

## **City of Keene Planning Board**

## **AGENDA**

Monday, March 27, 2023 6:30 PM City Hall, 2<sup>nd</sup> Floor Council Chambers

- I. Call to Order Roll Call
- II. <u>Minutes of Previous Meeting</u> February 27, 2023
- III. Final Vote on Conditional Approvals
- IV. Boundary Line Adjustment
  - 1. S-01-23 Boundary Line Adjustment 0, 59, 60 & 67 Thompson Rd Applicant Cardinal Surveying & Land Planning, on behalf of owners Gregory & Jeanette Gardner, Jeffrey & Allison Gardner, Jessica & Francis Pierannunzi, and Michael, Edward, & Thomas LaRoche, proposes a boundary line adjustment between the properties located at 0, 60, 67, & 59 Thompson Rd (Tax Map 241, Lots 104, 103, 102 & 101). The adjustment would result in the transfer of .16 ac from Lot 102 to Lot 101, .21 ac from Lot 102 to Lot 103, and .61 ac from Lot 104 to Lot 102. A waiver is requested from Sec. 25.10.8.B.2 of the Land Development Code regarding the requirement to submit an updated survey showing the full metes and bounds for lots 102 and 104. All properties are located in the Rural District.

#### V. Public Hearings

- 1. EXP-01-22, Modification #1 Earth Excavation Permit Gravel Pit, 0 Route 9 Applicant and owner G2 Holdings LLC, requests to modify a condition of approval for EXP-01-22 related to the restoration of unpermitted impacts to the 75-ft wetland buffer at the proposed gravel pit on the property at 0 Route 9 (TMP #215-007-000) by changing it from a condition precedent to a condition subsequent to final approval. This site is 84.71 ac and is located in the Rural District.
- VI. Staff Updates
- VII. New Business
- VIII. Upcoming Dates of Interest
  - Joint Committee of the Planning Board and PLD April 10, 6:30 PM
  - Planning Board Steering Committee April 11, 11:00 AM
  - Planning Board Site Visit April 19, 8:00 AM To Be Confirmed
  - Planning Board Meeting April 24, 6:30 PM

1 City of Keene 2 **New Hampshire** 3 4 5 PLANNING BOARD **MEETING MINUTES** 6 7 Monday, February 27, 2023 6:30 PM Council Chambers, 8 City Hall **Members Present: Staff Present:** Pamela Russell-Slack, Chair Mari Brunner, Senior Planner David Orgaz, Vice Chair Evan Clements, Planner Mayor George S. Hansel Jesse Rounds, Community Development Councilor Michael Remy Director Armando Rangel Randyn Markelon, Alternate Kenneth Kost, Alternate **Members Not Present:** Harold Farrington Gail Somers, Alternate Tammy Adams, Alternate Roberta Mastrogiovanni Emily Lavigne-Bernier 9 10 11 I) Call to Order - Roll Call 12 13 Chair Russell-Slack called the meeting to order at 6:30 PM and a roll call was taken. 14 15 II) Minutes of Previous Meeting – January 23, 2023 16 A motion was made by Mayor Hansel to approve the January 23, 2023 minutes. The motion was 17 18 seconded by Councilor Michael Remy and was unanimously approved. 19 20 III) Final Vote on Conditional Approvals 21 22 Chair Russell-Slack stated this is a new standing agenda item in response to the recent "City of 23 Dover" decision issued by the NH Supreme Court. As a matter of practice, the Board will now 24 issue a final vote on all conditionally approved plans after all of the "conditions precedent" have 25 been met. This final vote will be the final approval and will start the 30-day appeal clock. The Chair asked whether there were any applications tonight that are ready for final vote. 26

Ms. Brunner stated staff has one application that is ready for a final vote.

This is a subdivision and boundary line adjustment application for 22 and 24 Rule Street, project S-11-22. Ms. Brunner indicated there were 5 conditions of approval, which included the submittal of the paper copies and mylar copies of the plans; submittal of a check to cover the cost of recording the final plat at the Registry of Deeds; removal of the existing car port, and the relocation or removal of the existing shed on the property at 24 Rule Street; inspection of lot monuments by the Public Works Director or their designee; submittal of a revised plat to be recorded at the Registry of Deeds that includes the City of Keene Development standard notes shown on Sheet 1 on the plan set. All of these conditions have been met.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for S-11-22. The motion was seconded by Councilor Michael Remy and carried on a unanimous vote.

## IV) Extension Requests

EXP-01-22 & CUHP-01-22 – Earth Excavation Permit – Gravel Pit, 0 Route 9 – Applicant Granite Engineering LLC, on behalf of owner G2 Holdings LLC, requests an extension to the deadline to satisfy the precedent conditions of approval for the Earth Excavation Permit & Hillside Protection Conditional Use Permit, EXP-01-22 & CUHP-01-22, for the proposed operation of a gravel pit on the property at 0 Route 9 (TMP #215-007-000). The parcel is 84.71 ac and is located in the Rural District.

Attorney James Callahan representing G2 Holdings LLC addressed the Committee first and began by introducing Brent Cole and Tanner Baylor from Granite Engineering. Mr. Callahan Stated they were before the Board to request a 180 day extension of the August 20, 2022 conditional approval for the Earth Excavation Permit and Hillside Protection Conditional Use Permit on behalf of G2 Holdings. Attorney Callahan noted that since the conditional approval in August, the applicant has changed engineering consultants.

Mr. Brent Cole was the next speaker. Mr. Cole stated they have met all the conditions that were put forth except for two, including the restoration of the wetland buffer impacts and the submittal of a security deposit for reclamation of the site once the work is completed. He indicated the restoration of the unpermitted wetland impacts – the applicant has completed most of the work, the trees have been planted, the area has been loamed and seeded, but the site has been buried by snow. This has prevented the applicant from obtaining an inspection or getting proper growth in the area. He indicated this is the main item that requires the extension. Mr. Cole turned the presentation back to the attorney to address the security deposit issue.

Attorney Callahan stated he has been working with the applicant and one of his partners to have a letter of credit issued by JP Morgan Chase Bank. He indicated he has been working with the City Engineer to get the language of the letter of credit ironed out. A draft of the letter has been approved by the City Attorney and now needs to be approved by JP Morgan Chase. Attorney

Callahan stated that in the meantime, if there is a delay in obtaining the letter of credit, Mr.
Gordon's partner is willing to put up the funds on a temporary basis until the letter is issued.

Mr. Cole stated what he would like to discuss with the Board is a potential change to the condition he addressed earlier in reference to the restoration of the impacts to the wetland buffer. He indicated as mentioned that it is quite difficult to get something established in these current conditions and getting to that perfect condition the City Engineer could sign off on won't happen until the June timeframe. Hence, what he is requesting tonight is that condition be amended to allow staff to work with his firm to work that out subsequent to final approval with a letter from his firm's professional engineer and a wetland scientist assuring that everything was done per plan and for the City Engineer to sign off on it and to allow Gordon Services to begin operations. There is a landing area where material has been brought to which would allow them to continue with their operation.

Ms. Brunner addressed the Board and stated under the Planning Board's regulations regarding extension requests, an extension is only allowed on a plan that was conditionally approved by the Board with no changes to the conditions of approval. Unfortunately, what is being proposed tonight is not allowed under the Board's regulations. Ms. Brunner referred to specific language as follows: "...no modifications to the approved or conditionally approved plan shall be considered in conjunction with the request to extend the deadline....'

Ms. Brunner stated that after receiving the extension, the applicant could come could come back at a future meeting to request a modification to the approved plan. Mr. Cole stated it would be advantageous to know how the Board felt about this request from the applicant. He felt this would avoid the need for them to come back before this Board. Ms. Brunner advised the applicant to address just the extension request today and come back regarding the proposed modification to the Earth Excavation Permit.

Councilor Remy clarified for Alternates who were not at the meeting when this item was discussed the last time, whether it was an issue for them to vote on it. The Chair answered in the negative.

Mayor Hansel clarified it has been loamed, seeded but it has not started to grow. Mr. Cole answered in the affirmative and added the 34 trees have been planted, there has not been a growing season yet.

A motion was made by Mayor George Hansel that the Board approve the extension request for EXP-01-22 & CUHP-01-22. The motion was seconded by Councilor Remy and was unanimously approved.

<u>S-08-22 – 2-lot Subdivision – 284-288 Hurricane Rd</u> – Property owner Cory Graves requests an extension to the deadline to satisfy the precedent conditions of approval for the 2-lot subdivision, S-08-22, of the property at 284-288 Hurricane Rd (TMP #106-010-000). The parcel is 13.04 ac and is located in the Rural District.

Ms. Brunner stated this extension request was submitted to allow for more time so an affidavit could be signed. She explained this application was for a two lot subdivision. During the public

- hearing some of the neighboring property owners came out and brought up a right of way that
- ran across the property which was not shown on the plan. Hence, there was a condition of
- approval added requiring that the right-of-way be shown on the plan and that an affidavit be
- signed by both property owners to indicate that it was in the right location. The applicant is still
- working on getting that affidavit signed by both parties, because one of them has been out of
- state. This request for extension is for that one condition that is still outstanding. She added for a
- first extension the applicant is encouraged to attend but it is not a requirement.
- 125 A motion was made by Mayor George Hansel that the Board approve the extension request for
- 126 S-08-22. The motion was seconded by Councilor Remy and was unanimously approved.

- SPR-870, Modification #2 Site Plan Apartments, 310 Marlboro St Applicant and property owner Randall Walter, requests an extension to the deadline to satisfy the precedent conditions of approval for the Major Site Plan application, SPR-870 Modification #2, for the proposed construct of a 48,460 sf, three-story addition containing 57 apartments on the existing 86,689 sf, two-story building and associated site modifications on the property at 310 Marlboro St (TMP #595-001-
- 134 000). The parcel is 4.25 ac and is located in the Business Growth and Reuse District.
  - Mr. Randall Walter addressed the Board and stated they have made great progress since the last time they were before the Board. A complete set of permit documents have been created, they have met with staff and the State. He indicated he is aware the application is for six months but felt they could be ready next month.

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A motion was made by Mayor George Hansel that the Board approve the extension request for SPR-870, Modification #2. The motion was seconded by Councilor Remy and was unanimously approved.

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## V. Public Hearings

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SPR-01-23 – Site Plan – Granite State Car Wash, 364 West St & 12 Pearl St – Applicant Aaron Wiswell, on behalf of owner Sandri Realty Inc., proposes to demolish the existing structures on the properties located at 364 West St (TMP #577-026-000) and 12 Pearl St (TMP #577-027-000), merge the lots, and construct a 2-bay car wash that is ~2,000 sf in size. Waivers are requested from Sec. 20.7.3.F.1.c of the Land Development Code regarding the requirement to reduce lighting levels by 50% overnight and Sec. 20.6.2.B.1 regarding the requirement that drive-through windows and lanes shall not be located along the building frontage. The combined parcels are 0.60 acres and are located in the Commerce District.

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## A. Board Determination of Completeness

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Planner, Evan Clements, stated the applicant requests exemptions from submitting a historic evaluation, screening analysis, and soils analysis. After reviewing each request, staff has determined that exempting the applicant from submitting this information would have no bearing

- on the merits of the application and recommend that the Planning Board grant these exemptions
- and accept the application as complete.
- A motion was made by Mayor George Hansel to accept SPR-01-23, Modification #1 as
- 164 complete. The motion was seconded by Councilor Michael Remy and was unanimously
- approved.

- B. Public Hearing
- Mr. Jim Phippard Brickstone Land Use Consultants addressed the Board on behalf of applicants
- Joe Spencer and Aaron Wiswell as Well as Sandri Realty, who is the current owner of the
- property. This property is located at the corner of Pearl Street and West Street. He indicated the
- proposal before the Board would be a good effort to clean up this site. The plan is to tear down
- the single family home, tear down the detailing shop and the canopy, remove the underground
- storage tank (most of them have been removed). There will then be a merger of the two
- properties, which would create a parcel that would be 0.61 acres in size in the Commerce
- District. The proposal is to eliminate the existing curb cut along West Street and Pearl Street and
- 176 replace it with a single curb cut on Pearl Street. This will be a much better for safety because cars
- will not enter and exit the site via West Street.
- 178 The proposal is to construct a new 2,000 square foot building near the West Street side (2 bay car
- wash). These will be automated wash bays and will introduce stacking lanes as they approach the
- car wash through the Pearl Street side, enter the tunnels, and exit via the same curb cut on Pearl
- 181 Street.
- Mr. Phippard stated the applicant has worked with traffic engineer Steve Pernaw, who has
- approved this traffic circulation pattern. The traffic engineer performed a detailed traffic analysis
- of the intersection of Pearl Street and West Street. It was determined that this existing
- intersection operates at a Level of Service E and the longest delay was a little over two minutes
- 186 for a car on Pearl Street.
- 187 The site was looked at as having a new use and the number of trips that would be generated
- during the peak hours. It was determined the numbers will not be too high during the week but
- the highest number of trips generated will be on a Saturday mid-day (61 vehicle trips).
- Mr. Phippard stated that carwash technology has improved tremendously over the years. A car
- can now be washed in 4.5 minutes with 35 gallons per wash versus 70 gallons a wash. They are
- also no longer proposing to recycle rinse water, as it was determined this water could not be
- 193 filtered well enough to take out the suspended solids, which can ruin the high gloss finishes on
- vehicles. The rinse water however, does not go into the storm water system, it gets collected in
- an underground 1,500 gallon tank (oil/water separator) to remove suspended solids and then goes
- into the City sewer system. Mr. Phippard stated they have had a discussion with the Industrial
- 197 Discharge Coordinator and it has been determined this water can be handled in the sewer system
- based on the soaps that are being used.
- Mr. Phippard went on to say the applicant has applied for two waivers; one is for the drive thru
- lanes to pass across the front of the building. He explained it would be have been easy to turn the
- building 90 degrees, let vehicles come in and drive through the building and exit to West Street,
- but the applicant was anxious not to allow that intersection at West Street. The traffic engineer
- felt strongly that was the best way to handle traffic on site to improve safety. Hence, the building

- 204 has been oriented back to Pearl Street but did not want the curb cut close to the intersection.
- Hence, the drive-thru lane has to cross the front of the building to get back to that curb cut
- 206 location.
- Mr. Phippard went on to say the second waiver that the Applicant applied for is lighting. He
- indicated he had submitted an amended lighting plan. The applicant is proposing 4 overhead
- 209 lights that would be located on 15 foot poles not as high as would be on a commercial property.
- 210 They would also be using very low wattage fixtures.
- Mr. Phippard explained because customers will arrive in their vehicles and stay in their vehicles
- lower light levels will work for this site. The average light levels that are being proposed here
- instead of 4 or 5 foot candles the applicant is proposing light levels of 1.12 candles 1.32 candles
- at the vacuum station (where customers will get in and out of their cars).
- He noted the site today has floodlights mounted on pools which are not night sky sensitive and
- are grandfathered fixtures, which are going to be removed and will be replaced with full cutoff
- LED fixtures. Mr. Phippard stated the Board's regulations indicate if a site is operated 24 hours a
- day the light levels need to be reduced by 50% after 10pm. Mr. Phippard stated they don't feel
- this is reasonable as they are already down to one foot candle and reducing it any further would
- cause undue risk to the property owner. He indicated lighting is a big issue for commercial
- properties and hoped the Board could support the waiver request.
- Mr. Phippard then addressed screening. He noted that drive through lanes are intended to be
- screened from public views and from adjacent properties. The applicant will be using 6 foot solid
- fencing along the southern property line and along the eastern property line. This includes part of
- the fencing that located on this property and part of that is located on the Aroma Joe's property,
- which is also owned by the Applicants for this project, Joe Spencer and Aaron Wiswell.
- Mr. Phippard added that the applicants own 105 Aroma Joe's locations and quite a number of car
- washes around the country and noted he has no doubt that the applicants would do a good job
- with this property. Along the West Street frontage, they are proposing to install a hedge row of
- arborvitae and rhododendron that would provide year-round screening. There will also be
- arborvitae along Pearl Street and planting/vegetation against the fence next to the residential
- building, which the applicant will also be purchasing. Mr. Phippard stated this is a multi-family
- 233 dwelling.
- With respect to drainage, the storm water will be collected on site. There will be catch basins that
- are connected with perforated pipe laid in stone, infiltrating into the sandy soil that exists on the
- property. At the front of the property, water will sheet drain to allow storm water to pass through
- the grassy areas into the soil that will collect and deliver it to an infiltration area at the corner of
- 238 the property. Mr. Phippard stated what is being proposed is a tremendous improvement
- compared to what exists; it provides collection areas on site rather than directing it into the City
- 240 right of way.
- 241 Mr. Phippard stated staff expressed concern regarding the vacuums. There will be two vacuum
- 242 islands located on this site (to be able to vacuum two vehicles at the same time). Mr. Phippard
- stated the reason the vacuums are being proposed where they are and not the back of the property
- is due to the residential buildings on Pearl Street and Richardson Court. The planting and fencing

- will also help buffer that noise. To further mitigate, the applicant has agreed to shut off the
- vacuums at 8 pm.
- Sewer and Water An Oil/water separator is going to be used and will be located underground
- and discharge into the existing sewer system on West Street. The site will be averaging 100 car
- washes a day but realistically it is likely going to be about 60. Mr. Phippard stated if it is 100
- 250 washes at 35 gallons a wash it will be 3,500 gallons of water a day. He added this is not a large
- water user by commercial standards and felt there is plenty of capacity in the water system. He
- noted they will be utilizing a water main on Pearl Street which is a 16 inch main (plenty of
- 253 capacity). There will be a one inch line that will service the building. He explained the reason
- 254 they can get away with just a one inch line, is that there is also a water storage tank inside the
- 255 mechanical.
- 256 Filling and excavation The soils on site are excellent and a good situation to support a building.
- There is no basement under the building; hence, excavation will only be for the foundation and
- hauling in gravel to support the paved surface on the property. A little less than 300 cubic yard of
- 259 fill will be brought in and debris will be hauled off site when the building is torn down
- 260 Hazardous and Toxic materials The prior owner indicates they have removed the underground
- fuel storage tanks from the property, filled the tank closure reports, and there are no residuals
- 262 causing contamination on the property.
- 263 Architecture and Visual Appearance Mr. Phippard stated what is being proposed is not your
- 264 typical car wash building. This will be a pitch roof building with a cupula on top to give it a
- 265 more New England appearance rather than the applicant's Florida designs which are flat roof
- buildings. The material the building is constructed of is called New Form and looks like plastic
- Legos that they put together on site. It is a waterproof system and hence won't rot due to
- repeated water exposure.
- The pitched roof would consist of wood trusses and vinyl clapboard at the end of the building to
- 270 match the grey on the New Form material. There will also be a small office area which will have
- a window. This concluded Mr. Phippard's presentation.
- Mr. Kost expressed concern about stacking during the peak hours; if cars come in on Pearl
- 273 Street, how many cars can be stacked in the curve driveway. What happens to cars turning from
- West Street into Pearl Street in the west lane? Mr. Phippard stated if car wash companies are
- 275 consulted they would say they need five cars stacking outside the tunnel (105 feet). The applicant
- 276 has 120 feet of stacking if you go to the end of the property and it is two lanes of stacking. He
- indicated this site has the capacity to stack 14 cars to get into the tunnel. On average a wash is
- 4.5 minutes, which would 13 cars in the tunnel during peak hour which is 26 cars entering and
- exiting per tunnel for two tunnels that would be 52 cars. Peak hour is calculated to yield 60
- 280 cars and the extra vehicles will be left in the stacking lane, which has ample room.
- Mr. Phippard stated Stephen Pernaw, the traffic engineer hired by the applicant, had a video
- 282 camera monitor queuing on Pearl Street and noticed the most frequent queuing was two cars and
- 283 the worst was five cars and hence he felt that this plan would work. The traffic engineer did
- suggest a sign on Pearl Street asking cars not to block the intersection to the driveway.
- 285 Mr. Phippard next addressed letter from abutters, which the Board had copies of.

- Ann Cramer was concerned about 50 gallons (Mr. Phippard stated it was actually 35 gallons to
- wash one car) going into City drain and the potential impact on the Ashuelot River. Mr. Phippard
- stated water from this carwash will not go into the City system, rather it goes through the
- applicant's collection system and discharges into the sewer system. She had also raised concerns
- about the potential impact on the Ashuelot River. Mr. Phippard stated there would be a potential
- impact if the site was discharging into the stormwater system but it's not, hence, there is no
- issues with the Ashuelot River and also noted this river is about 400 feet to the east of this
- 293 location.
- Ms. Cramer also raised concern about air pollution caused by soap and wax residue. Mr.
- 295 Phippard stated he was not sure how to address that as he considers soap to be something that is
- clean and good but perhaps someone was allergic to the scent of soap.
- Next issue raised was noise pollution which has been adequately addressed by shutting vacuums
- off at 8 pm and by locating plantings and the solid fencing being used around the site
- 299 Light pollution There are very low light levels bring proposed. He felt the existing flood lights
- are much higher as far as light levels.
- 301 Ms. Cramer was also concerned about impact on residents using the Rail Trail with respect to
- 302 noise and odors. Mr. Phippard explained the Rail Trail is located on Pearl Street, maybe 800 to
- 303 1,000 feet south of this site. Mr. Phippard did not feel the low traffic numbers that are being
- 304 generated will cause an issue for the Rail Trail. Mr. Phippard stated he uses this trail very
- frequently and added you need to be careful crossing Pearl Street because people travel faster
- than 30 miles an hour on this street; visibility in both direction depending on the growth of the
- 307 hedges by Antioch University is not great and could be improved but did not feel this was an
- 308 issue for this application. As far as increased traffic on Pearl Street, Mr. Phippard stated this has
- already been addressed in the traffic study he previously discussed.
- The second letter is from another abutter whose property is located on the southeast corner:
- 311 Steven Cady who is concerned about the lighting Mr. Phippard stated there will be a
- 312 tremendous improvement with this proposal. With reference to noise, he reiterated what was
- previously stated regarding turning off vacuums at 8 pm. Mr. Cady also expressed concern about
- property values. Mr. Phippard noted if someone lives in the Commerce District there is bound to
- be commercial uses around you but this doesn't necessarily lower the value of your property;
- some feel it makes their property more valuable. He is also concerned about traffic at the
- intersection of Pearl Street and West Street; Mr. Phippard had already addressed this item.
- Mr. Cady also felt the building is intrusive and unsightly. Mr. Phippard stated as far as a carwash
- building goes, this is one of the more attractive ones he has seen. It won't be a typical flat roof
- 320 plastic building.
- With reference to the concern about fencing, Mr. Phippard explained the 6 inch solid fence
- 322 covers the extent of Mr. Cady's property and meets the Aroma Joe fencing.
- 323 Chair Russell-Slack asked for the hours of operation of this site. Mr. Phippard stated the site will
- be open 24/7 but the vacuums would only operate from 7 am to 8 pm.
- 325 Staff comments were next. Planner Evan Clements address the Board and stated this proposal
- would consist of a 2,000 square foot car wash building with two automatic car wash tunnels, a

- small office and a mechanical room all contained within the building itself. The two waiver
- requests, as described, are for the lighting reduction overnight and for the drive thru lane passing
- across the frontage of the building.
- Mr. Clements went on to say the applicant has indicated in their narrative that both subject
- parcels are fully developed and their drainage patterns are well-established. The properties
- currently allow water to flow across the pavement and lawn into the City stormwater drains on
- both Pearl Street and West Street. The proposal will reduce lot coverage and incorporate onsite
- infiltration of stormwater on the property. Stormwater from the northern half of the site will be
- directed into a grass swale parallel with West Street that drains into a shallow basin in the
- northeast corner of the property. On the southern half of the site, catch basins will collect
- 337 stormwater flow and discharge to an infiltration basin located in the southeast corner of the
- property. Mr. Clements noted the submitted Stormwater Report states that the post development
- conditions will have no adverse impacts to downstream abutters due to the stormwater runoff
- from this proposal and there is no significant change in stormwater pattern pre and post
- 341 development on the site.
- 342 Sediment & Erosion Control The Grading and Drainage Plan shows the installation of silt
- fencing around the perimeter of the site and includes a stabilized construction entrance at the
- location of the permanent site access point on Pearl Street. Silt sock is proposed to protect the
- catch basins on site during construction. Mr. Clements noted there was one silting incident
- during the construction of the Aroma Joe's project; the stock pile of clean fill that was to be used
- as part of their stormwater detention system ran onto the abutting property of Mr. Cady. It was a
- small amount of silting the contractor was contacted and it was immediately cleaned up. Mr.
- 349 Clements stated the reason he brings this issue up is because the contractor used by the applicant
- was very motivated to clean up the issue and expects the same motivation and care with this
- 351 project. This standard appears to be met.
- 352 Snow Storage & Removal Mr. Clements stated the Site Plan shows snow storage areas along
- 353 the eastern property line and to the north of the proposed drive-thru lanes. The applicant has
- 354 specified that excess snow will be removed from the site after each snowstorm as needed. This
- standard appears to be met.
- Landscaping The Landscaping Plan shows a selection of perennials, evergreens, and shrubs to
- be installed on the site. Most of the landscaping will serve as screening from the public right-of-
- way. An internal landscaping area is proposed along the southern façade of the building and will
- include Blue Rug Juniper, Happy Rose Daylily, and Heuchera. Rhododendron and Arborvitaes
- will be used for screening. The proposed landscaping also includes the installation of 6
- ornamental trees, 4 red leaf maples and two snowdrift crab apple trees. No invasive species are
- proposed. This standard appears to be met.
- 363 Screening Mr. Clements stated there is a waiver request regarding the drive-thru lane which he
- noted is in the screening section of the Land Development Code 20.6.2.B.1 he added the Board
- will have to decide if granting a waiver from strict compliance with provisions of the Site
- 366 Development Standards in Article 20 meet the following:
- 367 1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would
- 368 not be contrary to the spirit and intent of the regulations; or

- 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan,
- indicate that the waiver will properly carry out the spirit and intent of the regulations.
- Lighting -The Lighting Plan as indicated by Mr. Phippard will be poll lights with full cutoff LED
- lights mounted 15 feet from grade. The average light levels will be 1.32 footcandles at the
- vacuum stations and 1.12 at the parking spaces. The uniformity ratios are appropriate. The
- applicant has submitted a waiver request to provide relief from 24 hour lighting reduction. Mr.
- 375 Clements added the Board here again will have to determine if the waiver criteria have been met.
- 376 Sewer & Water The applicant intends to use City water and sewer for the site. The 16 inch
- water main that runs under Pearl Street will be used. The existing 1 in. water service will be used
- for the operation of the carwash and a second water service line that extends from West Street
- will be used for irrigation. A 1,500 gal. oil/water separator will be utilized and wastewater will
- be discharged into the sewer system. Mr. Clements noted the Public Works Department would
- 381 like to remind the applicant that a sewer connection permit will be required for this project and
- had concerns regarding reuse of water which is not feasible during winter and could increase
- discharge into the sewer system. However, this is not relevant as the applicant does not intend to
- 384 recycle water.
- 385 Traffic & Access Management This proposal intends to eliminate three curb cuts, create a new
- 386 site access 125 feet from the West Street/Pearl Street intersection.
- Mr. Clements stated he would like to talk about some of the proposed mitigation measures the
- traffic report recommended. There are three recommendations (1) installation of a stop sign on
- 389 the site driveway approach to Pearl Street. (2) installation of a do not block intersection sign on
- 390 the southeast corner of Pearl Street and the site access facing northbound vehicles on Pearl
- 391 Street (3) installation of a do not block intersection markings on the Peal Street side. The third
- recommendation is writing on the road itself. Mr. Clements stated Public Works is indifferent to
- that choice and will not maintain it and if the applicant wishes to do it, they would be responsible
- for maintaining it themselves. This has not been discussed with the applicant.
- With reference to recommendations 1 and 2 (signage) The Public Works Department is in
- agreement, providing it is installed at the applicant's expense.
- Mr. Clements went on to say that a fire truck maneuvering exhibit has been submitted and while
- 398 the fire department is most likely not going to pull into the site to perform life safety operations,
- there is enough space for them to perform a turnaround to access the front of the site where the
- 400 car wash tunnel is located and then back out.
- 401 Mr. Clements noted the traffic memo indicates this intersection is performing at a level of service
- within D and E; it is one of the busiest intersections in town.
- Noise As was indicated by Mr. Phippard, they are proposing to limit the hours of operation for
- 404 those vacuums from 7 am to 8 pm and the regular car wash operation will be 24 hours a day. Mr.
- Clements suggested the Board discuss whether the time of 7 am is appropriate for those vacuums
- 406 to be utilized or would a later time be better for the neighborhood.
- 407 Architecture & Visual Appearance This is a 2,000 square foot building. Mr. Clements noted
- 408 Mr. Phippard has described this building well but indicated the only this he would suggest is for
- 409 the Board to consider the north facing side of that building towards West Street; is very blank

- and bland perhaps a fake window or some other kind of architectural feature might improve the
- 411 I of the building.
- Mr. Kost referred to the traffic map and noted with the four cars backed up on West Street trying
- 413 to make a turn and then cars wanting to exit the car wash could cause stacking inside the site.
- 414 Mr. Clements agreed there will be some additional stacking on the front of the site where
- vehicles come out. He felt when the site reaches maximum capacity users will defer to something
- else until that capacity clears Mr. Phippard addressed the Board and recalled what the traffic
- engineer stated; the longest queue at the intersection backing up on Pearl Street trying to get on
- 418 to West Street was five cars. For the last car in that line it took two minutes and five seconds to
- get on to the street (less than half of one wash cycle). Mr. Phippard stated he did not see the
- backup as a major issue. He agreed trying to make a left out of Pearl Street on to West Street
- during the afternoon peak hour can be difficult so most drivers would go right and turn around.
- He stated he is not in favor of painting the pavement and trying to maintain it and cannot picture
- anywhere else in the City it has been done and did not feel it was necessary because of the
- numbers and disagree with the recommendation from the traffic engineer.
- 425 Councilor Remy clarified the traffic engineer is requesting it on the entrance side which would
- appear to be protecting the interests of the business to allow people into the business. Mr.
- 427 Phippard agreed.
- 428 Chair Russell-Slack asked what the noise ordinance in the City was. She also referred to the
- comment in Mr. Cady's letter regarding the six-foot solid fence abutting the property. She
- clarified this was for Aroma Joes and that this fence was going to be continued into the carwash
- property. Mr. Phippard stated his understanding is that Aroma Joe's fence would remain separate
- from the carwash fence, but it would overlap at the end.
- Chair Russell-Slack stated this is a question that was raised when this item came to the Board
- previously; what happens in an emergency situation what would be put in place to assist in an
- emergency. Mr. Phippard stated there will be two full-time employees who operate separate
- shifts and will be on site from 7 am to 5 pm. If it is after hours there is a phone number provided
- at the facility and they contracted with company 24 hours a day 7 days a week to respond in an
- 438 emergency situation.
- With reference to the noise ordinance, the Mayor stated there are different times but mostly it is
- from 11 pm to 7 am. Councilor Remy noted this site is in zone B which puts the time frame from
- 441 10 pm to 7 am.
- Mr. Clements then went over the recommended motion.
- Councilor Remy stated one foot candle for lighting seems to be very low and asked whether the
- City has any concerns with the light levels being too low. Mr. Clements stated the land
- development code only has maximum threshold and added it would be what the property owner
- is comfortable with and the liability they want to take on. Mr. Phippard stated West Street is one
- of those areas that has a lot of residual lighting and added what is more important is the level of
- light and the uniformity ratio; the City has limits on uniformity ratio.
- Ms. Brunner stated at the recommendation of the City Attorney, staff would like the Board to
- vote separately on each waiver request and then on the overall project.

- The Chair asked for public comment next.
- Mr. Mike Morrell owner of JC Performance Detailing, the entity that used to occupy this site,
- addressed the Board. He indicated due to the sale of the building he has had to vacate this site.
- Mr. Morrell indicated Pearl Street can be a very busy street and during peak hours this stop sign
- can hold up to seven cars. He indicated on Saturdays he has seen 10-12 cars backed up at this
- stop sign. He felt closing off the curb cut off Pearl Street is a good idea. He felt the proposal
- looks good on paper but it is not the reality. He indicated he did fluid film undercoating for
- vehicles on Fridays in the fall and could have nearly 10-15 cars in day. He noted he did not have
- 459 the space where the house was located and added once he had 5-7 cars on site, maneuvering the
- site was not easy. He felt what is being proposed would cause tremendous backup getting in and
- out of this site, especially with the construction happening at the Walmart intersection, which
- will most likely cause more vehicles to be using this route.
- With reference to water, Mr. Morrell stated that the City advised him that he was not allowed to
- wash more than three to five cars per day because of concern due to the close proximity to the
- 465 Ashuelot River.
- With reference to lighting, Mr. Morrell stated the only lighting he had was one light on the side
- 467 facing Aroma Joe's.
- With no further comment, the Chair closed the public hearing.
- Ms. Markelon asked whether the lot will be stripped other than the parking lot. Mr. Phippard
- stated there will be striping shown on the plan delineating two lanes entering the tunnel and all
- 471 parking spots will also be striped.
- Mr. Kost referred to the issue with noise and stated he did not hear any testimony regarding
- 473 decibel requirements
- 474 Ms. Brunner stated her understanding is that the City does not have specific noise information
- such as the decibel levels for the specific equipment that is proposed. She indicated this
- information should be available from the manufacturer and felt Mr. Phippard could address that
- question directly. Mr. Phippard stated there should be specification sheets for vacuums but
- wasn't sure any were available for the blowers as cars are exiting the tunnels. He indicated there
- was concern about noise levels when Mint Car Wash was proposed for Winchester Street,
- because there are residential neighborhood directly behind this site. As a result, when he used a
- 481 noise meter to record noise, the background noise levels from Winchester Street drowned out
- 482 everything. There was no change in the levels, as a result of the car wash when it operated and
- 483 there was no change next to the residential property line at the rear of the site. He felt the similar
- situation is likely going to exist on West Street because of the level of traffic on West Street.
- 485 Mr. Phippard added the applicant is aware of the City's noise ordinance and we will comply with
- it by shutting off the vacuums at 8 pm.
- 487 Councilor Remy suggested the following change to the motion language: *The hours of operation*
- 488 for vacuums on the site shall be 7:00 AM to 8:00 PM make it more generic so other vacuums
- are not run at night.

- 490 With reference to noise, the only thing the Planning Board Standards says it that noise should 491 comply with the City's noise ordinance which really just dictates the hours and then it goes into 492 construction equipment etc. and questioned if decibel level is contemplated. Ms. Brunner stated 493 the Land Development Code refers to the anti-nuisance standard, which in the Commerce 494 District, would 70 decibels between the hours of 7 am-10 pm and 55 decibels at night time, 495 which is 10 pm to 7 am; this is as measured at the property line. She indicated staff did have 496 some concerns specifically about the vacuum stations as those can be quite loud, especially with 497 a residents being adjacent where there could be bedrooms on the second floor, sound could easily 498 travel over the fence. With the change to the hours of operation, it would address the bulk of the 499 concerns. She indicated she was not aware of whether or not the blowers inside the car wash would be a noise concern or not; staff does not have any information on that. She added if this is 500 501 a big concern this could be something the applicant could submit as a condition of approval and 502 staff could verify that information. Mr. Clements noted 55 decibels is not that loud. Ambient 503 noise of the surrounding area is much more likely register on a noise meter when someone is 504 standing at a property line to get an accurate reading. He added staff's focus was on the vacuum 505 stations rather than the carwash itself. Chair Russell stated 55 decibels is the sound of normal 506 conversation or music playing in the background.
- Councilor Remy stated he would be supportive of something that was a condition precedent on showing that the blowers are not too load, as they are the ones operating at night. He added that when he searched for noise levels for blowers they came up at 89 decibels at 10 feet. He stated he was more concerned about the southern and eastern property lines.
- He asked for clarification as to what can be done if the blowers are operating in the middle of the night and are in violation of the noise ordinance. Mr. Clements stated that can be addressed
- separately, it does not need to be a separate condition from this body; it has to be adhered to.
- 514 Councilor Remy stated his last comment is that he agrees with staff regarding the north side of
- 515 the building. Mayor Hansel stated with everything else in this area, the proposed building is
- going to be an improvement. Mr. Rangel stated he was happy with the project presented as is.
- Vice-Chair Orgaz felt a faux window nothing too extravagant would be something he would like
- 518 to see.
- 519 Councilor Remy stated if the applicant has to come back before the Board for condition
- 520 precedent, perhaps come back with an option to show something added to the north side of the
- building; he asked whether this would be considered an amendment to the motion. Ms. Brunner
- explained in the case where the Board places a condition that requires discretion, it requires a
- 523 public hearing. She stated it would be her recommendation in such an instance to continue this
- 524 public hearing instead, as it won't require that it be re-noticed which is an expense for the
- 525 applicant. Councilor Remy stated he was not willing to hold it up for that.
- Ms. Markelon stated she was happy with what is being presented as the applicant has tried to create a building that is similar to New England style and felt they have put in the effort.
- The Chair stated she is inclined to agree with Councilor Remy but did not want to hold up the project for that reason.
- 530 C. <u>Board Discussion and Action</u>

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551 552 1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:

553 554 A. Submittal of security for sedimentation and erosion control and "as built" plans in a form and amount acceptable to the City Engineer.

555 556 B. Addition of a note on the plan stating "The hours of operation for vacuums on the site shall be 7:00 AM to 8:00 PM."

557 558 C. Submittal of five full-size paper copies signed by the owner and one digital copy of the final plan.

559 560 2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:

561 562 563 A. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations.

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The motion was seconded by Councilor Remy and was unanimously approved. 566

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Chair Russell-Slack stated she wanted to point out an item indicated in Mr. Cady's letter as to how he was noticed in that not everyone is able to get to the Post Office.

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SPR-02-23 & SWP-CUP-01-23 – Site Plan & Surface Water Conditional Use Permit - Contractor Bays, 0 Black Brook Rd - Applicant Patriot Holdings LLC, on behalf

of owner New England Interconnect Systems Inc., proposes to construct two buildings ~36,000 sf and ~25,200 sf in size for use as rental units for contractors and make associated site modifications on the properties at 0 Black Brook Rd (TMP #s 221-023-000 & 221-024-000). Waivers are requested from Sections 20.14.1.B, 20.14.2.A, and 20.14.2.B of the Land Development Code regarding the massing/scale and visual appearance of the proposed buildings. The combined parcels are 12.57 acres and are located in the Corporate Park District.

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## A. <u>Board Determination of Completeness</u>

Mr. Clements stated the applicant requests exemptions from submitting a historic evaluation, screening analysis, and architectural and visual appearance analysis. After reviewing each request, staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of the application and recommends that the Planning Board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel to accept SPR-02-23 & SWP-CUP-01-23 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

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## B. Public Hearing

- Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of Patriot Holdings LLC. He indicated their proposal is to merge the two lots. The existing property line would be eliminated by a voluntary merger which would leave a little over 12.5 acres with the two lots combined.
- The frontage is along Black Brook Road. The driveway as proposed would come off the end of the cul-de-sac opposite the other driveway. With that location coming off the end of the cul-de-sac, they would be crossing the 30 foot wetlands buffer, which is the reason they are requesting the conditional use permit. He indicated there is no impact to the wetland itself, just for the crossing of the 30 foot buffer.
- 600 Mr. Noonan stated for stormwater management, there is a stone spillway which also crosses 601 about six feet into the buffer. Mr. Noonan stated he had met with the Conservation Commission 602 for a site visit and reviewed where the impact to the buffers were which was then followed by a 603 hearing at the at the Recreation Center. It was determined that there were no impacts to the 604 wetlands and the Commission was happy with the pollinator friendly seed mix that was going to 605 be used. There are also weeping willows and dogwoods that would be in the floodplain 606 compensation area. The Commission voted to approve the conditional use permit application to 607 come before the Planning Board.
- 608 Mr. Noonan stated the proposal consists of two buildings, the use would be light industrial. The 609 target is for construction type companies that would rent a bay. They could have a small office 610 with a restroom and an office for each of the bays. The bays could be used as a workshop or for 611 storage. The applicant is not opposed to one entity renting multiple units or joining some of these 612 units. The buildings will be fully sprinkled and would have a sidewalk running around the rear and side of the buildings. If multiple units are joined, they would end up putting in a sidewalk 613 614 but for now it would be a gravel pathway. In front of each unit, there would be two parking 615 spaces. One would be a wider parking space that would allow for trucks or a trailer. The larger

- parking spaces will be 24 foot deep with a second parking space measuring 17 feet by 9 feet in
- size. Rear of the lot would have additional parking for customers. The length of the parking lot
- was determined using a WB 62 semi-truck (shown on the exhibit plan) as well as a tractor trailer
- 619 truck, which Mr. Noonan indicated takes up much more room than a ladder truck.
- Mr. Noonan went on to say there are parking islands at the rear of the site in order to meet the
- requirement for landscaping. He noted anything outlined in green is jurisdictional wetland.
- Along the southern portion of the site, the boundary of the property is determined by the center
- 623 line of Black Brook. Black Brook has a floodplain that comes onto the property and is outlined
- 624 in orange. Mr. Noonan referred to where the existing 100 year floodplain crosses the lot and
- based on the City's floodplain development standards, the applicant has to raise the buildings a
- minimum of one foot above the base flood elevation. This then is impacted by filling in the
- floodplain. In order to offset that, the applicant is compensating by excavating on the site. He
- referred to the entire area that would be planted with pollinator-friendly mix.
- The eastern side will be used mostly for stormwater detention which would outfall to a very
- shallow lowering of the elevation for the floodplain compensation. The total fill that is placed in
- the 100 year floodplain is offset by total compensation.
- Mr. Noonan stated the City's floodplain development standards are that it can be a foot by foot
- analysis or filled within one foot of the base flood elevation. He indicated that this was reviewed
- with the City Floodplain Administrator, Mike Hagan, who agrees with the total volume
- 635 compensation as shown.
- Mr. Noonan next referred to their grading plan, which shows where stormwater management and
- runoff would be handled. The roadway will start with a grass treatment swale, which will pick up
- the run off from the driveway itself and direct it into a grass treatment swale to keep any of the
- water running off the pavement from going directly into that wetland. These wetlands are part of
- the 30 foot buffer, which is the reason the applicant is applying for the conditional use permit
- application. This will treat the stormwater and then outlet into the floodplain basin which will
- also used for detention. All the paved areas and the roof areas in the center will drain into catch
- 643 basins.
- On either side of the building where there is just roof runoff, there will be infiltration trenches.
- Mr. Noonan stated this project impacts about 250,000 square feet of land disturbance. If you are
- over 100,000 square feet of impact, there is a requirement to obtain an Alteration of Terrain
- Permit from the State. DES will review everything from erosion control matters to drainage
- calculations and floodplain calculations. The City Engineer will also be reviewing all of these
- documents.
- Mr. Noonan next referred to a plan showing the proposed utilities. This site is in the Corporate
- Park, which has access to municipal water and sewer. There is a stub out currently for a domestic
- water line onto the property for the development of these lots. The applicant will be utilizing this
- line for their domestic water connection and then running a new 6 inch fire line.
- Sewer will be tied into the existing sewer line at Black Brook Corporate Park.
- 655 Lighting Plan All fixtures will be full cutoff LED fixtures. The majority of the fixtures will be
- wall-mounted and will be located above each garage bay. The rear parking lot will have pole-

- mounted lights at a height of 29.5 feet above finish grade and the wall mounted lights will be at a
- of 11 feet along the front of the buildings. There will be no light encroachment onto abutting
- properties.
- 660 Chair Russell-Slack asked whether the lights are on all the time. Mr. Noonan stated security
- lighting will be on a motion sensor. The other fixtures will be dimmed by 50% starting at 10 pm.
- The Chair asked if the site could be accessed any time. Mr. Noonan answered in the affirmative
- and added that the plan is for contractors to rent spaces on the site, meaning that it is most likely
- going to be utilized during daytime hours.
- Mr. Noonan then referred to the plan for landscaping. There will be some trees and shrubs being
- proposed for the site. The flood compensation area will have weeping willow and the interior
- landscaping islands would have hawthorns and a mixture of perennial flowers. He also noted to
- where a bicycle rack will be located.
- Mr. Noonan stated they have submitted building elevations and architectural renderings.
- He indicated that have requested two waivers, but considered them to be three waivers because
- there is a Section A and B. Mr. Noonan explained this site is removed from downtown Keene, it
- is located in the Corporate Park District. The portion that is visible from the city street is the 60
- foot wide end of the building. The waiver they are looking for is so that the buildings don't have
- to be stepped, as in the Land Development Code, it requires that every 50 feet have to be stepped
- once you are over 150 feet in length. One building is 400 feet long and the other is 600 feet in
- length. These are manufactured metal panel buildings and you are held to what their design is
- and custom design of such buildings can get expensive. He added the location being corporate
- park it is far removed from the downtown and not visible from any residential properties. The
- longer portions of the building are not visible from the public way the longer portions would be
- of visible from the other commercial uses in the corporate, park. This concluded Mr. Noonan's
- presentation.
- Mayor Hansel asked whether these buildings will be visible from any public way (street such as
- Butternut Drive). Mr. Noonan stated it is heavily wooded following the brook and Butternut
- Drive would be on the far side of the brook and won't be visible from there. He added you won't
- be able to see it from Wyman Road or Route 12.
- Staff comments were next. Mr. Clements addressed the Board again. He began by stating that
- this proposal consists of merging the two building lots and constructing two new buildings with a
- driveway and associated parking. The proposed buildings are intended to be used as modular
- contractor storage units. Each unit is 30'x60' in size and will include a small office area and
- restroom facilities. The northern building will be 36,000 sq. ft. with 20 units and the southern
- building will be 25,200 sq. ft. with 14 units.
- The development of this proposal will consist of approximately 250,000 sq. ft. of land
- disturbance and 128,022 sq. ft. of new impervious surface. As indicated by Mr. Noonan, an
- Alteration of Terrain permit reviewed and issued by the NH Department of Environmental
- 695 Services (NHDES) will be required. This application includes a request for a Conditional Use
- 696 Permit to allow the construction of a driveway within the 30-foot Surface Water Protection
- 697 buffer. This Application was brought to the Conservation Commission at their February 21
- 698 meeting. The Commission had no issues regarding the proposal.

- With respect to drainage, there will be a first grass swale that will collect runoff from the parking
- area and guide it into the stormwater management area. A stone check dam is proposed to reduce
- the velocity of the flow before entering the area. Along the proposed driveway entrance to the
- site, a grass swale will collect runoff from the driveway and direct it southerly to the flood
- compensation area. This swale is located between the driveway and the wetland finger that runs
- parallel with Black Brook Road. The submitted drainage report states that the post development
- conditions will result in qualitative treatment of all new impervious areas and that there will be a
- reduction in peak rates of runoff leaving the site for all storm events.
- 707 Sediment & Erosion Control Mr. Clements stated that the Applicant has addressed this
- 708 Development Standard very thoroughly considering the alteration of terrain nature of this
- application and the sensitive surface waters. This includes double silt fencing along Black Brook
- 710 itself and additional measures including erosion control matting, stone check dams, rip-rap stone
- aprons, and a stabilized construction entrance.
- 712 Snow Storage & Removal The proposed location of a snow storage area is along the eastern
- side of the truck turn-around area. The applicant states in their narrative that this area is large
- enough to provide snow storage for the site. Run off from the snow storage area will be accepted
- into the stormwater management area. A note on the plan states that any snow that will not be
- accommodated will be removed as needed from the site.
- Landscaping The parking lot landscape islands will have a mix of perennial daylily's, hostas,
- and echinacea coneflowers in addition to the required parking lot trees as described by Mr.
- Noonan. The flood compensation area will be seeded with a native pollinator wildflower mix.
- Native and non-invasive species are proposed.
- Screening The dumpster enclosure will be a 6 foot solid fence. The proposed location is not
- visible from adjacent properties or the public right-of-way. HVAC mechanicals are not currently
- 723 proposed since each tenant will have different fit-up requirements for their different needs. The
- 724 plan set notes that all mechanicals will meet the Site Development Standards for screening once
- installed. The proposed parking lot is not visible from the public right-of-way and the subject
- property is not adjacent to any residential zoning districts. There is not any perimeter parking lot
- screening proposed for this project as it is not required.
- 728 Lighting As indicated the two pole lights will be 29' feet above grade and there will be wall
- mounted lights along the building itself. All light fixtures will be full cutoff LEDs. Both
- proposed fixtures will have a color rendering index (CRI) of 80 and a color temperature of 3,500
- 731 kelvin or less.
- 732 Sewer & Water City water and sewer is proposed to serve the site. A City sewer connection
- permit and an NHDES sewer connection permit will be required. The Utility Plan notes that
- there is adequate water capacity for fire suppression system and regular water usage.
- 735 Traffic & Access Management The proposed driveway will connect to the cul-de-sac at the end
- of Black Brook Road to provide access to the site and will be 24 feet in width. The drive aisle in
- between the two buildings will continue to be 24 ft. in width. The applicant states in their
- narrative that this width is designed to easily accommodate traffic flow entering and exiting as
- well as navigating the site internally. A truck turn-around area has been provided at the eastern
- end of the parking area. The Truck Turning Exhibit Plan shows that a WB-62 size truck,

- commonly described as an "Interstate Semitrailer" with a length of 68.5 ft., would be able to
- navigate and turn around on the site. A Keene Fire ladder truck is smaller than a WB-62 size
- truck and will be able to navigate and turn around on the site. As part of the traffic study done for
- this application, the traffic memo says there will be negligible impact of this use on Blackbrook
- Road and estimates about 10-11 vehicle trips per hour. The ITE Manual refers to this use as a
- warehouse development. Mr. Noonan stated this is the closest use the traffic engineer could find.
- 747 Filling & Excavation There will be floodplain permit which would be reviewed by the state as
- 748 well as the AOT permit. There is a direct access from Blackbrook Road to Route 12 and any
- impact to hauling of material should be very light.
- 750 Surface Waters & Wetlands The application includes a Surface Water Protection Conditional
- Use Permit as part of the proposal. The proposed driveway will travel through the 30' wetland
- buffer to connect the site to Black Brook Road. The wetland buffer is from a wetland finger that
- travels north-south, roughly parallel with Black Brook Road. The finger connects with a larger
- vetland area located in the southwest corner of the property. The proposed street access and
- driveway location minimizes the impact to both the wetland system itself as well as the buffer. A
- differing location would require an impact to the wetland system. A second wetland buffer
- impact is proposed in the southeast corner of the property near Black Brook.
- 758 Mr. Clements went over the conditional permit use standards as follows:
- 759 The Planning Board shall issue a surface water protection conditional use permit for the activities
- described in Section 11.6.1, if it finds that all of the following criteria have been met:
- 1. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the
- Surface Water Protection Overlay District. The applicant states in their narrative that due to the
- proximity of the wetland to the existing road, the buffer will have to be crossed in order to access
- the site. Any alternative location would impact the wetland directly.
- 765 2. Encroachment into the buffer area has been minimized to the maximum extent possible,
- including reasonable modification of the scale or design of the proposed use. The applicant states
- in their narrative that the driveway will only cross the buffer and not impact the actual wetland. It
- appears that the wetland was created by the drainage from Black brook Road.
- 769 3. The nature, design, siting, and scale of the proposed use and the characteristics of the site,
- including but not limited to topography, soils, vegetation, and habitat, are such that when taken
- as a whole, will avoid the potential for adverse impacts to the surface water resource. The
- applicant states in their narrative that the paved driveway will be graded to collect stormwater
- runoff and direct it away from the wetland finger and into a grass treatment swale. The water will
- flow into the large flood/detention basin, which will ultimately become jurisdictional wetlands
- 775 over time.
- 4. The surface water buffer area shall be left in a natural state to the maximum extent possible.
- 777 The Planning Board may establish conditions of approval regarding the preservation of the
- 5778 buffer, including the extent to which trees, saplings and ground cover shall be preserved. The
- applicant states in their narrative that the encroachment area will be permanently altered as the
- access drive will cross the buffer. The wetland resource will not be impacted and will ultimately
- become much larger as the flood compensation basin develops into a wetland.

- Per Section 11.6.3.A of the LDC, the Surface Water Protection CUP Application has been
- referred to the Conservation Commission as mentioned earlier and they had no issues with it.
- A significant portion of the property is located with the 100-year floodplain associated with
- 785 Black Brook, which makes up the southern property boundary of the subject parcels. As
- mentioned, a Floodplain Development Permit will need to be granted as part of this project. The
- proposed buildings will have a finished floor elevation of at least one foot above the base flood
- elevation. The minimum elevation the southern building can be constructed at would 519.5 feet.
- The Board will need to determine if the criteria for the Conditional Use Permit has been met.
- 790 Hazardous & Toxic Materials -The applicant states in their narrative that the management
- 791 company will oversee the tenants and ensure that no hazardous or toxic materials are stored
- outside or in an inappropriate manner.
- Noise The units will be fully enclosed and any business that may be louder, such as a
- machining or workshop use could be monitored by management to ensure that it does not impact
- adjacent tenants.
- 796 Architecture & Visual Appearance As Mr. Noonan described, three waivers from are requested
- 797 from the standards for Massing/Scale and Visual Interest related to the uniform nature of the
- 798 building.
- 799 Mr. Clements reviewed the waiver criteria next:
- 800 1. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would
- 801 not be contrary to the spirit and intent of the regulations; or
- 2. Specific circumstances relative to the site plan, or conditions of the land in such site plan,
- indicate that the waiver will properly carry out the spirit and intent of the regulations.
- Mr. Clements went over the motion. He added the AOR Permit Number issued for the plan will
- have to be added as a note on this plan.
- 806 This concluded staff comments.
- The Chair asked for public comment. With no comments from the public, the Chair closed the
- 808 public hearing.
- 809 Councilor Remy with respect to the Waivers he stated he is leaning more towards 2. Specific
- 810 circumstances relative to the site plan, or conditions of the land in such site plan, indicate that
- the waiver will properly carry out the spirit and intent of the regulations. He felt the spirit and
- intent are clearly built for pedestrian area and felt this use was a good fit for this area.
- 813 C. Board Discussion and Action
- A motion was made by Mayor George Hansel that the Planning Board grant a waiver from
- Section 20.14.1.B of the Land Development Code regarding the requirement that buildings of
- 816 150-ft in length or more be divided into multiple modules."
- The motion was seconded by Councilor Remy and was unanimously approved.

- A motion was made by Mayor George Hansel that the Planning Board grant a waiver from
- Section 20.14.2.A of the Land Development Code regarding the requirement that front facades
- and exterior walls shall be articulated to express an architectural identity to avoid a uniform
- appearance.
- The motion was seconded by Councilor Remy and was unanimously approved.
- A motion was made by Mayor George Hansel that the Planning Board grant a waiver from
- Section 20.14.2.B of the Land Development Code regarding the requirement that structures shall
- have architectural features that provide interest at the pedestrian scale and reduce massive
- aesthetic effects.
- The motion was seconded by Councilor Remy and was unanimously approved.
- A motion was made by Mayor George Hansel that the Planning Board approve SPR-02-23 &
- 829 CUP-01-23 as shown on the plan identified as "All Purpose Keene Business Park Light
- 830 Industrial Facility Tax Map 221, Lots 23&24 (Black Brook Road) Keene, New Hampshire"
- prepared by Fieldstone Land Consultants, PLLC at a scale of various dated January 20, 2023 and
- last revised February 13, 2023 with the following conditions:
- 1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:
  - A. Submittal of security for sedimentation and erosion control, landscaping, and "as built" plans in a form and amount acceptable to the Community Development Director and the City Engineer.
  - B. Owner's signature and Alteration of Terrain Permit number appear on the plan
  - C. Submittal of five full sized paper copies and one digital copy of the final plan
  - 2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:
    - A. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measure are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations."
- The motion was seconded by Councilor Remy and was unanimously approved.

## VI. Continued Public Hearing

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Amendments to the Planning Board Subdivision Regulations – The Planning Board proposes to amend its Subdivision Regulations in Article 19 of the City of Keene Land Development Code by amending Section 19.2.4 of Article 19, "preservation of existing features" to include additional information about the type of features that should be protected and possible requirements to protect those features; Section 19.2.8, "Utilities" to include additional requirements for lots that would not have access to City sewer;

and Section 19.3.2.B, "Perimeter Building Setback" of the Conservation Residential Development Subdivision Regulations to require that existing tree canopy within the perimeter setback along external roads shall be preserved.

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- Senior Planner Mari Brunner addressed the Board and stated she would be highlighting the changes that were made since the last meeting. The first is change is to the section about the Preservation of Existing Features. Staff had recommended a sub-section listing a series of
- 865 submittal items. The Board was not in favor it and it has been removed.
- 866 The next change is to Utilities – There was a quite a bit of discussion regarding the applicant
- 867 being required to submit sufficient information to prove this lot is buildable and could site a
- 868 septic system. The language has been submitted to require percolation tests and test data. Ms.
- 869 Brunner stated staff feels this is a pretty standard submittal item.
- 870 The next change is to lots that are less than five acres in size and don't have access to City water
- 871 and sewer would need a review from NHDES and there is a specific rule which has also been
- 872 referenced.
- 873 Councilor Remy asked how the Board would be able to determine whether or not the percolation
- 874 test results being provided by the applicant are sufficient. Ms. Brunner stated it would be
- 875 stamped by professional and City engineering staff will be reviewing the document as well.

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A motion was made by Mayor George Hansel that the Planning Board adopt the Amendments to the Planning Board Subdivision Regulations as presented. The motion was seconded by Councilor Remy and was unanimously approved.

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## VII. Nomination of City Representative to SWRPC Board of Directors

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Mayor Hansel stated as his role as Mayor he had the pleasure of appointing an individual to represent the City on the Board of Southwest Regional Planning Commission. He indicated the Planning Board does have to affirm his nomination.

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A motion was made by Mayor George Hansel that the Planning Board nominate Jay Kahn as a City representative to the Southwest Regional Planning Commission Board of Directors. The motion was seconded by Councilor Remy and was unanimously approved.

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# **VIII. Master Plan Update Discussion**

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893 Ms. Brunner addressed the Board again. She indicated this was a request from the Chair to start 894 discussing the Master Plan update. The next update is in the CIP to start allocating money in July 895 of this year. Ms. Brunner explained what a Master Plan is. It is a non-regulatory document that 896 articulates a future vision for the community and includes goals, objectives and 897 recommendations intended to help the community achieve its goals.

898 Recommendations may be both regulatory and non-regulatory in nature.

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900 In New Hampshire, a Master Plan is necessary in order to have a zoning ordinance, historic 901 district, or capital improvements program.

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There are a couple of required sections in the Master Plan – a vision section and a land use section. Ms. Brunner also referred to other sections that could also be included in a Master Plan. The Chair stated her major issue is the housing section, which is outdated and needs to be updated. She felt this is a major issue throughout the country and stated there is going to be an uptick of people being displaced. Ms. Brunner stated the housing section is a very common section in the master plan and agreed what exists right now is pretty outdated. A housing study is something that is being called out for the master plan update and the City is ahead with this requirement as they are in the process of completing a study. The Chair stated she and Councilor Ormerod will be attending the Housing Academy and will be bringing more information from this conference.

912 913

- 914 Ms. Brunner stated the last time the Master Plan was updated by the City was in 2010.
- 915 According to the State RSA, a master plan update needs to happen every five years and the City
- 916 has fallen behind with this requirement. For the City of Keene, the Master Plan needs to the
- 917 reviewed and adopted by the City Council – Ms. Brunner referred to language regarding this
- 918 from the Rule of Procedure:

919 920

"In order to assure that the City Council fully understands and supports the Master Plan, the Planning Board shall seek Council review and adoption of the Master Plan prior to Board adoption. Prior to adoption of revisions or new sections of the Master Plan, the Board shall hold a public hearing, in accordance with the requirements of State law."

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She added the Planning Board adoption does require a public hearing.

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- 927 Ms. Brunner stated it is staff's recommendation that the Joint Committee act as a Steering
- 928 Committee for this project. The Capital Improvement Program includes funding for the next
- 929 Master Plan update in fiscal year 24 - \$50,000 has been set aside for the first year and \$40,000
- 930 for the second year. She noted to a tentative schedule. The first half of FY24 the work would be
- 931 as follows: develop scope of work, identify consultant needs v. in-house capability, prepare RFP
- 932 & conduct bid process, and establish a project steering committee.
- 933 The next six month period would be for: general outreach & community engagement,
- 934 neighborhood engagement (recommendation from the last master plan – Chair Slack asked that
- 935 there is voice for all age groups), update demographic data / trend (most of this work would be
- 936 done through the housing needs analysis), review current plan content, deliverable: Keene
- 937 Community Vision.
- 938 The last six months would be working on developing updated plan language, reorganization and
- 939 graphic layout of a revised document, deliverable: amended Comprehensive Master Plan
- 940 document (there is already a good foundation to start from).
- 941 IX. Staff Updates None
- 942

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- 944 X. New Business
- 945 None

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947	XI. Upcoming Dates of Interest
948	• Joint Committee of the Planning Board and PLD – March 13, 6:30 PM
949	• Planning Board Steering Committee – March 14, 11:00 AM
950	• Planning Board Site Visit – March 22, 8:00 AM – To Be Confirmed
951	• Planning Board Meeting – March 27, 6:30 PM
952	
953	There being no further business, Chair Russell-Slack adjourned the meeting at 9:20 PM.
954	
955	Respectfully submitted by,
956	Krishni Pahl, Minute Taker
957	
958	Reviewed and edited by,

PB Meeting Minutes February 27, 2023

Megan Fortson, Planning Technician

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**DRAFT** 

## STAFF REPORT

## S-01-23 – Boundary Line Adjustment – 0, 59, 60, & 67 Thompson Rd

#### **Request:**

Applicant Cardinal Surveying & Land Planning, on behalf of owners Gregory & Jeanette Gardner, Jeffrey & Allison Gardner, Jessica & Francis Pierannunzi, and Michael, Edward, & Thomas LaRoche, proposes a boundary line adjustment between the properties located at 0, 60, 67, & 59 Thompson Rd (Tax Map 241, Lots 104, 103, 102 & 101). The adjustment would result in the transfer of .16 ac from Lot 102 to Lot 101, .21 ac from Lot 102 to Lot 103, and .61 ac from Lot 104 to Lot 102. A waiver is requested from Sec. 25.10.8.B.2 of the Land Development Code regarding the requirement to submit an updated survey showing the full metes and bounds for lots 102 and 104. All properties are located in the Rural District.

## **Background:**

The four subject parcels are located in southeast Keene at the end of Thompson Rd as shown in Figure 1. The Branch River is located directly to the east, Marlboro Rd (also known as Route 101) is located to the south, and there are several residential properties located to the west and north. The property at 59 Thompson Rd (TMP #241-101-000) is a 0.53 ac parcel with an existing single-family dwelling and is owned by Michael, Edward, & Thomas LaRoche. The property at 67 Thompson Rd (TMP #241-102-000) is a 20.33 ac parcel with an existing single-family dwelling and is owned by Jessica & Francis Pierannunzi. The property at 60 Thompson Rd (TMP #241-103-000) is a 0.98 ac parcel with an existing single-family dwelling and is owned by Jeffrey & Allison Gardner. The undeveloped parcel at 0 Thompson

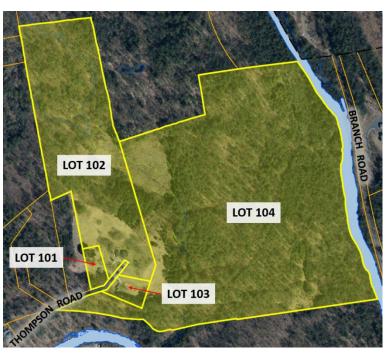


Figure 1. Aerial view of the subject properties in yellow.

Rd (TMP #241-104-000) is 58 ac in size and is owned by Gregory & Jeanette Gardner. All of these parcels are located in the Rural District, which has a minimum lot size of 5 ac and a frontage requirement of 50 ft.

The request is to perform a boundary line adjustment that will transfer 0.16 ac of land from Lot 102 to Lot 101, 0.21 ac of land from Lot 102 to Lot 103, and 0.61 ac of land from Lot 104 to Lot 102. Table 1 below shows the size of each lot before and after the boundary line adjustment, as well as the amount of land being transferred. The properties at 59 Thompson Rd (Lot 101) and 60 Thompson Rd (Lot 103) will be brought more into compliance with the existing minimum lot size requirement for the Rural District because they will be increasing in size. There is no new development proposed as part of this application; however, it should be noted that there are both surface waters and wetlands present on the parcels at 0 & 67 Thompson Rd and steep slopes present on all four parcels.

Per Section 19.2.5 & Section 22.3.2 of the Land Development Code related to lot monuments, "Final subdivision plans shall not be signed and recorded until after the monuments have been installed by the developer and verified by the Public Works Director, or security in an amount deemed satisfactory to the Public Works Director is posted ensuring the monuments will be set," staff recommend that the Board

## STAFF REPORT

make the inspection of the set monuments by the Public Works Director or their designee a precedent condition of approval for this application.

Table 1. Area of Land Affected by Proposed Boundary Line Adjustment				
	<b>59 Thompson Rd</b> (TMP# 241-101-000)	<b>67 Thompson Rd</b> (TMP# 241-102-000)	<b>60 Thompson Rd</b> (TMP# 241-103-000)	<b>0 Thompson Rd</b> (TMP# 241-104-000)
Prior to Adjustment	0.53 ac	20.1 ac	0.98 ac	58 ac
Amount of Land Transferred	+ 0.16 ac	+ 0.23 ac	+ 0.21 ac	- 0.61
After Adjustment	0.69 ac	20.33 ac	1.19 ac	57.39

#### **Completeness:**

The Applicant has requested exemptions from submitting a narrative explaining how the proposal complies with the 13 Site Development Standards in Section 20 of the Land Development Code, submitting separate existing and proposed conditions plans that show the location of surface waters and steep slopes on the subject parcels, and all technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application.

The Applicant has also requested a waiver from Section 25.10.8.B.2 of the Land Development Code regarding the requirement to submit an updated survey showing the metes and bounds of the revised parcels following the lot line adjustment. The submitted plan shows the metes and bounds for the parcels at 59 Thompson Rd (Lot 101) and 60 Thompson Rd (Lot 103), but does not show the metes and bounds of the parcels at 67 Thompson Rd (Lot 102) or 0 Thompson Rd (Lot 104). The Applicant has submitted a written waiver request, which is included as an attachment to this staff report.

In making a decision as to whether or not to accept this application as "complete," the Board may wish to consider whether the missing information (i.e., the metes and bounds for all boundaries of the parcels at 0 & 67 Thompson Rd) is necessary for the Board to complete its review of this application.

## Waiver Request

If the Board is inclined to grant this waiver request, the following language is recommended for a motion:

"Grant a waiver from Section 25.10.8.B.2 of the Land Development Code regarding the requirement that an updated plat showing the revised metes and bounds of all parcels be submitted.

**Departmental Comments:** There were no departmental comments on this application.

<u>Application Analysis:</u> As no new development is proposed, the analysis provided below is focused on the Planning Board's standards most relevant to this application.

- 20.8 Sewer & Water: The subject parcels do not have access to City water or sewer utilities. The City water main ends further to the southwest on Thompson Rd before it reaches the subject parcels and the closest City sewer main is along Marlboro Rd. Any future development on these parcels would require the installation of a private well and septic system.
- 20.9 <u>Traffic & Access Management</u>: The existing site access points are shown on the BLA plan that was submitted by the Applicant. The parcels at 59 & 67 Thompson Rd have a shared driveway that has

## STAFF REPORT

been in place for a number of years. As part of this application, the property owners have submitted an access easement agreement to formalize the use of the shared driveway by both sets of owners. In addition, the Applicant added Note #8 on the BLA plan, which specifies that the shared driveway easement will be recorded at the Registry of Deeds. This standard appears to be met.

The Applicant also included a note on the plan with a stating that, "Any future modifications to the driveways shown on this plan may be handled through the submittal of a Street Access Permit application to the City of Keene Public Works Department." Including this note on the plan will ensure that the current and any future property owners do not need to go back to the Planning Board to seek approval for any modifications that they would like to make to their driveways, despite the fact that they will be shown on an approved BLA plan.

20.11 Surface Waters & Wetlands: Aerial imagery of the subject parcels shows that there are surface waters and wetlands present on the properties at 0 & 67 Thompson Rd and steep slopes present on all four parcels. The Applicant has requested an exemption from submitting separate existing and proposed BLA plans that show the locations of these features on the subject parcels, noting that no development is proposed at this time. The Applicant added Note #7 on the plan, which states that any future development on these lots will need to comply with the Surface Water & Hillside Protection Ordinances.

#### **Recommended Motion:**

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

Approve S-01-23 for a boundary line adjustment between the properties at 0, 59, 60, & 67 Thompson Rd as shown on the plan identified as, "Boundary Line Adjustment, Lots 241-102-000, 101, 103, & 104, Thompson Road, Keene, NH 03431" prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 100 feet on February 17, 2023 and last revised on March 16, 2023, with the following conditions precedent prior to final approval and signature of the plans by the Planning Board Chair:

- 1. Submittal of four (4) full-sized paper copies, two (2) mylar copies, and a digital copy of the final plan.
- 2. Owners' signatures appear on the plan.
- 3. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover the cost of recording the final plat.
- 4. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set."

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

SECTION 1: PROJECT INFORMATION			
PROJECT NAME: Boundary Line Adjustment for Lot 2	NUMBER OF PARCELS AFFECTED: 4		
PROJECT ADDRESS(ES): 59, 60,67 & 0 Thomp	son Rd		
SECTION 2: CONTA	CT INFORMATION		
PROPERTY OWNER #1	PROPERTY OWNER #2		
Gregory & Jeanette Gardner	NAME/COMPANY: All SOY COYONCY Jeffrey Gardner		
MAILING ADDRESS: Thompson Rd Keene NH 03431	MAILING ADDRESS: 60 Thompson Rd Keene, NH, 03431		
PHONE: 603-762-4739	PHONE:		
EMAIL:	EMAIL:		
SIGNATURE:	SIGNATURE:		
PRINTED NAME: see attached sheet for Authorizations	PRINTED NAME:		
APPLICANT / AUTHORIZED AGENT	FOR OFFICE USE ONLY:		
NAME/COMPANY: Cardinal Surveying & Land Planning	TAX MAP PARCEL #(s):		
MAILING ADDRESS: PO Box 160, Sullivan NH, 03445	841-10300000000		
PHONE: 603-209-1989	540c		
Wendy@cardnalsurveying.net	PARCEL SIZE: OTNOMP BAPEGYAMP:  60 Thompson Ed. TIQUE I V E II		
SIGNATURE:	ZONING: RUYOU FEB 17 2023		
Wendy Pelletier	PROJECT #: S-01-23		

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

SECTION 1: PROJECT INFORMATION			
PROJECT NAME: Boundary Line Adjustment for Lot 21	14-102-000 NUMBER OF PARCELS AFFECTED: 4		
PROJECT ADDRESS(ES): 59, 60,67 & 0 Thomp	son Rd		
SECTION 2: CONTACT INFORMATION			
PROPERTY OWNER #1	PROPERTY OWNER #2		
NAME/COMPANY: Jessica & Francis Pierannunzi	Michael LaRoche		
MAILING ADDRESS: 67 Thompson Rd Keene NH 03431	MAILING ADDRESS: 59 Thompson Rd Keene, NH, 03431		
PHONE: 603-762-4739	PHONE:		
EMAIL:	EMAIL:		
SIGNATURE:	SIGNATURE:		
PRINTED NAME: see attached sheet for Authorizations	PRINTED NAME:		
APPLICANT / AUTHORIZED AGENT	FOR OFFICE USE ONLY:		
NAME/COMPANY: Cardinal Surveying & Land Planning	TAX MAP PARCEL #(s):		
MAILING ADDRESS: PO Box 160, Sullivan NH, 03445	<u>841-101-000-000</u> -000		
PHONE: 603-209-1989			
Wendy@cardnalsurveying.net	PARCEL SIZE: LOT THOM CONTRIBUTED TO TO		
SIGNATURE:	ZONING: ROYOU FEB 17 2023		
Wendy Pelletier	9-01-23		

February 7, 2023

To Whom It May Concern,

We, Gregory & Jeanette Gardner, owners of Keene Tax Map 241 Lots1 04, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Gregary W. Gardiner Feb 15, 2023

Gregory H. Gardner Date

Jeannette P. Gardner Feb 15, 2023

Jeanette P. Gardner Date

February 7, 2023

To Whom It May Concern,

We, Jeffrey H. & Allison E. Gardner, owners of Keene Tax Map 241 Lot 103, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Jeffrey H. Gardner

Date

Allison E. Gardner

February 7, 2023

To Whom It May Concern,

We, Jessica L. & Francis E Pierannunzi, owners of Keene Tax Map 241 Lot 102, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Jessica L. Pierannunzi

Date

Francis E Pieranunzi



February 7, 2023

To Whom It May Concern,

I, Michael R. LaRoche, owner of Keene Tax Map 241 Lot 101, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Michael R. LaRoche

michal R ta Rode 2/9/23



March 7, 2023

To Whom It May Concern,



I, Thomas A. LaRoche, owner of Keene Tax Map 241 Lot 101, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Thomas A. LaRoche

Date

thouse a. Sulver 3/11/23

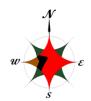
March 7, 2023

To Whom It May Concern,



I, Edward A. LaRoche, owner of Keene Tax Map 241 Lot 101, do hereby authorize Cardinal Surveying and Land Planning of PO BOX 160, Sullivan, NH 03445 to represent the application to the planning board of said lots as prepared by them.

Edward A. LaRoche



# CARDINAL SURVEYING & LAND PLANNING

PO Box 160
Sullivan, NH 03445
(603) 209-1989
www.cardinalsurveying.net
Know Your Boundaries"

4 Lot Boundary Line Adjustment Gregory & Jeanette Gardner and Jessica & Francis Pierannunzi Jeffrey & Allison Gardner and Michael LaRoche 67 Thompson Rd Keene, NH 03431

#### **Project Narrative**

TM 241-102-000 (67 Thompson Rd) is a 20.1-acre parcel in the Rural District. There is one dwelling on the lot. TM 241-104-000 is a 58-acre parcel also in the Rural district with a shed and no dwellings. TM 241-103-000 (60 Thompson Rd) is a .98-acre lot with one dwelling. TM 241-101-000 (59 Thompson Rd) 0.53 acres and has one dwelling. All the lots are residential use and have existing access from Thompson Road.

The owners are proposing a boundary line adjustment increasing the size of lot 101, 102 & 103. The first lot (lot 102) will be 20.33 acres. A portion of that lot will be adjusted with lot 101, enlarging it to be 0.69 acres. Lot 103 will be enlarged from a portion of 102 to 1.19 acres. A small portion from 104 will be adjusted with 102 to move the line out of their side yard. Lot 104 will be 57.39 acres.

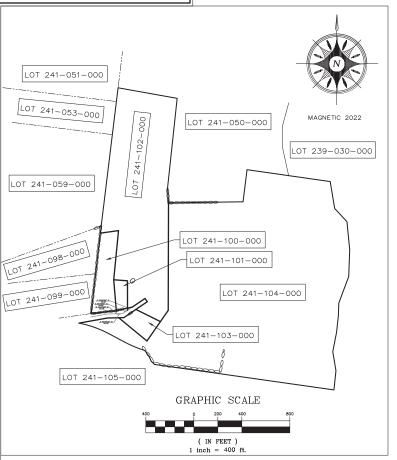
There are no buildings, improvements or changes in use proposed on the lots at this time. The proposal complies with article 19 and is exempt from article 20 of the LDC.

We request an exemption from providing an existing conditions and a proposed conditions plan, and from showing any wetlands, precautionary and prohibitive slopes. This project is to adjust the lot lines only and no additional development is planned.

## Request for Waivers

Section 25.10.8.B.2 Full boundary survey and metes and bounds shown on all lots

- 1. A survey was performed, and metes and bounds have been shown in the area of the boundary line adjustments only. The remainder of lots 241-102-000 and 241-104-000 are based on a prior recorded survey and boundary line adjustment by David A. Mann, dated March 2007. This should satisfy the intent of the regulations.
- 2. Granting the waiver will have no adverse impact on the abutters, the community or the environment. There are no changes to any exterior lot lines.
- 3. A survey of the entire additional area of over 61 acres would create a hardship for the owners when the lots have been previously surveyed in full.



MAGNETIC 2022

LOT 241-101-000

THOMPSON ROAD

S 77\*31'50" W 73.70'

GRAPHIC SCALE

( IN FEET )

1 inch = 100 ft.

S 77'10'53" W

N 88'45'55" E 43.03'

#### INSET DETAIL

### **ABUTTERS**

LOT 239-030-000 JOHN LEVERETT TREAT REV. TRUST ELOISE PHELPS CLARK REV. TRUST 1185 ROXBURY ROAD KEENE, NH 03431 VOL. 2710 PG. 0266

LOT 241-050-000 CAROL L. WHITE 333 CHAPMAN ROAD KEENE, NH 03431 VOL. 3027 PG. 0206

LOT 241-051-000 KATHERINE W. PRITCHARD REV. TRUST 291 CHAPMAN ROAD KEENE, NH 03431 VOL. 3115 PG. 1116

LOT 241-053-000 JULIE M. & PETER RUNEZ 261 CHAPMAN ROAD KEENE, NH 03431 VOL. 3027 PG. 0828

LOT 241-059-000 TRAJKOVSKI 2018 REV. FAMILY TRUST CHRISTOPHER G. & SUSAN M. TRAJKOVSKI TRUSTEES 217 CHAPMAN ROAD KEENE, NH 03431 VOL. 3185 PG. 0541

LOT 241-098-000 LOT 241-099-000 NORMAN C. KRISTOFF 9 MOUNTAIN VIEW COURT KEENE, NH 03431 VOL. 3225 PG. 1305

#### LEGEND

- PIN FOUND - DRILL HOLE FOUND - DRILL HOLE SET - REBAR SET - UTILITY POLE TREE LINE STONE WALL -D-D-D- - WOOD FENCE

--- - - APPROXIMATE ABUTTER LINE - - - LOT LINE TO BE ABANDONDED ---- - BUILDING SETBACK LINE

DISCLAIMER

- OF RECORD OR IN FACT. CARDINAL SURVEYING AND LAND PLANNING OPER SOOT INTEND OR REPRESENT THAT ALL RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY ARE SHOWN. A SPECIFIC TITLE EXAMINATION IS SUGGESTED TO DETERMINE THE NATURE AND EXTENT OF RIGHTS AND EASEMENTS AFFECTING THE AUDICATION.
- 2. THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. CARDINAL SURVEYING & LAND PLANNING MAKES NO CLAIMS TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. FIELD VERIFICATION IS REQUIRED PRIOR TO ANY EXCAVATION ON THE
- 3. MAGNETIC BEARINGS SHOWN HEREON ARE BASED ON A COMPASS OBSERVATION TAKE IN DECEMBER, 2022 AND ARE FOR REFERENCE ONLY AND SERVE TO PROVIDE AN ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS IN MAGNETIC BEARINGS MAY BE AFFECTED BY A CONSTANTLY CHANGING MAGNETIC DECLINATION.

#### REFERENCE PLANS

S 87\*47'42" W 35.68'

LOT 241-102-000

S 87\*28'49" E \_\_\_ 21.87'

SHARED DRIVEWAY SEE NOTES 8 & 9

N 34\*14'05" W 33.00'

SHED

S 34\*46'03" W 40.77'

└-2-1/2" IRON PIN DISTURBED

LOT 241-103-000

<u>N 55\*45'55" E</u> 66.80'

S 89"12'43" V

LOT 241-104-000

EXTERIOR BOUNDARY WAS NOT SURVEYED IN FULL BY THIS OFFICE, LINES & AREAS BASED ON REF, PLAN 1. SEE INSET DETAIL

1. "BOUNDARY ADJUSTMENT PLAN PREPARED FOR JEANNETTE L. GARDNER & GREGORY H. GARDNER, 67 THOMPSON ROAD, CITY OF KEENE, COUNTY OF CHESHIRE, STATE OF NEW HAMPSHIRE"; PREPARED BY DAVID A. MANN, LAND SURVEYOR; DATED MARCH 27, 2007; SCALE 1"=100; RECORDED AT CCRD C13-D06-0085.

NOTES

ASHUELOT RIVER

2. OWNERS OF RECORD:
LOT 241-102-000
JESSICA & FRANCIS PIERANNUNZI
67 THOMPSON ROAD
KEENE, NH 03431
VOLUME 2624 PAGE 0361

1. THE PURPOSE OF THIS PLAN IS TO ADJUST THE BOUNDARY LINES BETWEEN LOT 241-102-000 AND LOT 241-104-000, LOT 241-102-000 AND LOT 241-103-000 AND LOT 241-102-000 AND LOT 241-103-000.

LOCUS-

LOCUS MAP

ROUTE 101 ARLBORO ST

LOT 241-101-000 MICHAEL R. LAROCHE ET AL 115 WARMAC ROAD SWANZEY, NH 03446 VOLUME 1775 PAGE 0159

LOT 241-103-000 JEFFREY & ALLISON GARDNER 60 THOMPSON ROAD KEENE, NH 03431 VOLUME 2912 PAGE 0778

LOT 241-104-000 GREGORY & JEANNETTE GARDNER 67 THOMPSON ROAD KEENE, NH 03431 VOLUME 1962 PAGE 0474

3. AREA OF LOTS: BASED ON REF. PLAN 1

EXISTING AREA OF MAP 241-102-000: 20.1 ACRES PROPOSED AREA: 20.33 ACRES
BUILDING COVERAGE: 0.5% IMPERVIOUS: 0.19%

EXISTING AREA OF MAP 241-101-000: 23,268 SF OR 0.53 ACRES PROPOSED AREA: 30,209 SF OR 0.69 ACRES BUILDING COVERAGE: 4.5% IMPERVIOUS: 5.0%

EXISTING AREA OF MAP 241-103-000: 42.872 SF OR 0.98 ACRES PROPOSED AREA: 51,849 SF OR 1.19 ACRES BUILDING COVERAGE: 3.5% IMPERVIOUS: 3.0%

EXISTING AREA OF MAP 241-104-000: 58 ACRES PROPOSED AREA: 57.39 ACRES BUILDING COVERAGE 0% IMPERVIOUS 0%

4. MAP AND LOT NUMBERS REFER TO THE CITY OF KEENE TAX MAPS

5. CURRENT ZONING: RURAL

MIN. LOT AREA — 5 ACRES MIN. FRONTAGE — 50 FEET MIN. WIDTH AT BUILDING LINE — 200 FEET

BUILDING SETBACKS: FRONT — 50 FEET SIDE — 50 FEET REAR — 50 FEET

THE RURAL DISTRICT ALLOWS FOR MAX BUILDING COVERAGE OF 10% AND MAX IMPERVIOUS COVERAGE OF 20%.

- 6. LOTS ARE NOT WITHIN THE 100 YEAR FLOOD PLAIN.
- 7. ANY FUTURE DEVELOPMENT ON THESE LOTS SHALL COMPLY WITH THE CITY OF KEENE HILLSIDE & SURFACE WATER PROTECTION ORDINANCES.
- 8. SHARED DRIVEWAY EASEMENT TO BE RECORDED AT CCRD.
- 9. ANY FUTURE MODIFICATIONS TO THE DRIVEWAYS SHOWN ON THE PLAN CAN BE HANDLED THROUGH THE SUBMITTAL OF A STREET ACCESS PERMIT TO THE CITY OF KEENE PUBLIC WORKS DEPARTMENT.

2023 APPROVED AS A BOUNDARY LINE ADJUSTMENT IN ACCORDANCE WITH THE PROVISIONS OF RSA 674 THE CITY OF KEENE PLANNING BOARD

#### 1 3/16/23 ADDRESS STAFF COMMENTS LBJ NO. DATE REVISION

#### **BOUNDARY LINE ADJUSTMENT**

LOTS 241-102-000, 101, 103, & 104 THOMPSON ROAD KEENE, NH 03431

DATE: FEB 17, 2023

SCALE: 1"=100' PREPARED FOR:



GREGORY & JEANETTE GARDNER FRANCIS & JESSICA PIERANNUNZI JEFFREY & ALLISON GARDNER MICHAEL R. LAROCHE ET AL

CARDINAL SURVEYING & LAND PLANNING Sullivan, New Hampshire 03445 Feb. (803) 209-1989 SHT 1/



OWNER CERTIFICATIONS

JESSICA L. PIERANNUNZI

FRANCIS E. PIERANNUNZI

MICHAEL R. LAROCHE

EDWARD A. LAROCHE

THOMAS A. LAROCHE

WE, JESSICA L. AND FRANCIS E. PIERANNUNZI, CERTIFY THAT WE ARE THE OWNERS OF LOT 241—102—000, AND APPROVE OF THIS BOUNDARY LINE ADJUSTMENT.

WE, MICHAEL R. LAROCHE, EDWARD A. LAROCHE AND THOMAS A. LAROCHE, CERTIFY THAT WE ARE THE OWNERS OF LOT 241-101-000, AND APPROVE OF THIS BOUNDARY LINE ADJUSTMENT.

DATE

DATE

DATE

THIS SURVEY IS THE RESULT OF A RANDOM TRAVERSE USING AN ELECTRONIC TOTAL STATION AND MEETS THE MINIMUM REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN NH LAN TABLE 500.1.





#### **NEW HAMPSHIRE**

## CHESHIRE COUNTY

## SHARED DRIVEWAY EASEMENT

THIS SHARED DRIVEWAY EASEMENT, made and entered into this the day of March, 2023, by and among Jessica L. & Francis E. Pierannunzi residents of Cheshire County, New Hampshire; and, Michael R. LaRoche, Edward A. LaRoche & Thomas A. LaRoche, residents of Cheshire County New Hampshire.

#### WITNESSETH:

That whereas, Jessica L. & Francis E. Pierannunzi, are the owners of a certain lot or parcel of land and the improvements thereon at 67 Thompson Road, Keene, Cheshire County, New Hampshire, also known as Map 241 lot 102-000, the same having been conveyed to them by deed recorded in Book 2624 and Page 361 in the office of the Register of Deeds of Cheshire County;

Whereas, Michael R. LaRoche, Edward A. LaRoche & Thomas A. LaRoche are the owner(s) of a certain lot or parcel of land and the improvements thereon at 59 Thompson Rd, Keene, Cheshire County, New Hampshire, also known as map 241 lot 101-000, the same having been conveyed to them by deed recorded in Book 1775 and Page 159, in the office of the Register of Deeds of Cheshire County;

And whereas, Map 241 lots 102 & 101 lie immediately North of Thompson Road in said Keene, New Hampshire, Cheshire County and adjoining the two lots; and whereas, there is a shared driveway located on portions of the two lots, which shared driveway serve the lots; and whereas the parties agree that it would be for their mutual interest to establish a shared driveway of record.

NOW, THEREFORE, it is mutually agreed that a shared driveway is established for the common use of the two lots bordering thereon in their present location and dimensions.

And in consideration of the mutual rights and advantages above set out, Jessica L. & Francis E. Pierannunzi, and Michael R. LaRoche, Edward A. LaRoche & Thomas A. LaRoche, hereby give, grant, and convey each unto the other the perpetual right and easement of egress, ingress, and regress over and upon said driveway as above described. The parties agree for themselves, their heirs and assigns not to obstruct or block the driveway, to exercise courtesy and consideration for the other in using the driveway and to maintain and repair the driveway on their respective lots.

To have and to hold the rights and easements hereby granted to the respective parties and their successors in title forever, it being agreed that the rights and easements hereby granted are for the common use of, are appurtenant to, and run with the two parcels of land bordering thereon and above referred to.

[SIGNATURES ON FOLLOWING PAGE]

IN TESTIMONY WHEREOF the said parties have hereunto set their hands below.

Signature Conca Rhumanus Jessica L. Pierannunzi	Date: 3/13/23
Signature <u>Francis &amp; Resamungi</u> Francis E. Pierannunzi	Date: 3-13-23
Sepature Michael R. LaRoche	Date: 3 / 3 23
Signature Edward G. Lasloche Edward A. LaRoche	Date: 3/13/23
Signature Thomas A. LaRoche	Date: 3/13/23

**NEW HAMPSHIRE** 



March 6, 2023

City of Keene Planning Board 3 Washington Street Keene, New Hampshire 03431

RE: Earth Excavation Permit

Tax Map 215 Lot 7

Route 9

Keene/Sullivan/Roxbury, New Hampshire

GE Project No. 2302011

Dear Ms. Brunner,

On behalf of the applicant, G2 Holdings, LLC, we are requesting the Planning Board to consider making Condition A.8 of the "Notification of Conditional Planning Board approval", dated August 23, 2022, a subsequent condition to the Earth Excavation Permit & Hillside Protection Conditional Use Permit – 0 Rt 9. The request will allow the Planning Board to grant final approval, such that all other conditions have been met.

Condition A.3 of the "Notification of Conditional Planning Board approval", dated August 23, 2022, will provide a letter of credit for the benefit of the City. The letter of credit has been negotiated between JP Morgan Chase and the City. The issuance of this letter will be submitted under a separate letter head from the applicant's attorney.

Condition A.8 of the "Notification of Conditional Planning Board approval", dated August 23, 2022, requires restoration of unpermitted impacts to wetlands and wetland buffers shall be completed and inspected to the satisfaction of the City Engineer. G2 Holdings, LLC has hired Granite Engineering, LLC to conduct inspections and certification. Due to weather conditions, the wetland buffer certification cannot be completed until spring time to accurately assess the site and provide a report including findings and required actions. The subsequent condition will allow for final approval from the Planning Board and excavation operations on the site to resume. Granite Engineering with work with the City Engineer to meet the conditions of wetland and wetland buffer restoration as soon as weather is permitting for growth and site stabilization. Resuming operations on site will have no further impact to wetlands. Attached under this cover you will find:

## Earth Excavation Permit Application

- One (1) completed earth excavation permit application;
- One (1) certified notice list;
- One (1) notice certification form;
- Two (2) sets of mailing labels;
- One (1) electronic PDF file;



 One (1) check to cover the application fee. The fee was calculated as follows:

Base Fee	= \$	50.00
Legal Ad Fee	= \$	62.00
Abutter Mailing Fee = 11 x \$4.75	= \$	52.25
Total Fee	= \$	164.25

We request an exemption on other general submittal requirements listed on the application that do not apply to the request above or have already been submitted and review by the Planning Board. These submittal requirements include:

- · Waivers and exceptions;
- The name and contact of the person or entity that will be preforming the excavation;
- Photographs of the excavation site;
- Plan sets:
- Technical reports;
- Consultant fee;

If permission is granted to revise the condition of approval, we are submitting material for final approval to be granted on March 27<sup>th</sup>.

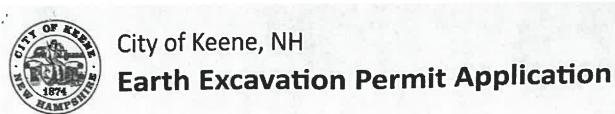
## Final Approval

- Five (5) copies of the plan set on 22" X 34";
- One (1) electronic PDF file;
- One (1) comment response letter, from TFMoran;

We trust you will find the request complete and ready for the Board's consideration on March 27, 2023. Should you have any questions or require further information, please do not hesitate to contact me directly.

Best Regards,

Tanner Baylor, E.I.T Project Engineer



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

SECTION 1: PROJE	CT INFORMATION	
PROJECT NAME: Excavation Site		
PROJECT ADDRESS(ES): Route 9, Keene/Sulliva	n and Roxbury, NH	
SECTION 2: CONTA		
PROPERTY OWNER	APPLICANT	
NAME/COMPANY: G2 Holdings, LLC	MAME/COMPANY: G2 Holdings, LLC	
MAILING ADDRESS: 250 North Street, Jaffrey, NH 03452	MAILING ADDRESS: 250 North Street, Jaffrey, NH 03452	
PHONE: 603-325-8457	PHONE: 603-325-8457	
cody@mygordonservices.com	cody@mygordonservices.com	
SIGNATURE:	SIGNATURE: A Hardin	
PRINTED NAME: Cody Gordon	PRINTED NAME: Cody Gordon	
AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:	
NAME/COMPANY: Granite Engineering, LLC	TAX MAP PARCEL #(s): 215-007-000-000-000	
MAILING ADDRESS: 150 Dow St, Tower 2, Suite 421, manchester, NH 03101		
PHONE: 603-518-8030	PARCEL SIZE: 84.71  OCYCS  DATE STAMP:	
tbaylor@graniteeng.com	ZONING DISTRICT:  MAR 0 6 2023	
SIGNATURE: W 4/2	Ву	
Tanner Baylor	EXPORAD, MOD.	