

City of Keene
New Hampshire

MINOR PROJECT REVIEW COMMITTEE
MEETING MINUTES

Thursday, April 6, 2023

10:00 AM

**2nd Floor Council Chambers, City
Hall**

Members Present:

Jesse Rounds, Chair
John Rogers
Don Farquhar
Kürt Blomquist
Mike Hagan, Alternate

Other Staff Present:

Megan Fortson, Planning Technician

Members Not Present:

Mari Brunner, Alternate
Med Kopczynski, Vice Chair
Don Lussier, Alternate
Steve Dumont, Alternate

I. Call to Order – Roll Call

Chair Rounds called the meeting to order at 10:05 AM. Roll call was conducted.

II. Minutes of Previous Meeting – March 16, 2023

Mr. Hagan made a motion to approve the minutes of March 16, 2023. Mr. Rogers seconded the motion.

Chair Rounds stated that for this item, the voting members are Mr. Hagan, Chief Farquhar, Mr. Blomquist, and himself. The motion passed with a vote of 4-0, 1 abstained.

III. Final Vote on Conditional Approvals

Chair Rounds asked if there were any conditional approvals. Ms. Fortson replied that there are no conditional approvals up for a final vote today.

IV. Continued Public Hearings

- a. **SPR-06-19, Modification #1 – Site Plan – 20 Manchester St - Applicant and owner 560 Main Street LLC, proposes to lease a portion of the Froling site at 20**

Manchester St (TMP #114-012-000) to Phil's Tree Service for equipment and truck storage, create a second open yard rental space, construct an addition ~3,750 sf in size to an already approved 10,000 sf building, and make minor modifications to the landscaping and parking. The property is 9.88 ac and is located in the Industrial District.

Chair Rounds stated that this is a continued public hearing from the last meeting, on SPR-06-19, Modification #1.

Mr. Blomquist stated that he would like to bring up a concern about this site plan modification. He continued that the City of Keene is the owner of the property immediately adjacent to the subject parcel where the site plan modifications are proposed. The Public Works Department is an active user of the space and has been actively engaged with the applicant over various things. He is uncomfortable and needs to recuse himself from voting on this application.

Chair Rounds stated that he understands and does not think the MPRC needs to vote on Mr. Blomquist recusing himself. He continued that they will have Mr. Rogers join as a voting member on this item.

Chair Rounds asked to hear from the applicant.

Mark Froling of 240 Roxbury St. stated that he is here on behalf of Froling Energy, his business, which is currently located at 20 Manchester St. He continued that his company that owns the property is called 560 Main St., LLC, which is a little strange, because at the time of purchase that was the address of the parcel. Since then, he believes it was 911 that changed the physical address. He explained that they have completed Phase 1 of construction that was approved as part of the original site plan by the Planning Board. They made some changes to the site during construction that made the property non-compliant with the original site plan and are now trying to get these changes on record. The three items that they need to come into compliance on are parking lot striping; modifications to the approved landscaping that affect the location and size of the plantings, and showing a delineation of rentable spaces on the site, which can be seen on Sheet C-1 of the plan set that was submitted. There are two rentable spaces. One is currently rented to a tree company and the other space is delineated for a future potential rental.

Chair Rounds asked if the MPRC had questions.

Mr. Hagan stated that his understanding is that there will also be two offices on the rentable spaces. Mr. Froling replied that they just put that in their notes. He continued that John from Phil's Tree Service wanted to have a little landing area. Many businesses use cordless tools, so they do not actually operate an office in there, but they have a little trailer right now where they plug things in. Sometimes they plug a few trucks in when it is cold in the winter, and so on and so forth. It is not operating as an office, but just a small trailer for some equipment that is valuable and cannot be left overnight in cars for freezing. [Froling Energy] asked early on if it would be possible for the rentable spaces to each have a small office. It essentially is a shed that

could act as a small office, but he does not think there is any intention for the renters to operate out of there or have a sewer line or anything like that. It is more about having it on the plan so if there is a temporary on site, it will be in compliance with the City. He (himself) operates an office right now that was not on the construction plans, but ultimately, he cannot really operate out of his building in Phase 1 because it does not have an office in there, either.

Mr. Hagan asked if the intent is to bring power to the rental spaces, if it would be underground power, or how they would do it. Mr. Froling replied that they want to bring power to them. He continued that right now it is sub-metered off his building. They do not want to bring power unless the City brings power. They do not know yet if the City will bring power at some point. In the right-of-way, there is a note about bringing power down to the salt shed at some point, so if that happens, then there could be power from the City. He does not think they are going to bring power lines down there for a temporary place to plug in cordless tools. That just would not work, financially.

Mr. Hagan asked if it is correct that for the two proposed, temporary buildings/office trailers, they would have power from metering off of Mr. Froling's building. Mr. Froling replied no, if it is rentable space, he thinks they would have their own service drop. Mr. Hagan replied that that would be in compliance. He continued that the other key to this is making sure they apply for permits for the use of the trailers, once they are in place. Mr. Froling replied yes, that would be on the renters. He continued that he thinks City staff was not happy with the trailer that was there. It is not a special trailer or anything like that, and they keep boots, rain jackets, and various little items in it. There is no one working in there, and it is not an office environment. It is literally just storage and a place to plug in the trucks to operate.

Mr. Hagan stated that for clarification, once it is on the site plan, they are showing "office trailers to allow for a 12'x20' office trailer that could be used as an office." He continued that if that is the case, it would have to comply with (City regulations). Mr. Froling replied yes, it would have to comply. Mr. Hagan replied that he wants that on the record, and also noted that permits would be required for each one. Mr. Froling replied yes.

Mr. Rogers stated that he just noticed that in the existing conditions plan, especially where the proposed rental areas are going, there are areas delineated for snow storage. He was not at the last meeting, so this might have already been answered, but he does not see any "snow storage" shown on Sheet C-1 of the plan set that was submitted. He continued that he is just asking, other than some snow storage that Mr. Froling has on the northwest side of the existing building, where will the snow storage be?

Mr. Froling replied that that is a good point. He continued that they had not really changed that. They store snow all along the southeast side of the parking lot of the (Froling Energy) building. Along the City right-of-way is a good-sized apron, maybe 30 or 40 feet. The storage is along/sort of behind the scale for the front of the building and to the left of the side of the

building. In the back of the building, there is so little pavement that it is not much storage, it just gets put to the side. He is not sure where Phil's Tree Service stores their snow.

Mr. Rogers stated that he does not see any impervious surface calculations on these plans. He continued that these two rental storage areas are considered impervious surface, and if gravel or surepak or something like that will be brought in for these people to be parking equipment, lot coverage will be a concern, in terms of making sure they are meeting the Zoning Code requirements for percentage. He would like to see impervious surface calculations.

Ms. Fortson stated that there were impervious surface calculations submitted, but they were not included in the plan set. She continued that the impervious surface calculations submitted are for what is existing, not necessarily for any change made by future tenants of the rental space.

Mr. Froling stated that if they make a change, then they will have to come to the City to get a permit. Mr. Rogers replied that with one of these, the change has kind of already been made. He continued that they at least need some numbers reflecting the Phil's Tree area, since that is a storage area that is already in operation, to reflect that. If the notes do not show that, the MPRC needs to see that, to ensure that they are not approving something that would be violating the Zoning Code. Mr. Froling replied that he has not seen those drawings, nor is he sure he could. He continued that they would have to see if the calculations reflect what the MPRC needs, and if not, he can update them.

Ms. Fortson stated that she put the lot coverage calculations up on the screen. Mr. Rogers [reviewed it and] stated that he thinks that answers his questions. Mr. Froling stated that as far as he knows, he thinks they actually reduced the overall percentage of lot coverage from the original site as it was being used and noted that they added retention ponds and have another retention pond for the new building. He continued that these rental spaces, because they need to be delineated and he was not aware of that, in his site plan application, that he could not rent his own space, but now he knows that. He is learning, as they are proposing things, what they can and cannot do.

Chair Rounds stated that in terms of (parking) spaces, it looks like 20 spaces were previously shown on the approved site plan and 29 spaces are now proposed. Mr. Froling replied that the spaces before were parallel parking spaces, and in their operations they found the parallel parking configuration cumbersome to navigate, and in fact, they do not park in the back parking lot at all. The roof drainage is there, and no one wants that. Everyone parks up front. It is also where the main door and bathroom access are. The back parking lot is never used.

Chair Rounds stated that he wants the record to reflect the change to the trees along the west side, and he thinks the north as well. Mr. Froling replied yes, it is a little bit of landscaping along the road frontage near Route 101 and a little bit on the west side of the property. Chair Rounds asked if it is correct that the only proposed change is just to the species of tree. Mr. Froling replied that there were two purposes, the species of tree and [unfinished sentence]. He continued

that it is already heavily vegetated, so he was a little dumbfounded that they were asked to put trees in front of trees, but that is the rule the City has, which does not make sense to him. Those trees were going to get larger than the trees that were already there, and actually killing the trees behind them, which made even less sense. Now they are complying with the rule the City has and trying not to kill the already existing trees. It is annoying but they have to comply. Many of the trees were put where they have no visibility to the road, and trees were left out where they do have visibility, and the whole idea of the trees was to have some kind of barrier. They just kind of moved it in the right direction and still tried to comply.

Chair Rounds asked if there were any other questions. Hearing none, he opened the public hearing and asked if there was any public comment. Hearing none, he closed the public hearing and asked for a motion. He continued that they should talk about which conditions to include, too.

Ms. Fortson stated that the board can either have conditions precedent, which Mr. Froling would need to meet before he could receive final approval from the MPRC, or they could try to go for final approval today and meet the conditions subsequent. That means Mr. Froling could get final approval today and have the plans signed by the chair, and the conditions could be met after the final signature.

Chair Rounds replied that that makes sense. He continued that this is a result of a recent court case involving the Supreme Court and the City of Dover, and because of this the City is trying to make sure that there is a differentiation between conditions subsequent and precedent. The MPRC wants conditions subsequent to be conditions that the (applicant) is going to have to do anyway and will not be a trip-up in the process.

Mr. Hagan stated that he has a recommendation for the motion, as a final approval, with conditions subsequent, making sure all of these are met after this final approval.

Mr. Hagan made a motion to approve SPR-06-19, Modification #1, for the creation of two open yard rental spaces and minor site modifications for Froling property at 20 Manchester St., Tax Map #114-012-000 as shown on the plan as identified as 560 Main St., LLC, 560 Main St., Keene, NH, prepared by SVE Associates at varying scales on September 20, 2019, last revised on March 17, 2023, with the following conditions subsequent to final approval:

1. The property owner's signature appears on the title page and the overall site plan on sheet C-1 of the site plan.
2. Submittal of a revised site plan showing the location where Phil's Trees will be operating on the site.
3. Submittal of updated utility plan showing the location of utilities onsite.
4. Submittal of a floodplain development permit.

Mr. Rogers stated that he would like to add a condition: Submittal of a revised site plan showing the location of the new snow storage area. He continued that with that added, he seconds the motion.

Mr. Hagan stated that he adds to his motion, the following condition subsequent to final approval:

5. Show new snow storage location on the revised site plan.

Chair Rounds asked for further discussion. Hearing none, he asked for a vote.

The motion passed 4-0.

V. New Business

Chair Rounds asked if staff had any updates. Ms. Fortson replied not at this time.

VI. Upcoming Meeting Dates

- April - 2nd Monthly MPRC Meeting – April 20, 2023 at 10:00 am (*if needed*)
- May - Pre-submission Meeting – May 4, 2023 at 9:00 am
- May - 1st Monthly MPRC Meeting – May 4, 2023 at 10:00 am
- May - 2nd Monthly MPRC Meeting – May 18, 2023 at 10:00 am (*If needed*)

There being no further business, Chair Rounds adjourned the meeting at 10:30 AM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician