



City of Keene Planning Board

AGENDA

Monday, June 26, 2023 6:30 PM City Hall, 2nd Floor Council Chambers

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – May 22, 2023
- III. **Final Vote on Conditional Approvals**
- IV. **Review of Developments of Regional Impact**
- V. **Continued Public Hearing**
 1. **SPR-967, Modification #7A – Site Plan – Railroad Land Parking Lot Landscaping Modifications – 0 Cypress St** - Applicant and owner Railroad Street Condominium Association proposes to remove and replace seven trees with thirty-four shrubs on the property at 0 Cypress St (TMP #574-041-000). The site is 5.54 ac and is located in the Downtown Core District.
- VI. **Boundary Line Adjustment**
 1. **S-04-23 – Boundary Line Adjustment – 26 Prospect St & 361 Court St** – Applicant James Knight, on behalf of owners James & Anne Knight & 361 Court St LLC, proposes a boundary line adjustment between the properties at 26 Prospect St & 361 Court St (TMP #s 537-057-000 & 537-056-000). This adjustment will result in the transfer of ~0.03 ac from the ~0.775 ac parcel at 361 Court St to the ~0.305 ac lot at 26 Prospect St. Both properties are located in the Medium Density District.
- VII. **Staff Updates**
- VIII. **New Business**
- IX. **Upcoming Dates of Interest**
 - Joint Committee of the Planning Board and PLD – July 10, 6:30 PM
 - Planning Board Steering Committee – July 11, 11:00 AM
 - Planning Board Site Visit – July 19, 8:00 AM – To Be Confirmed
 - Planning Board Meeting – July 24, 6:30 PM

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

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5 **PLANNING BOARD**
6 **MEETING MINUTES**
7

8 **Monday, 22, 2023**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
David Orgaz, Vice Chair
Mayor George S. Hansel
Councilor Michael Remy
Roberta Mastrogiovanni
Armando Rangel
Ryan Clancy
Randyn Markelon, Alternate

Staff Present:

Jesse Rounds, Community Development
Director
Evan Clements, Planner
Megan Fortson, Planning Technician

Members Not Present:

Emily Lavigne-Bernier
Gail Somers, Alternate
Tammy Adams, Alternate
Kenneth Kost, Alternate

9
10 **I) Call to Order – Roll Call**

11
12 Vice-Chair Orgaz called the meeting to order at 6:30 PM and roll call was taken.
13

14 **II) Minutes of Previous Meeting – April 24, 2023**

15
16 A motion was made by Mayor George Hansel to approve the April 24, 2023 meeting minutes as
17 presented. The motion was seconded by Councilor Remy and was unanimously approved.
18

19 **III) Final Vote on Conditional Approvals**

20
21 Chair Farrington asked whether there were any applications tonight that are ready for a final vote.

22
23 Mr. Clements stated that a Boundary Line Adjustment, S-02-23, for the properties located at 0, 59,
24 60 and 67 Thompson Road was the first project ready for final approval. All conditions precedent
25 for this application have been met and staff recommend that the Board issue final approval for this
26 application.
27

28 A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval
29 for S-02-23. The motion was seconded by David Orgaz carried on a unanimous vote

30
31 Mr. Clements stated that the next application ready for final approval was project number SPR-
32 964, Modification #7 for proposed landscaping modifications at the Hampton Inn property at 120
33 Key Rd. All conditions precedent for this application have been met and staff recommend that the
34 Board issue final approval for this application. Mr. Clements added that staff is recommending a
35 subsequent condition of approval for this application specifying that the owner's signature must
36 appear on the final plans.

37
38 A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval
39 for SPR 964, Modification #7 with the condition subsequent that the property owner sign the final
40 plans. The motion was seconded by David Orgaz carried on a unanimous vote. Ms. Fortson noted
41 that the project number for the boundary line adjustment that the Board issued final approval for
42 is actually S-01-23, not S-02-23.

43
44 **IV) Public Hearings**

45
46 **1. SPR-967, Modification #7A – Site Plan – Railroad Land Parking Lot Landscaping**
47 **Modifications – 0 Cypress St - Applicant and owner Railroad Street Condominium**
48 **Association proposes to remove and replace seven trees with thirty-four shrubs on the**
49 **property at 0 Cypress St (TMP #574-041-000). The site is 5.54 ac and is located in the**
50 **Downtown Core District.**

51
52 **A. Board Determination of Completeness**

53
54 Ms. Megan Fortson stated the applicant has requested exemptions from submitting a grading plan,
55 lighting plan, elevations, and all technical reports. After reviewing each request, staff recommend
56 that the Board grant the requested exemptions as they have no bearing on the merits of the
57 application and accept the application as “complete.”

58
59 A motion was made by Mayor George Hansel to accept Application SPR-967, Modification #7A
60 as complete. The motion was seconded by David Orgaz and was unanimously approved.

61
62 **B. Public Hearing**

63
64 Mr. Keith Thibault of Southwestern Community Services (SCS), who is the managing agent for
65 Railroad Land Condominium, presented this application to the Board. He indicated there are a
66 number of trees in one landscaping island on the site that have started to wither. The landscape
67 contractor has tried to get these trees to thrive, but they have not been successful. The consensus
68 is that the soil in this area is not conducive for the sustained growth of trees, so the condo
69 association is proposing to install Dwarf Inkberry bushes in place of the seven trees that were
70 removed. He noted that this species of plant is thriving in other areas of the site; however, he also
71 noted that there is a condo member who would like SCS to get a second opinion about potentially
72 installing shade trees again instead of shrubs, which Mr. Thibault said they would.

73

74 Vice-Chair Orgaz asked how tall the Inkberry bushes will grow. Mr. Thibault stated they get to
75 about six feet tall and provide a good barrier. Mr. Farrington asked for the timeline for the second
76 opinion. Mr. Thibault stated they plan to have it done within 30 days.

77
78 Staff comments were next.

79
80 Ms. Fortson addressed the Board and stated this parcel of land is located directly east of Main
81 Street, is 5.4 acres in size, and is located in the Downtown Core District. There are a variety of
82 uses on the condominium land, including the Marriott Hotel, the Monadnock Food Coop, and
83 various office and residential uses.

84
85 She explained that this development was originally approved by the Planning Board in June 2006
86 and several subsequent modifications have been made to the original site plan for various changes
87 to the buildings and site itself. As part of this application, the Applicant is proposing to replace
88 seven trees that have already been removed with 34 Dwarf Inkberry shrubs in two existing interior
89 parking lot landscaping islands on the eastern portion of the site. Ms. Fortson noted that the
90 landscaping on this portion of the site was approved as part of the original site plan application in
91 2006. Staff became aware that the trees had been removed in January 2023 and let the property
92 owner know that they would either need to replace the trees in kind or come back before the
93 Planning Board for a modification to their approved landscaping plan.

94
95 She went on to explain that Section 20.5.5 of the Land Development Codes states that minor
96 revisions to approved landscaping plans can be approved by the Community Development Director
97 or their designee, as long as the Applicant can demonstrate that there will be no reduction in the
98 quantity or size (at maturity and planting) of plant material, that there will be no change to the
99 approved location of plant materials, and that the proposed plants are of the same general category.
100 She indicated that given that the Applicant is proposing to change the category and number of
101 plants that are proposed to be installed in place of the trees, this project meets the threshold for
102 review by the Planning Board.

103
104 With reference to the applicable site development standards, Ms. Fortson stated as follows:

105
106 Section 9.4.5.A – Parking lots of 10+ spaces. The Applicant has submitted an existing conditions
107 exhibit showing that there are currently 172 parking spaces on the property and 33 remaining trees
108 left on the site following the removal of seven trees. This plan is included as an attachment to this
109 staff report. This number of parking spaces would require that 18 trees be planted on the site. The
110 required ratio is that one tree is planted for every ten parking spaces. Given that the Applicant
111 has planted more than the minimum required number of trees, this standard appears to be met.

112
113 Article 20.5 of Land Development Code - Landscaping. As indicated by Mr. Thibault, these trees
114 never thrived and were removed because of this. He had noted that one possible reason the trees
115 failed to thrive could potentially be that the underlying surface of the former rail yard was not
116 conducive to the growth and development of the trees. He also stated that members of the condo
117 association have noticed that Dwarf Inkberry shrubs have thrived in other areas of the site but
118 noted that the members of the Condo Association have gone back and forth as to whether they
119 would like shade trees or Inkberry shrubs in this area.

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The applicant also does not believe salt or other roadside pollution played a role in the decline of the trees and believes the soil conditions under the top 12-18” of soil provided are not suitable for the sustained growth of the trees.

Section 20.5.2 of the Land Development Code Ms. Fortson explained that this section of the code outlines the landscaping installation requirements for planting and specifies that trees should be planted utilizing the best available practices to develop essential root structure; that plant materials be installed in a soil of sufficient volume, composition, and nutrient balance; that trees installed in areas of non-native or compacted soil shall be excavated to enable the placement of 300 cubic feet of native soil; and that protective measures be installed to protect the root masses of existing vegetation. She noted that the Board may want to consider making the submittal of a security a condition of approval to ensure that the landscaping will survive and will be replaced if it does not survive.

Ms. Fortson added that the applicant would have to come back before the Board, if they decide to install more shade trees versus the inkberry shrubs as was originally proposed.

Mr. Clements stated if the motion was approved indicating that inkberry shrubs will be installed instead of the shade trees, the applicant would have to come back and go through this entire process all over again if they decided to install trees instead. He felt that it would be prudent to continue this application to the next Planning Board meeting to give the applicant time to decide an a direction for his application.

Councilor Remy asked that if the Board issued a conditional approval and the applicant did not complete the conditions precedent, wouldn't the existing approval for shade trees stand and the change to the species of the trees potentially be reviewed administratively by Planning Staff? Mr. Clements stated the applicant would have to wait 180 days for the approval to expire.

Mr. Rounds suggested that the applicant could move forward with administrative approval to replace the existing trees with a different species of trees, as long as they were a similar type and size as the trees that were originally approved.

Mayor Hansel stated that if the applicant is in agreement to coming back before the Board, he would be willing to continue this application to the Board's June meeting. The applicant was in agreement.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board continue this item to the June 26, 2023 Planning Board meeting at 6:30 pm in the 2nd Floor Council Chambers of City Hall. The motion was seconded by Councilor Michael Remy and was unanimously approved.

2. **S-03-23 – Conservation Residential Development Subdivision & SWP-CUP-02-23 – Surface Water Protection Conditional Use Permit – 19 Whitcomb’s Mill Rd – Applicant and owner Sandra R. Henry Trust proposes to subdivide the 12.42 ac parcel located at**

166 **19 Whitcomb’s Mill Rd (TMP #237- 018-000) into 9 lots, including 8 residential building**
167 **lots that range in size from 0.38 to 0.77 ac and one open space lot that is 6.83 ac in size.**
168 **Four lots are proposed to be developed as duplexes and four lots are proposed to be**
169 **developed as single family homes. A new dead-end road is proposed to provide access to**
170 **seven of the residential lots. Access to the 8th residential lot is proposed from Whitcomb’s**
171 **Mill Rd. A waiver is requested from Sec. 19.3.5.A.3 of the Land Development Code**
172 **regarding the requirement that all structures shall be accessed from internal streets. The**
173 **site is located in the Low Density 1 District.**

174

175 A. Board Determination of Completeness

176

177 Mr. Clements stated that the Applicant has requested exemptions from submitting a landscaping
178 plan, lighting plan, building elevations, a historic evaluation, screening analysis, and an
179 architectural and visual appearance analysis. After reviewing each request, staff recommend that
180 the Board grant the requested exemptions as they have no bearing on the merits of the application
181 and accept the application as “complete”.

182

183 A motion was made by Mayor George Hansel to accept applications S-03-23 & SWP-CUP-02-23
184 as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously
185 approved.

186

187 B. Public Hearing

188

189 Mr. Jim Phippard of Brickstone Land Use Consultants stated that he was before the Board on
190 behalf of the Sandra R. Henry Trust. He explained that on the east side of the subject parcel is
191 Whitcombs Mill Road, to the south is the Cheshire Rail Trail, to the west there is an agricultural
192 site, and to the north is White Brook. There is a residential property and Langdon Place across
193 Whitcombs Mill Road from the subject parcel.

194

195 He explained that this property is 12.4 acres in size and was rezoned last year from Rural to Low
196 Density 1. This property and the property where Langdon Place is located were both operated as a
197 gravel pit back in the 1950’s. In the 1980’s, the operation of the gravel pit was discontinued and
198 the site was void of vegetation. There was a pond on the site, but the berm on the north side
199 breached at some point, which drained the pond to the size that it is today. The permanent water
200 table remains as it is today.

201

202 Mr. Phippard explained that the site is 88% vegetated but noted that there are steep slopes where
203 the property runs against the Rail Trail and the agricultural property and several man-made steep
204 slopes spread around the property. The City Engineer visited the site and determined that those
205 slopes are exempt from the Hillside Protection Ordinance.

206

207 Mr. Phippard went on to say the proposal is for a Conservation Residential Development
208 subdivision, which would allow for up to 12 residential units. CRDs require a minimum lot size
209 of 16,000 square feet in the Low Density 1 District and single-family homes and duplexes are
210 permitted uses. He added that the applicant’s intent is to get the lots approved, but buildings won’t
211 be constructed, the individual lots will be offered for sale and developed by contractors. The

212 applicant would like eight residential lots with the larger lots intended to accommodate duplexes.
213 He explained that 50% of the site has to be preserved as open space and had to have a primary
214 conversation value. Hence, the large wetland area, which is ~1.9 acres in size, would be considered
215 a primary conservation resource and will be included within the permanent open space lot. Along
216 with the wetland areas, there are also wetland buffers that need to be maintained. Mr. Phippard
217 referred to the wetland buffer shown on the plan, which extends 30 feet beyond the perimeter of
218 the wetlands, projects into Lot 1 on two sides, projects into the corner of Lot 2, projects into one
219 side of Lot 6, and back corners of Lots 7 and 8.

220
221 In order to construct a road onto the property, there will be some impacts to the wetlands, so the
222 applicant was required to apply for a Surface Water Protection Conditional Use Permit. As part of
223 the review process for this application, the Applicant met with the Conservation Commission for
224 a site visit. The Commission recommended that the Planning Board issue a conditional use permit
225 for this project but requested that the Applicant restrict any development on lots containing a
226 portion of the wetland buffer by creating a “no cut zone” in these areas. Along with the
227 development, a Homeowners’ Association is being created that would own the open space land.
228 Mr. Phippard added that he will also be petitioning the City Council to accept the layout a new
229 City street. The City street will provide access to lots 1-7. Lot 8 will have a minimum of 40 feet
230 of frontage on Whitcombs Mill Road in the same location where a driveway is being proposed. A
231 waiver was required for the location of this driveway because the CRD Regulations require that
232 the access to any new lot be from the new interior road not from an existing City street.

233
234 Mr. Phippard stated that they did conduct market research and there is interest in this type of
235 building development. He noted that the property owner is anxious to move forward with this
236 proposal, as they do not feel the current market will continue.

237
238 Mr. Phippard continued by stating that with reference to the wetlands, what exists on this site is an
239 important wetland because it is located on the water table, it is forested, and it provides a habitat
240 for many different types of animals; however, because the wetlands buffer area falls within the
241 gravel pit, it was stripped of vegetation and the owner is only now spreading loam and bringing
242 vegetation back. The second primary resource is an intermittent stream that runs north to south
243 across the property.

244
245 He indicated that when he petitions the City Council for acceptance of the road layout, he will be
246 applying for several waivers including the following: a request to not install street lights because
247 in his opinion there is adequate light at the intersection already, not to install sidewalks (as there
248 are no sidewalks in this area), and to create a pedestrian foot path that will run from the new road
249 to the rail trail (although this proposal is dependent upon their application to the State for a
250 connection request). A waiver from the requirement to install street trees will also be applied for
251 because this area is already forested. There will also be no underground conduits for electrical and
252 communication systems, as there will be overhead power into the site. This concluded Mr.
253 Phippard’s testimony.

254
255 Vice-Chair Orgaz clarified whether it was Lot 8 or 9 that would have its own frontage along
256 Whitcombs Mill Rd. Mr. Phippard stated that it was Lot 8. Mr. Rounds clarified that Sheet C-1 of
257 the plan set includes lot 8 with the road frontage shown.

258 Mr. Orgaz stated he did see the site and it is quite conducive for some type of development, but he
259 is concerned about the one lane bridge, its condition, and the weight limit that would prohibit
260 emergency vehicles from traveling across the bridge. Mr. Phippard stated to his knowledge there
261 is no plan to replace the bridge at this time, as it was not included in the most recent version of the
262 Capital Improvement Plan. City staff have indicated it will remain a one lane bridge. He added
263 that anything weighing 80,000 pounds or more would have to use Route 9 and connect onto
264 Whitcombs Mill Road to service this site.
265

266 The Fire Chief has also confirmed that emergency vehicles will access the site via Route 9. He
267 added that he did start the process of seeking approval to construct a fire pond, but a threatened
268 plant species was identified within ¼ mile of this site. He noted that the botanist the property owner
269 hired did not find this plant species on the site; however, the findings were submitted to the State
270 past the deadline and the property owner did not want to wait another year to reevaluate this issue.
271 Hence, the construction of a fire pond was not possible. The alternative is in-home sprinkler
272 systems, which will be added and noted on the plan.
273

274 Mr. Clancy asked for clarification on the no cut zone. Mr. Phippard explained it will be the same
275 as the wetland buffer, which is 30 feet from the edge of the wetlands.
276

277 Councilor Remy asked how the number of units would be regulated when these lots are developed;
278 what would prevent them from not all being duplexes in the future. Mr. Phippard stated that the
279 Community Development Department regulates what is being constructed and when a building
280 permit is submitted, this aspect would be reviewed by staff. Mr. Rounds stated that when a
281 building permit comes is submitted, the Plans Examiner looks over all planning documents and
282 they will see the limitation for the number of units based on the approved subdivision plan.
283

284 Staff comments were next.
285

286 Mr. Clements addressed the Board and stated this is a 12.42-acre tract of land located on the west
287 side of Whitcomb's Mill Road and north of Route 9. There are existing surface waters on the site,
288 including a large established wetland area.
289

290 The proposal is for four single family lots and four duplex lots (12 residential dwelling units in
291 total). A waiver is being requested from Section 19.3.5.A.3.a of the Land Development Code
292 regarding the requirement that all structures be accessed from interior streets.
293

294 19.2.1 - Lots - Mr. Clements indicated all the proposed lots appear to meet the requirements of the
295 zoning regulations and CRD dimensional standards and will have frontage on either an existing
296 Class V road or a street within an approved subdivision plan. This standard appears to be met.
297

298 19.2.2 - Character of Land for Subdivision - The land proposed to be subdivided is not located in
299 a flood hazard area. There are some man-made steep slopes present on the site that are proposed
300 to be re-graded as part of this proposal and future development of the building lots. This standard
301 appears to be met.
302

303 19.2.3 Scattered or Premature Development – Mr. Clements noted the proposed development is
304 located off of an existing City street in an area of the City that is zoned for residential development.
305 Staff have no concerns about the potential impact of this development on the capacity of the school
306 system, adequacy of access streets, and availability of other public services. Fire access to the site
307 is restricted due to the weight and capacity limits of the one-lane bridge and emergency access will
308 be provided from the south via Route 9.

309
310 19.2.4 Preservation of Existing Features – All significant existing features have been identified
311 and are discussed later with reference to the CRD design criteria.

312
313 19.2.6 Special Flood Hazard Areas – There are no special flood hazard areas.

314
315 19.2.7 Fire Protection and Water Supply – The applicant will be installing individual sprinkler
316 systems to meet this standard.

317
318 19.2.8 Utilities – The applicant proposes to extend the existing sewer line located on the Langdon
319 Place of Keene property to Whitcomb’s Mill Road and down the length of the proposed new road
320 in order to provide sewer service to the new lots. The City of Keene has an easement on the
321 Langdon Place of Keene property that allows for this extension to occur. Private wells are proposed
322 to provide domestic water service to each individual building lot.

323
324 19.3.5 Design Criteria – The general criteria are that the development shall be located outside of
325 primary conservation areas and shall minimize impacts to any identified secondary conservation
326 areas. Identified primary conservation areas for this property include surface waters and their
327 buffers (an intermittent stream, wetlands complex, and White Brook) and the floodway associated
328 with White Brook.

329
330 Steep slopes were also identified on the topographical survey; however, after conducting a site
331 visit on May 11, the City Engineer has determined that these areas consist of stockpiled materials
332 left over from previous use of the site as a gravel pit and are not natural features subject to the
333 Hillside Protection Overlay District. The applicant has submitted a Hillside Protection Conditional
334 Use Permit and both the City Engineer and Zoning Administrator have determined that a Hillside
335 Protection CUP is not required for this proposal. All surface waters and the floodway are located
336 on the proposed open space lot with the exception of a small area of wetlands that is within the
337 right-of-way of the proposed road. The applicant has submitted a Surface Water Protection CUP
338 application for this impact. Mr. Clements noted the Board will need to act on this item in
339 conjunction with the overall application. The 30-foot surface water buffer is located on several of
340 the proposed lots.

341
342 Mr. Clements addressed the waiver request and stated that the Board would need to review the
343 following as part of their evaluation of this request:

344
345 *1. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision,*
346 *indicate that the waiver will properly carry out the spirit and intent of the regulations;* (For the
347 frontage/driveway off of Whitcombs Mill Road for Lot 8 as opposed to having the
348 frontage/driveway off of the newly constructed road.)

349
350 *2. Granting the waiver will not increase the potential for creating adverse impacts to abutters, the*
351 *community or the environment.*

352
353 *3. Consideration will also be given as to whether strict conformity with the regulations would pose*
354 *an unnecessary hardship to the applicant.*

355
356 Mr. Clements reviewed the Open Space Standards next.

357
358 All land designated as open space shall not be further subdivided and shall remain as open space
359 in perpetuity. In addition, all designated open space must be permanently protected by covenants
360 or easements and shall be deeded to and maintained by a Homeowners Association as described
361 by the applicant. The applicant will be required to submit written documentation of any legal
362 instruments required for the management of the designated Open Space land, and such documents
363 will be subject to the review and approval of the City Attorney prior to final approval and signature
364 of the final plans by the Planning Board Chair.

365
366 With respect to Drainage & Stormwater Management - Stormwater runoff from the new road is
367 proposed to be directed into vegetated swales that will treat runoff and allow it to infiltrate into the
368 ground. The cul-de-sac is proposed to be curbed, and stormwater runoff from this area will be
369 directed into a detention basin.

370
371 With respect to Sediment and Erosion Control - The applicant proposes to use perimeter controls
372 including silt fencing and a stabilized construction entrance to prevent sedimentation and silt from
373 leaving the site.

374
375 Snow Storage and Removal will be managed by the City.

376
377 Landscaping - No landscaping is proposed. The applicant intends to request a waiver from City
378 Council regarding street trees.

379
380 Screening - Applicant proposes to screen the development from adjacent land uses using the
381 existing mature forest canopy that will be preserved as a buffer in the open space lot.

382
383 Lighting - No lighting is proposed.

384
385 Sewer & Water – The site will be serviced by City sewer and private individual wells.

386
387 Traffic and Access Management – All lots will be accessed via the newly constructed road except
388 for Lot 8, which will be accessed via Whitcombs Mill Road. Mr. Clements stated that a
389 recommended condition of approval for this application is that all waivers be received from City
390 Council to construct the new street as described by Mr. Phippard.

391
392 With respect to traffic generation, Mr. Clements stated the applicant has submitted a traffic
393 analysis, which states that 4 detached single family homes and 4 attached single family homes
394 (i.e., eight duplexes) would generate a total of 106 trips per day. This analysis concludes that the

395 overall development is expected to generate approximately 8 vehicle-trips (1 arrival, 7 departures)
396 during the AM peak hour, and 10 vehicle-trips (6 arrivals, 4 departures) during the worst-case PM
397 peak hour period. City Engineering staff did not express any concerns about this level of traffic
398 generation, or its impact on the surrounding street network and nearby intersections and bridges.
399 However, it should be noted that the one-way bridge on Whitcomb’s Mill Road has weight limits
400 and is not planned to be replaced. Any heavy equipment or heavy duty vehicles will be required
401 to access the site from the south via Route 9.
402

403 Filling and Excavation – Nothing is proposed within the wetlands itself. However, there is a
404 significant amount of material stockpiled on the site and the property owner intends to use some
405 of it for the construction of the road. Approximately 1,200 cubic yards of material will be hauled
406 to or from the site and because of the site’s proximity to Route 9, this should not have an undue
407 impact on traffic patterns.
408

409 With respect to Hazardous or Toxic Materials - This standard is not applicable.
410

411 Noise - The applicant states in the project narrative that no excessive noise will result from this
412 proposal and will meet the City’s Noise Ordinance.
413

414 Architecture and Visual Appearance: This standard does not apply as there is no development
415 proposed at this time.
416

417 Vice-Chair Orgaz asked whether the Homeowners Association (HOA) would require that the fire
418 suppression systems be inspected by individual homeowners regularly. Mr. Clements stated the
419 HOA won’t be responsible for the fire systems, but each individual property owner will be. He
420 added that the State RSA regarding single- and two-family fire suppression system says that the
421 Planning Board cannot require that such a system be installed as part of a subdivision. However,
422 an applicant can offer this as a means to meet fire code. Mr. Orgaz expressed concern about the
423 Fire Department not having site access via the bridge and noted concern regarding the distance fire
424 trucks will have to travel to access a home on this site. Mr. Clements stated that in certain rural
425 communities volunteer fire departments respond, and in this case this is permitted under our
426 regulations, is permitted under State Law, and has been approved by the Fire Chief as well.
427

428 Mr. Clements reviewed the bullet points from the proposed motion, which included having the
429 owner’s signature on the final plans; the submittal of hardcopies; recording fees; inspection of lot
430 monuments by the Public Works Director once installed; written draft documentation of any legal
431 instruments required for this application (HOA documents, no cut zone documents) to be approved
432 by the City Attorney; and the submittal of a revised subdivision plan showing the “No Cut Zones”
433 and a provision granting authority to the Homeowner’s Association to maintain and regulate the
434 no cut zones. In accordance with RSA 674:36 IV, the applicant has offered to install fire
435 suppression sprinkler systems in the proposed buildings and a note shall be added to the
436 subdivision plan stating that the installation of individual residential sprinkler systems meeting the
437 standards of NFPA 13D or NFPA 13R or another means of fire protection approved by the Keene
438 Planning Board shall be required for each lot shown on the plan.

439 Mr. Clements explained what the RSA says is that if the sprinkler system is offered, the owner
440 either has to install it or come back before the Board and explaining how they are proposing to
441 offer fire protection.

442 Another proposed precedent condition of approval is that the applicant shall obtain approval from
443 the Keene City Council for all necessary waivers for street standards; the applicant shall obtain
444 approval for the layout of the new street and shall post adequate security for the construction of
445 the same to be approved by the City Engineer and Community Development Director.
446

447 Mr. Clements explained that subsequent to final approval, the following conditions are
448 recommended:

- 449 1. Prior to commencing construction of the road, the Community Development
450 Department shall be notified when all erosion control measures have been installed and
451 will inspect them.
- 452 2. The applicant shall obtain final acceptance of the new street.
- 453 3. Prior to the issuance of a CO for each lot, the submittal of written documentation of a
454 restrictive covenant or other legal mechanism in the chain of title for each new
455 proposed lot to ensure the installation of individual residential sprinkler systems
456 meeting the standards of NFPA 13D or NFPA 13R or another means of fire protection
457 approved by the Keene Planning Board shall be required. This documentation shall be
458 subject to review and approval by the City Attorney.
459

460 This concluded staff comments.
461

462 Councilor Remy asked if the Fire Department had provided any comments regarding the
463 “turnaround” on the site and asked if that has been addressed. Mr. Clements stated the applicant
464 has not submitted a truck turning plan but noted that because the road is going to be constructed
465 to City specifications, the cul-de-sac should have sufficient room for a fire truck to turn around.
466

467 The Chairman asked for public comment next.
468

469 Mr. Walter Lacey of 230 Daniels Hill Road addressed the Board. Mr. Lacey stated he would like
470 to address the major traffic safety issue concerning this project, which is yet to be discussed. He
471 noted this development will expose 12 households, visitors, and vendors to the hazardous
472 intersection of Whitcombs Mill Road and Route 9, which will be the primary route of traffic to
473 and from the City. He noted that the Base Hill Road intersection has been modified twice, most
474 recently because of a fatal accident. Mr. Lacey stated residents who use the intersection have
475 complained to Senator Sanders, who was the DOT District Engineer. Since then, no action has
476 been taken; however, Mr. Lacey stated he has also communicated with Mr. Sanders’ successor,
477 John Kallfelz in January of 2020. Mr. Kallfelz referred this item to Southwest Regional Planning
478 Commission and to a State DOT official and it looked like a road safety audit was going to happen,
479 but the pandemic brought traffic to a halt, so any study would have been meaningless.
480

481 In July 2020, Mr. Kallfelz emailed Mr. Lacey indicating that possibly a dedicated turning lane
482 could be incorporated into the street design, but not until the next repaving. Last fall, repaving

483 occurred, but no turn turning lane was incorporated. He added that to make matters worse, new
484 guardrails make eastbound Route 9 traffic more difficult to see for a southbound car on Whitcomb
485 Mills Road.

486
487 Mr. Lacey stated that approving this housing development without meaningful safety
488 improvements to the intersection will undoubtedly place residents continually in harm's way. He
489 added that the Keene Housing Authority Director and his son were almost killed in a car accident
490 last year when they were waiting to make the turn toward Daniel Hills Road from Route 9. Mr.
491 Meehan, who is out of town, has conveyed that he is supportive of additional housing, but felt that
492 improved traffic mitigation to an already busy dangerous intersection should be part of the plan.

493
494 Mr. Langley stated he was supportive of the additional housing, but not at the personal risk to its
495 occupants or the neighbors up the hill, including his family. A dedicated turning lane, better sight
496 lines, a speed limit change, warning lights, and significant signage, are all possible improvements.
497 He felt that saving lives must take priority over expediency. He felt this project should not be
498 approved without meaningful safety changes being made to the Whitcomb Mills Road and Route
499 9 intersection.

500
501 Mr. Terry Woodbeck of 85 Whitcombs Mill Rd was the next speaker. He indicated he just moved
502 from Oklahoma to Keene and stated he is deathly afraid of that intersection. He indicated just in
503 the last year, he was nearly rearended twice and the driver in the other car ended up going around
504 him, hitting the guardrail, and damaging his vehicle quite badly. Mr. Woodbeck stated that he has
505 come upon numerous accidents in this area and has no problem developing this site but noted that
506 adding more vehicles to an already precarious intersection is going to be dangerous. He felt that
507 the safety of this intersection needs to be addressed first.

508
509 Mr. Fred Burgess of 184 Daniels Hill Road stated that he would like to reiterate what has already
510 been said. He indicated that this intersection is very dangerous when you come down Whitcombs
511 Mill Road. He stated that he has noticed multiple accidents in this area where people have been
512 dangerously injured. Mr. Burgess felt that the intersection needs to be addressed before 12-24
513 additional vehicles are added to this intersection.

514
515 Mr. Robert Gogolen of 27 Langley Road was the next speaker. Mr. Gogolen stated that in 1997
516 his wife was coming down Whitcombs Mill Road during winter and slid onto the road and she was
517 nearly t-boned. He stated this that is a dangerous intersection, and the main reason is the high
518 speeds at which vehicles travel in both directions. He stated that there have been way too many
519 accidents and recalled at least one fatality since he has lived in the area.

520
521 Sandy Van de Kauter of 38 Felt Road agreed that Keene does need housing. She stated she has
522 heard testimony from her neighbors and is here to talk about traffic coming from the other direction
523 where the residents would be travelling from. Since the last accident in this area, the guardrail that
524 was destroyed has been replaced, but it is taller, and you cannot see traffic travelling from the
525 Brattleboro area. She felt that it is more dangerous than ever. Ms. Van de Kauter referred to
526 photographs she had taken at this area.

527

528 She felt that the Board has the authority and can bring to bear more pressure than those who just
529 live in the area. She stated she agrees with her neighbors that taking care of the most obvious
530 problems with this intersection would be wise in any event, especially if more cars are going to be
531 added to this intersection.

532
533 Ms. Russell-Slack of Keene stated that 20 years ago when Langdon Place was constructed this
534 same discussion happened. She noted that Route 9 is not a City road, but a State highway and
535 stated there could be a request made to the Department of Transportation to conduct a study at this
536 intersection.

537
538 The Mayor noted that this is a State highway, and the purview of the Planning Board is somewhat
539 limited. Even though the Board has traffic standards, this is mostly to address traffic measures
540 within the City. He noted that he was trying to recall another application where the site location
541 has intersected with a State highway and adding language addressing these situations in their
542 regulations is something the Board could look at if it wanted to. He stated it is clear there is concern
543 regarding safety at this intersection and stated he would be happy to direct a letter from the Mayor's
544 Office to the Department of Transportation to see if this issue can be addressed, but he noted that
545 this is not something that the Board may be able to address tonight.

546
547 Ms. Lily Swanberg of 19 Felt Road stated that she is a 17 year old who is still learning how to
548 drive. She noted that the first time she drove from Keene and tried to make that right turn onto
549 Whitcombs Mill Road, she was nearly in an accident with a truck coming from the opposite
550 direction.

551
552 In response to a butter comments, Mr. Phippard stated that about a year ago when the City Council
553 discussed rezoning the property to Low Density 1, the issue regarding the Route 9 intersection was
554 raised. He stated that after that hearing about these concerns, he contacted the local NH DOT office
555 about was bring proposed on Whitcombs Mill Road with the additional living units being
556 introduced and the additional traffic that would come into this intersection. Mr. Phippard stated
557 that he reviewed the traffic information with the DOT supervisor, but the count was under the
558 threshold for NH DOT to require the applicant to do anything to the road; however, they noted that
559 if the applicant wished to add any safety measures, they could always do that. He indicated the
560 applicant unfortunately does not have funding in their budget to add improvements to this area. He
561 stated he too would join in with the request for NH DOT to add additional safety measures in this
562 area.

563
564 Mr. Langley addressed the Board again and stated it is within the Board's authority to address this
565 issue and by allowing this development to happen, the City is placing 12 households at risk. He
566 stated that he felt the Board had control over development on Whitcombs Mill Road tonight.

567
568 Mr. Gogolen asked to address the Board and stated he does not know the rules and regulations of
569 a Planning Board but felt that the Board could perhaps close off the end of Whitcombs Mill Road
570 from Route 9 and do the same on Daniels Hill Road, as he felt the City has some control. He urged
571 the Board to see how this problem can be resolved.

572

573 The Mayor stated he was not saying that there is nothing that the City can do, but rather, the
574 question is how much jurisdiction the Planning Board has in this matter. He noted that the Board
575 is not a legislative body, but a quasi-judicial body that is tasked with taking their 13 Site
576 Development Standards and applying them to what the applicant has presented. If the public wants
577 to place more pressure on the State, then that needs to be done through the City Council.
578

579 With no further comments, the Chairman closed the public hearing.
580

581 C. Board Discussion and Action
582

583 A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section
584 19.3.5.A.3 of the Land Development Code regarding the requirement that all structures shall be
585 accessed from internal streets to allow access to Lot 8 from Whitcomb’s Mill Road.

586 The motion was seconded by Councilor Michael Remy. The Councilor stated it would cause
587 unnecessary hardship to the applicant if this lot was to be eliminated, if this waiver was not granted.
588 He felt the applicant has shown reasons within the application why this lot would be justified. The
589 motion to grant the waiver carried on a unanimous vote.
590

591 A motion was made by Mayor George Hansel that the Planning Board approve S-03-23 and SWP-
592 CUP-02-23 for a 9-lot Conservation Residential Development Subdivision and Surface Water
593 Protection Conditional Use Permit, all as presented on the plan set identified as “Whitcomb’s Mill
594 Estates, 19 Whitcombs Mill Road, Keene, New Hampshire” prepared by Huntley Survey &
595 Design, SVE Associates, and Brickstone Land Use Consultants, dated March 12, 2023 and last
596 revised on May 3, 2023 with the following conditions:

597 A. Prior to final approval and signature by Planning Board Chair, the following conditions
598 precedent shall be met:

- 599 1. The owner’s signature appears on the plan.
600 2. Submittal of four full size paper copies, two Mylar copies, and a digital copy of the
601 final plan.
602 3. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover
603 the cost of recording the final plan.
604 4. Inspection of lot monuments by the Public Works Director or their designee following
605 their installation or the submittal of a security in an amount deemed satisfactory to the
606 Public Works Director to ensure that the monuments will be set.
607 5. Submittal of written draft documentation of any legal instruments required for this
608 application, which shall be subject to review and approval by the City Attorney.
609 6. The applicant shall revise the subdivision plan to indicate “No Cut Zones” on all land
610 within 30 feet of designated surface waters. A provision granting authority to the
611 Homeowner’s Association to maintain and regulate the no cut zones shall be included
612 in the HOA covenants.
613 7. In accordance with RSA 674:36 IV, the applicant has offered to install fire suppression
614 sprinkler systems in the proposed one and 2-family residences and the Planning Board

615 has accepted this offer. The applicant shall add a note to the subdivision plan which
616 states that the installation of individual residential sprinkler systems meeting the
617 standards of NFPA 13D or NFPA 13R or another means of fire protection approved by
618 the Keene Planning Board shall be required for each lot shown on the plan.

619 8. The applicant shall obtain approval from the Keene City Council for all necessary
620 waivers from Article 22 of the Land Development for the proposed new street design.

621 9. The applicant shall obtain approval from the Keene City Council for the layout of the
622 new street and shall post adequate security for the construction of the same to be
623 approved by the City Engineer and Community Development Director.

624 B. Subsequent to final approval, the following conditions shall be met:

625 1. Prior to commencing construction of the road, the Community Development
626 Department shall be notified when all erosion control measures are installed and
627 the Community Development Director, or their designee, shall inspect the erosion
628 control measures to ensure compliance with this subdivision plan and all City of
629 Keene regulations.

630 2. The applicant shall obtain final acceptance of the new street from the Keene City
631 Council following completion of all infrastructure construction.

632 3. Prior to the issuance of a CO for each lot, the submittal of written documentation
633 of a restrictive covenant or other legal mechanism in the chain of title for each new
634 proposed lot to ensure the installation of individual residential sprinkler systems
635 meeting the standards of NFPA 13D or NFPA 13R or another means of fire
636 protection approved by the Keene Planning Board **shall be required**. This
637 documentation shall be subject to review and approval by the City Attorney.
638

639 The motion was seconded by Councilor Michael Remy. The Councilor clarified that based on the
640 different date on the drawings provided whether the final revision date of May 3, 2023 is the correct
641 date based on the layout. Mr. Rounds agreed it was correct.
642

643 Ryan Clancy stated that he too visited the site and walked the rail trail, and his main concern is
644 people accessing their lots by cutting in through the common area where the rail trail meets this
645 property. Mr. Clancy made an amendment to the motion that the “no cut zone” include the ten foot
646 buffer zone where the rail trail meets this property except for the area where the trail is located.
647 Mr. Clements noted that one of the approved uses of the open space lot is hiking. Mr. Rounds
648 added that the definition of the no cut zone refers to trees and added it is difficult to legislate no
649 access via those two parcels. Mr. Clancy stated that since there will be information about the
650 wetland area being a no cut zone on the plan, he felt that just hearing this would prevent people
651 from blazing trails, which he feels is already happening on many of the City’s trails by mountain
652 bikers, etc. He noted that he felt that any prevention would help and did not see the harm in
653 including this language in the motion.
654

655 The amended motion was seconded by David Orgaz. The motion failed on a 2-6 vote with Randyn
656 Markelon, Armando Rangel, Mayor Hansel, Chair Farrington, Councilor Remy, and Roberta
657 Mastrogiovanni voting in opposition. The original motion made by the Mayor carried on a 7-1
658 vote with David Orgaz voting in opposition.

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3. **SPR-06-23 – Site Plan – Roosevelt School Housing – 438 Washington St – Applicant Monadnock Affordable Housing, on behalf of owner Community College System of New Hampshire, proposes to renovate the existing ~13,507 sf, 2-story school building; construct a ~8,548 sf 2-story addition; and construct a ~12,646 sf 2-story building with associated site improvements to create a 60 unit multifamily housing development on the property at 438 Washington St. (TMP #531-054-000). A waiver is requested from Sec. 20.14.3.D of the Land Development Code regarding the requirement that all off-street parking be screened and located to the side or rear of buildings. This site is 2.4 ac and is located in the Low Density District.**

A. Board Determination of Completeness

Mr. Clements stated that the Applicant has requested an exemption from submitting a screening analysis. After reviewing the 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 this exemption and accept the application as “complete.”

A motion was made by Mayor George Hansel to accept Application SPR-967, Modification #7A as “complete.” The motion was seconded by Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Chris Nadeau of the Nobis Group and Chris Coates, Chair of the Keene Housing Board of Commissioners, presented this application. Mr. Nadeau stated that Keene Housing is proposing to create 60 new units on the property at 438 Washington Street. He explained that the site is a little under 2.5 acres in size and is the location of the former Roosevelt School. Mr. Nadeau explained that this project will be completed in two phases. Phase 1 would include the demolition of the gymnasium, the renovation of the existing school building, and the addition of approximately 8,500 square feet and 30 units. Phase 2 will include constructing a new 30-unit apartment building behind the existing building.

He went on to explain that a parking lot has been designed with 70 parking spaces. The applicant went before the Zoning Board and received two variances. The first variance was to allow multi-family housing in the Low Density District where it is not a permitted use. The second variance was to allow building lot coverage to exceed 35% of the lot area, impervious surface coverage to exceed 45% of the lot area, and to maintain less than 55% of the lot area as green/open space. There was also a special exception request from the parking requirement. The parking requirement calls for two parking spaces per unit which would mean 120 spaces and the special exception request was for a reduction to 70 total parking spaces.

Mr. Nadeau stated that with reference to stormwater drainage on site – a system will be constructed underneath the parking lot. In addition to this, snow will be hauled off site and screening is being proposed along the southern property boundary. He explained that this screening would consist of a six foot tall stockade fence and noted that the buildings will be connected to municipal water and

705 sewer. Mr. Nadeau stated that a traffic study was completed by Stephen Pernaw. The traffic study
706 concluded that the peak hour trips for this use will be less than the prior use of this site as a school,
707 but outside of peak hours this use would generate slightly more traffic. He noted that overall, the
708 traffic engineer has concluded that there will be no adverse impact from this project with respect
709 to traffic flow. He also supported the reduction in parking that was presented to/approved by the
710 Zoning Board.

711
712 Mr. Coates addressed the Board next. He noted that the first phase of this project will consist of
713 constructing 30 dwelling units, 22 of which will one-bedroom units and eight of which will be
714 two-bedroom units. The second phase of the project will mirror the first with 22 one-bedroom
715 units and eight two-bedroom units. The project cost is about \$11.5 million per phase for soft and
716 hard costs and a construction manager has already been selected. The applicant is looking at
717 different ways to fund this project, including a NH Block Grant, Low Income Tax Credit,
718 Community Development Block Grant, Monadnock Affordable Housing, Energy Rebates, Invest
719 NH, etc. He noted that the demand for Keene Housing stands at 3,000 households on a waiting list
720 and stated that this is their first affordable housing development since Stone Arch Village was
721 constructed 15 years ago.

722
723 Mr. Coates stated the individuals who will be eligible to live in these units are those who don't
724 make more than 60% of the area's median income (\$57,000 for family of four). There is no age
725 restriction, but based on Keene's demographics the housing is likely to fall to the elderly and
726 disabled residents, as well as workforce housing for those without kids or small families.

727
728 Mr. Coates stated that in his role as Cheshire County Administrator, he knows that the County has
729 a nursing home that has a third floor with 50 beds that are not in use because they can't find dietary
730 aids, maintenance people, etc. to work at the facility because people cannot afford the high rent
731 costs in the area.

732
733 Mr. Coates stated that this proposed site will have a resident service coordinator to organize and
734 host resident activities, provide stabilization services, and make service referrals as needed. He
735 went on to state that a community garden will be part of this project and felt this would be a great
736 project for Keene.

737
738 Councilor Remy clarified that the northeast entrance will be one-way. Mr. Nadeau answered in the
739 affirmative and went on to explain that this entrance directs vehicles into angled parking in front
740 of the building (there is a waiver request to allow for parking in front of the building). He noted
741 that the southerly entrance will be for two-way traffic entering/exiting the site.

742
743 Vice-Chair Orgaz felt this is a great re-purpose of an existing site. Mr. Clancy asked why the
744 project is being done in two phases and why the buildings are not connected. Mr. Coates stated it
745 is for financing purposes as well as for build-out purposes. Mr. Jonathan Holly, the architect for
746 the project, agreed that it is a financing issue and noted that NH Housing is only allocated a certain
747 amount of money to invest in these properties and noted that a two-phase project score better for
748 financing reasons.

749

750 Mayor Hansel asked the architect to explain how the façade on the new building would relate to
751 the existing brick building. Mr. Holly stated that they are working with a Historic Preservationist
752 and part of the application for financing is that the applicant has to satisfy the requirements of the
753 NH Division of Historic Resources (NH DHR) and called the Board’s attention to a video showing
754 a drive-through view of the site. He noted that Keene’s Site Development Standards have
755 requirements related to the fenestration of a building. He indicated that part of DHR’s attitude
756 towards historic preservation is that this is a historic building that has great importance to the them;
757 however, they would the new construction on the site to look significantly different than the
758 existing historic building.

759
760 He added that solar is being planned for the roof as well (roofs will be shed roofs to support solar).

761
762 Staff comments were next.

763
764 Mr. Clements addressed the Board. He explained that this will be a 60 unit, two phase project.
765 Phase 1 will consist of the demolition of the gymnasium, the renovation of the remaining school
766 building, and associated site improvements. Phase 2 will be the construction of the 30-unit
767 freestanding building.

768
769 Drainage: The stormwater system will be an underground infiltration vault and will overflow into
770 the existing stormwater system under Washington Street. City staff is comfortable with that, so it
771 appears this standard has been met.

772
773 Sediment & Erosion Control: The Erosion Control Plan shows the usage of tracking pads at the
774 construction entrances and inlet protection for the existing and proposed catch basins. Sediment
775 control logs are proposed to be installed along the perimeter of the property. This standard appears
776 to be met.

777
778 Snow Storage & Removal – Snow will be hauled off site as the applicant does with their other
779 Keene properties. It appears that this standard has been met.

780
781 Landscaping - The Landscape Plan consists of the installation of 33 shade trees, 234 shrubs and
782 bushes, and 68 perennials and annuals for a total of 525 plantings. Planting details have been
783 submitted that appear to meet best practices. No invasive species are proposed to be installed on
784 site. Protective fencing is shown around existing trees that will remain on the site. It appears that
785 this standard has been met. Mr. Clements added that the existing trees along Washington Street
786 are in serious state of decline and hence will be removed and replaced with similar shades trees
787 (as noted on the plan)

788
789 Screening - The submitted Landscape Plan depicts the usage of flowering evergreen shrubs along
790 Washington Street. There will also be shade trees along Woodbury Street and as the trees develop,
791 their canopies will provide screening from Woodbury Street. A 6 foot tall stockade fence is
792 proposed along the southern property boundary. In addition to this, a dumpster enclosure is
793 proposed to be located to the south of the proposed new building and enclosed with a six foot tall
794 stockade fence, which meets the Board’s standards.

795

796 Lighting - The Lighting Plan shows the proposed installation of eight pole-mounted light fixtures
797 and 23 wall-mounted light fixtures. The pole mounted fixtures will be 15 feet in height and the
798 wall mounted fixtures will be installed between 10 and 15 feet in height. All proposed fixtures will
799 have a color index rendering of 80 and a color temperature of 3,000K. All fixtures are full cut-off
800 LEDs. It appears that this standard has been met.

801
802 Sewer and Water – As the applicant has stated, municipal water and sewer will be utilized with a
803 separate line for the fire suppression system located under Washington Street. An average sewer
804 flow calculation has been submitted to Engineering Staff for review and estimates that the
805 redevelopment will generate 9,686 gallons per day of effluent into the City’s sewer system. An
806 NH DES sewer connection permit will be required for this application. However, the proposal
807 meets the Board’s sewer and water standards.

808
809 Traffic & Access Management - The proposed development intends to utilize the two existing site
810 access points along Washington Street. The patterns in and out of the site will remain as they have
811 been historically. There will be a slight shift in the AM and PM peak hour trips, but the overall
812 trip generation will be less than the previous community college use. There will be about 34 AM
813 trips and 28 PM trips. The traffic report states that a development that generates fewer than 50
814 vehicle trips per hour is considered to be a low-volume traffic generator. Parking is sufficient for
815 this site and the applicant received a Special Exception from the Zoning Board of Adjustment to
816 allow for less than one parking space per dwelling unit. A Truck Turning Exhibit was prepared to
817 demonstrate that emergency service vehicles can navigate safely throughout the site. The exhibit
818 utilizes the City of Concord, NH’s Tower 1 ladder truck (the biggest truck in their fleet), hence the
819 site should be able to accommodate whatever truck the City uses. It appears that this standard has
820 been met.

821
822 Filling & Excavation - The applicant states in their narrative that filling and excavation operations
823 are anticipated to be consistent with other construction projects of similar size. Excavation will be
824 required to install building foundations, utilities, and stormwater facilities. Fill material will be
825 brought in to construct the parking lots. Given this site’s close proximity to Route 10 to the north
826 and Route 101 to the south, there should be no issue with construction trucks entering and exiting
827 the site and this should have no impact on the neighborhood. It appears that this standard has been
828 met.

829
830 Surface Waters and Wetlands - There are no surface waters or wetlands on the site. This standard
831 is not applicable.

832
833 Hazardous and Toxic Materials - The applicant states in their narrative that a Phase I
834 Environmental Site Assessment was prepared by the Nobis Group in December 2022. The
835 assessment revealed a Recognized Environmental Condition associated with a dry-cleaning
836 facility located at 9 Giffin Street. A soil gas assessment was scheduled for May 17th to rule out
837 any potential soil gas contamination from the dry-cleaning facility. A hazardous building material
838 assessment was conducted for the existing building. The applicant has noted that all identified
839 hazardous building materials will be abated during the demolition process by a licensed abatement
840 contractor. No other hazardous or toxic materials are anticipated to be found or stored on site. It
841 appears that this standard has been met.

842
843 Noise - The applicant states in their narrative that the development is expected to be a low-volume
844 traffic generator and is unlikely to increase noise levels in the neighborhood. This site will be
845 subject to the City's noise ordinance. The fact that this site will house mostly elderly and the
846 handicapped means that this site is expected to be rather quiet. This standard appears to be met.

847
848 Architecture and Visual Appearance - Mr. Clements stated he has provided to the Board a couple
849 of the Board's standards that are most relevant to this proposed building.

- 850
- 851 • *Front facades and exterior walls shall be articulated to express an identity.*
 - 852 • *Structures shall have architectural features that make them visually.*
 - 853 • *Architectural features shall conform to accepted architectural principles of design and*
854 *construction.*
 - 855 • *Exterior materials, textures, and colors shall minimize visual aggressiveness and shall*
856 *harmonize with the City's distinctive architectural identity.*

857
858 Mr. Clements addressed the waiver request that was submitted next, which is a request to allow
859 for parking to be located in front of the building. He explained that the applicant has proposed
860 screening that meets this standard but is requesting a waiver from the location of these parking
861 areas – which is at the front if the existing and proposing buildings where the standard calls for
862 parking to be located to the side or rear of buildings.

863 He explained that the Planning Board needs to determine if the following waiver criteria have been
864 met as part of their evaluation of this request:

- 865 1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver*
866 *would not be contrary to the spirit and intent of the regulations; or*
- 867 2. *Specific circumstances relative to the site plan, or conditions of the land in such site*
868 *plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.*
- 869 3. *In granting a waiver, the Planning Board may require any mitigation that is reasonable*
870 *and necessary to ensure that the spirit and intent of the standard being waived will be*
871 *preserved, and to ensure that no increase in adverse impacts associated with granting the*
872 *waiver will occur.*

873
874 Chair Farrington asked if the soil gas assessment was completed and if there were any findings to
875 report. Mr. Clements stated that a recommended condition of approval for this application is the
876 submittal of a copy of that assessment. Mr. Nadeau stated that they have not received a copy of
877 that report yet and will submit a copy once its received.

878
879 Mr. Clancy asked about the retaining wall and asked who will be responsible for that repair. Mr.
880 Clements stated that his understanding is that prior to the sale of the property, the current owner
881 would be responsible for repairing the wall.

882
883 Councilor Remy asked whether there are similar types of buildings in Keene that this design would
884 fit in with. Mr. Clements stated he wasn't sure of any in Keene but noted that he has seen designs
885 like this in modern-day developments and it seems to be a current architectural practice. Mr. Holly

886 stated that as he had mentioned earlier, in working with DHR anything constructed to look exactly
887 like the Roosevelt School is considered to be an adverse effect. DHR has reviewed these elevations
888 and part of satisfying their requirements is to have a visual graphic in the lobby of the building
889 showing the history of the school. The massing of the building and the roof form is intended to
890 maximize the potential for installing solar panels down the road. It is intentionally designed to
891 look different than the Roosevelt School for the sake of the historic component.

892
893 Councilor Remy referred to the following language from the Board’s architectural standards,
894 which state that new construction, “*shall harmonize with the City’s distinctive architectural*
895 *identity and unique character.*” He stated that he is not looking for the building to look like the
896 Roosevelt School, but rather see if the newer building and addition would fit with other architecture
897 within the City. He agreed that the proposed design would fit in with the neighborhood but was
898 trying to address that specific standard. Mr. Holly stated that this is affordable housing and the
899 applicant does not have latitude in terms of articulating the floor plan and every corner costs an
900 extra dollar.

901
902 He noted that there is a brick base at the front of the building along Washington Street to give it
903 some tie-in with the existing school building but noted that the clapboards are similar to buildings
904 on Washington Street.

905
906 Mayor Hansel agreed that the architectural element is always the most difficult component for the
907 Board to resolve and stated that his thought process is looking at the massing and seeing that they
908 are taking ideas from the existing building, as well as using ideas from the surrounding buildings
909 in the neighborhood (brick façade of the base, mass of the buildings).

910
911 Mr. Clements summarized the recommended precedent conditions of approval, which include the
912 following: owner’s signature on the plan set; submittal of a security for sedimentation and erosion
913 control, landscaping, and “as built” plans; submittal of 5 hardcopies of the final plan; submittal of
914 a copy of the NHDES Sewer Connection permit shall be submitted to the Department of Public
915 Works; submittal of a copy of the soil gas assessment shall be submitted to the Community
916 Development Department; percolation tests for the proposed stormwater management system shall
917 be conducted and their results submitted to the City Engineer for review and approval.

918
919 He went on to summarize the recommended subsequent conditions of approval, which included
920 the following: prior to the commencement of site work, an Excavation Permit and Utility
921 Connection Permit shall be obtained from the Department of Public Works and prior to the
922 commencement of site work, the Community Development Department shall be notified when all
923 erosion control measures are installed and the Community Development Director, or their
924 designee, shall inspect the erosion control measures to ensure compliance with this site plan and
925 all City of Keene regulations.

926
927 The Chairman asked for public comment next.

928
929 Ms. Tammy Adams, an Alternate Member of the Planning Board, as well as an abutter, stated that
930 there is no other building like this in the area and any kind of improvement to this site would be
931 an improvement for the neighborhood. There are also houses being added which will also be a

932 great addition for the City. She indicated she is happy to hear the retaining wall is going to be
933 addressed. She hoped some of the mature oak trees at the rear of the site would be retained.

934
935 With no further comment, the Chair closed the public hearing.

936
937 Councilor Remy asked what will happen if the soil gas assessment fails and asked if the applicant
938 would be required to come back to the Board. Mr. Clements referred to the applicant. Mr. Nadeau
939 stated if there is a negative result there are different ways to address that issue, similar to radon in
940 someone's home – an active or passive gas management system could be installed around the
941 foundation so the vapor won't get into the building. This item will be addressed prior to the
942 building being constructed. The Councilor asked who would regulate that – Mr. Nadeau stated it
943 would be regulated by the State as well as the entity financing the property. Chair Farrington
944 suggested adding this language to the conditions. Councilor Remy stated he would be fine leaving
945 it out as long as it is being regulated by the State.

946
947 A. Board Discussion and Action

948
949 A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section
950 20.14.3.D of the Land Development Code regarding the requirement that all off-street parking be
951 located to the side or rear of the buildings. The motion was seconded by
952 Councilor Remy, who added that preserving the existing building and site is allowing the applicant
953 to locate parking at the front of the building where it is currently and it would create an unnecessary
954 hardship for the applicant not to be able place the parking in this location.

955
956 The waiver request was unanimously approved.

957
958 A motion was made by Mayor George Hansel that the Planning Board approve SPR-06-23 as
959 shown on the plan identified as "Roosevelt School Housing 438 Washington Street Keene, NH"
960 prepared by Nobis Group at a scale of 1 in. = 30 ft. dated April 12, 2023 and last revised May 8,
961 2023 and the architectural elevations prepared by Warren Street Architects at a scale of 1/8 in. =
962 1 ft. dated May 8, 2023 with the following conditions:

963
964 1. Prior to final approval and signature by the Planning Board Chair, the following conditions
965 precedent shall be met:

- 966 A. The owner's signature shall appear on the plan set.
967 B. Submittal of a security for sedimentation and erosion control, landscaping, and "as built"
968 plans in a form and amount acceptable to the City Engineer.
969 C. Submittal of five full size paper copies and one digital copy of the final plan.
970 D. A copy of the NHDES Sewer Connection permit shall be submitted to the Department
971 of Public Works.
972 E. A copy of the soil gas assessment shall be submitted to the Community Development
973 Department.
974 F. Percolation tests for the proposed stormwater management system shall be conducted
975 and their results submitted to the City Engineer for review and approval.

976

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

979 A. Prior to the commencement of site work, an Excavation Permit and Utility Connection
980 Permit shall be obtained from the Department of Public Works.

981 B. Prior to the commencement of site work, the Community Development Department
982 shall be notified when all erosion control measures are installed and the Community
983 Development Director, or their designee, shall inspect the erosion control measures to
984 ensure compliance with this site plan and all City of Keene regulations.”
985

986 The motion was seconded by Councilor Remy and was unanimously approved.
987

988 **V. Staff Updates**

989 None
990

991 **VI. New Business**

992 Chair Farrington stated he had had a discussion with planning staff regarding the materials from
993 the NH OPD’s Spring Planning and Zoning Conference that’s available online and staff will be
994 sending out a link of those documents for the Board review. Ms., Fortson stated the link was sent
995 out with the Board’s packet.
996

997 **VII. Upcoming Dates of Interest**

998 • Joint Committee of the Planning Board and PLD – June 12, 6:30 PM

999 • Planning Board Steering Committee – June 13, 11:00 AM

1000 • Planning Board Site Visit – June 21, 8:00 AM – To Be Confirmed

1001 • Planning Board Meeting – June 26, 6:30 PM
1002

1003 There being no further business, the Chairman adjourned the meeting at 9:04 PM.
1004

1005 Respectfully submitted by,
1006 Krishni Pahl, Minute Taker
1007

1008 Reviewed and edited by,
1009 Megan Fortson, Planning Technician



MEMORANDUM

DATE: June 16, 2023
TO: Planning Board
FROM: Mari Brunner, Senior Planner
SUBJECT: Review of Developments of Regional Impact

Recommendation:

That the Planning Board make a determination of regional impact for every development proposal that comes before the Board in compliance with RSA 36:56.

Background:

During a recent legislative update session at the New Hampshire Planners Association spring meeting, a recent NH Supreme Court decision was discussed (Anthony, et al. v. Town of Plaistow). Without going into the details of the case, the main implication is that approvals issued by a local land use board could be found to be void “ab initio” if the board fails to make a determination of regional impact regarding the application as required under RSA 36:56.

A “development of regional impact” is defined as “any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community.
- III. Transportation networks.
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.
- VI. Shared facilities such as schools and solid waste disposal facilities.” (RSA 36:55).

A local land use board must promptly review applications for development and “determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact” (RSA 36:56, I).

In light of this requirement, planning staff recommend that the Planning Board begin making a determination of regional impact for every project that comes before the Board in compliance with RSA 36:56. As a matter of practice, if staff believe an application may have the potential for regional impact, the application will be immediately referred to the Planning Board for a determination of regional impact. If the Board determines that the development could have a regional impact, then in accordance with RSA 36:57 the Regional Planning Commission and the affected municipalities shall be accorded abutter status and they shall be furnished with the minutes of the meeting within 5 days by certified mail, and notified of the date, time, and place of the public hearing for the application at least 14 days prior by certified mail.

STAFF REPORT - ADDENDUM

SPR-967, Modification #7A – Site Plan Review – Railroad Land Landscaping Modifications – 0 Cypress St

Request:

Applicant and owner Railroad Street Condominium Association proposes to remove and replace six trees with thirty-one shrubs on the property at 0 Cypress St (TMP #574-041-000). The site is 5.54 ac and is located in the Downtown Core District.

Background:

The public hearing for SPR-967, Modification #7A was opened at the May 22, 2023 Planning Board meeting. During this meeting, the Applicant noted that members of the Railroad Street Condominium Association were interested in meeting with a professional to see if new shade trees would thrive if installed in the same location as the seven existing trees that were removed. The Applicant explained that, if a professional determined that new shade trees would not survive in this location, then the condo association would like to seek approval for the replacement of the seven trees with thirty-one shrubs; otherwise, they would replace them with new shade trees. Given that the Planning Board cannot grant approval for two alternative landscaping plans, the Board members decided to continue the application to their next meeting on June 26, 2023 to give the Applicant and members of the condo association the chance to meet with a professional and decide how they would like to proceed with their application.

This staff report outlines the updates that have been provided by the Applicant since the May meeting. More information on this proposal, as well as a more detailed staff report, can be found in the May 22, 2023 Planning Board agenda packet, which is available for review at <https://keeneh.gov/planning-board> under the agenda packet for May 22, 2023.

Determination of Regional Impact:

After reviewing the application, staff have made a preliminary determination that the proposed landscaping modifications do not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether or not the proposal, if approved, could have the potential for regional impact.

Departmental Comments:

No new departmental comments were received on this application.

Application Analysis: A full review of the standards relevant to this application can be found in the staff report that was included in the agenda packet for the May 22, 2023 Planning Board meeting.

20.5 – Landscaping: Since the last meeting, the applicant and members of the Railroad Street Condominium Association met with a professional to determine whether or not new trees could thrive in the former location of the 7 trees that were removed. On June 12, the Applicant sent an email to staff which states *“We have gotten more professional advice and we would like to stay with our original proposal to replace the trees with Dwarf Inkberry bushes. Ongoing maintenance and likelihood of new trees thriving have forced this decision.”*

STAFF REPORT - ADDENDUM

Recommended Motion:

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

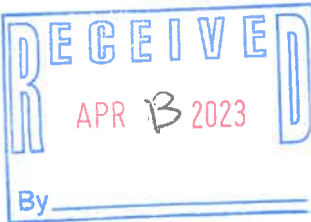
“Approve SPR-967, Modification #7A as shown on the plan identified as “Proposed Plantings, SCS Railroad St. Condo, Southwestern Community Services, 63 Community Way, Keene, NH” prepared by SVE Associates at a scale of 1 inch = 10 feet on March 24, 2023 and last revised on April 28, 2023, with the following conditions precedent prior to final approval and signature by the Planning Board Chair:

- 1. Owner’s signature appears on the final plan.***
- 2. Submittal of five full-size paper copies and one digital copy of the final plan.***
- 3. Submittal of a security to cover the cost of landscaping in a form and amount acceptable to the Community Development Director or their designee.”***



City of Keene, NH Site Plan Application

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: Railroad Land Condominium Landscape Upgrade	TYPE OF APPLICATION BEING SUBMITTED: <input type="checkbox"/> MAJOR PROJECT APPLICATION <input checked="" type="checkbox"/> MINOR PROJECT APPLICATION
PROJECT ADDRESS(ES): 63 Community Way	
EXISTING OR PREVIOUS USE: Commercial Condominium	PROPOSED USE: Commercial Condominium
GROSS FLOOR AREA OF NEW CONSTRUCTION (in square feet) 0 (Zero)	GROSS FLOOR AREA OF EXISTING BUILDINGS/STRUCTURES (in square feet) N/A
AREA OF PROPOSED NEW IMPERVIOUS SURFACES (in square feet) 0 (Zero)	TOTAL AREA OF LAND DISTURBANCE (in square feet) 250+/- SF
SECTION 2: CONTACT INFORMATION	
PROPERTY OWNER	APPLICANT
NAME/COMPANY: Railroad Land Condominium Association	NAME/COMPANY: Keith F. Thibault
MAILING ADDRESS: P.O. Box 603 Keene, NH 03431	MAILING ADDRESS: Same
PHONE: (603)719.4208 or (603)209-1652	PHONE: Same
EMAIL: kthibault@scshelps.org	EMAIL: Same
SIGNATURE: Keith F. Thibault <small>Digitally signed by Keith F. Thibault Date: 2023.03.29 20:50:12 -04'00'</small>	SIGNATURE: Keith F. Thibault <small>Digitally signed by Keith F. Thibault Date: 2023.03.29 20:50:39 -04'00'</small>
PRINTED NAME: Keith F. Thibault	PRINTED NAME: Same
AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:
NAME/COMPANY:	TAX MAP PARCEL #(s): 574.041-000000000
MAILING ADDRESS:	-----
PHONE:	PARCEL SIZE: 5.54 acres
EMAIL:	ZONING DISTRICT: Downtown Core
SIGNATURE:	DATE STAMP: 
PRINTED NAME:	
	PROJECT #: SPR-967, Mod. 7A



Southwestern Community Services

People helping people in Cheshire and Sullivan Counties since 1965

Keith F. Thibault

To: City of Keene Planning Board

From: Keith F. Thibault, cdo, Southwestern Community Services

Date: April 12, 2023

Subject: Railroad Land Condo Association Landscaping Upgrade – Narrative

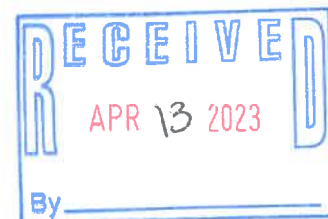
Thank you for the opportunity to present this narrative and accompanying Site Plan Application for landscaping upgrades within the downtown Railroad Land Commercial Condominium. We are looking to replace a small number of trees with a different form of landscaping.

The trees that were planted along this narrow parking/traffic island have never thrived. One theory is that the underlying surface of this former rail yard was not conducive to tree growth and development.

What we have observed, however, is that the Dwarf Inkberry plantings in very similar areas have thrived. I have provided a couple of pictures to exemplify this. We intend to replace the six trees removed with over thirty Inkberry plantings in this area.

Thanks again for your assistance with this request. Please do not hesitate to contact me with any questions or concerns. I can be reached by email at kthibault@scshelps.org or by phone at 603.719.4208.

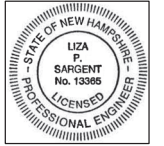
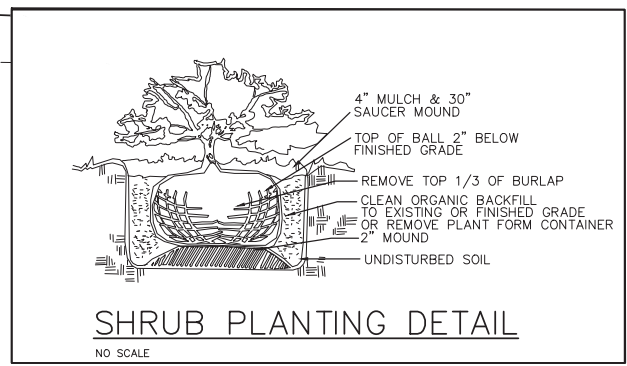
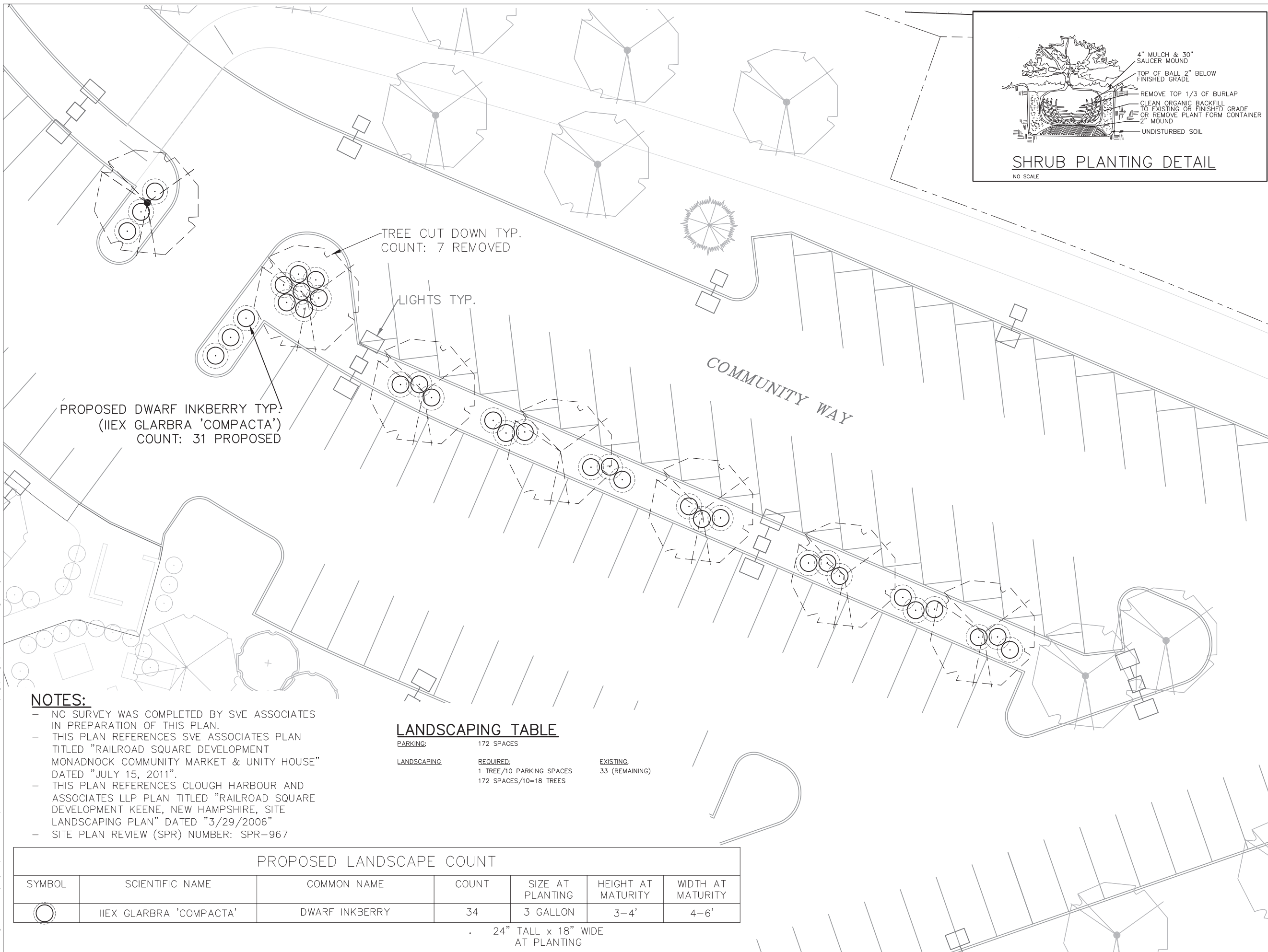
CC: Beth Daniels, CEO Southwestern Community Services



SPR 967, Mod. 7A



Drawing name: P:\Project\NH PROJECTS\K2759 SCS - Railroad St. Condo.Dwg\Design\K2759 Trees.dwg May 12, 2023 - 10:50am



Liza Sargent 5/12/23
 LIZA P. SARGENT DATE
 R.C.E. NUMBER: 13365

NO.	REVISION	DATE	DWN	CHK
1	ADDED MATURE SIZING & DRIP LINE	19-APR-23	LPS	LPS
2	SHRUB PLANTING DETAIL	28-APR-23	LPS	LPS
3	PB STAFF COMMENT	12-MAY-23	AJG	LPS

SVE ©2023
 Engineering
 Planning
 Landscape Architecture
 Surveying

SVE Associates
 P.O. Box 1818
 439 West River Road
 Brattleboro, VT 05302
 T 802.257.0561
 F 802.257.0721
 www.sveassoc.com

PROPOSED PLANTINGS
 SCS RAILROAD ST. CONDO
 SOUTHWESTERN COMMUNITY SERVICE
 63 COMMUNITY WAY
 KEENE, NEW HAMPSHIRE

0 5 10 20
 GRAPHIC SCALE 1" = 10'

PROJ. #:
 K2759
 DATE:
 24-MAR-23
 SHEET
 DRAWN: AJG
 CHECKED: LPS
 Page 30 of 39

- NOTES:**
- NO SURVEY WAS COMPLETED BY SVE ASSOCIATES IN PREPARATION OF THIS PLAN.
 - THIS PLAN REFERENCES SVE ASSOCIATES PLAN TITLED "RAILROAD SQUARE DEVELOPMENT MONADNOCK COMMUNITY MARKET & UNITY HOUSE" DATED "JULY 15, 2011".
 - THIS PLAN REFERENCES CLOUGH HARBOUR AND ASSOCIATES LLP PLAN TITLED "RAILROAD SQUARE DEVELOPMENT KEENE, NEW HAMPSHIRE, SITE LANDSCAPING PLAN" DATED "3/29/2006"
 - SITE PLAN REVIEW (SPR) NUMBER: SPR-967

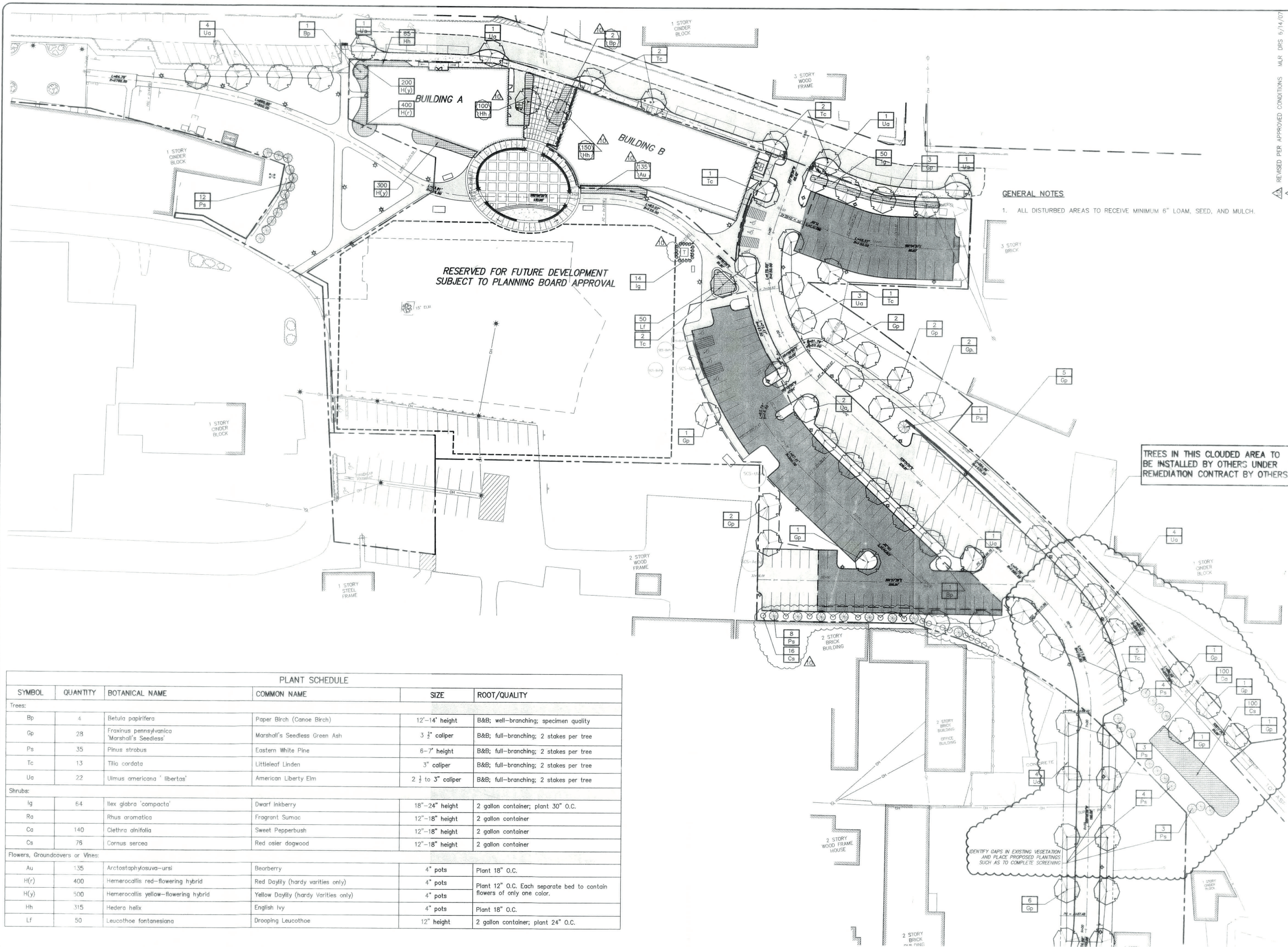
LANDSCAPING TABLE

PARKING:	172 SPACES	
LANDSCAPING	REQUIRED: 1 TREE/10 PARKING SPACES 172 SPACES/10=18 TREES	EXISTING: 33 (REMAINING)

PROPOSED LANDSCAPE COUNT

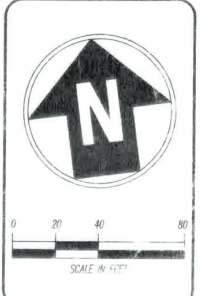
SYMBOL	SCIENTIFIC NAME	COMMON NAME	COUNT	SIZE AT PLANTING	HEIGHT AT MATURITY	WIDTH AT MATURITY
○	IIEX GLARBRA 'COMPACTA'	DWARF INKBERRY	34	3 GALLON	3-4'	4-6'

24" TALL x 18" WIDE
 AT PLANTING



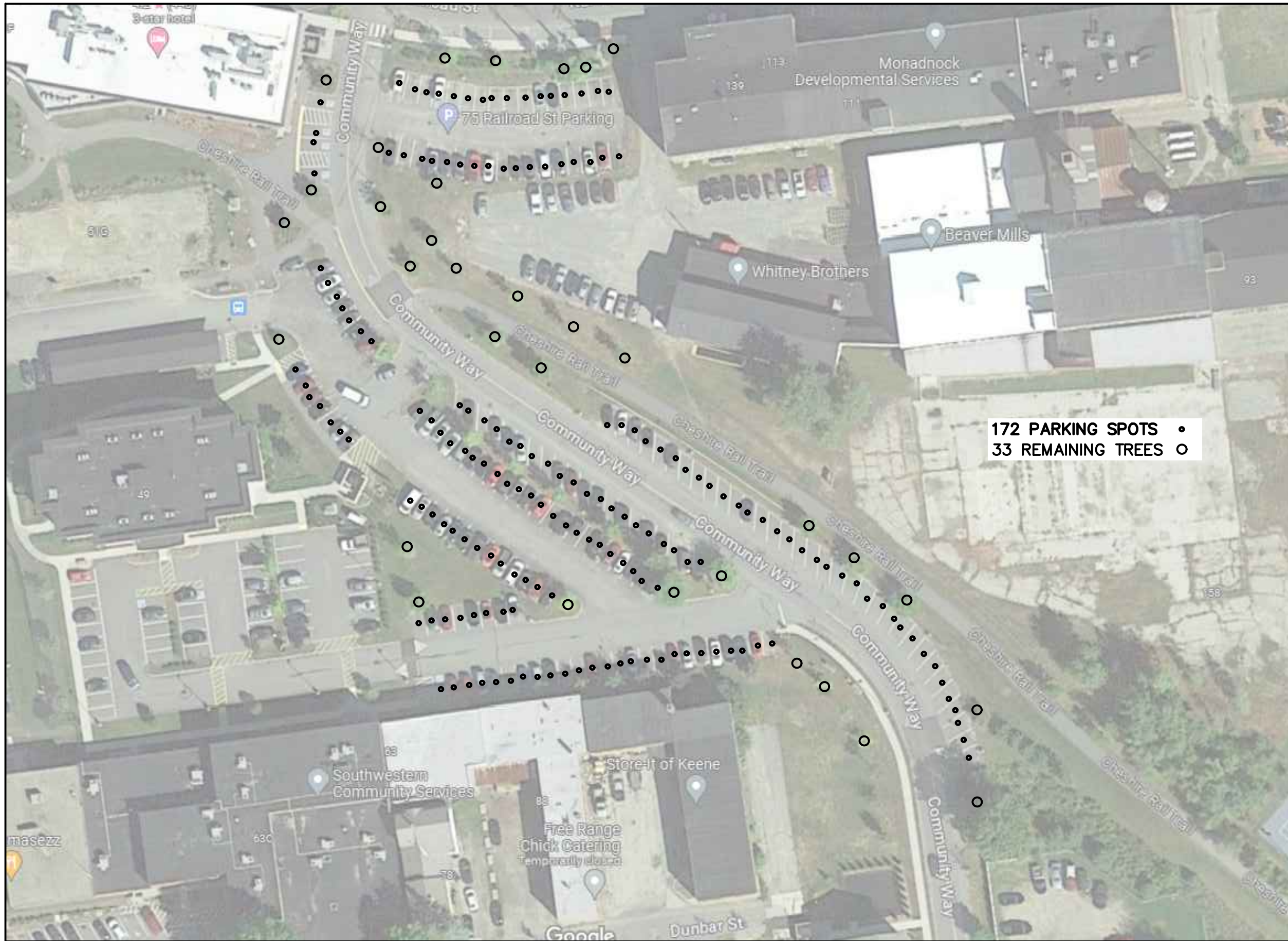
GENERAL NOTES
 1. ALL DISTURBED AREAS TO RECEIVE MINIMUM 6" LOAM, SEED, AND MULCH.

No.	Submitter / Revision	By	Date
1	ISSUED FOR SITE PLAN REVIEW	MLR	KDT 3/29/06
2	REVISED PER CITY COMMENTS	MLR	KDT 4/10/06
3	REVISED PER CITY COMMENTS	MLR	KDT 4/18/06
4	REMOVE BUILDING C	MLR	KDT 6/20/06
5	REVISE BIKE PATH PER INDOT REVIEW	MLR	KDT 8/22/06
6	REVISE BUILDING B FOOTPRINT	MLR	KDT 11/22/06
7	ISSUED FOR BID	MLR	KDT 12/27/07



RAILROAD SQUARE DEVELOPMENT
 KEENE, NEW HAMPSHIRE
 SITE LANDSCAPING PLAN
 Scale: AS SHOWN
 Date: 3/29/06
 Project No.: E0116

PLANT SCHEDULE					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT/QUALITY
Trees:					
Bp	4	Betula papyrifera	Paper Birch (Canoe Birch)	12'-14' height	B&B; well-branching; specimen quality
Gp	28	Fraxinus pennsylvanica 'Marshall's Seedless'	Marshall's Seedless Green Ash	3 1/2" caliper	B&B; full-branching; 2 stakes per tree
Ps	35	Pinus strobus	Eastern White Pine	6-7' height	B&B; full-branching; 2 stakes per tree
Tc	13	Tilia cordata	Littleleaf Linden	3" caliper	B&B; full-branching; 2 stakes per tree
Ua	22	Ulmus americana 'libertas'	American Liberty Elm	2 1/2 to 3" caliper	B&B; full-branching; 2 stakes per tree
Shrubs:					
Ig	64	Ilex glabra 'compacta'	Dwarf Inkberry	18"-24" height	2 gallon container; plant 30" O.C.
Ra		Rhus aromatica	Fragrant Sumac	12"-18" height	2 gallon container
Ca	140	Clethra alnifolia	Sweet Pepperbush	12"-18" height	2 gallon container
Cs	76	Cornus sercea	Red osier dogwood	12"-18" height	2 gallon container
Flowers, Groundcovers or Vines:					
Au	135	Arctostaphylos-ursi	Bearberry	4" pots	Plant 18" O.C.
H(r)	400	Hemerocallis red-flowering hybrid	Red Daylily (hardy varieties only)	4" pots	Plant 12" O.C. Each separate bed to contain flowers of only one color.
H(y)	500	Hemerocallis yellow-flowering hybrid	Yellow Daylily (hardy varieties only)	4" pots	Plant 12" O.C. Each separate bed to contain flowers of only one color.
Hh	315	Hedera helix	English Ivy	4" pots	Plant 18" O.C.
Lf	50	Leucothoe fontanesiana	Drooping Leucothoe	12" height	2 gallon container; plant 24" O.C.



172 PARKING SPOTS •
33 REMAINING TREES ○

NO.	REVISION	DATE	DWN	CHK	LPS	
					AUG	
1	PB STAFF COMMENT	12MAY-23				

SVE © 2023
 Engineering
 Planning
 Landscape Architecture
 Surveying

SVE Associates
 P.O. Box 1818
 439 West River Road
 Brattleboro, VT 05302
 T 413.774.6698
 F 413.773.0875
 www.sveassoc.com

SPR-967 EX CONDITIONS
 SCS RAILROAD ST. CONDO
 SOUTHWEST COMMUNITY SERVICE
 63 COMMUNITY WAY
 KEENE, NEW HAMPSHIRE

NO SCALE

PROJ. #: K2759
 DATE: 24-MAR-23
 SHEET 1
 EXHIBIT

DRAWN: AJG

Keith Thibault

From: Keith Thibault
Sent: Thursday, April 13, 2023 1:04 PM
To: Keith Thibault

Example Photos of Dwarf Inkberry Plants on the Railroad Land Property



Keith...



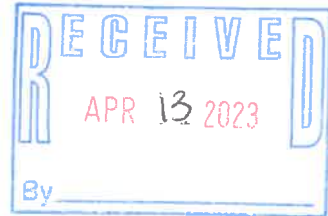
SPR 9127, Mod. 7A

Keith Thibault

From: Keith Thibault
Sent: Thursday, April 13, 2023 1:15 PM
To: Keith Thibault



Keith...



SPR-967, Mod. 7A

STAFF REPORT

S-04-23 – Boundary Line Adjustment – 26 Prospect St & 361 Court St

Request:

Applicant James Knight, on behalf of owners James & Anne Knight & 361 Court St LLC, proposes a boundary line adjustment between the properties at 26 Prospect St & 361 Court St (TMP #s 537-057-000 & 537-056-000). This adjustment will result in the transfer of ~0.03 ac from the ~0.775 ac parcel at 361 Court St to the ~0.305 ac lot at 26 Prospect St. Both properties are located in the Medium Density District.

Background:

The subject parcels are located just north of downtown, on the east side of Court St. between Prospect St. and North St. The property at 361 Court St. (TMP# 537-056-000) is 33,955 sf or .779 acres and the property at 26 Prospect St. (TMP# 537-057-000) is 13,139.5 sf or .301 acres. Both parcels are developed. @6 Prospect St. contains a detached single-family dwelling and 361 Court St. contains a large group home. Both properties are located within the Medium Density District, which has a minimum lot size of 8,000 sf.

The request is to perform a boundary line adjustment that will transfer 1,493 sf from 361 Court St. to 26 Prospect St. This adjustment will increase the size of 26 Prospect St. to 14,833 sf and reduce the size of 361 Court St. to 32,462 sf. Table 1 below shows the size of each lot before and after the boundary line adjustment. There is no new development or site alterations proposed for either lot as part of this application.



Fig 1: Aerial view of subject parcels outlined in blue. Lot line subject to adjustment in red.

Determination of Regional Impact:

After reviewing the application, staff have made a preliminary evaluation that the proposed boundary line adjustment does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether or not the proposal, if approved, could have the potential for regional impact.

Completeness:

The applicant has requested exemptions from submitting a drainage report, traffic analysis, soils analysis, and all other technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

STAFF REPORT

Table 1. Area of Land Affected by Proposed Boundary Line Adjustment

	361 Court St. (TMP# 537-056-000)	26 Prospect St. (TMP# 537-057-000)
Prior to Adjustment	33,955 sf	13,139.5 sf
Amount of Land Transferred	-1,493 sf	+1,493 sf
After Adjustment	32,462 sf	14,833 sf

Departmental Comments:

None

Application Analysis:

No new development is proposed as part of this application and this change will largely recognize an existing condition. There will be no change to site access, utilities, or impervious cover for either property. In addition, there are no surface waters, wetlands, steep slopes, or floodplain areas located on either property. Given the *de minimis* nature of this proposal, staff does not feel this proposed boundary line adjustment will have any impact on the Subdivision Review Standards in Article 19 or the Site Development Standards in Article 20 of the Land Development Code. However, the proposal does comport with the Purpose in Article 20.1.2 including:

20.1.2.1.1 – Promote the safe and orderly development of the City.

20.1.2.1.5 – Protect abutters against hazards, unsightliness, and nuisances detrimental to property values.

Recommended Motion:

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

“Approve S-04-23 for a boundary line adjustment between the properties located at 361 Court St. (TMP# 537-056-000) and 26 Prospect St. (TMP# 537-057-000) as shown on the plan identified as “Boundary Line Adjustment Plan” prepared by David A. Mann Survey at a scale of 1’ = 20’ dated August 31, 2022, with the following conditions precedent to final approval and signature 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.”**



City of Keene, NH

Planning Board Boundary Line Adjustment (BLA) Application

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

SECTION 1: PROJECT INFORMATION

PROJECT NAME: BLA	NUMBER OF PARCELS AFFECTED: 2 037/037/000/00 0/000 037/056/000/00 0/000
PROJECT ADDRESS(ES): 26 Prospect St./361 Court St.	

SECTION 2: CONTACT INFORMATION

PROPERTY OWNER #1	PROPERTY OWNER #2
NAME/COMPANY: James H. Knight / Anne E. Knight	NAME/COMPANY: 361 Court St. LLC
MAILING ADDRESS: 26 Prospect St.	MAILING ADDRESS: 119 Clear Creek Way, Manchester, NH 03102
PHONE: (603)352-3883	PHONE: (603)438-3276
EMAIL: i.am.saved.r.u@gmail.com	EMAIL: rgagne@livefreerecoverynh.com
SIGNATURE: <i>James H. Knight / Anne E. Knight</i>	SIGNATURE: <i>[Signature]</i> 5/10/23
PRINTED NAME: James H. Knight / Anne E. Knight	PRINTED NAME: Ryan Gagne

APPLICANT / AUTHORIZED AGENT	FOR OFFICE USE ONLY:	
NAME/COMPANY: James H. Knight	TAX MAP PARCEL #(s): 537-057-000-000-000 = ~0.305 537-056-000-000-000 = ~0.775ac	
MAILING ADDRESS: 26 Prospect St.	-----	
PHONE: (603)352-3883	PARCEL SIZE: see above	DATE STAMP:
EMAIL: i.am.saved.r.u@gmail.com	ZONING: Medium Density	
SIGNATURE: see signature above	PROJECT #: S-04-23	
PRINTED NAME: James H. Knight	By _____	

To the Attention of the Keene Planning Board
Re: Narrative for Boundary Line Adjustment

My husband and I have resided at 26 Prospect Street since 1974. Our house was built in 1850, prior to the existence of any zoning ordinances. Unfortunately, on the west side of our property, the boundary line is just five feet from our house.

We respectfully submit this request for a boundary line adjustment so that the property line will be more consistent with today's standards.

On this side of our property, we share the boundary line with 361 Court Street. Ryan Gagne, member of the 361 Court Street LLC and director of the Live Free Recovery Program at 361 Court Street, is graciously agreeing to adjust the property line.

The lots are in the medium density zone. Our property consists of a single family home on a residential lot, 0.29 acres in size. The property at 361 Court Street is a group home, the lot currently measuring 0.76 acres in size.

If granted the boundary line adjustment, we would be acquiring a narrow strip of greenspace consisting of 1493 square feet or 0.03 acres. This will be a simple adjustment: just moving the boundary line ten feet to the west, for the entire length of our shared line from south to north.

The land is flat at this section of the 361 Court Street property. The land transfer would result in the 26 Prospect Street property becoming 14,633 square feet or 0.335 acres. The new size of the 361 Court Street property would be 32,462 square feet or 0.745 acres.

Due to the simplicity of this land transfer, we request an exemption from certain elements of this application found in attachments B and C.

In terms of the plan sets, the single surveyor map illustrates both the existing and proposed plan with the current and proposed boundary lines.

There will be no changes to our respective driveways and access points.

No development will take place so the Site Development Standards in Article 20 of the LDC are not applicable to this application.

Likewise, the Subdivision Standards of Article 19 are not applicable. No bodies of water or wetlands will be involved. There are no steeps on the strip of land to be transferred. Traffic and utilities will not be affected. This is not in a flood hazard area, and no fire protection or water supply will be impacted. No zoning ordinances will be violated.

We request an exemption from all the technical reports because they are not applicable to this application.

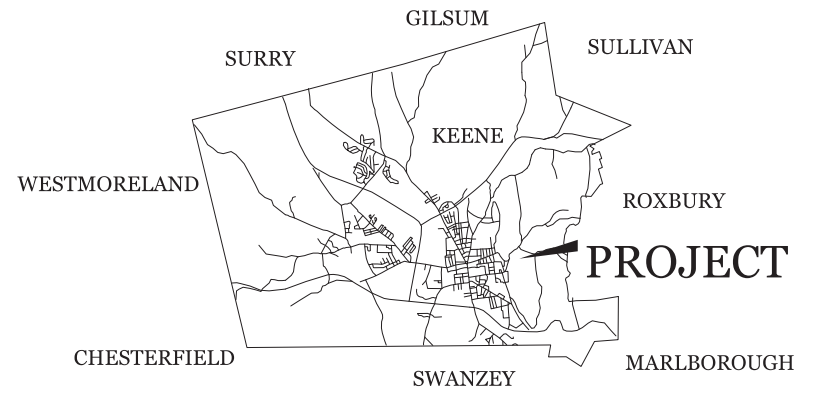
On January 12, 1984, an easement was granted to the New England Telephone Co. for a small section (20 x 20 feet) of the 361 Court Street property, as indicated on the surveyor map.

Currently, Consolidated Communications now has the rights to this easement, and the company is included on our notification and mailing lists. There will be no effect to their use of this easement.

Thank you for your careful consideration of this boundary line adjustment application.

APPROVED BY THE
KEENE PLANNING BOARD

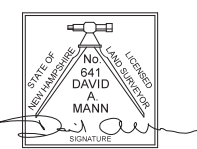
DATE: _____
CHAIRMAN: _____
SECRETARY: _____



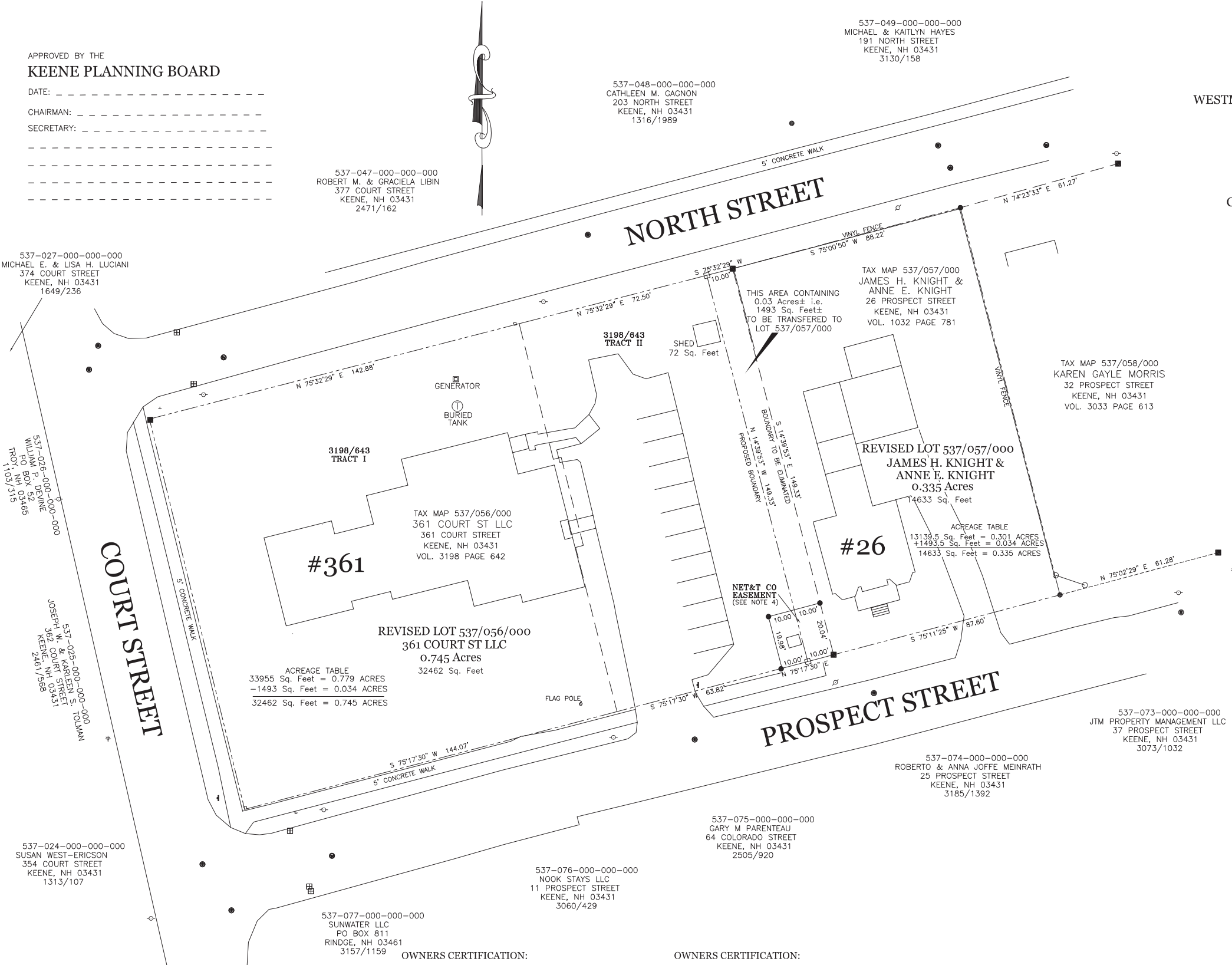
NOTES

- BEARINGS ARE BASED ON A 2022 MAGNETIC OBSERVATION.
- PLAN REFERENCES:
A. TAX MAP #537 AS PROVIDED ON CITY WEBSITE.
- ASSESSOR INFORMATION BASED ON TOWN RECORDS:
TAX MAP 537/057/000 JAMES H. KNIGHT & ANNE E. KNIGHT 26 PROSPECT STREET KEENE, NH 03431 VOL. 1032 PAGE 781
TAX MAP 537/056/000 KAREN GAYLE MORRIS 32 PROSPECT STREET KEENE, NH 03431 VOL. 3033 PAGE 613
TAX MAP 537/056/000 JAMES H. KNIGHT & ANNE E. KNIGHT 361 COURT STREET KEENE, NH 03431 VOL. 3198 PAGE 642
- REFERENCE IS MADE TO NET&T CO. EASEMENT DESCRIBED IN BOOK 1054, PAGE 15 AT THE CCRD.
- ZONING DISTRICT: MEDIUM DENSITY
MIN. LOT AREA 8000 SF
FOR SINGLE UNIT 8000 SF
FOR EACH ADDITIONAL UNIT 5400 SF
MIN. LOT WIDTH AT BLDG. LINE 60 FT
MIN. LOT FRONTAGE 50 FT
MIN. SETBACK FRONT 15 FT
MIN. SETBACK REAR 15 FT
MIN. SETBACK SIDE 10 FT
- THE RIGHT OF WAY OF STREETS ARE BASED ON PHYSICAL EVIDENCE FOUND I.E. IRON PINS, STONEWALLS, AND MONUMENTS FOUND AND ARE SUBJECT TO AND BENEFITTED BY THE RESPECTIVE LAYOUTS.

BOUNDARY LINE ADJUSTMENT PLAN
PREPARED FOR
JAMES H. KNIGHT & ANNE E. KNIGHT
AND
361 COURT ST LLC
COURT STREET, PROSPECT STREET & NORTH STREET
CITY OF KEENE
COUNTY OF CHESHIRE
STATE OF NEW HAMPSHIRE
SCALE: 1 INCH = 20 FEET
AUGUST 31, 2022



DAVID A. MANN SURVEY
40 GULF ROAD
CHESTERFIELD, N.H. 03443
603.357.5904
6-5-2023.DAM.ACRE TABLE NOTES
8-7-2023.DAM.BUILDERS NOTES
1-11-2023.DAM.SHED LOC.



OWNERS CERTIFICATION:
I CERTIFY THAT I AM THE OWNER OF THIS PROPERTY AND THAT I APPROVE OF THIS BOUNDARY LINE ADJUSTMENT.

361 COURT ST LLC RYAN GAGNE, CEO
DATED _____

OWNERS CERTIFICATION:
I CERTIFY THAT I AM THE OWNER OF THIS PROPERTY AND THAT I APPROVE OF THIS BOUNDARY LINE ADJUSTMENT.

JAMES H. KNIGHT & ANNE E. KNIGHT
DATED _____

THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION RANDOM OFFSET CONTROL TRAVERSE. THIS IS A RURAL STANDARD PROPERTY SURVEY. DIMENSIONS SHOWN HEREON ARE SUBJECT TO THE CLOSURE WITH RESPECT TO THE SURVEY CLASSIFICATION. THIS SURVEY AND PLAT ARE INVALID WITHOUT AN ORIGINAL SIGNATURE AND SEAL. THIS SURVEY AND PLAT ARE SUBJECT TO ANY ITEMS THAT A TRUE AND ACCURATE TITLE ABSTRACT AND OPINION MAY REVEAL. CONSULT LEGAL COUNSEL FOR ALL MATTERS REGARDING TITLE.

DAVID A. MANN LLS 641

537-023-000-000-000
SCOTT & ANDREA C. ANSEVIN-ALLEN
350 COURT STREET
KEENE, NH 03431
1644/269

537-024-000-000-000
SUSAN WEST-ERICSON
354 COURT STREET
KEENE, NH 03431
1313/107

537-025-000-000-000
WILLIAM P. DEVINE
PO NH 03465
1103/315

537-025-000-000-000
JOSEPH W. & KAREN S. TOLMAN
362 COURT STREET
KEENE, NH 03431
2161/568

537-047-000-000-000
ROBERT M. & GRACIELA LIBIN
377 COURT STREET
KEENE, NH 03431
2471/162

537-048-000-000-000
CATHLEEN M. GAGNON
203 NORTH STREET
KEENE, NH 03431
1316/1989

537-049-000-000-000
MICHAEL & KAITLYN HAYES
191 NORTH STREET
KEENE, NH 03431
3130/158

TAX MAP 537/058/000
KAREN GAYLE MORRIS
32 PROSPECT STREET
KEENE, NH 03431
VOL. 3033 PAGE 613

TAX MAP 537/057/000
JAMES H. KNIGHT & ANNE E. KNIGHT
26 PROSPECT STREET
KEENE, NH 03431
VOL. 1032 PAGE 781

TAX MAP 537/056/000
361 COURT ST LLC
361 COURT STREET
KEENE, NH 03431
VOL. 3198 PAGE 642

REVISED LOT 537/056/000
361 COURT ST LLC
0.745 Acres
32462 Sq. Feet

ACREAGE TABLE
33955 Sq. Feet = 0.779 ACRES
-1493 Sq. Feet = 0.034 ACRES
32462 Sq. Feet = 0.745 ACRES

537-074-000-000-000
ROBERTO & ANNA JOFFE MEINRATH
29 PROSPECT STREET
KEENE, NH 03431
3185/1392

537-075-000-000-000
GARY M PARENTEAU
64 COLORADO STREET
KEENE, NH 03431
2505/920

537-076-000-000-000
NOOK STAYS LLC
11 PROSPECT STREET
KEENE, NH 03431
3060/429

537-077-000-000-000
SUNWATER LLC
PO BOX 811
RINDGE, NH 03461
3157/1159