attached

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) _____ of the Zoning Regulations to permit:

See Attached

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

[Empty response area for criterion 1]

PROPERTY ADDRESS 32 Optical Avenue

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) 6.3.5 of the Land Development Code of the Keene Zoning Ordinance to permit: A vehicle fueling station on a lot in the Industrial Park district where vehicle fueling station is not listed as a permitted use.

Background: Samson Associates LLC is the owner of Tax Map 113-006-000, a 10.84 acre lot in the Industrial Park District located at 32 Optical Avenue. The lot contains an existing 55,200 sf building which houses Samson Manufacturing. 124 parking spaces and several loading dock areas also exist at the site.

To the south of the existing developed portion of the lot is a flat field and wooded area which the owner wants to utilize. He is proposing to subdivide approximately 4.09 acres from the 10.84 acre tract. It will leave the Samson Manufacturing facility on a 6.75 acre lot with the existing parking and loading dock areas. Both lots will comply with the zone dimensional requirements.

At the west end of the proposed 4.09 acre lot the applicant is proposing to add an EV Charging station for up to 10 vehicles. The existing zoning ordinance considers the use a vehicle fueling station where electricity is an alternative fuel type. A variance is needed to allow this use in the Industrial Park district. The EV charging station would be open to the public and available for use 24/7. Level One, Level Two and Level Three chargers will be installed.

The applicant is also proposing a new bus stop to be located at the front of the existing building. City Express would be able to use the bus stop to pick up and drop off employees of the businesses in the Industrial Park, and to bring customers of the EV charging station to the downtown area while their vehicles are charging.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

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

It is in the public interest to promote the use of electric vehicles to help reduce the use of fossil fuels and to reduce air pollution. EV charging stations can be hard to find in Keene and the addition of ten chargers would help visitors to the area and help local residents who may not be able to afford a rapid Level Three charger on their own. As electric vehicles become more popular, more charging stations will be needed. This proposal will help to fulfill that need and would not be contrary to the public interest.

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

The Industrial Park district is intended to provide clean, low intensity industrial uses in an attractive industrial park environment. This new technology was not contemplated when the IP district was created in Keene back in 1957. It is in the spirit of the ordinance to encourage clean technology and the use of electric vehicles. Granting the variance will allow a small, 10 space charging station

located close to the State highway and close to downtown Keene. This is a low intensity use and as proposed meets the spirit of the ordinance.

3. **Granting the variance would do substantial justice because:** The property owner is trying to find a reasonable use for this vacant portion of the lot. The proposed EV charging station is a low intensity use which is needed in Keene. There is no public benefit to denying a variance to allow the proposed use when there are no negative effects to the public. It will do substantial justice for the property owner.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** A 10-space EV charging station is a very low intensity use which will have no effect on surrounding properties. The site is located near the State highway and away from any residential uses. It will improve the value of this property. The proposed use will help fill a need in the community and will not diminish surrounding property values.

5. Unnecessary Hardship

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

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

When the Industrial Park district was created back in the 1950's electric cars did not exist. EV charging stations are not recognized in the zoning ordinance as a separate use but are lumped in as a vehicle fueling station using an alternative fuel. The ordinance fails to recognize that electricity as a fuel does not have the same risks or issues as gasoline and diesel fuels and should be treated differently than a traditional gas station. If the existing manufacturing facility was installing these chargers for their own use it would be allowed as an accessory use. Allowing public access to the chargers results in the use being classified as a vehicle fueling station and requires a variance. This proposal is a public benefit and should be allowed under the zoning ordinance in appropriate locations such as this Optical Avenue site. It is a safe, low intensity use and will comply with all zone dimensional requirements. Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.

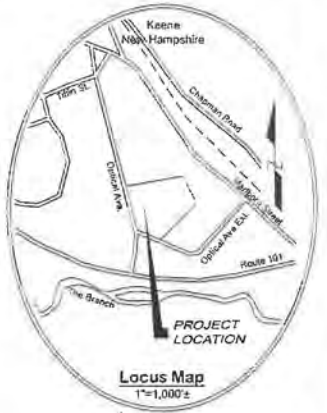
And

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

This is a low intensity use in the middle of the industrial park area. It is close to the state highway and will have access to a new bus stop to accommodate users of the charging stations. There are very few public charging stations in Keene, and this will provide a needed public service. This is a reasonable use of this property.

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

The property is located within an existing industrial park which was created in the 1950's. EV charging stations are a new technology which is not recognized in the zoning ordinance. The ordinance results in a special condition which unnecessarily limits use of the property and prohibits a public EV charging station. The proposed use will comply with all zone dimensional requirements. Denying the variance provides no benefit to the public and will result in an unnecessary hardship to the owner.



REVISIONS:

OWNER/DEVELOPER:
SAMSON ASSOCIATES LLC
 32 OPTICAL AVENUE
 KEENE, NH 03431-4319

PLANNER:
Brickstone Land Use Consultants LLC
 Site Planning, Planning and Development Consulting
 185 Winchester Street, Keene, NH 03431
 Phone: (603) 357-0119

32 OPTICAL AVENUE
 KEENE, NH

CONCEPT PLAN

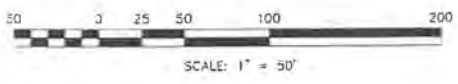
SCALE: 1"=50'

DATE: FEBRUARY 14, 2023

SHEET 1

LOT DATA

ZONING	INDUSTRIAL PARK DISTRICT
EXISTING LOT 113-006-000	
LOT SIZE	472,247 SF± OR 10.84 ACRES±
EXISTING LOT COVERAGE	
BUILDINGS	92,517 SF - 19.6%
PAVEMENT	191,369 SF - 40.5%
TOTAL	283,885 SF - 60.1%
PROPOSED LOT 1	
LOT SIZE	294,142 SF± OR 6.75 ACRES±
PROPOSED LOT COVERAGE	
BUILDINGS	56,277 SF - 19.1%
PAVEMENT	111,319 SF - 37.5%
TOTAL	167,596 SF - 57.0%
PROPOSED LOT 2	
LOT SIZE	178,105 SF± OR 4.09 ACRES±
PROPOSED LOT COVERAGE	
BUILDINGS	36,240 SF - 20.3%
PAVEMENT	90,049 SF - 44.3%
TOTAL	116,289 SF - 65.3%



190 SOUTH LINCOLN ST. ZBA 23-05



Petitioner requests a Variance to permit a smaller lot size, side setback & less than 3 ft. driveway distance to the property line per Chapter 100, Articles 3.6.5, 1.3.3.A.3 & 9.3.2.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-05

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-05: Petitioner, Jennifer Whitehead and Hans Porschitz requests a Variance for property located at 190 South Lincoln St., Tax Map #572-004-000-000-000, is in the Medium Density District, and owned by Aaron Cooper. The Petitioner requests to permit a smaller lot size than prescribed, a smaller side setback than prescribed and a less than 3 foot distance of a drive way to the property line, per Chapter 100, Articles 3.6.5, 1.3.3.A.3 and 9.3.2.2 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. _____
Date Filled _____
Rec'd By _____
Page _____ of _____
Rev'd by _____

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Aaron F. Cooper

MAILING ADDRESS: 190 South Lincoln Street, Keene, NH 03431

PHONE: (603) 209-4447

EMAIL: 3ribis@gmail.com

SIGNATURE: 
DocuSigned by:
AF3C6427DA62498...

PRINTED NAME: Aaron Cooper

APPLICANT (if different than Owner/Applicant)


NAME/COMPANY: Hans Porschitz

MAILING ADDRESS: 196 South Lincoln Street

PHONE: (603) 892-1543

EMAIL: hansporschitz@gmail.com

SIGNATURE: Hans Porschitz

 Digitally signed by Hans Porschitz
DN: cn=Hans Porschitz, o=Benson Woodworking Company, inc, ou, email=hans@bensonwood.com,
c=US
Date: 2023.02.24 00:42:17 -05'00'

PRINTED NAME: Hans Porschitz

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATIONProperty Address: **190 South Lincoln Street, Keene, NH 03431**Tax Map Parcel Number: **572/004/000 000/000**Zoning District: **Medium Density**Lot Dimensions: Front: **58.70'** Rear: **69.3'** Side: **90.3' L** Side: **86.3'**Lot Area: Acres: **0.1305** Square Feet: **5685**% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **26.4** Proposed: **27.7**% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **38.8** Proposed: **39.5**Present Use: **single family residence**Proposed Use: **single family residence****SECTION 3: WRITTEN NARRATIVE****Article 25.5.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

The property is 190 South Lincoln street and Aaron Cooper is the owner. It is located next to the below referenced property in this application;

The neighboring property is 196 South Lincoln street. Jen Whitehead is the owner of the property and lives in the 1920 Bungalow style home with Hans Porschitz.

Her property is TMP 587-001-000-000-000.

Both property owners desire to make an adjustment to the property line between the above mentioned lots.

Both properties are in the Medium Density District per the LDC and are below the required Lot size of 8000sft.

This application for 3 variances is part of, and the requirement for, a proposed lot line adjustment between the 2 above listed properties in order better reflect the actual current use of the properties as well as to ensure the property owner of 196 South Lincoln street has the ability to maintain maximum permeable yard space to allow proper storm water drainage control and prevent it from getting into the basement of the home. Please see site plan and photo exhibit for reference.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) **- 3.6.2** of the Zoning Regulations to permit:

- 1.3.3.A.3
- 9.3.3.A.3

- a smaller lot size than prescribed
- a smaller side setback than prescribed
- a less than 3' distance of a drive way to the property line

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

The variance(s) for all 3 rules are not requested with a plan to change any of the existing physical conditions, but merely to allow a boundary line adjustment between the 2 adjacent properties in order to reflect the way the 2 properties have been used and to assure such use going forward.

The changes are agreed upon by both property owners with no negative impact on the public interest. Please see site plan and photo exhibit for reference.

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

For the variance(s) requested on the rules for property size and building side setbacks, both properties are currently already out of compliance. The adjustment only shifts the level of non-compliance from one property to the other, but, in sum, does not increase the level of noncompliance for both properties.

The variance requested on the distance of the driveway to the property line is in the spirit of the ordinance as the boundary line adjustment planned is for the purpose to maintain a maximum area of pervious ground on the 196 South Lincoln property to allow drainage off the 190 South Lincoln property driveway.

3. Granting the variance would do substantial justice because:

The back/side yard of 196 South Lincoln street is currently in part on the 190 South Lincoln Street lot. It is the applicants understanding that both properties were originally owned by the same person.

Granting the 3 variances will allow a Boundary Line Adjustment (BLA) to follow.

Without the BLA the owner of 196 South Lincoln street is facing the risk that a different future owner of 190 South Lincoln street will claim use of what has been used as a side/back yard to the 196 South Lincoln street property.

The loss of such use, and the loss of control to maintain the area as pervious ground is not outweighed by any public interested to leave the Boundary line as currently in existence.

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

There is not physical change proposed with the requested variances or BLA that would cause a change in value to the surrounding properties other than the 2 properties subject to the BLA.

With the agreement on such BLA the owner of 196 South Lincoln Street agrees to compensate the owner of 190 South Lincoln street for the determined value of the land that will be moved from one property to the other.

5. Unnecessary Hardship

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

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

In the current configuration of these 2 subject properties and the buildings on them, the area in the North East corner of the 196 South Lincoln street property is subject to Four (4) pitched roofs discharging water into a very small area (see photo exhibit for reference); During heavy downpours the area is not draining the water fast enough and the water finds its way into the basement of 196 South Lincoln street. A drainage system may help the situation, but currently the owner is relying on the pervious nature of the entire back yard to drain water properly.

Should a future owner of the 190 South Lincoln street decide to expand the impervious driveway into the area that is currently used as backyard, it will further restrict drainage of an already high storm water pressure area and water in the basement will cause hardship to the owner of 196 South Lincoln Street.

and

ii. The proposed use is a reasonable one because:

the use of the variances and the BLA allow the Owner of 196 South Lincoln street to maintain a permeable back yard to control storm water runoff, and prevent water in the basement

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

Unfortunately past subdivision of the property made the 2 lots too small to have a sufficient amount of pervious ground in the area between the buildings that have been built about 100yrs ago. Preserving this area as backyard and pervious ground is critical.

Not being able to assure the area in the back of the 196 South Lincoln street to remain pervious for it to manage rain water drainage will increase the chances of storm water run-off to drain into the basement through window and the wall. This will diminish the space as usable storage space. The increased moisture may also decrease the lifespan of the window and increase potential deterioration of concrete in the foundation, or possible development of mold in the long run.

The run-off does not have a negative impact on the buildings of 190 South Lincoln street as the garage is built on a slab.

Street view of subject properties on South Lincoln Street



196 South Lincoln Street back yard

Roof drainage



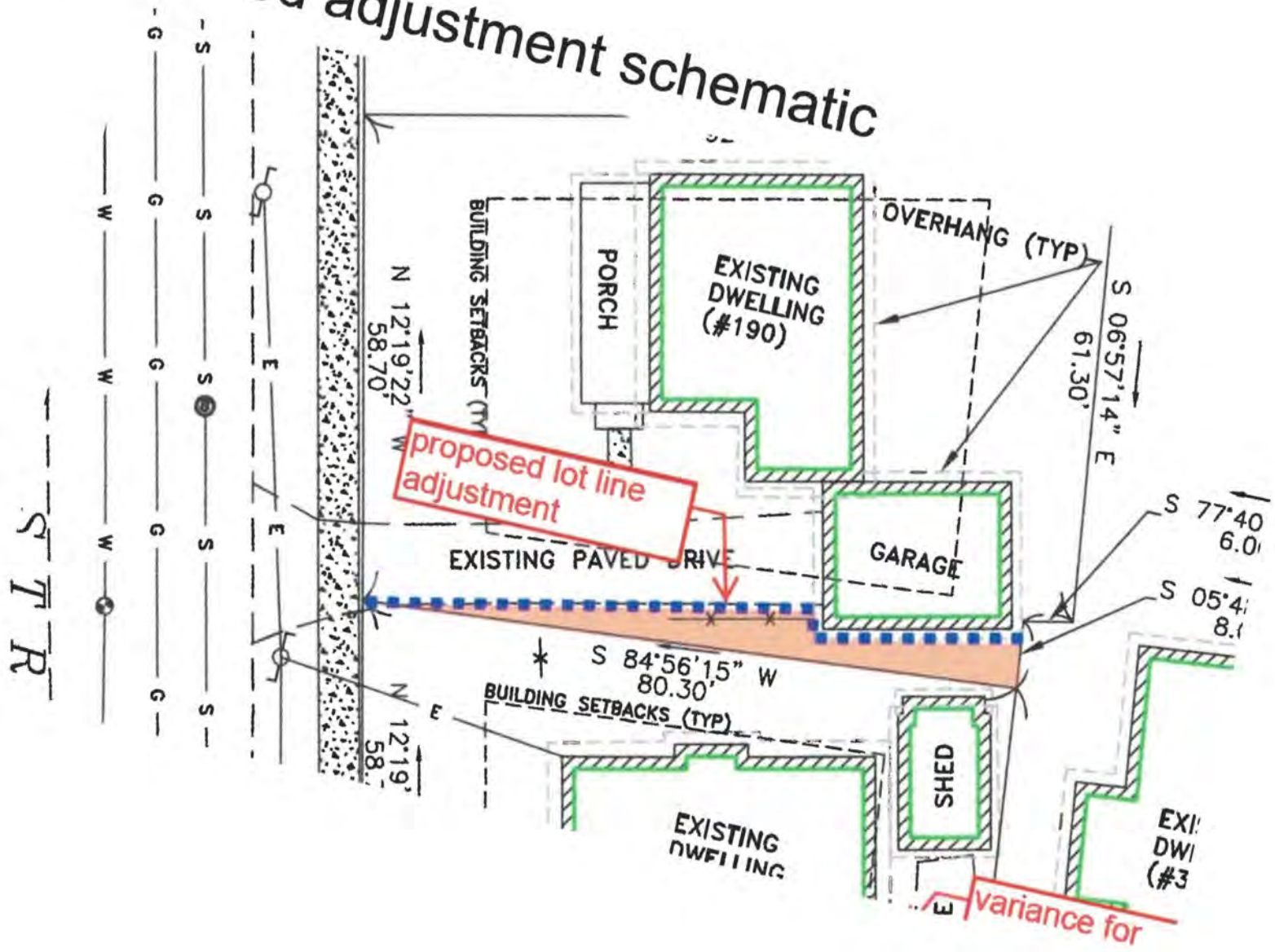
Basement window with replacement sill



Driveway backyard transtition



Proposed adjustment schematic



Variance requested lot size (min. 8000sft):

MAP-587 LOT-1:

N/F JENNIFER J. WHITEHEAD

LOT SIZE: 4,739 S.F. (E)

LOT SIZE: 5,000 S.F. (P)

BUILDING COVER: 27.5% (E)

BUILDING COVER: 26.1% (P)

IMPERVIOUS AREA: 44.0% (E)

IMPERVIOUS AREA: 43.2% (P)

MAP-572 LOT-4:

N/F AARON F. COOPER

LOT SIZE: 5,685 S.F. (E)

LOT SIZE: 5,424 S.F. (P)

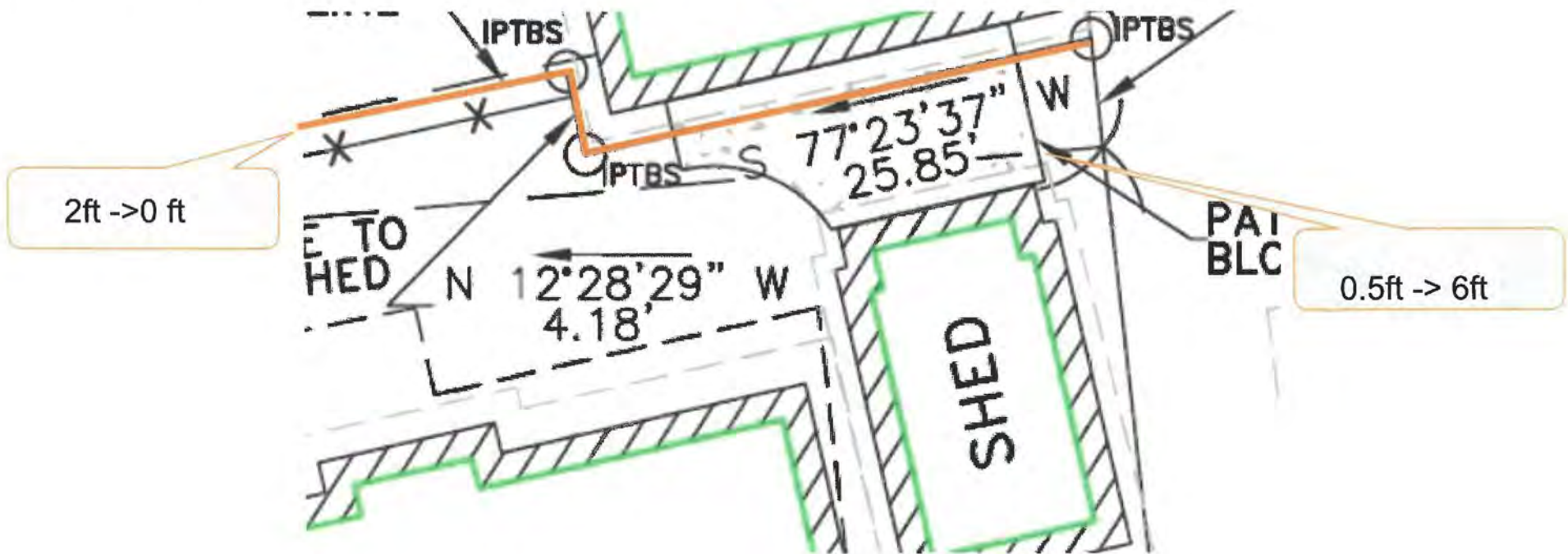
BUILDING COVER: 26.4% S.F. (E)

BUILDING COVER: 27.7% S.F. (P)

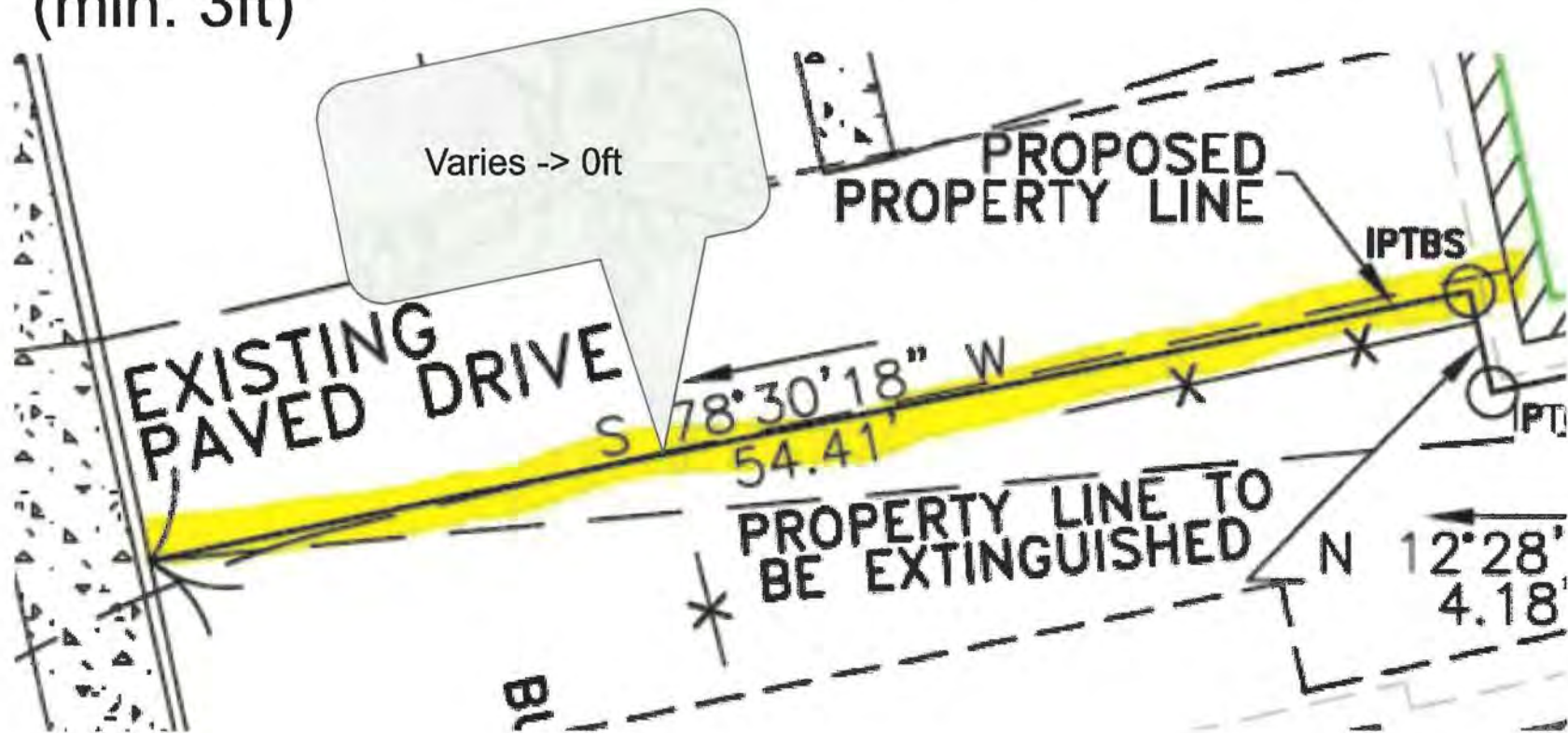
IMPERVIOUS AREA: 38.8% (E)

IMPERVIOUS AREA: 39.5% (P)

Variance requested setback (min. 10ft)



Variance requested to driveway distance to lot line
(min. 3ft)





200 foot Abutters List Report

Keene, NH
February 16, 2023

Subject Properties:

Parcel Number: 572-004-000
CAMA Number: 572-004-000-000-000
Property Address: 190 SOUTH LINCOLN ST.

Mailing Address: COOPER AARON F.
190 SOUTH LINCOLN ST.
KEENE, NH 03431

Parcel Number: 587-001-000
CAMA Number: 587-001-000-000-000
Property Address: 196 SOUTH LINCOLN ST.

Mailing Address: WHITEHEAD JENNIFER J.
196 SOUTH LINCOLN ST.
KEENE, NH 03431

Abutters:

Parcel Number: 572-001-000
CAMA Number: 572-001-000-000-000
Property Address: 166 SOUTH LINCOLN ST.

Mailing Address: BENAQUIST LAWRENCE M.
166 SOUTH LINCOLN ST.
KEENE, NH 03431

Parcel Number: 572-002-000
CAMA Number: 572-002-000-000-000
Property Address: 172 SOUTH LINCOLN ST.

Mailing Address: KELLY, JOELLEN 2020 REV TRUST
172 SOUTH LINCOLN ST.
KEENE, NH 03431

Parcel Number: 572-003-000
CAMA Number: 572-003-000-000-000
Property Address: 180 SOUTH LINCOLN ST.

Mailing Address: MACE NICHOLAS JAMES
180 SOUTH LINCOLN ST.
KEENE, NH 03431

Parcel Number: 572-005-000
CAMA Number: 572-005-000-000-000
Property Address: 350 WATER ST.

Mailing Address: SHALIT ROBERT J. SHALIT TRACY L.J.
350 WATER ST.
KEENE, NH 03431

Parcel Number: 572-006-000
CAMA Number: 572-006-000-000-000
Property Address: 115 WILBER ST.

Mailing Address: DEKEYREL STEVEN M. ESTATE OF &
HEIRS IF ANY
115 WILBER ST.
KEENE, NH 03431

Parcel Number: 572-007-000
CAMA Number: 572-007-000-000-000
Property Address: 107 WILBER ST.

Mailing Address: MERCIER JILLIAN L.
107 WILBER ST.
KEENE, NH 03431

Parcel Number: 572-008-000
CAMA Number: 572-008-000-000-000
Property Address: 97 WILBER ST.

Mailing Address: GIORGIO FRANK R. GIORGIO PATRICIA
T.
97 WILBER ST.
KEENE, NH 03431-3838

Parcel Number: 573-007-000
CAMA Number: 573-007-000-000-000
Property Address: 185 SOUTH LINCOLN ST.

Mailing Address: DOODY MARY JANE
185 SOUTH LINCOLN ST.
KEENE, NH 03431

Parcel Number: 573-008-000
CAMA Number: 573-008-000-000-000
Property Address: 179 SOUTH LINCOLN ST.

Mailing Address: DEAVER ALICIA WURSCHEMIDT DEAVER
MCKINLEY WILSON JR.
179 SOUTH LINCOLN ST.
KEENE, NH 03431



www.cai-tech.com

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200 foot Abutters List Report

Keene, NH
February 16, 2023

Parcel Number: 573-009-000 CAMA Number: 573-009-000-000-000 Property Address: 171 SOUTH LINCOLN ST.	Mailing Address: PARODY DAVID S. 171 SOUTH LINCOLN ST. KEENE, NH 03431
Parcel Number: 573-010-000 CAMA Number: 573-010-000-000-000 Property Address: 165 SOUTH LINCOLN ST.	Mailing Address: WELDON & FOXWELDON FAMILY LIVING TRUST 165 SOUTH LINCOLN ST. KEENE, NH 03431
Parcel Number: 586-012-000 CAMA Number: 586-012-000-000-000 Property Address: 294 WATER ST.	Mailing Address: RAMSEY, DAVID W. 294 WATER ST. KEENE, NH 03431
Parcel Number: 586-013-000 CAMA Number: 586-013-000-000-000 Property Address: 296-298 WATER ST.	Mailing Address: EASTMAN, FRANCIS W. EASTMAN ANN D. 298 WATER ST. KEENE, NH 03431
Parcel Number: 586-014-000 CAMA Number: 586-014-000-000-000 Property Address: 193 SOUTH LINCOLN ST.	Mailing Address: CHABOTT DANIEL S. SR. CHABOTT JENNIFER L. 198 OLD WENDELL RD. NORTHFIELD, MA 01360-9673
Parcel Number: 586-018-000 CAMA Number: 586-018-000-000-000 Property Address: 11 HANCOCK ST.	Mailing Address: ROBBINS DONNA SAVIDGE REV. TRUST 11 HANCOCK ST. KEENE, NH 03431-4226
Parcel Number: 586-019-000 CAMA Number: 586-019-000-000-000 Property Address: 297-299 WATER ST.	Mailing Address: GNADE DOREEN L. ESTATE OF AND HEIRS IF ANY 299 WATER ST. KEENE, NH 03431
Parcel Number: 587-002-000 CAMA Number: 587-002-000-000-000 Property Address: 324 WATER ST.	Mailing Address: BARTLETT LINDSAY R. BARTLETT DAN S. 324 WATER ST. KEENE, NH 03431
Parcel Number: 587-003-000 CAMA Number: 587-003-000-000-000 Property Address: 330-334 WATER ST.	Mailing Address: EDMUNDS STANLEY R. 480 SPOFFORD RD. WESTMORELAND, NH 03467-4310
Parcel Number: 587-006-000 CAMA Number: 587-006-000-000-000 Property Address: 333 WATER ST.	Mailing Address: WEBB LUCY S. 333 WATER ST. KEENE, NH 03431
Parcel Number: 587-051-000 CAMA Number: 587-051-000-000-000 Property Address: 15 EASTERN AVE.	Mailing Address: HARRIS, DOUGLAS E. HALL MIRANDA K. 15 EASTERN AVE. KEENE, NH 03431
Parcel Number: 587-052-000 CAMA Number: 587-052-000-000-000 Property Address: 9 EASTERN AVE.	Mailing Address: OUELLETTE, ANDRE VAN SANT C. ANN JESSIE 9 EASTERN AVE. KEENE, NH 03431



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2/16/2023

Page 2 of 3



200 foot Abutters List Report

Keene, NH
February 16, 2023

Parcel Number: 587-053-000
CAMA Number: 587-053-000-000-000
Property Address: 327 WATER ST.

Mailing Address: SCHMIDL-GAGNE MARK SCHMIDL-GAGNE KIMBERLY A.
327 WATER ST.
KEENE, NH 03431

Parcel Number: 587-054-000
CAMA Number: 587-054-000-000-000
Property Address: 319 WATER ST.

Mailing Address: WITTEN ELIOT WITTEN BETHANY
319 WATER ST.
KEENE, NH 03431

Parcel Number: 587-055-000
CAMA Number: 587-055-000-000-000
Property Address: 0 WATER ST.

Mailing Address: MONADNOCK AFFORDABLE HOUSING CORP
831 COURT ST.
KEENE, NH 03431

Parcel Number: 587-056-000
CAMA Number: 587-056-000-000-000
Property Address: 309 WATER ST.

Mailing Address: MONADNOCK AFFORDABLE HOUSING CORP
831 COURT ST.
KEENE, NH 03431

Parcel Number: 587-057-000
CAMA Number: 587-057-000-000-000
Property Address: 16 HANCOCK ST.

Mailing Address: RAINA, DOVE
16 HANCOCK ST.
KEENE, NH 03431

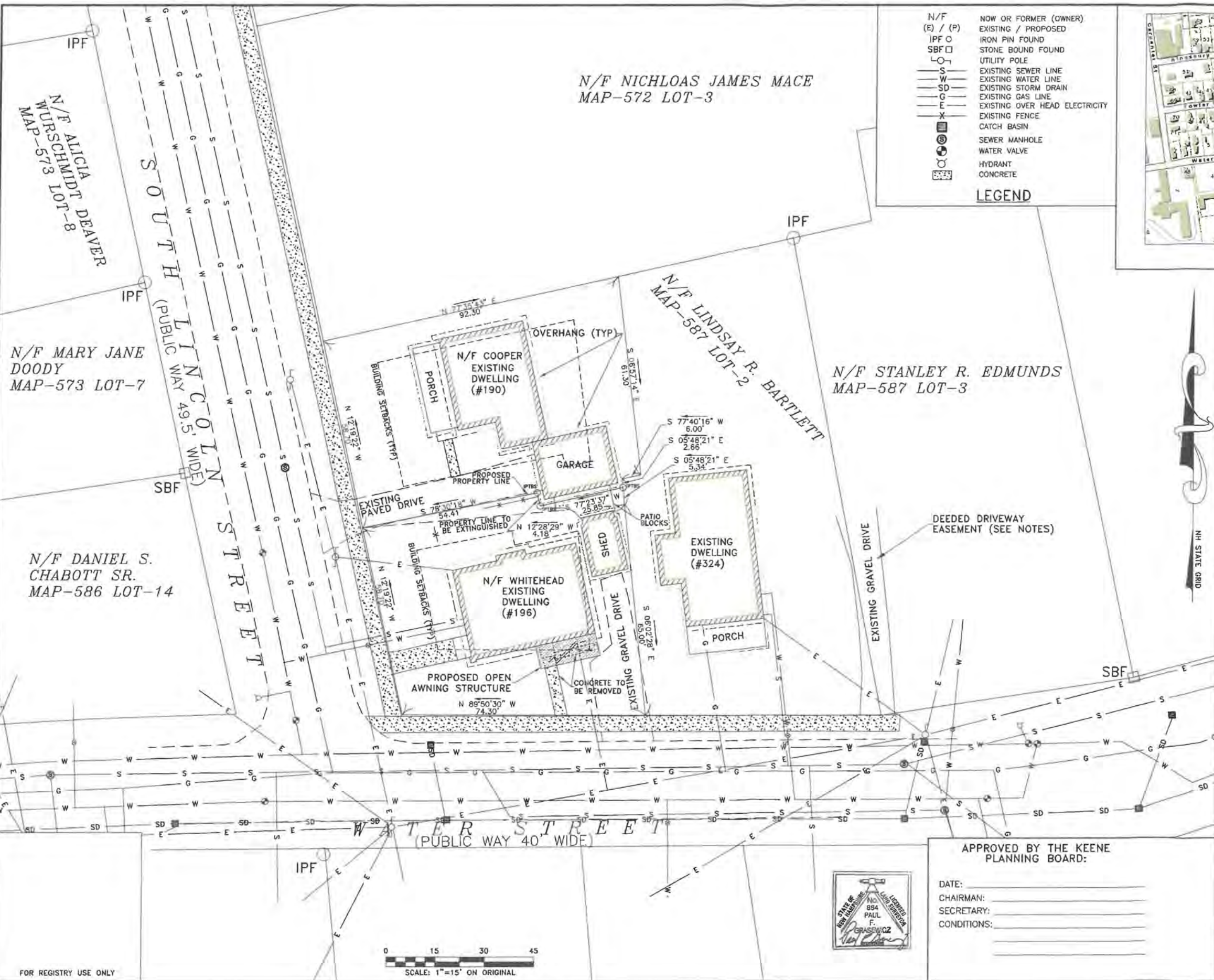


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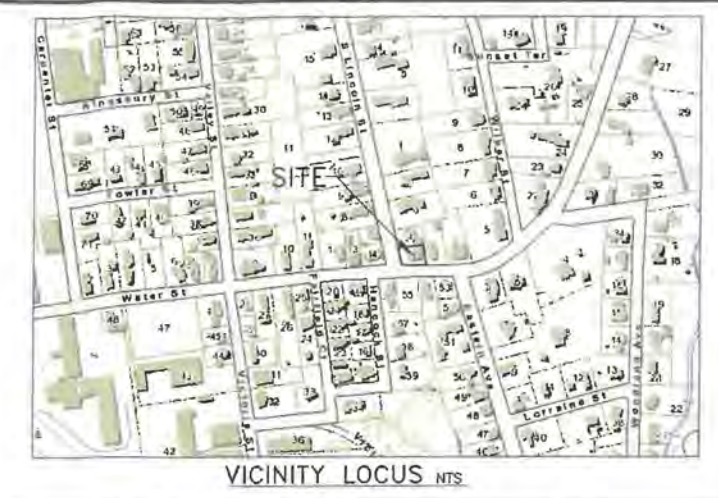
2/16/2023

Page 3 of 3



LEGEND

N/F	NOW OR FORMER (OWNER)
(E) / (P)	EXISTING / PROPOSED
IPF	IRON PIN FOUND
SBF	STONE BOUND FOUND
○	UTILITY POLE
—S—	EXISTING SEWER LINE
—W—	EXISTING WATER LINE
—SD—	EXISTING STORM DRAIN
—G—	EXISTING GAS LINE
—E—	EXISTING OVER HEAD ELECTRICITY
—X—	EXISTING FENCE
⊠	CATCH BASIN
⊙	SEWER MANHOLE
⊕	WATER VALVE
⊖	HYDRANT
■	CONCRETE



- REFERENCE PLANS & DEEDS**
- CCRD BOOK-2793 PAGE-927 (MAP-587 LOT-1)
 - CCRD BOOK-2186 PAGE-93 (MAP-587 LOT-2)
 - CCRD BOOK-3095 PAGE-1061 (MAP-572 LOT-4)
 - CCRD BOOK-2676 PAGE-879 (MAP-587 LOT-3)
 - CCRD BOOK-414 PAGE-502 (DRIVEWAY EASEMENT)
 - EXISTING CONDITIONS PLAN FOR WATER STREET BY SVE ASSOCIATES FOR KEENE PUBLIC WORKS JOB #K2540 DATED JANUARY 6, 2017

- NOTES**
1. THE PURPOSE OF THIS PLAN IS TO ADJUST THE BOUNDARIES BETWEEN MAP-587 LOT-1 AND MAP-572 LOT-4.
 2. ZONING REQUIREMENTS FOR MEDIUM DENSITY DISTRICT:
AREA: 8,000 S.F. MINIMUM
FRONTAGE: 50' MINIMUM
FRONT/REAR SETBACK: 15' MIN.; SIDE SETBACK: 10' MIN.
MAXIMUM BUILDING COVERAGE: 45%
MAXIMUM IMPERVIOUS COVERAGE: 60%
 3. FIELD SURVEY PERFORMED BY GRAZ ENGINEERING W/ ROBOTIC TOTAL STATION.
 4. NO DETERMINATION OF PROPERTY TITLE IS MADE OR IMPLIED HEREIN.
 5. LOCATION OF UTILITIES IS COMPILED FROM THE UNRECORDED PLAN BY SVE ASSOCIATES (SEE ABOVE)
 6. "IPTBS" CONSISTS OF 5/8" DIAMETER STEEL REINFORCING BARS TO BE SET WITH PLASTIC CAPS MARKED "GRAZ ENG. LLS 864"
 7. BEARINGS AND DISTANCES COMPILED FROM DEEDS AND/OR PLANS RECORDED WITH THE CHESHIRE COUNTY REGISTRY OF DEEDS.
 8. NOT LOCATED IN FLOOD HAZARD AREA.
SEE FEMA FIRM MAP #33005C0267E
 9. SUBJECT LOTS OWNERS AND LOT INFORMATION
- | | |
|---|---|
| MAP-587 LOT-1:
N/F JENNIFER J. WHITEHEAD
LOT SIZE: 4,739 S.F. (E)
LOT SIZE: 5,000 S.F. (P)
BUILDING COVER: 27.5% (E)
BUILDING COVER: 26.1% (P)
IMPERVIOUS AREA: 44.0% (E)
IMPERVIOUS AREA: 43.2% (P) | MAP-572 LOT-4:
N/F AARON F. COOPER
LOT SIZE: 5,685 S.F. (E)
LOT SIZE: 5,424 S.F. (P)
BUILDING COVER: 26.4% S.F. (E)
BUILDING COVER: 27.7% S.F. (P)
IMPERVIOUS AREA: 38.8% (E)
IMPERVIOUS AREA: 39.5% (P) |
|---|---|

BOUNDARY LINE ADJUSTMENT PLAT
OF
MAP-587 LOT-1 & MAP-572 LOT-4
196 S. LINCOLN STREET & 190 S. LINCOLN STREET
KEENE, NEW HAMPSHIRE

OWNERS:

JENNIFER J. WHITEHEAD
196 SOUTH LINCOLN STREET; KEENE, NH 03431
AND
AARON F. COOPER
190 SOUTH LINCOLN STREET; KEENE, NH 03430

NOVEMBER 2, 2022

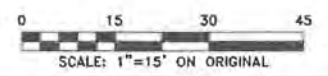
APPROVED BY THE KEENE PLANNING BOARD:

DATE: _____

CHAIRMAN: _____

SECRETARY: _____

CONDITIONS: _____



FOR REGISTRY USE ONLY

GRAZ Engineering, LLC
323 WEST LAKE ROAD; FITZWILLIAM, NH 03447; (603) 585-8959

438 WASHINGTON ST.
ZBA 23-06



Petitioner requests a Variance to permit a multifamily housing use where not permitted in the Low Density District per Chapter 100, Article 3.3.5 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-06

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-06: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests to allow multifamily housing use where multifamily housing use is not a permitted use per Chapter 100, Article 3.3.5 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	ZBA 23-00
Date Filled	2/17/23
Rec'd By	MP
Page	of
Rev'd by	

If you have questions on how to complete this form, please call: (603) 352-5440 or
email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Owner: Community College System of New Hampshire

MAILING ADDRESS: 28 College Drive, Concord, NH 03301-7407

PHONE: (603) 230-3565

EMAIL: memooore@ccsnh.edu

SIGNATURE: *Matthew Moore*

PRINTED NAME: Matthew Moore, Director of Capital Planning and Development

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: Authorized Applicant: Monadnock Affordable Housing Corp.

MAILING ADDRESS: 831 Court Street, Keene, NH 03431

PHONE: (603) 352-6161

EMAIL: jmeehan@keenehousing.org

SIGNATURE: *[Signature]*

PRINTED NAME: Joshua Meehan, Executive Director

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Stephen B. Bragdon, Esq.

MAILING ADDRESS: 82 Court Street, Keene, NH 03431

PHONE: (603) 357-4800

EMAIL: sbragdon@bragdonlaw.com

SIGNATURE: *[Signature]*

PRINTED NAME: Stephen B. Bragdon

SECTION 2: PROPERTY INFORMATION

Property Address: **438 Washington Street**

Tax Map Parcel Number: **Map 531, Lot 054**

Zoning District: **Low Density**

Lot Dimensions: Front: **400.79** Rear: **301.54** Side: **225.57** Side: **377.38**

Lot Area: Acres: **2.38** Square Feet: **103,535**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **13%** Proposed: **28%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **45%** Proposed: **64%**

Present Use: **College campus for NH Community College - exempt from zoning**

Proposed Use: **Affordable Multifamily Housing**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See Attached

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 3.3.5 of the Zoning Regulations to permit:

A variance is requested from Article 3.3.5 of the LDC to allow multifamily housing use.

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

See Attached

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

See Attached

3. Granting the variance would do substantial justice because:

See Attached

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

See Attached

5. Unnecessary Hardship

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

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

See Attached

and

ii. The proposed use is a reasonable one because:

See Attached

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

See Attached

438 WASHINGTON STREET – ATTACHMENT TO VARIANCE APPLICATION
REQUESTING VARIANCE FROM SEC. 3.3.5 FOR MULTIFAMILY USE

Section 3 – Written Narrative

Monadnock Affordable Housing Corporation ("MAHC") is authorized to pursue approvals, including this application by way of an option to purchase the land and buildings at 438 Washington Street, Keene, NH ("Premises"). The Premises consists of approximately 2.3 acres with an old school building commonly known as the Roosevelt School located within the Low-Density district. The Premises forms the boundary between Low Density and Medium Density districts on its southerly boundary and High-Density zoning districts are found kitty-corner across the street to the south and to the north at Citizen's Way. The Premises is 0.8mi. from Central Square in Keene, just a 16-minute walk to the heart of Downtown Keene.

MAHC seeks to convert the Premises into two land condominium units, each with thirty (30) housing units, for a total of sixty (60) units of affordable housing. The condominiums will be developed in two separate phases for funding purposes. This will be accomplished by renovating the old Roosevelt School building (phase two) and erecting a second building at the rear of the property (phase one). The completed buildings will be two-stories tall as required by LDC Sec. 3.3.4.

The issue for the Board's consideration is as follows:

Whether to grant a variance from Sec. 3.3.5 to allow the Premises to be used for multifamily housing within the Low-Density District? (Low Density only allows single family housing, and 3-unit multifamily if part of a Conservation Residential District).

MAHC's application attempts to meet the public's need for affordable housing while honoring the spirit of the City of Keene Land Development Code (hereinafter "LDC") and City of Keene Comprehensive Master Plan (hereinafter "Master Plan" or "MP"). MAHC believes it can help meet the public's need for affordable housing if this variance request is granted. If this application is not granted, it is unclear whether the Premises could be used for any other purpose, without tearing down the existing Roosevelt School building.

Section 4 – Application Criteria

A variance is requested from Article 3.3.5 of the LDC to allow multifamily housing use.

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

It is no secret that housing availability is a problem facing the citizens of Keene.

According to the City of Keene Comprehensive Master Plan (hereinafter "Master Plan" or "MP"): "Adequate affordable housing is vital for eliminating housing instability and homelessness among extremely low-income households. However, the current demand for affordable housing in Keene dwarfs the supply, and consistent shortfalls and funding reductions for housing assistance have

prevented local programs from helping all those who require it." MP p.115. According to the survey contained within the Master Plan, 73% of respondents agreed/strongly agreed that "A top priority should be developing more housing." 67% agreed/strongly agreed that "High density, mixed-use buildings should be encouraged in downtown area."

In 2020, Mayor George Hansel signed a letter to Governor Chris Sununu calling for the state to work on the issue of housing costs and availability. He has since been named to the Council on Housing Stability. According to Mayor Hansel's work on that Council, Cheshire County needs to add 760 housing units by 2024 to meet the population's need.

On January 17, 2023, the Keene Sentinel's classified ads listed just one apartment available for rent. On February 14, 2023, there were none.

Monadnock Affordable Housing Corporation ("MAHC") is a non-profit affiliate of Keene Housing. Keene Housing is the City of Keene's Public Housing Authority, created by the City in 1965 to help its effort to provide safe, affordable housing to Keene's low-income elderly, disabled and family households. There are currently approximately 3000 households on Keene Housing's waiting lists.

According to the Master Plan: "New housing growth in Keene has been substantially slower than both the county and the state." MP p.27:

Given the significant need for housing in this community, granting the variances will serve the public's interest by providing critically needed affordable housing.

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

The LDC allows multifamily use within the Low-Density District as part of a conservation residential development (CRD), thus, the ordinance does contemplate multifamily use in this district. Unfortunately, the Premises is too small to designate the open spaces required for a CRD, however, the inclusion of such developments within the Low-Density District indicates that the proposed use is consistent with the spirit of the LDC.

The LDC was "adopted in accordance with the City of Keene's Comprehensive Master Plan" as a mechanism to protect, promote and improve the public health and safety, it was also designed to facilitate orderly development and compatible uses for a strong economy, attractive community, and quality of life." LDC Sec. 1.1.2.

The Master Plan urges "smart grown" which increases the opportunity "to meet community and regional needs for housing..." MP p.15. The Master Plan's Community Vision includes a goal of "providing quality housing." MP p. 19. Specifically, the Master Plan notes how important housing is to sustain Keene's downtown. MP p.42. "The community's ability to improve upon its existing housing stock, create new housing opportunities across all incomes and lifestyles, balance the mix of rental and owner-occupied units, and meet sustainability and energy efficiency goals will continue to be a determining factor in Keene's – and the region's – health and prosperity. Overall, housing must be conveniently located, healthy, safe, and affordable." MP p.48. "*Areas suitable*

for future housing growth include downtown and certain surrounding neighborhoods," such as the location of the Premises. MP p.49 (emphasis added).

According to the Master Plan, "the community and the City should support creative means to expand affordable workforce housing. For example, changes in land-use regulations can assist in creating a market for developers to build this type of housing through the provision of density bonuses or other incentives. Adding inclusionary housing into requirements for new residential development may be another way to support affordable housing construction." MP p.50. The project for which this application is submitted meets the needs of the community and the spirit of the ordinance by providing affordable housing which is within walking distance of downtown and providing affordable housing as suggested by the Master Plan.

The Master Plan includes a vision for "pedestrian and bicycle infrastructure that is present thought the community and that places import on people rather than automobiles." MP p.18. The Premises is located just 0.8 miles from Central Square, which lends itself to bicycle or walking to downtown attractions, or use of the nearby bus stop which serves Citizen's Way.

Allowing multifamily housing in the existing Roosevelt School Building and construction of an additional building in the rear of the Premises would not alter the essential character of the neighborhood. Indeed, the property across the street from the Premises at 543 Washington Street is a 30-unit multi-family housing property in the Low Density District. The Citizen's Way development is zoned High Density just up the street from the Premises, and fully surrounded by the Low Density District. It cannot be said that adding quality, affordable multi-family housing to this neighborhood would harm the health safety and welfare by providing safe affordable housing.

Accordingly, granting the variance is consistent with the basic zoning purposes stated in the LCD (Sec. 1.1.2) and the Master Plan.

3 – Granting the variance would do substantial justice because:

According to the Master Plan, "the current demand for affordable housing in Keene dwarfs the supply, and consistent shortfalls and funding reductions for housing assistance have prevented local programs from helping all those who require it." MP p.115.

The NH Supreme Court has found that expansion of a manufactured housing park showed substantial justice "because it "improve[d] a dilapidated area of town" and "provided affordable housing in the area." See Harrington v. Town of Warner, 152 N.H. 74, 85 (2005). Similarly, the Roosevelt School Building is in need of use, occupancy and repairs, which may be achieved while providing affordable housing in the area if this application is granted.

Substantial justice would be done by granting this application, which is consistent with the Master Plan, to allow affordable housing opportunities for the citizens of Keene.

There is no benefit to the public which would outweigh the hardship to the applicant because denying the variance would leave the current building virtually unusable, indeed causing further detriment to the neighborhood. The Premises is encumbered by a large school building in a zoning district which does not permit private schools.

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

There is a common misconception and fear that affordable housing developments reduce the value of neighboring properties. However, as explained in the attached article from the Metropolitan Housing and Communities Policy Center, "empirical research provides little evidence that subsidized housing depresses neighboring property values." To the contrary, projects funded with Low-Income Housing Tax Credits "have been associated with an immediate positive increase of 3.8 percentage points in nearby property values" and that revitalization of low income neighborhoods increases home values by 6.5 percent and reduces crime rates. In Alexandria Virginia, the study found that affordable housing was associated with an increase in property values of .9%, which they attributed, in part, to strong local oversight and the close relationship between the city and the housing developer. This is important because Keene Housing shares a close working relationship with the City of Keene and will continue such relationship in the management of the Premises. We have attached the complete study from Alexandria, Virginia for your reference.

The finished construction will be of high quality, aesthetically pleasing, and sustainable both in its construction methods and its longevity in this location.

5 – Unnecessary hardship

- A. Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
- i. *No fair and substantial relationship exists between the general public and the purposes of the ordinance provision and the specific application of that provision to the property because:*

The Premises is located within the Low-Density District where private schools are not permitted, yet the Premises is encumbered by an old school building. Strict compliance with the LDC would require the structure be demolished and rebuilt as a single-family residence because the only permitted use is single-family housing. The other permitted uses (conservation area, community garden, or a small group home with a conditional use permit) are similarly unfeasible in the current building. Essentially, the Premises cannot be used without tearing down the structure which, in and of itself is cost prohibitive for most, if not all potential owners. Thus, the Premises could only be developed by an entity exempt from zoning regulation. Therefore, application of the uses set forth in the LDC interfere with the applicant's reasonable intended use of the property as multifamily housing.

A hardship exists because the Premises essentially cannot be used for any reasonable purpose by any owner who is not exempt from zoning regulations. Because there is already a very large structure on the Premises which predates the LDC, the property's characteristics are unique and create very difficult use of the property in the Low-Density District.

Strict application of the LDC to the Premises, bears no relationship, and is indeed contrary, to the objective of the LDC to facilitate orderly development and compatible uses for a strong economy, attractive community, and quality of life, because it would essentially prohibit any development of the Premises.

Granting of the variances requested herein would not injure the public or private rights of others, instead, it would allow an adaptive reuse of an existing structure which is otherwise useless and help to meet the public need for affordable housing.

ii. And the proposed use is a reasonable one because:

The most reasonable use of the Premises, considering its location within a district designed to promote housing, is to convert its use to multi-family housing. Economies of scale and the needs of the City of Keene's population, only make such a use feasible and reasonable as a sixty (60) unit property. Additionally, because the Premises is encumbered by a large structure, multi-family housing is a reasonable use of that structure.

Further, the neighborhood already has two multifamily housing complexes (Citizen's Way and 543 Washington Street), thus the proposed use is consistent with uses of surrounding properties.

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

Unless the State of New Hampshire, or another entity which is exempt from zoning regulations seeks to use the Premises as a public school, there is no other use of the Premises which does not require tearing down the Roosevelt School building. The applicant suspects that the cost of demolishing the existing building would make development of the Premises as a single-family residence cost prohibitive.

NOTICE LIST
438 Washington Street, Keene NH Map 531 Lot 54

Sturtevant Chapel, Inc.
20 Wright Street
Keene, NH 03431
Map 531 Lot 01

John and Debra Norris
15 Woodbury Street
Keene NH 03431
Map 531 Lot 38

Allen C. Demond
Deborah Demond
37 Wright Street
Keene NH 03431
28 Wright Street
Map 531 Lot 02

James S. Wood
11 Woodbury Street
Keene NH 03431
Map 531 Lot 39

Louise M. Dinuovo Revocable Trust
15 Fox Ave
Keene NH 03431
Map 531 Lot 33

Three Trees LLC
P.O. Box 626
Keene NH 03431
9 Woodbury Street Keene, NH
Map 531 Lot 40

Barbara MacKenzie
5 Fox Ave
Keene NH 03431
Map 531 Lot 34

Gary Schneider
5 Woodbury Street
Keene NH 03431
Map 531 Lot 41

Susan L. Bunton-Merritt Trust of 2020
3 Fox Ave
Keene NH 03431
Map 531 Lot 35

Earl and Ester Norris
3 Woodbury Street
Keene NH 03431
Map 531 Lot 42

Thomas Bergeron
Daniella Bergeron
21 Woodbury Street
Keene NH 03431
Map 531 Lot 36

Christian and Rebecca Sayan
464 Washington Sts
Keene NH 03431
Map 531 Lot 43

Margit Noel
Daniel Foster
19 Woodbury Street
Keene NH 03431
Map 531 Lot 37

Delilah M. Kelly
472 Washington St
Keene NH 03431
Map 531 Lot 44

GWG Properties, LLC
55 Langly Road
Keene NH 03431
451 Washington St.
Map 531 Lot 47

Melinda Mosier
443 Washington St.
Keene, NH 03431
Map 531 Lot 48

Michelle Carter
435 Washington St.
Keene NH 03431
Map 531 Lot 49

People's Linen Service, LLC
9 Giffin Street
Keene NH 03431
427 Washington St
Map 531 Lot 50
9 Giffin Street
Map 532 Lot 74

Wendy Preston
Mark Fontaine
417 Washington St.
Keene NH 03431
Map 531 Lot 51

MLF NH Properties, LLC
160 Randolph Ave
Jersey City, NJ 0305
404 Washington Street
Map 531 Lot 52

Brittany Rose Woolsey
Michael Lee Thompson
412 Washington St.
Keene NH 03431
Map 531 Lot 53

Eric and Debra Willis
18 Woodbury Street
Keene NH 03431
Map 531 Lot 55

John Bordenet
Rose Kundanis
22 Woodbury Street
Keene NH 03431
Map 531 Lot 56

Fanny Del Socorro Monsalve Puerta
37 Gleneagle Drive
Nashua, NH 03063
Map 531 Lot 57

Claudette E. Fish
89 Ellis Court
Keene NH 03431
Map 531 Lot 58

Wesruth Family Trust
39 Ellis Court
Keene NH 03431
Map 531 Lot 59

Deborah Demond
37 Wright Street
Keene NH 03431
Map 531 Lot 60

Harrison Durfee
Molly McCormack
621 Court Street
Keene NH 03431
25 Wright Street
Map 531 Lot 61

Beverly Langley
15 Wright Street
Keene NH 03431
Map 531 Lot 62

Todd Tousley
P.O. Box 626
Keene NH 03431
490 Washington St.
Map 532 Lot 01

S & S Wilder, LLC
384 Washington St.
Keene, NH 03431
Map 535 Lot 24

Edward Nickerson
411 Washington St.
Keene NH 03431
Map 535 Lot 26

Steven Prince
Kerry Prince
71 East Main Street
Rindge NH 03461
403 Washington St.
Map 535 Lot 27

Najad G. Ghanbari
1082 Davol St , #402
Fall River, MA
397 Washington St.
Map 535 Lot 28

Taccini-Huff Family Trust
4245 Palos Verdes Drive South
Rancho Palos Verdes, CA 90275
391 Washington St.
Map 535 Lot 29



December 21, 2022

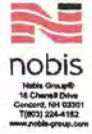
Re: Application for Permits – 438 Washington Road, Keene, NH

To whom it may concern

This letter authorizes Warrenstreet Architects to submit permit applications for the development of a housing project at 438 Washington Street, and to appear and testify on their behalf at meetings and hearings in connection with the same.

Community College System of New Hampshire

By: Matthew Moore
Matthew E. Moore, PE
Community College System of New Hampshire
Director of Capital Planning and Development



ZONING ANALYSIS

THE MAPPER CODE OF	MAP 121 & 128A	
ADDRESS:	438 WASHINGTON STREET	
	KEENE, NH	
ZONING DISTRICT:	LOW DENSITY 8-D DISTRICT	
PERMITTED AREA	PROPOSED	
	10,117 SF	
MINIMAL LOT FRONTAGE	PROPOSED	
	17'	
LOT COVERAGE	PROPOSED	REQUIRED
MAXIMUM	12%	24%
MINIMUM	12%	12%
MINIMUM LOT WIDTH	PROPOSED	REQUIRED
	40'	30'
MINIMAL SIDE LOT COVERAGE	PROPOSED	REQUIRED
	10'	5'
MINIMAL REAR LOT COVERAGE	PROPOSED	REQUIRED
	10'	5'
TOTAL LANDSCAPE MINIMUM	PROPOSED	REQUIRED
	20%	20%
FRONT YARD	PROPOSED	REQUIRED
FRONT YARD	15'	15'
SIDE YARD (WASHINGTON STREET)	15'	20'
REAR YARD	15'	20'
FRONT YARD	PROPOSED	REQUIRED
FRONT YARD	15'	15'
SIDE YARD	15'	15'
REAR YARD	15'	15'
DESIGNATED ZONING DISTRICT		
PROJECT CLASSIFICATION	3 SPACES / UNIT	
TOTAL SPACES	PROPOSED	REQUIRED
MOBILE HOME SPACES	0	4

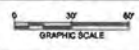
NOT ISSUED FOR CONSTRUCTION

ROOSEVELT SCHOOL HOUSING

438 WASHINGTON STREET
KEENE, NH 03431

PROPERTY OWNER:
KEENE HOUSING
831 COURT STREET
KEENE, NH 03431

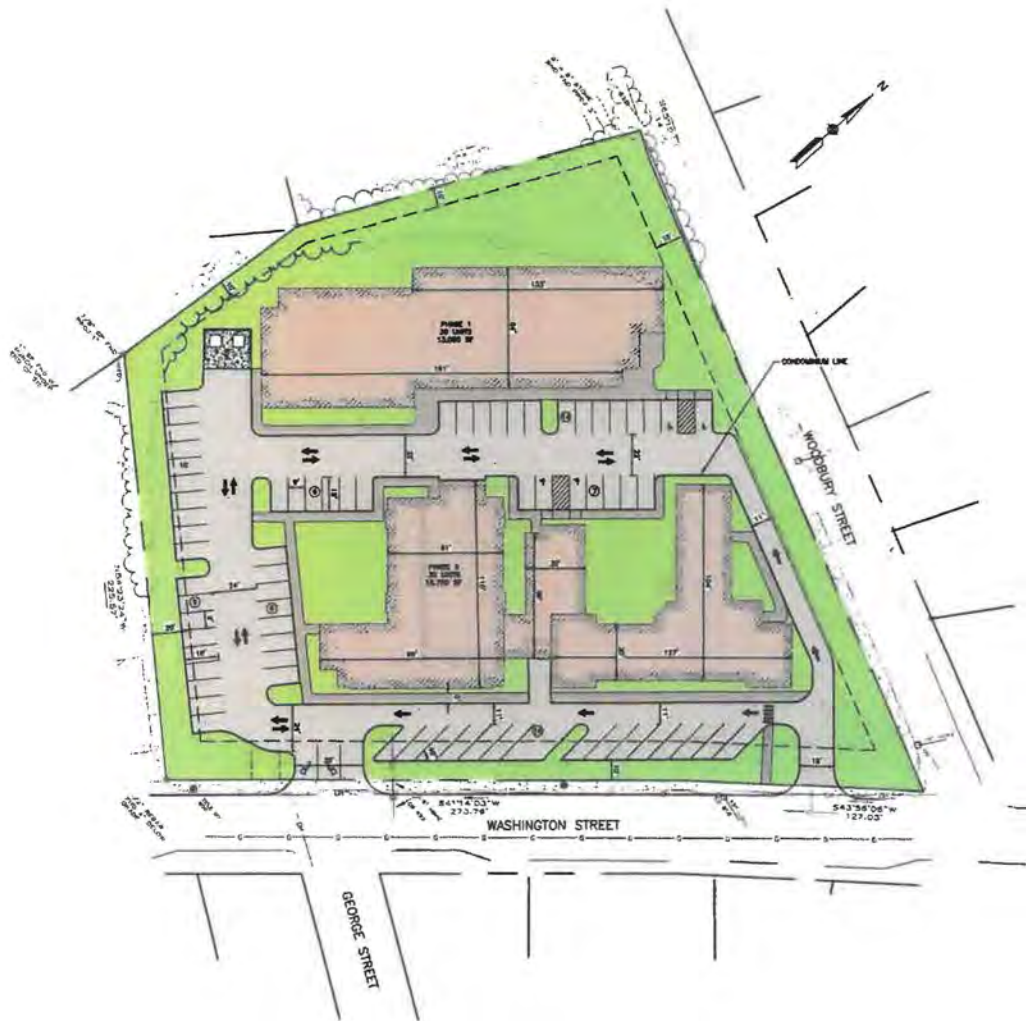
NO.	DATE	DESCRIPTION
REVISIONS		



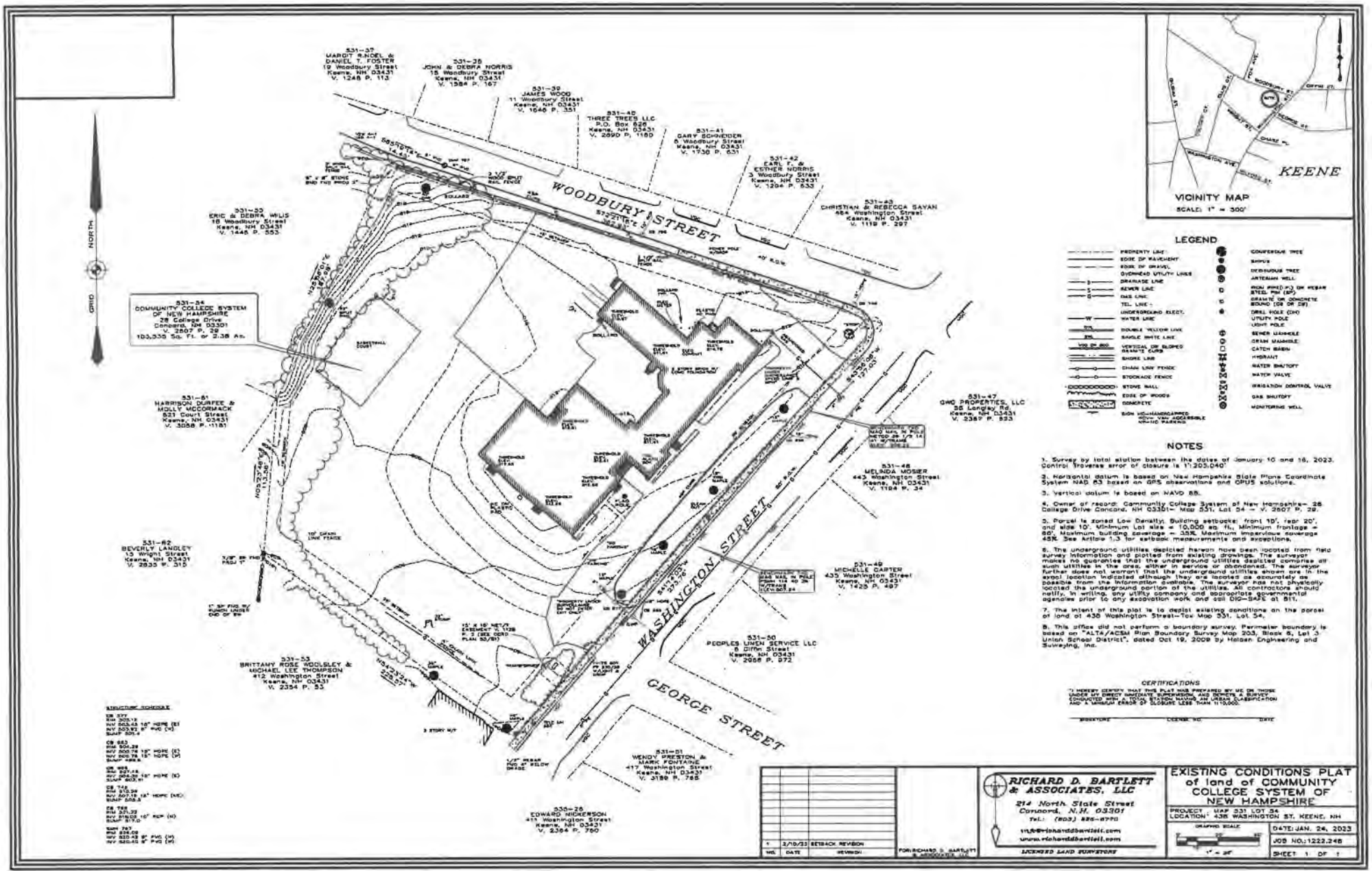
DATE:	FEBRUARY 2003
NOBIS PROJECT NO.:	100569.000
DRAWN BY:	RAL
CHECKED BY:	ACH
CAD DRAWING FILE:	NOBIS PROJ-200-817E.dwg
SHEET TITLE:	

CONCEPTUAL SITE PLAN

SHEET
C-1



A.C.P. 2/20/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM 1/28/03 11:00 AM



LEGEND

--- PROPERTY LINE	--- CONCRETE TREE
--- EDGE OF MAINTENANCE	--- BUSHES
--- EDGE OF DRIVE	--- DECIDUOUS TREE
--- OVERHEAD UTILITY LINE	--- ARTESIAN WELL
--- DRAINAGE LINE	--- RAIL FENCE (X) OR FENCE
--- SEWER LINE	--- STEEL PIPE (X) OR PIPE
--- GAS LINE	--- BRICK OR CONCRETE FOUND (X) OR (S)
--- TEL. LINE	--- DRILL HOLE (X) OR UTILITY POLE
--- UNDERGROUND ELEC.	--- UNDER HOLE
--- WATER LINE	--- SEWER MANHOLE
--- DOUBLE YELLOW LINE	--- GRASS MANHOLE
--- SINGLE WHITE LINE	--- CATCH BASIN
--- VERTICAL OR SLOPED DRAINAGE CURB	--- HYDRANT
--- SLOPE LINE	--- WATER SHUTOFF
--- CHAIN LINK FENCE	--- WATER VALVE
--- STOCKADE FENCE	--- IRRIGATION CONTROL VALVE
--- STONE WALL	--- GAS SHUTOFF
--- CONCRETE	--- MOUNTAIN WELL
--- SIGN	
--- SIGN UNRECORDED	
--- SIGN UNRECORDED WITH NEW ADDRESS	
--- SIGN UNRECORDED WITH OLD ADDRESS	

- NOTES**
- Survey by total station between the dates of January 10 and 18, 2023. Control traverse error of closure is 1/305,040".
 - Horizontal datum is based on New Hampshire State Plane Coordinate System NAD 83 based on GPS observations and OPUS solutions.
 - Vertical datum is based on NAVD 88.
 - Owner of record: Community College System of New Hampshire, 26 College Drive Concord, NH 03301. Map 531, Lot 24 - V. 2807 P. 29.
 - Parcel is zoned Low Density Building setback: front 10', rear 20', and side 10'. Minimum lot size = 10,000 sq. ft., Minimum frontage = 80'. Maximum building coverage = 33%. Maximum impervious coverage 45%. See Article 1.3 for setback measurements and exceptions.
 - The underground utilities depicted herein have been located from field survey information and plotted from existing drawings. The surveyor makes no guarantee that the underground utilities depicted comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although they are located as accurately as possible from the information available. The surveyor has not physically located the underground portion of the utilities. All contractors should notify, in writing, any utility company and appropriate governmental agencies prior to any excavation work, and call 811-CALL BEFORE YOU DIG.
 - The intent of this plot is to depict existing conditions on the parcel of land of 430 Washington Street-Top Map 531, Lot 54.
 - This office did not perform a boundary survey. Perimeter boundary is based on "ALTA/ACSM Plan Boundary Survey Map 203, Block 9, Lot 3, Union School District", dated Oct 19, 2009 by Helton Engineering and Surveying, Inc.

CERTIFICATIONS

I, RICHARD D. BARTLETT, being duly sworn, depose and say that I am a duly Licensed Professional Engineer and Surveyor in the State of New Hampshire, and that I have personally supervised and participated in the making of the above described plat, and that the same is a true and correct representation of the actual conditions of the above described property as of the date hereon.

RICHARD D. BARTLETT, P.E.

REVISIONS

NO.	DATE	REVISION
1	3/10/23	RETRAC REVISION

NO.	DATE	REVISION
1	3/10/23	RETRAC REVISION

RICHARD D. BARTLETT & ASSOCIATES, LLC

314 North State Street
Concord, N.H. 03301
Tel: (603) 836-8700
rdb@rhovdsbartlett.com
www.rhovdsbartlett.com

REGISTERED LAND SURVEYORS

EXISTING CONDITIONS PLAT
of land of COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE

PROJECT: MAP 531, LOT 24
LOCATION: 430 WASHINGTON ST, KEENE, NH

DATE: JAN. 24, 2023
JOB NO.: 1222.248
SHEET 1 OF 1

ROOSEVELT SCHOOL HOUSING

438 WASHINGTON STREET
KEENE, NH 03431



OWNER

COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE
28 COLLEGE DR., CONCORD, NH 03301
P. (603) 344 5377

DEVELOPER

KEENE HOUSING
831 COURT STREET
KEENE, NEW HAMPSHIRE 03431

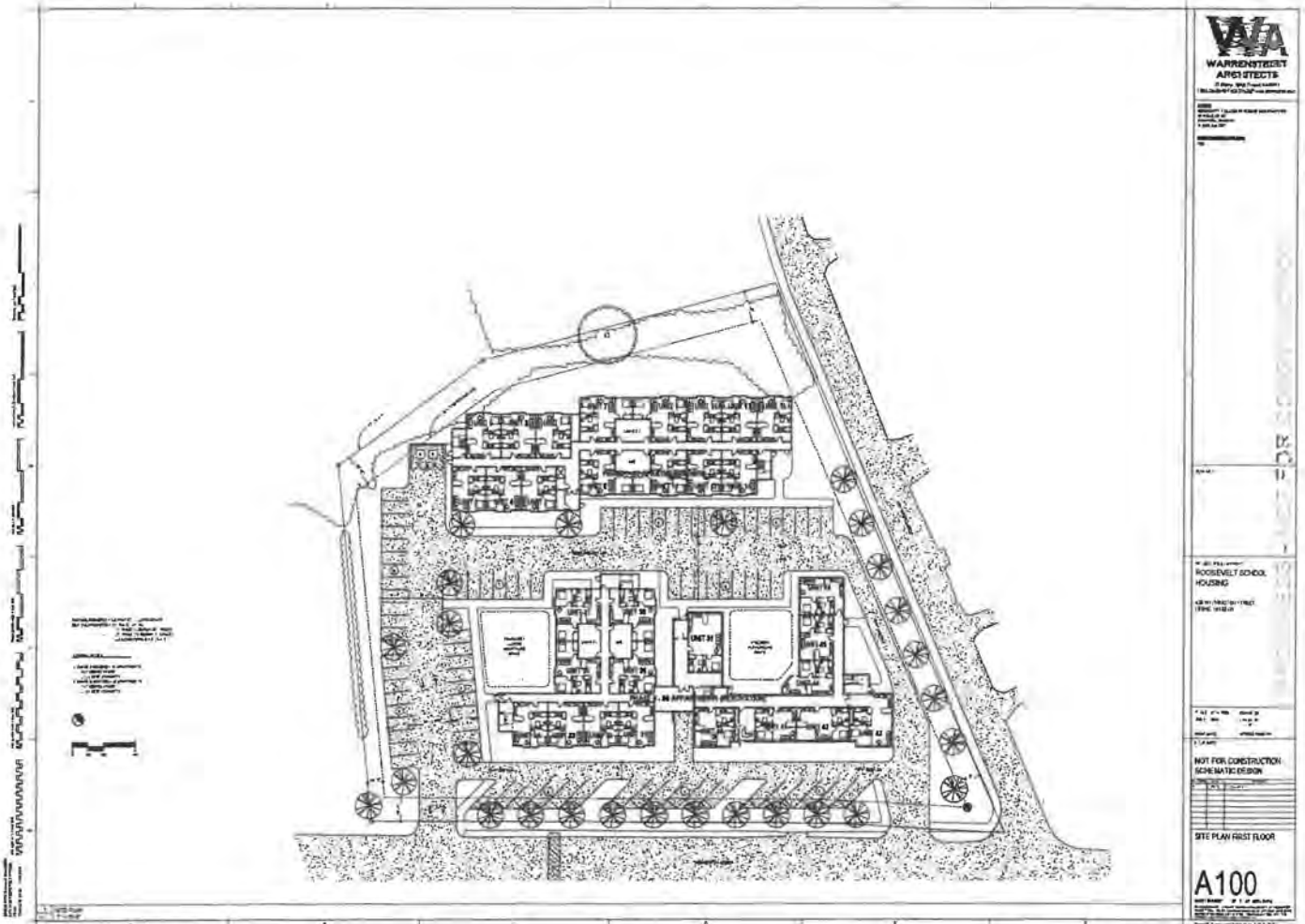
CONSTRUCTION MANAGER

TBD

WARRENSTREET ARCHITECTS, INC.

PLANNERS, ARCHITECTS, LANDSCAPE ARCHITECTS, INTERIOR DESIGNERS
27 WARREN STREET, CONCORD, NH 03301
P. (603) 225-0640 F. (603) 225-0621

CIVIL	LANDSCAPE	ARCHITECTURE	STRUCTURAL	MECHANICAL/PLUMBING	ELECTRICAL	OTHER	PROJECT:
NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	WARRENSTREET ARCHITECTS, INC. 27 WARREN STREET CONCORD, NH 03301 P. (603) 225-0640 F. (603) 225-0621	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	ROOSEVELT SCHOOL HOUSING PROJECT NUMBER: 3006
							ISSUE: NOT FOR CONSTRUCTION SCHEMATIC DESIGN ISSUE DATE: 01/12/2023
							ARCHITECT OF RECORD



WVA
WARREN STREET
ARCHITECTS

1000 10th Street, Suite 100
 San Francisco, CA 94103
 Tel: 415.774.1111
 Fax: 415.774.1112
 www.warrenstreet.com

DATE: 10/15/10
 PROJECT: ROOSEVELT SCHOOL HOUSING
 SHEET: A100

ROOSEVELT SCHOOL HOUSING
 SCHEMATIC DESIGN

NOT FOR CONSTRUCTION
 SCHEMATIC DESIGN

SITE PLAN FIRST FLOOR

A100



WARDENFRET ARCHITECTS

1000 10th Street, Suite 100
Seattle, WA 98101
206.461.1111
www.wardenfret.com

ROOSEVELT HIGH SCHOOL HOUSING

1000 10th Street, Suite 100
Seattle, WA 98101
206.461.1111
www.wardenfret.com

NOT FOR CONSTRUCTION
SCHEMATIC DESIGN

DATE: 10/15/10

SCALE: 1/8" = 1'-0"

DATE: 10/15/10

SCALE: 1/8" = 1'-0"

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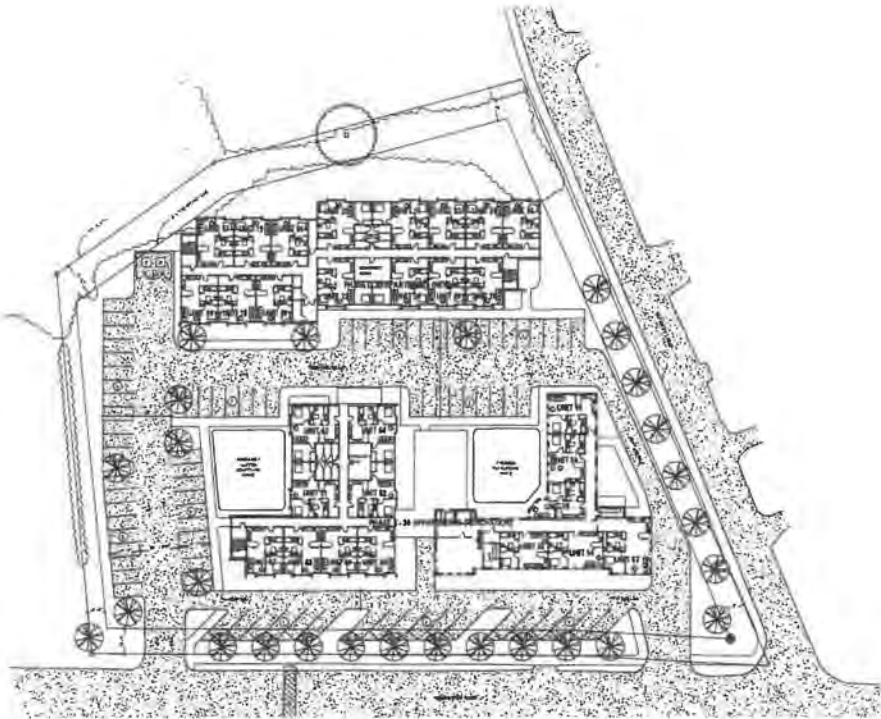
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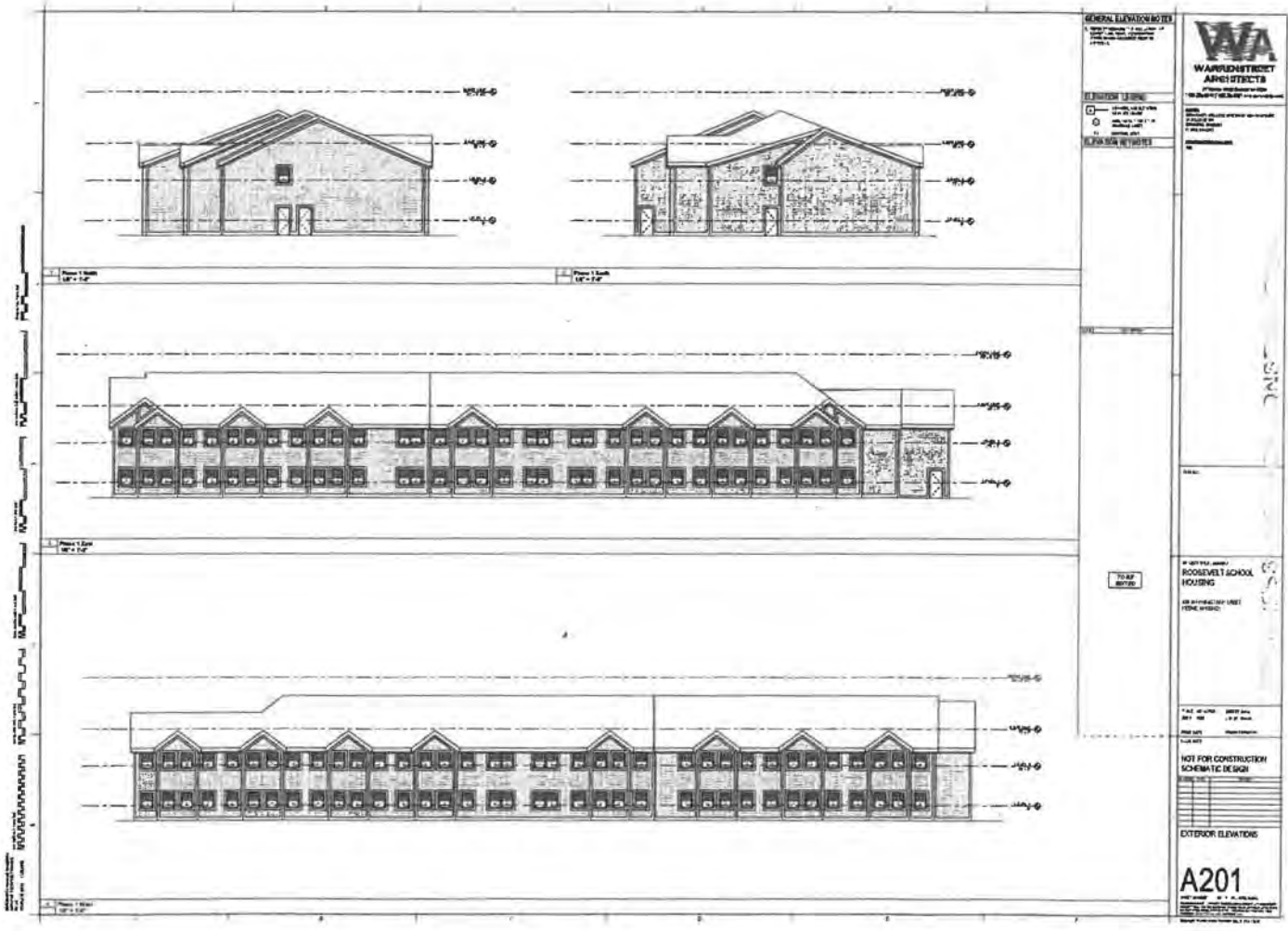
DATE: 10/15/10

SCALE: 1/8" = 1'-0"



LEGEND
1. Landscaping
2. Parking
3. Building Footprint
4. Utility Lines

A101



GENERAL ELEVATION NOTES

1. SEE GENERAL NOTES FOR ALL ELEVATIONS.
2. SEE GENERAL NOTES FOR ALL ELEVATIONS.
3. SEE GENERAL NOTES FOR ALL ELEVATIONS.

ELEVATION LISTING

1. SIDE ELEVATION (SEE PLAN)

ELEVATION DETAILS

1. SEE PLAN

WA
WARDHISTRICT
ARCHITECTS

1000 W. 10TH AVENUE
DENVER, CO 80202
TEL: 303.733.1111
WWW.WARDHISTRICTARCHITECTS.COM

NOT FOR CONSTRUCTION
SCHEMATIC DESIGN

EXTERIOR ELEVATIONS

A201



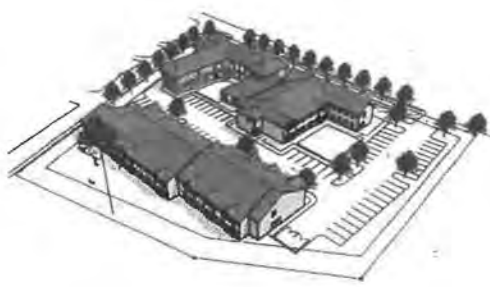


WARREN STREET ARCHITECTS
1000 10th Avenue, Suite 100
Seattle, WA 98101
206.461.1111
www.warrenstreetarchitects.com



1. North Elevation

2. South Elevation



3. West Elevation

4. East Elevation

PROJECT NAME
ROOSEVELT SCHOOL HOUSING

ARCHITECT
WARREN STREET ARCHITECTS

DATE OF PLAN
NOV 18 2014

DATE OF PLAN
NOV 18 2014

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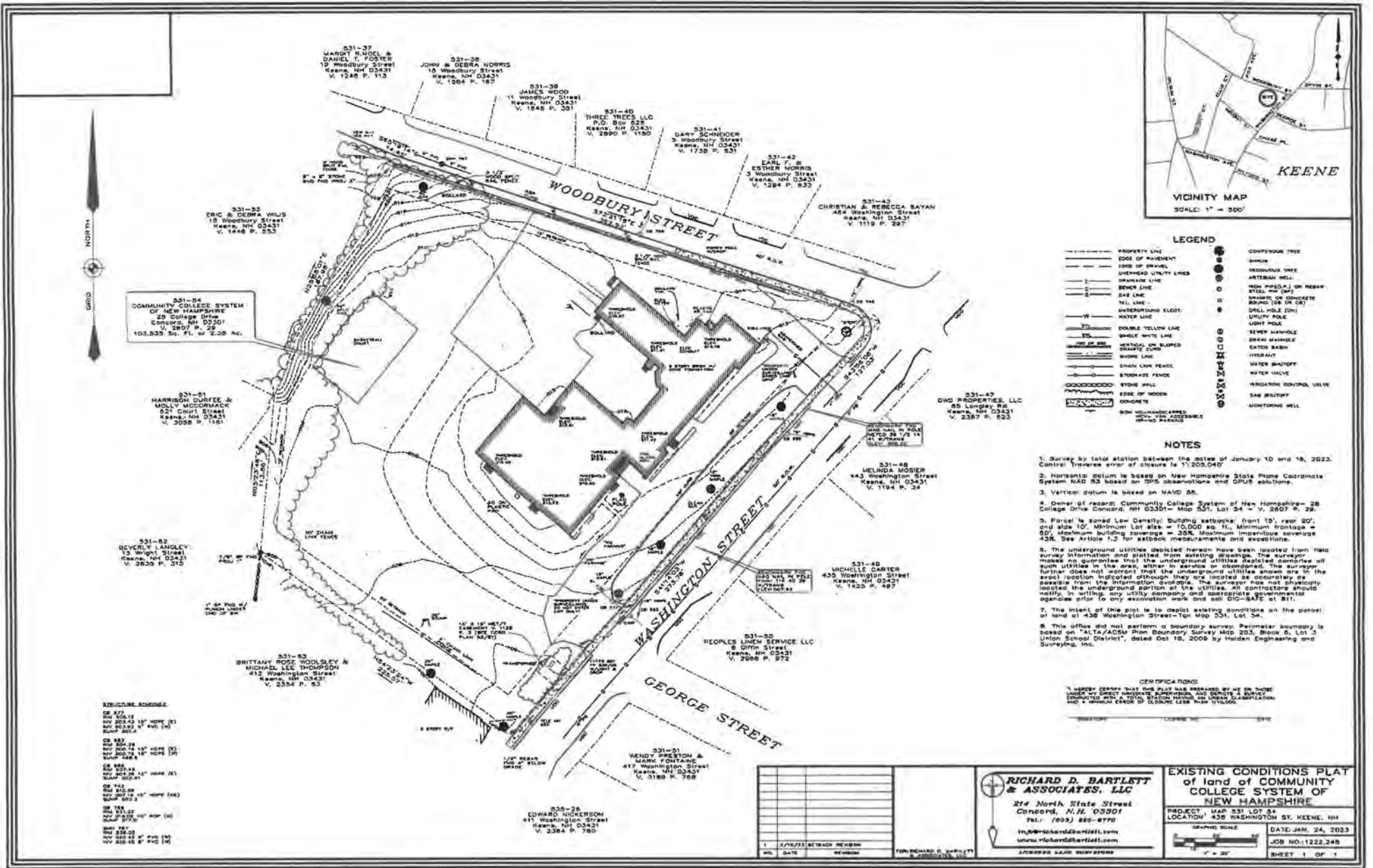
DATE OF PLAN
NOV 18 2014

DATE OF PLAN
NOV 18 2014

NOT FOR CONSTRUCTION
SCHEMATIC DESIGN

AERIAL VIEW

A205



LEGEND

--- PROPERTY LINE	--- EDGE OF PAVEMENT	--- OVERHEAD UTILITY LINES	--- SEWER LINE	--- GAS LINE	--- TEL. LINE	--- UNDERGROUND ELEC.	--- WATER LINE	--- DOUBLE YELLOW LINE	--- SINGLE WHITE LINE	--- METEORIC OR BURIED	--- GRAVE MARK	--- SHORE LINE	--- SHAIN LINK FENCE	--- STONORASE FENCE	--- STONE WALL	--- CONCRETE	--- BORN UNRECORDED	--- UNRECORDED	--- CONTEMPORARY TREE	--- MODERN TREE	--- ARTESIAN WELL	--- HIGH PRESS. OR REPAIR	--- BRASS OR CONCRETE	--- ROUND (OR OR)	--- DRILL HOLE (OH)	--- LIGHT POLE	--- SEWER MANHOLE	--- DRAIN MANHOLE	--- CATCH BASIN	--- HYDRANT	--- WATER SHUTOFF	--- WATER VALVE	--- REGULATION CONTROL VALVE	--- GAS SHUTOFF	--- UNDERFLOW WELL
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- NOTES**
- Survey by total station between the dates of January 10 and 18, 2022. Control traverse error of closure is 1:203,040.
 - Horizontal datum is based on New Hampshire State Plane Coordinate System NAD 83 based on GPS observations and OPUS solutions.
 - Vertical datum is based on NAVD 85.
 - Owner of record: Community College System of New Hampshire - 28 College Drive Concord, NH 03301 - Map 231, Lot 24 - V. 2807 P. 29.
 - Parcel is zoned Low Density. Building setbacks: front 15', rear 20', and side 10'. Minimum lot area = 10,000 sq. ft., Minimum frontage = 80'. Maximum building coverage = 35%. Maximum impervious coverage 45%. See Article 1.2 for setback measurements and elevations.
 - The underground utilities depicted herein have been located from field survey information and plotted from existing drawings. The surveyor makes no guarantee that the underground utilities depicted comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although they are located as accurately as possible from the information available. The surveyor has not physically located the underground portion of the utilities. All contractors should notify, in writing, any utility company and appropriate governmental agencies prior to any excavation work and call 811-CALL BEFORE YOU DIG.
 - The intent of this plot is to depict existing conditions on the parcel of land at 438 Washington Street - Tax Map 231, Lot 24.
 - This office did not perform a boundary survey. Perimeter boundary is based on "ALTA/ACURA" Plan Boundary Survey Map 203, Block 0, Lot 3 Union School District, dated Oct 19, 2006 by Heiden Engineering and Surveying, Inc.

CERTIFICATION
 I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW HAMPSHIRE. I AM A MEMBER OF THE SURVEYING BOARD OF NEW HAMPSHIRE. I AM A MEMBER OF THE SURVEYING BOARD OF NEW HAMPSHIRE. I AM A MEMBER OF THE SURVEYING BOARD OF NEW HAMPSHIRE.
 DATE: 2/15/23
 SIGNATURE: RICHARD D. BARTLETT
 LICENSE NO. 110500

ADJACENT ACRES:

04 877	100' x 125' x 125' x 100'	1.00 AC.
04 878	100' x 125' x 125' x 100'	1.00 AC.
04 879	100' x 125' x 125' x 100'	1.00 AC.
04 880	100' x 125' x 125' x 100'	1.00 AC.
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04 890	100' x 125' x 125' x 100'	1.00 AC.
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04 892	100' x 125' x 125' x 100'	1.00 AC.
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04 897	100' x 125' x 125' x 100'	1.00 AC.
04 898	100' x 125' x 125' x 100'	1.00 AC.
04 899	100' x 125' x 125' x 100'	1.00 AC.
04 900	100' x 125' x 125' x 100'	1.00 AC.

<p>RICHARD D. BARTLETT & ASSOCIATES, LLC 214 North State Street Concord, N.H. 03301 TEL: (603) 855-8770 www.richardbartlett.com LICENSED LAND SURVEYORS</p>		<p>EXISTING CONDITIONS PLAT of land of COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE PROJECT: MAP 231 LOT 24 LOCATION: 438 WASHINGTON ST. KEENE, NH DATE: JAN. 24, 2023 JOB NO.: 1222.248 SHEET 1 OF 1</p>						
<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>1</td> <td>2/15/23</td> <td>REVISION</td> </tr> </table>	NO.	DATE	REVISION	1	2/15/23	REVISION	<p>FOR RICHARD D. BARTLETT & ASSOCIATES, LLC</p>	
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Assessing the Impact of Affordable Housing on Nearby Property Values in Alexandria, Virginia

Christina Stacy and Christopher Davis

April 2022

Stable, affordable housing provides benefits to both people with low incomes and local economies overall. For individuals, it reduces homelessness, lifts people out of poverty, and improves health outcomes (Lubell, Crain, and Cohen 2007). It also improves youth educational outcomes and long-term earnings and reduces the likelihood of later adult incarceration (Andersson et al. 2016; Fischer 2015; Cunningham and McDonald 2012). Affordable housing can help maintain health, daily functioning, quality of life, and maximum independence for adults as they age (Spillman 2012). And it supports employment growth and stability, because low-wage workers are less willing to travel long distances for minimum wage jobs (Altali 2017; Chakrabarti 2014).

Despite these benefits, property owners who live near proposed affordable housing developments often oppose such projects, citing fear that the developments will cause their property values to decline (Sally 2014). However, empirical research provides little evidence that subsidized housing depresses neighborhood property values (Ellen et al, 2007; Galster 2002; Center for Housing Policy 2009). Projects financed through the Low-Income Housing Tax Credit (LIHTC), the largest affordable housing financing program in the United States, have been associated with an immediate positive increase of 3.8

Data provided by Zillow through the Zillow Transaction and Assessment Dataset (ZTRAX). More information on accessing the data can be found at <http://www.zillow.com/ztrax>. The results and opinions in this brief are those of the authors and do not reflect the position of Zillow Group.

Dr. Christina Stacy is a voluntary member of the Alexandria Housing Development Corporation, an affordable housing nonprofit developer in Alexandria, Virginia.

percentage points in nearby property values (Ellen et al. 2007). Another study found that LIHTC properties, on average, revitalize low-income neighborhoods, increasing house prices by 6.5 percent, lowering crime rates, and attracting racially and income-diverse populations (Diamond and McQuade 2016). However, some studies have found that LIHTC developments in higher-income areas are associated with house price declines (Diamond and McQuade 2016; Woo, Joh, and Van Zandt 2016). Other types of affordable developments, such as those funded by new markets tax credits, have not been found to depress property values and can increase property values under certain conditions (Theodos et al. 2021).

It is unclear what conditions and which types of affordable housing developments affect property values differentially, and many local governments require their own analyses to help inform community debates. To add to this knowledge base, we use Zillow's assessor and real estate database to estimate the relationship between affordable housing developments in Alexandria, Virginia, and sales prices of nearby single-family homes, duplexes, cooperatives, and residential condominiums between 2000 and 2020 (Zillow 2021). We use a repeat sales model that estimates the change in sales prices before and after an affordable housing development is built near a home. The model compares those changes with changes in the sales prices of other residential units in Alexandria, thus isolating the relationship between the development and changes in property values.

We find that affordable units in the city of Alexandria are associated with a small but statistically significant *increase* in property values of 0.09 percent within 1/16 of a mile of a development, on average—a distance comparable to a typical urban block. These results are robust to other radii and comparison groups, such as comparing homes within a block with homes within a few blocks or comparing homes within a block with homes between half a mile and one mile away. When we remove set-asides—defined as affordable housing units within market-rate developments—the coefficient increases to 0.11 percent, confirming that set-asides are not driving these results. And when we split the effects by the baseline income of neighborhoods to see whether affordable housing construction in lower-income neighborhoods is driving the results, we find the opposite of prior research: in Alexandria, affordable housing in higher-income neighborhoods has a positive and highly significant effect on surrounding home values, as does affordable housing in lower-income neighborhoods. This calls into question prior findings that affordable housing in high-income areas necessarily causes nearby property values to decline.

The positive relationship between affordable units and nearby home sales in Alexandria may reflect strong local oversight and the close relationship between the city and affordable housing developers. Various municipal measures help ensure that new or preserved developments fulfill strict requirements for design, development, maintenance, and operation. Other cities have shared that they are unhappy with affordable housing in their jurisdictions, which they believe is because they have little local oversight over the developments.¹ Alexandria's close partnerships with affordable housing developers and oversight of affordable housing may explain the positive effects found here.

These findings show that multifamily affordable housing developments in Alexandria do not cause a decline in nearby property values, as some fear, but are actually associated with a small but statistically

significant increase in nearby values. This should ease residents' concerns about their impact on neighborhoods and bolster support for increased development.

Background

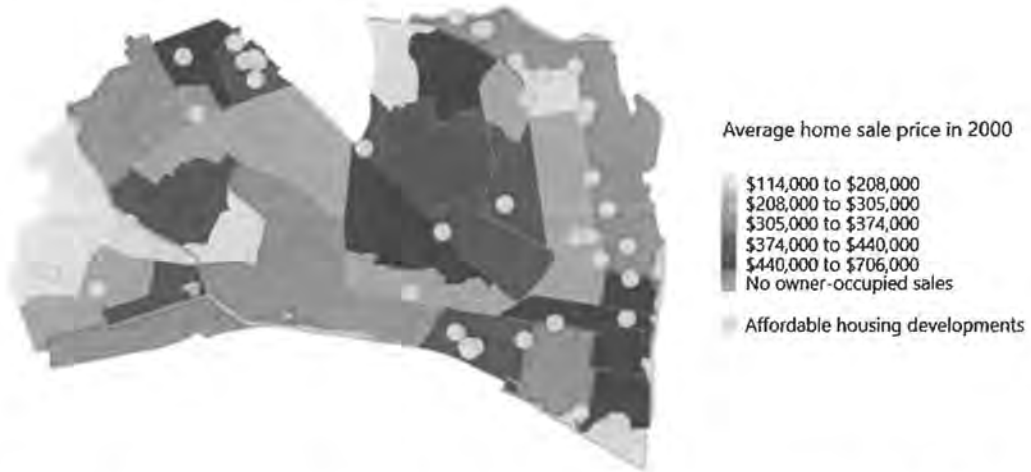
Alexandria, Virginia, a suburb of Washington, DC, had an estimated population of 159,200 in 2020. The city lost 78 percent of its market-rate affordable units—defined as nonsubsidized rental units affordable to households earning 60 percent of the area median income (AMI)—between 2000 and 2020.² 2019 estimates generated by the Urban Institute predict that the city will need an additional 13,600 housing units to accommodate household growth from 2015 to 2030 (Turner et al. 2019), and most of those units need to be affordable to middle- and low-income households.

However, producing and preserving affordable units can be a challenge as some residents oppose their development on the grounds that it will depress their property values.³ To explore whether this is true, we estimate the relationship between the development of 40 multifamily affordable housing developments that began providing subsidized rental units between 2000 and 2020 and nearby property values.

The developments included in our analysis are shown in figure 1 and table 1. This list includes 6 public housing developments, 18 market-rate developments that include affordable set-asides, and 16 developments that were built or preserved by affordable housing developers and include all affordable units. Some of the developments were new construction; others were converted to affordable housing or preserved through redevelopment in partnership with a market-rate developer.

Affordability levels in the developments range from units affordable to families whose incomes are between 0 and 30 percent of AMI to those affordable to families with incomes between 60 and 80 percent of AMI. The number of affordable units in each development ranges from 2 to 244 and accounts for 1 to 100 percent of the total units in the development. To account for this range, our model uses the number of affordable units as the treatment variable, rather than the number of developments.

FIGURE 1
Multifamily Affordable Housing Developments in Alexandria, Virginia, between 2000 and 2020,
Overlaid with Average Home Sale Price in 2000



Source: Authors' calculations from city of Alexandria administrative data and Zillow ZTRAX home sales data (Zillow 2021). Home sale price is inflation-adjusted to 2020 dollars.

TABLE 1

Multifamily Affordable Housing Developments in Alexandria, Virginia, Where Assistance Began between 2000 and 2020

Project name	Year assistance began	Set-asides	Public housing	Origin	Level of affordability of affordable units (percent of AMI)	Committed affordable units	Total units in complex	Percent affordable
Potomac West Apartments	2001	No	No	Conversion to affordable housing	60-80	45	60	75%
Lynhaven Apartments	2002	No	No	Conversion to affordable housing	50-60	28	28	100%
Chatham Square	2004	No	Yes	Preservation through redevelopment	0-30	52	151	34%
Northampton Place	2005	Yes	No	New construction	60	12	275	4%
BWR/Reynolds	2005	No	Yes	New construction	0-30	18	18	100%
BWR/Whiting	2005	No	Yes	New construction	0-30	24	24	100%
Beverly Park Apartments	2005	No	No	Conversion to affordable housing	60	33	33	100%
Arbelo Apartments	2006	No	No	Conversion to affordable housing	60	34	34	100%
Lacy Court Apartments	2006	No	No	Conversion to affordable housing	40-60	44	44	100%
ParcView Apartments	2006	No	No	Conversion to affordable housing	60	120	149	81%
Carlyle Place	2007	Yes	No	New construction	60	13	326	4%
BWR/Braddock	2007	No	Yes	New construction	0-30	6	6	100%
Halstead Tower	2007	Yes	No	New construction	60	9	174	5%
Meridian at Eisenhower Station	2007	Yes	No	New construction	60	15	369	4%
The Alexander	2007	Yes	No	New construction	60	13	275	5%
Longview Terrace	2007	No	No	Conversion to affordable housing	60	41	41	100%
The Tuscany Apartments	2007	Yes	No	New construction	60	2	104	2%
The Station at Potomac Yard	2009	No	No	New construction	60-80	64	64	100%
Alexandria Crossing at Old Dominion	2009	No	Yes	New construction	0-30	36	54	67%

Project name	Year assistance began	Set-asides	Public housing	Origin	Level of affordability of affordable units (percent of AMI)	Committed affordable units	Total units in complex	Percent affordable
Alexandria Crossing at West Glebe	2009	No	Yes	New construction	0-30	48	48	100%
Del Ray Central	2010	Yes	No	New construction	60	9	141	6%
Beasley Square	2011	No	No	New construction	60	8	8	100%
Post Carlyle Square II	2012	Yes	No	New construction	60	6	344	2%
Old Town Commons	2013	No	Partial	Preservation through redevelopment	0-30	134	379	35%
Station 650 at Potomac Yard	2015	Yes	No	New construction	60	8	186	4%
The Bradley	2015	Yes	No	New construction	60	10	159	6%
Notch 8	2015	Yes	No	New construction	60	12	252	5%
Parc Meridian at Eisenhower Station	2016	Yes	No	New construction	60	33	505	7%
Jackson Crossing	2016	No	No	New construction	60	78	78	100%
Southern Towers	2016	Yes	No	Conversion to affordable housing	55-60	105	2,184	5%
The Thornton	2018	Yes	No	New construction	60	24	443	5%
St. James Plaza	2018	No	No	New construction	40-60	93	93	100%
Silverado Alexandria Memory Care	2018	Yes	No	New construction	0-80	2	66	3%
Gables Old Town North	2019	Yes	No	New construction	60	9	232	4%
Ellsworth Apartments	2019	No	No	Conversion to affordable housing	50-60	20	20	100%
The Nexus at West Alex	2019	No	No	New construction	40-60	74	74	100%
Parkstone	2020	No	No	Conversion to affordable housing	60-80	244	326	75%
The Foundry	2020	Yes	No	New construction	60-80	5	520	1%
Denizen Apartments at Eisenhower Square	2020	Yes	No	New construction	60	13	336	4%
The Bloom	2020	No	No	New construction	40-60	97	97	100%

Source: City of Alexandria administrative data.

TABLE 2

Descriptive Statistics of Census Tracts with and without Affordable Units in Alexandria, Virginia

	Never had affordable housing units between 2000 and 2020	Had affordable housing units between 2000 and 2020	Had affordable set-aside units between 2000 and 2020	Had affordable units that were not set-asides between 2000 and 2020
Population	2,978	4,408	3,078	4,705
Median household income	\$86,360	\$69,783	\$56,662	\$72,718
Unemployment	2.70%	3.43%	3.81%	3.34%
Percentage in poverty	7.22%	11.15%	10.01%	11.41%
Share of people of color	44.93%	53.63%	52.10%	53.86%

Sources: Authors' calculations from city of Alexandria administrative data and the 2000 Census.

Notes: Numbers reflect weighted averages, weighted by the total number of affordable units in the census tract between 2000 and 2020.

Methods

Our primary analysis uses an analytic sample that includes properties that were sold more than once between 2000 and 2020 within the city of Alexandria and properties that were sold more than once outside of the city that were also within 1 mile of an affordable housing development in our sample (i.e., properties just outside the city's borders located near affordable housing developments). We drop sales that were greater than \$10 million since they appear to be data errors rather than true sales.

The main model estimates the linear relationship between the natural log of sales prices within 1/16 of a mile of each affordable housing development, before and after the year the assistance began—compared with all other properties in the city that sold more than once—while controlling for housing characteristics by incorporating a fixed effect, or dummy variable, for each property. This “repeat sales” model strives to eliminate omitted variable bias by examining multiple sales of the same properties over time. This controls for attributes about each property that do not change over time. We also control for changes in the housing market at the city level to account for overall trends in the housing market.

The treatment variable in the regression is the number of affordable units in each development. This allows us to weight the development by size (or number of affordable units) and allows developments with more affordable units to count for more than ones with a small number of affordable units.

To examine the spatial impacts, we also estimate mutually exclusive treatment effects for each 1/16-mile ring around a project, up to 1 mile. This analysis allows us to observe the geographic relationship between affordable housing and nearby property values over space. If a property is within 1 mile of more than one development, our model counts the affordable units in both of those developments in the treatment variable.

Finally, we conduct a series of checks to ensure that our results are robust to alternative treatment and control radii. This includes increasing the size of each treatment variable and including a development window control two years before and after the development opened to account for anticipatory effects and to give residents time to move in.

Data

We use two main sources of data for this analysis: administrative data from the city of Alexandria about multifamily affordable housing developments that began assistance between 2000 and 2020 and sales data from the Zillow Transaction and Assessment Dataset (ZTRAX) (Zillow 2021). These data are available from 2000 to 2020 and contain multiple characteristics related to sales and building parcels, including the number of units, year the building was built, size of the parcel, sale amount, and sale type.

Results

We find that affordable housing units in Alexandria are associated with an increase in property values of 0.09 percent within 1/16 of a mile of a development, on average (table 3). This effect is statistically significant at the 1 percent level, roughly meaning that there is a 99 percent chance of a positive value.

TABLE 3

The Relationship between Affordable Housing and Property Values

Average treatment effects for affordable housing on property values within 1/16 of a mile of a development

	In sales price
Affordable housing units	0.09%*** (0.03%)
Number of observations	57,998
Adjusted R-squared	0.46

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data.

Notes: Impact estimates show the effect of affordable housing units and developments on nearby property values. We estimate changes in sales prices using a repeat sales model over all property sales within 1 mile of an affordable housing development. Dollars are adjusted to inflation for 2021. Standard errors (listed in parentheses) are heteroskedastic robust and are clustered at the property level. All regressions include property and quarter fixed effects.

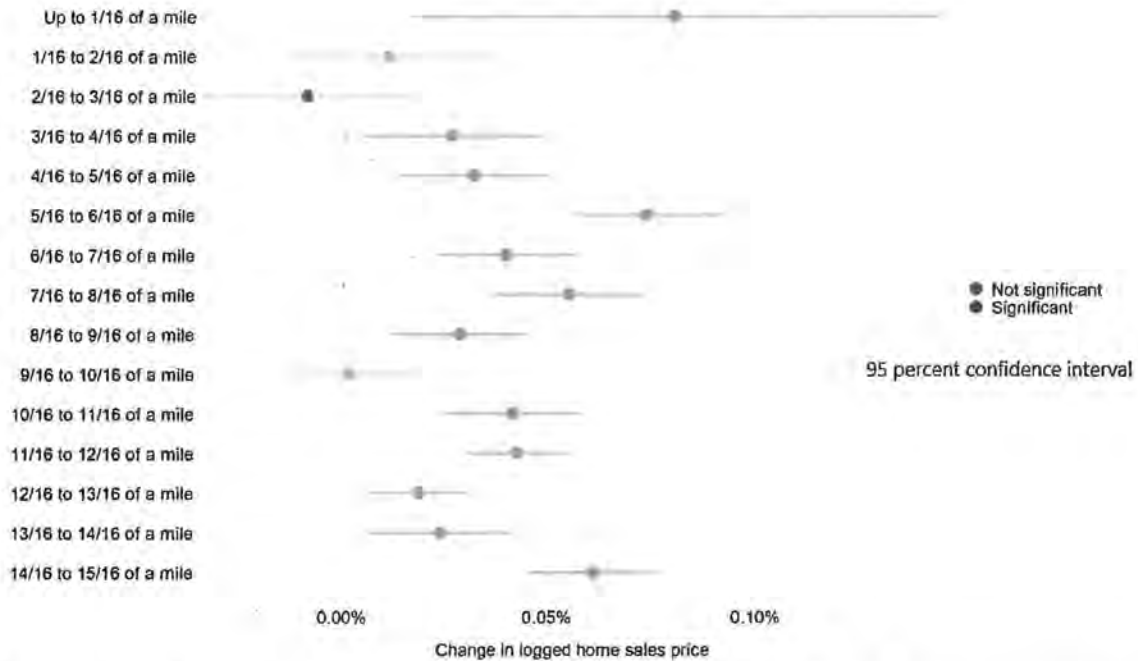
*** $p < 0.01$; ** $p < 0.05$; * $p < 0.10$

Over space, affordable housing units are associated with a positive and statistically significant effect on properties within 1/16 of a mile of a unit but have no effect on properties between 1/16 of a mile and 3/16 of a mile (figure 2). Affordable housing units are associated with an increase in property values for each 1/16-mile ring after that, but at a much lower level, suggesting that those coefficients reflect the placement of the units in growing neighborhoods rather than representing the true impact of an affordable unit.

FIGURE 2

The Relationship between Affordable Housing Units and Property Values over Space

Distance to affordable housing development



Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data.

Notes: Impact estimates show the effect of affordable housing units and developments on nearby property values. We estimate changes in sales prices using a repeat sales model over all property sales within 1 mile of an affordable housing development. Dollars are adjusted to inflation for 2021. Confidence intervals at the 95 percent level (shown as lines) are heteroskedastic robust and are clustered at the property level. All regressions include property and quarter fixed effects. Coefficients shown in red are statistically significant at the 5 percent level, and coefficients shown in blue are not significant.

Removing Set-Asides

Because affordable units in set-asides often account for a small portion of the overall number of units, the market-rate units in set-aside buildings may bias our results. To ensure that this is not the case, we re-run our analysis removing set-asides.

We find that the relationship between affordable units and nearby properties after removing set-asides is even larger than it is when we include them (table 4). Affordable units that are not set-asides are associated with an increase in property values of 0.11 percent within 1/16 of a mile of a development, on average. Again, this may be due to the close relationship between the city and affordable housing developers in Alexandria, which ensures that affordable housing developments excluding set-asides are amenities rather than disamenities to the neighborhood.

TABLE 4

The Relationship between Affordable Housing and Property Values, Removing Set-Asides*Average treatment effects for affordable housing on property values within 1/16 of a mile of a development*

	In sales price
Affordable housing units that were not set-asides	0.11%*** (0.03%)
Number of observations	57,998
Adjusted R-squared	0.460

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data.

Notes: Impact estimates show the effect of affordable housing units and developments on nearby property values. We estimate changes in sales prices using a repeat sales model over all property sales within 1 mile of an affordable housing development. Dollars are adjusted to inflation for 2021. Standard errors (listed in parentheses) are heteroskedastic robust and are clustered at the property level. All regressions include property and quarter fixed effects. ***p<0.01; **p<0.05; * p<0.10.

Variation by Census Tract Income Level

Previous literature has found that affordable housing in higher-income neighborhoods has a different effect on nearby property values than does affordable housing in low-income neighborhoods. To see whether this is true in Alexandria, we re-run our analysis with the treatment variable split by whether the affordable housing units were in census tracts that had household median incomes above or below the median income in Alexandria, as determined by the 2000 Census (table 5).

We find that affordable housing units in above-median-income census tracts are associated with a 0.06 percent increase in property values, and affordable housing units in below-median-income tracts are associated with a 0.17 percent increase in nearby property values. This is counter to prior findings in the literature that show that affordable housing in high-income neighborhoods reduces nearby property values. In Alexandria, affordable housing units in both higher-income and lower-income neighborhoods are associated with statistically significant increases in nearby property values.

TABLE 5

The Relationship between Affordable Housing and Property Values, Split by Household Median Income in Census Tract of Affordable Housing Development

	In sales price
Affordable housing units in census tracts with household median incomes below the median	0.17%* (0.101%)
Affordable housing units in census tracts with household median incomes above the median	0.06%*** (0.03%)
Number of observations	57,998
Adjusted R-squared	0.460

Source: Author calculations from ZTRAX (Zillow 2021), city of Alexandria administrative data, and the 2000 Census.

Other Robustness Checks

We run a number of additional regressions to ensure that our results are robust to various specifications and models. This includes using alternative treatment radii and alternative comparison group radii, as well as including a five-year development window for each opening date.

Specifically, we estimate the relationship between affordable housing developments and property values located within 1/16 of a mile of the development—our preferred specification, since effects are likely very localized—but also within 1/8 of a mile, 1/4 of a mile, and 1/2 of a mile. We also estimate the relationship between properties within 1/8 of a mile, controlling for those between 1/8 of a mile and 1/2 of a mile, in case there are spillover or displacement effects within that distance. In other words, we compare changes in property values within 1/8 of a mile with changes in property values farther than 1/2 a mile from the development.

Table 6 shows the results of these robustness checks. The findings are consistent throughout and follow theory (i.e., they are positive and significant and generally decline with distance), showing that our results are robust to these alternative specifications.

TABLE 6

Robustness Check Results for Varying Distances

In sales price, by varying distances from an affordable housing development

	1/16 of a mile (main model)	1/8 of a mile	1/4 of a mile	1/2 of a mile	1/8 of a mile, controlling for 1/8 to 1/2 of a mile
Affordable housing units	0.09%*** (0.03%)	0.03%** (0.01%)	0.01%** (0.007%)	0.03%*** (0.004%)	0.02%* (0.01%)
Observations	57,998	57,998	57,998	57,998	57,998
R-squared	0.460	0.460	0.460	0.461	0.461

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data.

Notes: Impact estimates show the effect of affordable housing units and developments on nearby property values. We estimate changes in sales prices using a repeat sales model over all property sales within 1 mile of an affordable housing development. Dollars are adjusted to inflation for 2021. Standard errors (listed in parentheses) are heteroskedastic robust and are clustered at the property level. All regressions include property and quarter fixed effects. ***p<0.01; **p<0.05; * p<0.10.

We also undertake robustness checks where we control for a five-year window around the opening of the affordable housing development to account for anticipatory effects and any construction effects that are likely to have a short-term impact on nearby properties (table 7). These results are again consistent and actually larger than our main results, suggesting that controlling for this predevelopment window and move-in period correlates affordable housing developments with even larger increases in nearby property values.

TABLE 7

Robustness Check Results, Varying Distances and Controlling for a Five-Year Development Window
In sales price, by varying distances from an affordable housing development

	1/16 of a mile (main model)	1/8 of a mile	1/4 of a mile	1/2 of a mile	1/8 of a mile, controlling for 1/8 to 1/2 of a mile
Effects controlling for five-year development window	0.16%*** (0.044%)	0.03%* (0.018%)	0.02% (0.010%)	0.04%*** (0.005%)	0.03% (0.018%)
Five-year development window	0.20%*** (0.047%)	-0.01% (0.009%)	-0.01% (0.005%)	0.003% (0.003%)	-0.01% (.009%)
Observations	57,998	57,998	57,998	57,998	57,998
R-squared	0.460	0.460	0.460	0.461	0.461

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data.

Notes: Impact estimates show the effect of affordable housing units and developments on nearby property values. We estimate changes in sales prices using a repeat sales model over all property sales within 1 mile of an affordable housing development. Dollars are adjusted to inflation for 2021. Standard errors (listed in parentheses) are heteroskedastic robust and are clustered at the property level. All regressions include property and quarter fixed effects. ***p<0.01; **p<0.05; * p<0.10.

Conclusion

Although the impact of affordable housing on nearby property values is not the primary reason to build affordable housing, individuals often cite it as a reason to oppose such developments. This analysis adds to the current research on the topic, showing that affordable housing developments in the city of Alexandria, Virginia, not only do not reduce property values but also are associated with a small but statistically significant *increase* in values.

Alexandria's positive results overall could reflect a combination of strict requirements for design, development, maintenance, and operation of affordable housing, as well as a cadre of sophisticated local and regional developers including nonprofit housing developers working in the city's real estate market. They could also reflect ongoing oversight from local, state, federal, and private lenders and investors, as well as the city's commitment to diversity and inclusion, which helps incorporate new and preserved affordable housing developments into the fabric of Alexandria neighborhoods.

Given the known benefits of affordable housing on housing stability, access to opportunity, the economy as a whole, and the overall health of households with low incomes, these results support the development of additional affordable housing in the city of Alexandria.

Appendix A. Supplemental Tables and Figures

TABLE A.1

**Number of Property Sales by Distance from an Affordable Housing Development
2000–2020**

Distance to affordable housing development	Number of sales
0 to 1/16 of a mile	1,832
1/16 to 2/16 of a mile	7,513
2/16 to 3/16 of a mile	11,517
3/16 to 4/16 of a mile	14,637
4/16 to 5/16 of a mile	18,009
5/16 to 6/16 of a mile	20,370
6/16 to 7/16 of a mile	24,334
7/16 to 8/16 of a mile	25,100
8/16 to 9/16 of a mile	24,867
9/16 to 10/16 of a mile	29,251
10/16 to 11/16 of a mile	27,322
11/16 to 12/16 of a mile	28,173
12/16 to 13/16 of a mile	33,656
13/16 to 14/16 of a mile	34,964
14/16 to 15/16 of a mile	34,632
15/16 to 1 mile	36,050

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data. Sales above \$10 million are excluded from this analysis.

Notes: The number of sales includes homes located between the distances shown in the first column, not for all sales between the affordable housing development and the larger distance.

TABLE A.2

Descriptive Statistics of Property Sales by Distance*2000 and 2020*

	Minimum	Mean	Median	Maximum	Count
Within 1 mile, 2000	\$2,040	\$337,126	\$297,320	\$4,784,986	2,944
Within 1 mile, 2020	\$1,268	\$605,314	\$527,043	\$5,035,610	4,525
Within 1/16 of a mile, 2000	\$70,598	\$276,443	\$289,139	\$502,031	45
Within 1/16 of a mile, 2020	\$59,071	\$672,892	\$641,845	\$3,913,686	68

Source: Authors' calculations from ZTRAX (Zillow 2021) and city of Alexandria administrative data. Sales above \$10 million are excluded from this analysis.

Notes

- ¹ Urban Institute presentation with a city council from a midsized Southern city.
- ² Office of Housing, City of Alexandria.
- ³ Authors' discussion with local leaders and developers.

References

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Errata

This brief was updated on April 22, 2022, to acknowledge data sourcing from Zillow.

About the Authors

Christina Plerhoples Stacy is a principal research associate in the Metropolitan Housing and Communities Policy Center at the Urban Institute, where she specializes in urban economics, equity, and inclusion. Her work focuses on the intersection of economics and urban spaces and how housing, transportation, local economies, health, and crime interact. Dr. Stacy is a voluntary member of the Alexandria Housing Development Corporation, an affordable housing nonprofit developer in Alexandria, Virginia.

Christopher Davis is a data scientist in the Metropolitan Housing and Communities Policy Center. He is interested in the impact housing inequities have on health, poverty, and career opportunity in disadvantaged communities. Before joining Urban, Davis was a budget analyst at the Department of Finance in California, overseeing environmental protection issues.

Acknowledgments

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438 WASHINGTON ST.
ZBA 23-07



Petitioner requests a Variance to allow building coverage more than 35%, impervious surfaces more than 45% & 55% less green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-07

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-07: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Variance for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage and less than 55% green/open space per Chapter 100, Article 3.3.3 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>ZBA 23-07</u>
Date Filled	<u>2/17/23</u>
Rec'd By	<u>MP</u>
Page	of
Rev'd by	

If you have questions on how to complete this form, please call: (603) 352-5440 or email: communitydevelopment@keeneh.gov

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Owner: Community College System of New Hampshire

MAILING ADDRESS: 28 College Drive, Concord, NH 03301-7407

PHONE: (603) 230-3565

EMAIL: memoore@ccsnh.edu

SIGNATURE: *Matthew Moore*

PRINTED NAME: Matthew Moore, Director of Capital Planning and Development

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: Authorized Applicant: Monadnock Affordable Housing Corp.

MAILING ADDRESS: 831 Court Street, Keene, NH 03431

PHONE: (603) 352-6161

EMAIL: jmeehan@keenehousing.org

SIGNATURE: *[Signature]*

PRINTED NAME: Joshua Meehan, Executive Director

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Stephen B. Bragdon, Esq.

MAILING ADDRESS: 82 Court Street, Keene, NH 03431

PHONE: (603) 357-4800

EMAIL: sbragdon@bragdonlaw.com

SIGNATURE: *[Signature]*

PRINTED NAME: Stephen B. Bragdon

SECTION 2: PROPERTY INFORMATION

Property Address: **438 Washington Street**

Tax Map Parcel Number: **Map 531, Lot 054**

Zoning District: **Low Density**

Lot Dimensions: Front: **400.79** Rear: **301.54** Side: **225.57** Side: **377.38**

Lot Area: Acres: **2.38** Square Feet: **103,535**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **13%** Proposed: **28%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **45%** Proposed: **64%**

Present Use: **College campus for NH Community College - exempt from zoning**

Proposed Use: **Affordable Multifamily Housing**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See Attached

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) **3.3.3** of the Zoning Regulations to permit:

Variance is requested from Article 3.3.3 of the Zoning Regulations to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage, and less than 55% green/open space.

Briefly describe your responses to each criteria, using additional sheets if necessary:

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

See Attached

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

See Attached

3. Granting the variance would do substantial justice because:

See Attached

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

See Attached

5. Unnecessary Hardship

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

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

See Attached

and

ii. The proposed use is a reasonable one because:

See Attached

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

See Attached

438 WASHINGTON STREET – ATTACHMENT TO VARIANCE APPLICATION
REQUESTING VARIANCE FROM SEC. 3.3.3 FOR BUILDOUT COVERAGE

Section 3 – Written Narrative

Monadnock Affordable Housing Corporation ("MAHC") is authorized to pursue approvals, including this application by way of an option to purchase the land and buildings at 438 Washington Street, Keene, NH ("Premises"). The Premises consists of approximately 2.3 acres with an old school building commonly known as the Roosevelt School located within the Low-Density district. The Premises forms the boundary between Low-Density and Medium-Density districts on its southerly boundary and High-Density zoning kitty-corner across the street to the south. The Premises is 0.8mi. from Central Square in Keene, just a 16-minute walk to the city center, and just down the street from the City Bus stop at Citizen's Way.

MAHC seeks to convert the Premises into two land condominium units, each with thirty (30) housing units, for a total of sixty (60) units of affordable housing. The condominiums will be developed in two separate phases for funding purposes. This will be accomplished by renovating the old Roosevelt School (phase two) and erecting a second building at the rear of the property (phase two). The completed buildings will be two-stories tall as required by LDC Sec. 3.3.4.

The issue for the Board's consideration is as follows:

1.) Whether to grant a variance from the lot coverage requirements of the building, impervious surface, and open/green space requirements of Sec. 3.3.3? (The Low-Density District requires 35% maximum building coverage, 45% maximum impervious surfaces, and 55% open space/green areas; the proposed project for the Premises will have building coverage of 28%, impervious surface coverage of 64%, and open space/green areas of 36%).

MAHC's application attempts to meet the public's need for affordable housing while balancing lot coverage and parking requirements of the City of Keene Land Development Code (hereinafter "LDC"). MAHC believes it can help meet the public's need for affordable housing if its variance is granted.

Section 4 – Application Criteria

Variance is requested from Article 3.3.3 of the Zoning Regulations to allow buildings which cover more than 35% of the lot, impervious surfaces of more than 45% coverage, and less than 55% green/open space.

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

The Premises is virtually unused in its current condition and the Premises is off the tax rolls. Granting this Variance will allow development of the Premises in a reasonable manner, providing adequate parking for 60 housing units; whereas the alternative is that the Premises remains virtually unusable as it is currently zoned (low-density).

Given the significant need for housing in this community, granting the variances will serve the public's interest by allowing a development of the Premises for critically needed affordable housing. Providing sufficient parking and living space for 60 housing units will necessarily require lot coverage in excess of the amounts proscribed by LDC Sec. 3.3.3. Serving the public's need for housing outweighs the minimal intrusions caused by the lot coverage requirements.

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

The Master Plan, which called for adoption of the LDC, places significant emphasis on the need for housing, which outweighs the benefit of the lot coverage formula set forth in Sec. 3.3.3.

The LDC awards a Workforce Housing Density Incentive to Conservation Residential Developments (“CRD”) which meet the requirements of LDC Sec. 19.3.6.C. According to LDC Sec. 19.6.3, such housing in a subdivision may exceed density requirements if: 1) 20% or more of the units will be rented to households with income of 60% or less than the HUD Median Area Income, 2) the units will be subject to a deed restriction and housing agreement regarding low income requirements for 30 years, 3) the units are approximately the size and quality as market rate units, and 4) the rent plus utilities will not exceed 30% of the household's income. While the Premises is just 2.3 acres and cannot therefore qualify as a CRD, the proposed project at the Premises will comply with these other vital requirements for workforce housing. Thus, the spirit of the ordinance is observed by allowing for greater density if necessary to serve the need for affordable housing. The LDC's spirit indicates that meeting the need for affordable housing outweighs the strict application of its guidelines.

3 – Granting the variance would do substantial justice because:

According to the New Hampshire Supreme Court: “Perhaps the only guiding rule on this factor is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. We also look “at whether the proposed development [is] consistent with the area's present use.” Harborside Assocs. v. Parade Residence Hotel, 162 N.H. 508, 590 (2011) (quotations and citations omitted).

In looking at the area proposed for this project, it is clear the proposal is consistent with the residential neighborhood because there are two multifamily residential developments nearby: Citizens Way and 543 Washington Street.

There is no benefit to the public which would outweigh the hardship to the applicant because denying the variance would leave the current building virtually unusable, indeed causing further detriment to the neighborhood. The Premises is encumbered by a large school building in a zoning district which does not permit private schools.

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

Allowing variance from the lot coverage requirements of LDC Sec. 3.3.3 would not diminish the value of neighboring properties. Whereas, denying the variance would leave the Premises in a

potentially unusable condition. A vacant school building falling into disrepair would be more likely to diminish property values than lot coverage.

The finished construction will be of high quality, aesthetically pleasing, and sustainable both in its construction methods and its longevity in this location.

5 – Unnecessary hardship

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

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

Strict application of the LDC to the Premises, bears no relationship, and is indeed contrary, to the objective of the LDC to facilitate orderly development and compatible uses for a strong economy, attractive community, and quality of life, because it would essentially prohibit any development of the Premises. Strict adherence to the lot coverage requirements of Sec. 3.3.3 cannot be reconciled on the Premises because there simply is not sufficient space to provide for housing and parking for the residents.

Granting of the variance requested herein would not injure the public or private rights of others, instead, it would allow use of an existing structure which is otherwise virtually useless and help to meet the public need for affordable housing.

ii. And the proposed use is a reasonable one because:

The Premises is located within the Low Density district which is designated for residential use, albeit single-family residential use. However, the Premises cannot reasonably be used for single-family residential use because of the large school building encumbering the Premises and existing lot coverage of 45% impervious surfaces. The most reasonable use of the Premises is to convert its use to multi-family housing. Using the Premises for housing purposes, however, is not feasible within the lot coverage requirements of Section 3.3.3.

This variance for lot coverage under LDC Sec. 3.3.3 is necessary to modify the existing layout so it may be used for housing and facilitate adequate parking for residents.

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

Unless the State of New Hampshire, or another entity which is exempt from zoning regulations seeks to use the Premises as a public school, there is no other feasible way to use of the Premises which does not increase impervious surfaces.



December 21, 2022

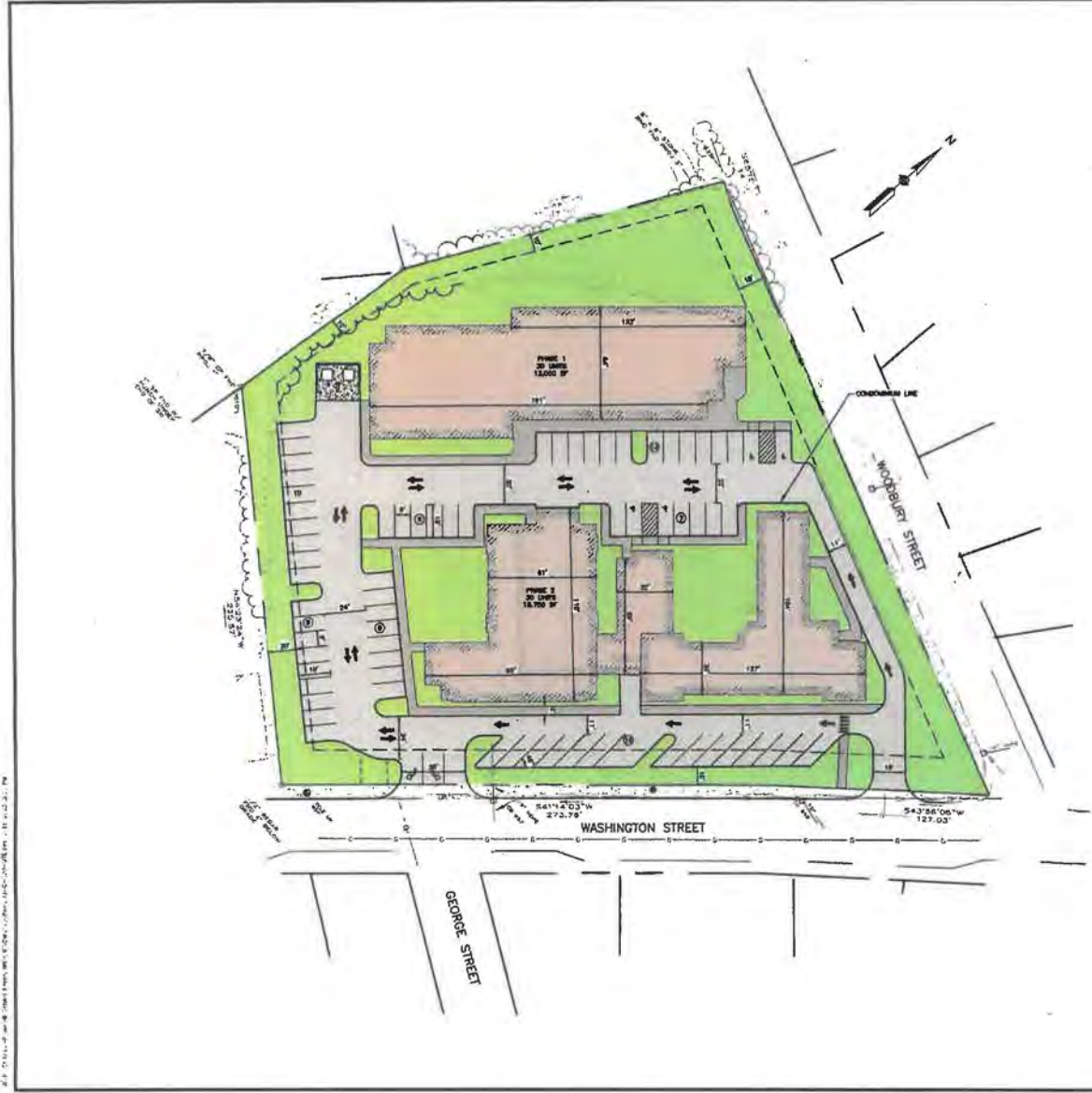
Re: Application for Permits – 438 Washington Road, Keene, NH

To whom it may concern

This letter authorizes Warrenstreet Architects to submit permit applications for the development of a housing project at 438 Washington Street, and to appear and testify on their behalf at meetings and hearings in connection with the same.

Community College System of New Hampshire

By: Matthew Moore
Matthew E. Moore, PE
Community College System of New Hampshire
Director of Capital Planning and Development



ZONING ANALYSIS

TAX MAP BLOCK LOT:	MAP 011 & 012A		
ADDRESS:	438 WASHINGTON STREET		
	KEENE, NH		
ZONING DISTRICT:	LOW DENSITY 2.0 DISTRICT		
MINIMUM LOT AREA:	12,000 SF	PROPOSED	13,000 SF
MINIMUM LOT WIDTH:	30 FT	PROPOSED	40 FT
MIN. COVERAGE	30%	PROPOSED	40%
MAX. COVERAGE	100%	PROPOSED	100%
MINIMUMS	15'	PROPOSED	15'
MAXIMUMS	15'	PROPOSED	15'
FRONT YARD SETBACK	10'	PROPOSED	10'
REAR YARD SETBACK	10'	PROPOSED	10'
LEFT SIDE YARD SETBACK	5'	PROPOSED	5'
RIGHT SIDE YARD SETBACK	5'	PROPOSED	5'
TOTAL LANDSCAPED PROGRAM	50%	PROPOSED	50%
REAR YARD SETBACK REQUIRED	10'	PROPOSED	10'
SIDE YARD (WASHINGTON STREET)	5'	PROPOSED	5'
REAR YARD	10'	PROPOSED	10'
FRONT YARD SETBACK	10'	PROPOSED	10'
MIN. YARD	10'	PROPOSED	10'
REAR YARD	10'	PROPOSED	10'
REQUIRED PARKING SPACES			
PROJECT CLASSIFICATION:	SF / ALTA / UNIT	REQUIRED	EXISTING
TOTAL SPACES:	1	4	3
ADDITIONAL SPACES:			

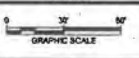


NOT ISSUED
FOR
CONSTRUCTION

**ROOSEVELT
SCHOOL HOUSING**
438 WASHINGTON STREET
KEENE, NH 03431

PROPERTY OWNER:
KEENE HOUSING
431 COURT STREET
KEENE, NH 03431

NO.	DATE	DESCRIPTION
REVISIONS		



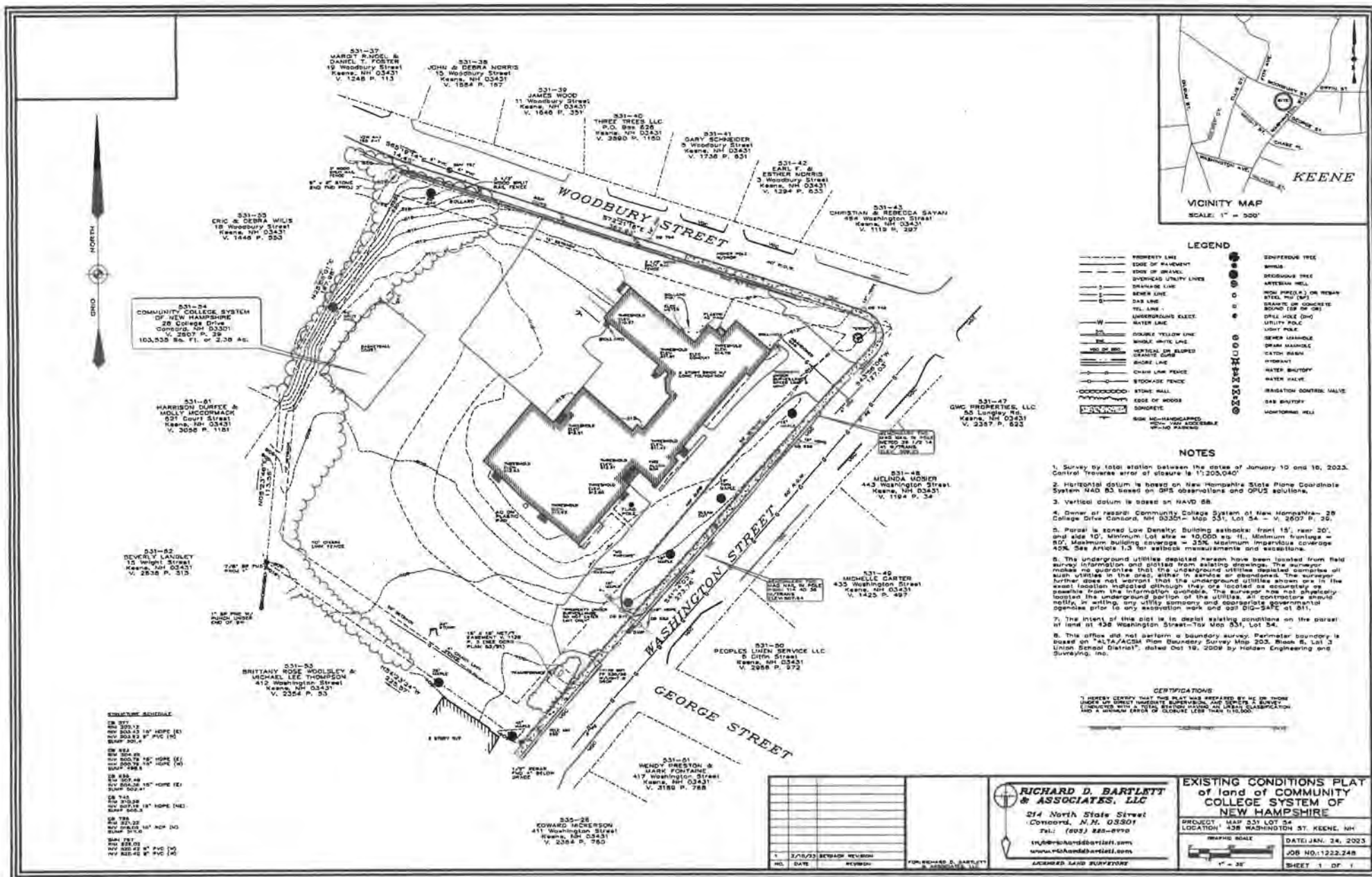
DATE: FEBRUARY 2023
NOBIS PROJECT NO. 100589.000
DRAWN BY: EAL
CHECKED BY: JCH
DWG DRAWING FILE: 170689.009.C.200-SITE.dwg

SHEET TITLE

**CONCEPTUAL
SITE PLAN**

SHEET
C-1

2023-02-27 09:48 AM 100589_000_001.dwg 100589_000_001.dwg 100589_000_001.dwg 100589_000_001.dwg



ROOSEVELT SCHOOL HOUSING

438 WASHINGTON STREET
KEENE, NH 03431



OWNER

COMMUNITY COLLEGE SYSTEM OF NEW HAMPSHIRE
28 COLLEGE DR., CONCORD, NH 03301
P. (603) 344 5377

DEVELOPER

KEENE HOUSING
831 COURT STREET
KEENE, NEW HAMPSHIRE 03431

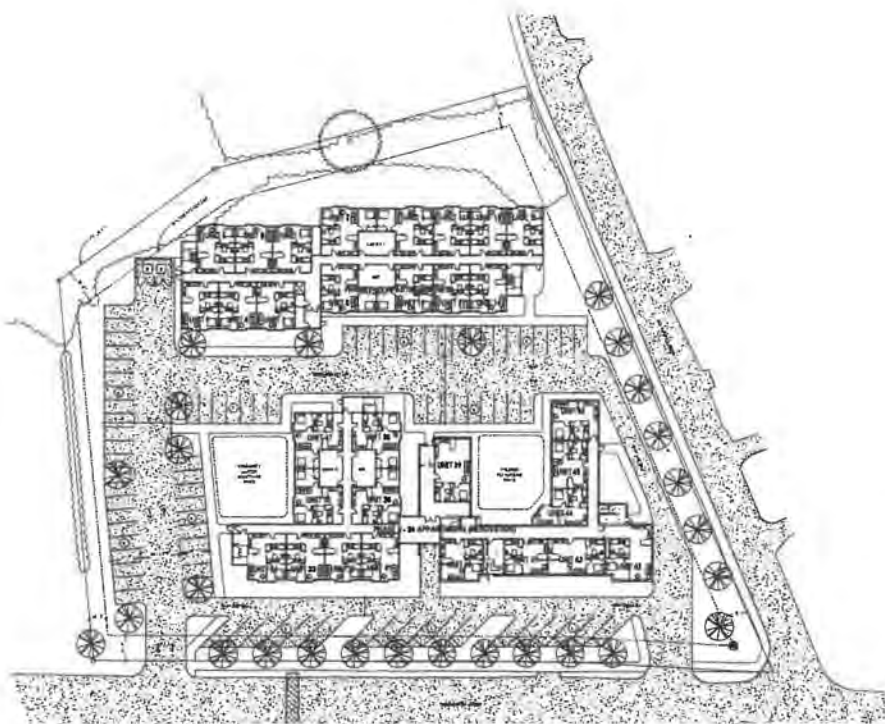
CONSTRUCTION MANAGER

TBD

WARRENSTREET ARCHITECTS, INC.

PLANNERS, ARCHITECTS, LANDSCAPE ARCHITECTS, INTERIOR DESIGNERS
27 WARREN STREET, CONCORD, NH 03301
P. (603) 225-0640 F. (603) 225-0621

CIVIL	LANDSCAPE	ARCHITECTURE	STRUCTURAL	MECHANICAL/PLUMBING	ELECTRICAL	OTHER	PROJECT:
NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	WARRENSTREET ARCHITECTS, INC. 27 WARREN STREET CONCORD, NH 03301 P. (603) 225-0640 F. (603) 225-0621	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	NAME STREET CITY, STATE, ZIP TELEPHONE FAX	ROOSEVELT SCHOOL HOUSING PROJECT NUMBER: 3809
							ISSUE: NOT FOR CONSTRUCTION SCHEMATIC DESIGN ISSUE DATE: 01/12/2023
							ARCHITECT OF RECORD



- Legend**
- Existing Building
 - Proposed Building
 - Proposed Parking
 - Proposed Landscaping
 - Proposed Driveway
 - Proposed Road
 - Proposed Fence
 - Proposed Wall
 - Proposed Window
 - Proposed Door
 - Proposed Tree
 - Proposed Shrub
 - Proposed Light
 - Proposed Sign
 - Proposed Utility
 - Proposed Easement
 - Proposed Setback
 - Proposed Boundary
 - Proposed Access
 - Proposed Feature



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WWW.WVA-ARCHITECTS.COM

WARDEN STREET ARCHITECTS

1000 W. WARDEN STREET
ROOSEVELT SCHOOL
HOUSING

1000 W. WARDEN STREET
MILWAUKEE, WI 53233

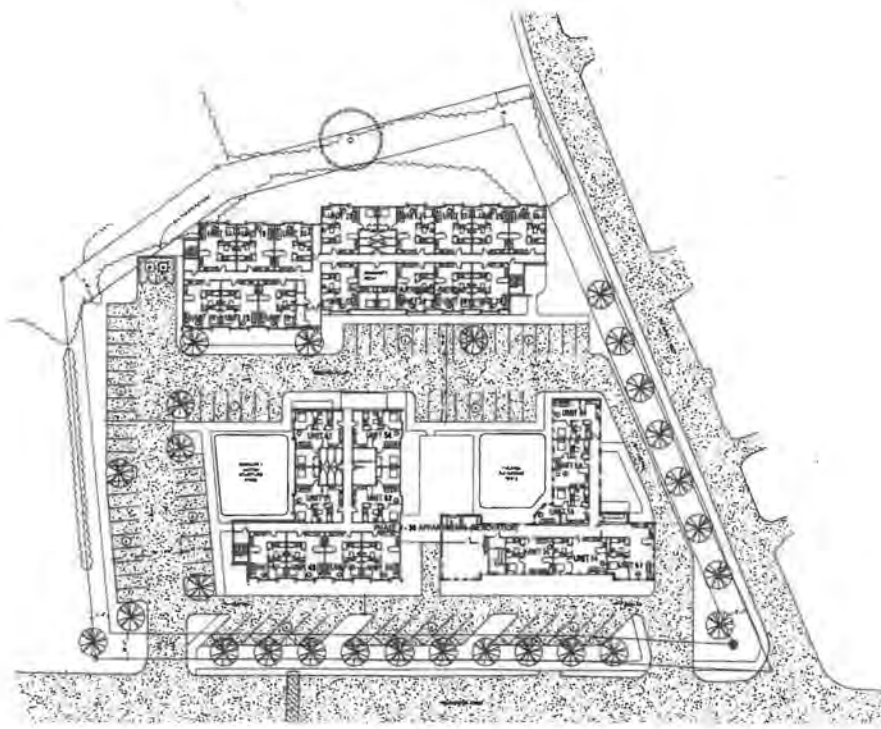
DATE: 01/15/14
SCALE: AS SHOWN
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN

NOT FOR CONSTRUCTION
SCHEMATIC DESIGN

NO. 1000 W. WARDEN STREET
MILWAUKEE, WI 53233

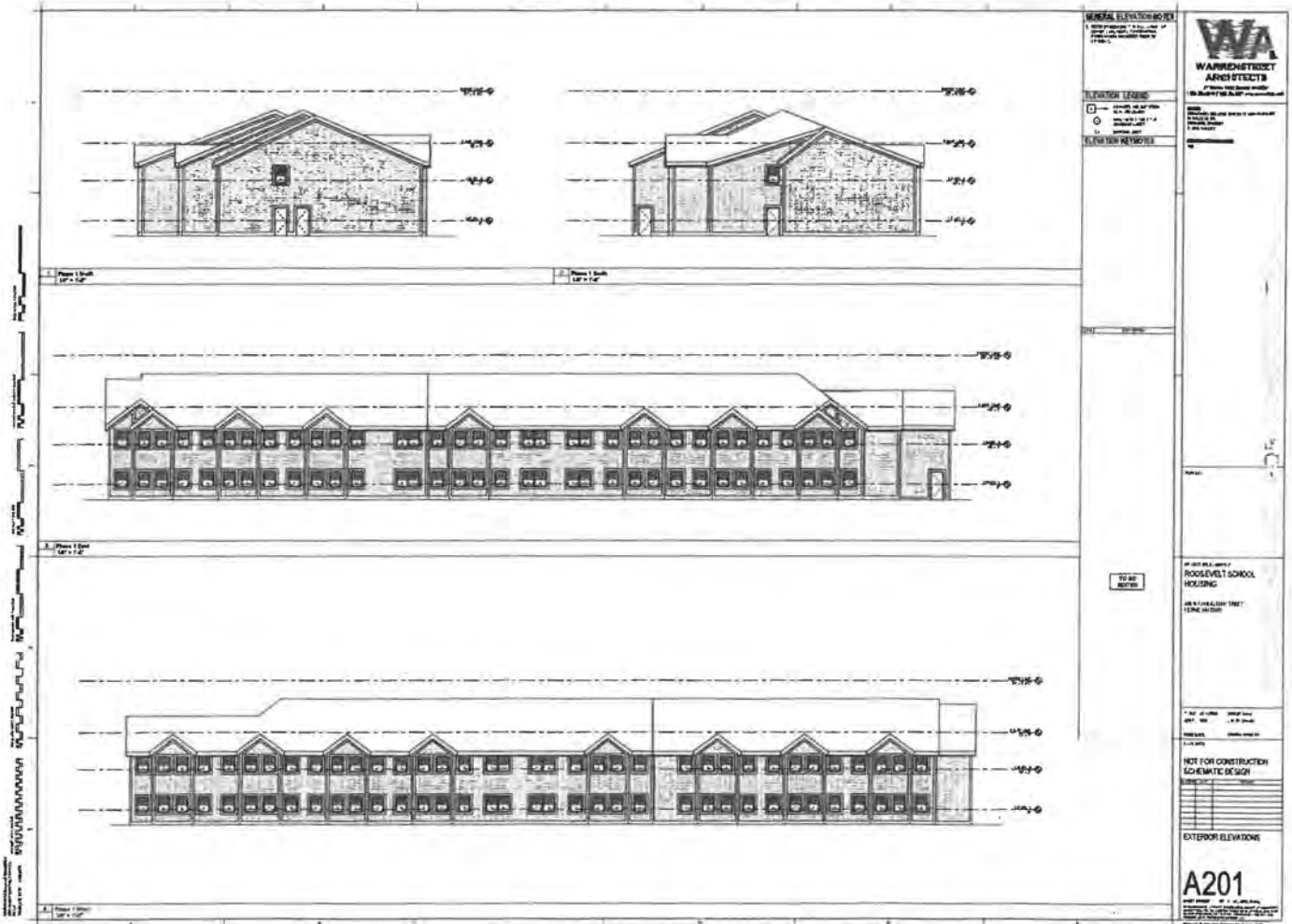
SITE PLAN SECOND FLOOR

A101



- 1. Existing Building Footprint
- 2. Existing Site Features
- 3. Proposed Building Footprint
- 4. Proposed Site Features
- 5. Proposed Parking
- 6. Proposed Landscaping







SERIAL ELEVATION NOTES
 1. THIS DRAWING IS A PART OF A SET OF ARCHITECTURAL DRAWINGS FOR THE PROJECT.
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.
 3. UNLESS OTHERWISE NOTED, ALL FINISHES ARE TO BE AS SHOWN ON THE DRAWING.
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY APPROVALS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND RECORD DRAWINGS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY RECORDS.



WA ARCHITECTS AND ARCHITECTS
 1000 10th Street, Suite 100
 Seattle, WA 98101
 Phone: (206) 467-1111
 Fax: (206) 467-1112
 Website: www.waarchitects.com

PROJECT: ROOSEVELT SCHOOL HOUSING
 DATE: 10/15/2011
 DRAWING NO: A202

NOT FOR CONSTRUCTION
 SCHEMATIC DESIGN

A202
 EXTERIOR ELEVATIONS

WA
WARREN STREET
AND STREETS
 A Study for the City of
 Seattle
 1000 1st Avenue, Suite 1000
 Seattle, WA 98101
 206.462.1000
 www.warrentest.com



View North East

View North West



View South East

View South West

PROJECT NO. 00000
ROOSEVELT SCHOOL
 HYBRID
 ARCHITECT OVERSEER
 0000000000

DATE: 08/11/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]

NOT FOR CONSTRUCTION
 SCHEMATIC DESIGN

NO.	DATE	DESCRIPTION

AERIAL VIEWS

A205

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438 WASHINGTON ST.
ZBA 23-08



Petitioner requests a Special Exception from the parking requirements to allow less than two spaces per unit per Chapter 100, Articles 9.2.6, 9.2.7 & Table 9-1 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-08

A meeting of the Zoning Board of Adjustment will be held on **Monday, March 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA 23-08: Petitioner, Monadnock Affordable Housing Corp. of 831 Court St., Keene, represented by Stephen Bragdon of 82 Court St., requests a Special Exception for property located at 438 Washington St., Tax Map #531-054-000-000-000, is in the Low Density District and is owned by the Community College System of New Hampshire of 28 College Dr., Concord, NH. The Petitioner requests a Special Exception from the parking requirements to allow less than two spaces per units per Chapter 100, Article 9.2.6, 9.2.7 and Table 9-1 of the Zoning Regulations.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk
Notice issuance date February 23, 2023

438 WASHINGTON STREET – ATTACHMENT TO SPECIAL EXCEPTION
APPLICATION FOR MAJOR PARKING SPACE REDUCTION

Sec. 3: Written Narrative:

Monadnock Affordable Housing Corporation ("MAHC") is authorized to pursue approvals, including this Application by way of an option to purchase the land and buildings at 438 Washington Street, Keene, NH ("Premises"). The Premises consists of approximately 2.3 acres with an old school building commonly known as the Roosevelt School located within the Low Density district. The Premises forms the boundary between Low Density and Medium Density districts on its southerly boundary and High Density zoning kitty-corner across the street to the south. The Premises is 0.8mi. from Central Square in Keene, just a 16-minute walk to the heart of the Monadnock Region and right down the street from the City Bus stop at Citizen's Way.

MAHC seeks to convert the Premises into sixty (60) units of affordable housing constructing a new building consisting of thirty (30) housing units in phase one and renovating the old Roosevelt School building for thirty (30) housing units in phase two. The issue for the Board's consideration is as follows:

MAHC requests special exception from the parking requirements of LDC Sec. 9.2.6, 9.2.7 & Table 9-1 to allow less than 2 spaces per unit. Instead of having 120 spaces (2 for each of 60 units), the project will have 70 parking spaces, one for each unit, plus 10 additional guest/staff spaces.

Keene Housing will manage the Premises and issue parking permits to residents as it does with other properties managed by Keene Housing in the City of Keene.

Section 4:

Article under which the Special Exception is sought: Section 9.2.7.C

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.

The City of Keene Land Development Code ("LDC") was "adopted in accordance with the City of Keene's Comprehensive Master Plan" as a mechanism to protect, promote, and improve the public health and safety, it was also designed to facilitate orderly development and compatible uses for a strong economy, attractive community, and quality of life." LDC § 1.1.2. According to the City of Keene Comprehensive Master Plan ("Master Plan" or "MP"), "the community and the city should support creative means to expand affordable workforce housing. For example, changes in land-use regulations can assist in creating a market for developers to build this type of housing through the provision of density bonuses or other incentives. Adding inclusionary housing into requirements for new residential development may be another way to support affordable housing construction." MP p.50. The project for which this application is submitted meets the needs of

the community and the spirit of the ordinance by providing affordable housing which is within walking distance of downtown and providing affordable housing as suggested by the Master Plan.

The proposed project admittedly does not comply with all standards in the LDC which is why this Application and the Variance Application filed herewith are necessary. Strict application of the LDC as to this particular Premises, bears no relationship, and is indeed contrary, to the LDC's stated objective of facilitating orderly development and compatible uses for a strong economy, attractive community, and quality of life, because strict application of the LDC would essentially prohibit any development of the Premises. The Premises consists of a large school building, but it is situated within the Low Density District, which is designated almost exclusively for single-family residence use. Because the property is encumbered by this building, its development as multi-family housing is the most aligned use within the district and strict adherence to the parking space requirements is not feasible. Instead, MAHC's proposal strikes the most reasonable balance of height restrictions, parking requirements, setbacks, lot coverage requirements, green spaces, user experience, visual attractiveness, cost, and funding sources. MAHC proposes a reasonable balance of these competing interest to best meet the public's need and serve prospective residents. The spirit and intent of the LDC and Master Plan to create affordable housing are met by MAHC's proposed development of the Premises.

2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare.

The Premises was last used by the Community College System of New Hampshire as a community college school building which necessarily had significant and frequent traffic entering and exiting the parking area depending on each student's class schedule.

Upon the recommendation from Stephen Pernaw, the proposed project will widen the southern curb cut so that it is located directly across from George Street to increase safety for vehicles entering and exiting the Premises.

MAHC's proposal for 70 parking spaces, rather than 120 spaces, would not create any danger to the public health, safety or welfare. As noted in Stephen Pernaw's memorandum summarizing his study, the proposed 70 spaces exceeds the anticipated parking demand by a comfortable margin based upon three independent sources: Keene Housing's parking survey data, ITE parking generation rates, and ULI parking ratios.

3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of adjacent property.

Except for the existing parking lots located along Washington Street and to the side of the existing building, the parking spaces will be out of sight between the two buildings. Only existing parking spaces will be visible from the road.

As explained by Stephen Pernaw, 70 spaces will be more than adequate for residents at the Premises so there is little chance that overflow parking will impact the neighborhood. Further, many residents will likely walk or bike the 0.8mi to Central Square in Downtown Keene. Additionally, there is a city bus stop a block away at Citizen's Way.

If a resident requires additional parking, Keene Housing has additional parking spaces available at 829 Court Street and 104-109 Castle Street, which are accessible by City Bus or bicycle.

As previously mentioned, the southerly entrance will be widened to 36' and relocated directly across from George Street to increase safety and harmony with other traffic in the neighborhood.

4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that affects the surrounding area.

Our request reduces spaces, thus reducing traffic. Indeed, as explained in the memorandum summarizing Stephen Pernaw's study, the proposed project will have significantly less daily vehicle trips than the previous use of the Premises as a college campus which served as many as 200 students. Converting the property to a 60-unit multifamily residential property, of predominantly one-bedroom units, will reduce traffic.

We anticipate that parking will be orderly, assigned to residents by permit, and of minimal impact on neighboring property owners.

5. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

Reducing the required parking spaces from 120 to 70 will have no impact on public improvement, facilities, services, or utilities because 70 spaces will be more than sufficient to serve the population. Keene Housing has underutilized parking areas at its other properties, especially those with similar demographics to what is anticipated at the Premises. There is no need for more than 70 spaces. Rather, that additional space is dedicated to landscaping and living space for residents, which will include a playground and community garden.

6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance.

To whatever extent the Roosevelt School is of historical significance, the proposal herein is to preserve the building, rather than tear it down, which would be the likely outcome of any other use of the Premises. Otherwise, at this point, there are no known natural, scenic, or historically important features at the Premises.

7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

As explained in Stephen Pernaw's memorandum summarizing his traffic/parking study, the proposed use and reduction in parking requested in this Special Exception are related to a reduction in traffic to and from the Premises as compared with its previous use. Because 70 spaces will be more than sufficient to serve the population and the population will be residential, MAHC anticipates less traffic in and out of the Premises, thereby reducing traffic congestion in the vicinity related to the multifamily use of the Premises.

In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings in addition to those required for a special exception.

a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.

b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.

Keene Housing requires its residents obtain a parking permit if the resident will have a vehicle. Therefore, Keene Housing has very accurate information regarding use of its parking lots by residents. Because the Premises will be managed by Keene Housing, MAHC requested that Keene Housing conduct a parking study of properties it manages in Keene which are similar in population and occupancy to the Premises. The findings show that residents use less than one parking space per unit. Indeed, Keene Housing's study revealed a significant underutilization of parking lots required by the LDC.

Keene Housing expects that the proposed project will have a very similar resident population to the property at 829 Court Street, Keene. At the 829 Court Street location, there are 33 residential units (27 1-bedroom, 6 2-bedroom). There are 45 parking spaces for the 27 units, but only 18 parking permits have been issued to residents, the remaining 27 spaces are left unused.

At the Ash Brook Apartments property, 191-195 Key Road, Keene, there are 48 parking spaces for 24 residential units (all units are 1-bedroom). Just 16 parking permits have been issued to residents at that property. The remaining 32 spaces are unused.

Central Square Terrace, 5 Central Square, Keene, has 90 residential units (all studio and 1-bedroom units). There are 33 parking spaces for those 90 units, but only 27 parking permits have been issued to residents.

At the Harper Acres property, 104-169 Castle St & 109 Ashuelot St., Keene, 112 residential units (104 1-bedroom, 8 2-bedroom) are served by 102 parking spaces, but only 55 parking permits have been issued to residents, the remaining 47 spaces are unused.

Keene Housing anticipates that it will need less than one space per unit, however, the LDC will not permit a reduction in spaces of more than 50%, therefore, the proposal in this Special Exception is for 70 spaces to serve 60 units, which will likely be more spaces than necessary.

As a back-up plan, because Keene Housing has so many underutilized parking lots in the City, it could use additional off-site parking locations at other Keene Housing properties, which are

accessible by City Bus. But, again, that is not expected to be necessary given the current data from Keene Housing.

Keene Housing's study was corroborated by the findings in Stephen Pernaw's memorandum summarizing his parking study of the Premises – 70 spaces will exceed the parking needs at the Premises.