



## City of Keene Planning Board

### **AGENDA - AMENDED**

**Monday, August 26, 2024**

**6:30 PM**

**City Hall, 2<sup>nd</sup> Floor Council Chambers**

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – July 22, 2024
- III. **Final Vote on Conditional Approvals**
- IV. **Continued Public Hearing**
  - a. **PB-2024-07 – Site Plan – Dinkbee’s Redevelopment, 510 Washington St** - Applicant Fieldstone Land Consultants PLLC, on behalf of owner OM 510 Washington Street LLC, proposes to demolish the existing Dinkbee’s building on the property at 510 Washington St (TMP #532-003-000), construct a new ~6,256-sf building in its place, and expand the number of vehicle fueling stations. Waivers are requested from Sections 20.2.1.b, 20.6.E, 20.7.2.C, and 20.14.3.D of the LDC related to the submittal of a drainage report, parking lot landscaping, light trespass, and parking. The parcel is 0.74 ac and is located in the Commerce District.
- V. **Advice & Comment**
  - a. **Planning Board Review & Comment on Proposed Development at 270 Beaver St** – In accordance with RSA 674:41, subsection I.(d), prospective owner Ken Susskind seeks Planning Board review and comment regarding his request for City Council authorization for the issuance of building permit where the street giving access to the lot upon which the dwelling is proposed to be placed is a Class VI road.
- VI. **Master Plan Update** ([www.KeeneMasterPlan.com](http://www.KeeneMasterPlan.com))
  - a. Project Updates
  - b. [Steering Committee webpage](#) (to view agenda packets and approved minutes)
- VII. **Letter of Support for InvestNH Housing Opportunity Planning Grant Application**
- VIII. **Training: Site Plan Review Process**
- IX. **Staff Updates**
- X. **New Business**

XI. **Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – September 9<sup>th</sup>, 6:30 PM
- Planning Board Steering Committee – September 10<sup>th</sup>, 11:00 AM
- Planning Board Site Visit – September 18<sup>th</sup>, 8:00 AM – To Be Confirmed
- Planning Board Meeting – September 23<sup>rd</sup>, 6:30 PM

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

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

8 **Monday, July 22, 2024**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice Chair  
Mayor Jay V. Kahn  
Sarah Vezzani  
Armando Rangel  
Ryan Clancy  
Kenneth Kost  
Stephon Mehu, Alternate (Voting Member)

**Staff Present:**

Mari Brunner, Senior Planner  
Evan Clements, Planner  
Megan Fortson, Planner

**Members Not Present:**

Councilor Michael Remy  
Randyn Markelon, Alternate  
Michael Hofer, Alternate  
Tammy Adams, Alternate

9  
10 **I) Call to Order – Roll Call**  
11

12 Chair Farrington called the meeting to order and a roll call was taken. The Chair invited Mr. Mehu  
13 to join as a voting member.  
14

15 **II) Minutes of Previous Meeting - June 24, 2024**  
16

17 A motion was made by Roberta Mastrogiovanni to approve the June 24, 2024 meeting minutes.  
18 The motion was seconded by Mayor Kahn and was unanimously approved.  
19

20 **III) Final Vote on Conditional Approvals**  
21

22 Chair Farrington stated as a matter of practice, the Board will now issue a final vote on all  
23 conditionally approved plans after all of the “conditions precedent” have been met. This vote will  
24 be the final approval and will start the 30-day appeal clock. The Chair asked whether there were  
25 any applications tonight that were ready for a final vote.  
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27 Senior Planner, Mari Brunner, stated there were no applications ready for final vote.

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**IV) Continued Public Hearing**

- a. **WITHDRAWN - PB-2024-05 – Congregate Living & Social Services Conditional Use Permit – Live Free Recovery, 973 Marlboro Rd - Applicant Live Free Recovery Services LLC, on behalf of owner BTD Properties LLC, proposes to operate a residential drug and alcohol treatment facility on the property located at 973 Marlboro Rd (TMP #249-004- 000). The parcel is 1.1 ac and is located in the Rural District.**

Chair Farrington stated that the Board had received communication that this application has been withdrawn. Ms. Brunner indicated that because the Town of Marlborough had denied a Zoning Board Application related to this project, the applicant decided not to move forward with an appeal.

**V) Public Hearings**

- a. **a. PB-2024-06 – Subdivision – 435 Chapman Rd - Applicant Cardinal Surveying & Land Planning, on behalf of owner Cornelius W. & Ruth R. Schenck Irrevocable Trust, proposes to subdivide the ~48-ac parcel at 435 Chapman Rd (TMP #239-041-000) into three lots approximately 3.57 ac, 3.80 ac, and 40.63 ac in size. The parcel is located in the Rural District.**

**A. Board Determination of Completeness**

Planner, Megan Forston, addressed the Board and stated the applicant has requested exemptions from submitting a landscaping plan, lighting plan, traffic analysis, soil analysis, historic evaluation, screening analysis, and an architectural and visual appearance analysis. After reviewing each request, staff recommend that the Board grant the requested exemptions and accept the application as complete.

A motion was made by Roberta Mastrogiovanni to accept the subdivision application, PB-2024-06, as complete. The motion was seconded by Mayor Kahn and was unanimously approved

**B. Public Hearing**

Ms. Wendy Pelletier of Cardinal Surveying & Land Planning addressed Board. She indicated this is a 48-acre lot on Chapman Road. The proposal is to subdivide two, ~3-acre lots from the front of the parcel. The remainder of the parcel with the existing house and driveway will remain. Ms. Pelletier referred on the proposed plan to where the steep slopes exist, but noted that there is no development proposed on these slopes. This concluded Ms. Pelletier’s comments.

Ms. Forston addressed the Board again. She noted that the 48-acre subject parcel is located at 435 Chapman Rd in southeast Keene along the east side of Chapman Road. The lot is located in the Rural District and is surrounded by single-family residential uses and undeveloped parcels on all sides. The Branch River and the Town of Roxbury are located about 0.13 miles away from the



74 easternmost property boundary. The parcel is currently developed with a single-family home,  
75 garage, and a few other outbuildings that are accessed from a gravel driveway off of Chapman  
76 Road. The applicant proposes to subdivide the parcels into three lots that will be approximately  
77 3.57 ac, 3.80 ac, and 40.63 ac in size. The 40.63-ac lot will serve as the site for the existing single-  
78 family home and the two 3-ac lots will be available for development. She noted that in the Rural  
79 District the minimum lot size is two acres.

80

81 With respect to regional impact, staff has made a preliminary evaluation that the proposed  
82 subdivision does not appear to have the potential for “regional impact” as defined in NH RSA  
83 36:55. The Board will need to make a final determination as to whether the proposal, if approved,  
84 could have the potential for regional impact.

85

86 Ms. Forston then reviewed the subdivision standards as it pertains to the application.

87

88 Lots: The proposed subdivision will create three lots that are each greater than 2-ac in size, are at  
89 least 200’-wide at the building lines, and have greater than 50’ of frontage along Chapman Road  
90 as is required in the Rural District. This standard appears to be met.

91

92 Character of Land for Subdivision: As noted by Ms. Pelletier, there are wetlands located towards  
93 the rear of the proposed three-acre lots. Additionally, the project narrative states there are areas of  
94 precautionary and prohibitive slopes present at the rear of the 40.63-ac parcel that were not  
95 surveyed due to their location outside of the proposed subdivision area. Despite these site features,  
96 the proposed plans show that the two new lots can be safely developed without posing a danger to  
97 health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions. This  
98 standard appears to be met

99

100 Scattered or Premature Development: The proposed subdivision would create two new lots in an  
101 area with existing residential development. This standard does not apply.

102

103 Preservation of Existing Features: The proposed subdivision plan shows that there are stone walls  
104 around and within portions of the parent parcel. Portions of these stone walls will be used as the  
105 property boundaries for the two new 3-acre lots. To address potential impacts to wetlands, the  
106 applicant has added a note to the plan stating that all development on the parcels must comply with  
107 all federal and state wetlands and surface water regulations, as well as the City’s Surface Water  
108 Protection Ordinance. The 75-foot surface water protection buffer is also shown on the plan. With  
109 respect to steep slopes, the applicant has added a to the plan stating that that any work done within  
110 areas of precautionary and/or prohibitive slopes may require the submittal of a Hillside Protection  
111 Conditional Use Permit. This standard appears to be met.

112

113 Monumentation: The project narrative states that rebar has been set at all new lot corners. Planning  
114 Staff recommend the inclusion of a precedent condition of approval related to the inspection of the  
115 lot monuments by the Public Works Director or the submittal of a security to cover the installation  
116 of the monuments. This standard appears to be met.

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118 Special Flood Hazard Areas: The parcel does not appear to be located near any Special Flood  
119 Hazard Areas. This standard is not applicable.

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Fire Protection and Water Supply: A note has been added to the plan set stating that any future buildings shall have an adequate and approved fire protection system installed. This standard appears to be met.

Utilities: The proposed subdivision plans show two potential well and septic system locations. A note has been included on the plan stating that private sewer and water systems will be required for any future buildings on the lots. Planning Staff recommend including a condition of approval related to submitting documentation of state approval for this subdivision, which Ms. Forston stated was received this morning by staff. At this point, staff would recommend that the state subdivision approval number be added to the plan.

Drainage and Stormwater Management: No development is proposed at this time; however, staff recommend including a subsequent condition of approval requiring that a stormwater management plan be submitted prior to the issuance of a building permit for either of the lots.

Sediment and Erosion Control: A note has been added to the plan stating that each project shall be designed to prevent erosion and sedimentation during and subsequent to construction. This standard appears to be met.

Sewer and Water: City water is available near all proposed lots; however, as stated previously, there is a note on the plan indicating that the lots will be serviced by a private well and septic system. This standard appears to be met.

Traffic & Access Management: The proposed subdivision plan shows that the single-family residence on the 40.63-ac parcel will be accessed via the existing gravel driveway. A note has also been added to the plan stating that a Street Access Permit must be obtained from the City Engineer's office prior to construction. This standard appears to be met.

Surface Waters and Wetlands: There are surface waters present at the rear of the two 3-acre parcels and the 75' surface water buffer is shown. Staff is recommending two conditions of approval related to the submittal of a stormwater management plan and flagging of the wetlands prior to the development of either of the new lots. This standard appears to be met

This concluded staff comments.

Mr. Mehu asked whether a Cottage Court Conditional Use Permit (CUP) would not be a better option for this property. Ms. Forston stated that this lot is not eligible to go through the Cottage Court CUP, as it is not connected to both City water and sewer which is one of the requirements. She deferred to the developer to explain why any other form of development was not considered. Ms. Pelletier stated they did meet with City Staff to discuss a potential Conservation Residential Development Subdivision with the assumption that five-acre zoning still existed in this district; however, the minimum lot size requirements have since been reduced to two acres, so there was no advantage to move forward with that development model at that time.

165 Chair Farrington noted City water is available, but there is a stipulation regarding wells and asked  
166 for clarification. Ms. Pelletier stated it is not a stipulation, but it the state approved the subdivision  
167 design with wells and she was unclear that City water was available.  
168

169 Mr. Clancy asked when there is a development proposed how staff recommends city water versus  
170 a well. Public Works Director, Don Lussier, stated there is no requirement in City ordinance to  
171 hook up to City water; however, the ordinance does require connection to City sewer if it is within  
172 a certain distance of the proposed parcel (100 feet from any portion of the parcel or 200 feet from  
173 the proposed building).  
174

175 The Chair asked for public comment. Ms. Carol Compton of 441 Chapman Road addressed the  
176 Board and stated 20 years ago when there was a proposal to develop the parcel across the street,  
177 which is now City property. She explained there was concern, as this is one of the few wildlife  
178 through ways to the river in Roxbury. She stated she is appreciative that this subdivision proposes  
179 lots that are three acres in size, which will provide for a buffer from further development. She felt  
180 that there would be an increase in wildlife and resident interaction in this area, especially with the  
181 high speeds at which some people tend to drive in this area.  
182

183 With no further comment, the Chairman closed the public hearing.  
184

185 C. Board Discussion and Action  
186

187 A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2024-06 as  
188 shown on the plan set identified as “Title Sheet, Existing and Proposed Conditions, 3-lot  
189 Subdivision, Map 239-041-000, 435 Chapman Road, Keene, NH 03431” prepared by Cardinal  
190 Surveying & Land Planning at varying scales on June 14, 2024 and last revised on July 3, 2024  
191 with the following conditions:  
192

- 193 1. Prior to final approval and signature of the plans by the Planning Board Chair, the following  
194 conditions precedent shall be met:
  - 195 a. Owner’s signature appears on both sheets of the plan set.
  - 196 b. Submittal of four (4) paper copies, two (2) mylar copies, and a digital copy of the complete  
197 plan set.
  - 198 c. Inspection of lot monuments by the Public Works Director or their designee following their  
199 installation or the submittal of a security in an amount deemed satisfactory to the Public  
200 Works Director to ensure that the monuments will be set.
  - 201 d. Submittal of a check in the amount of \$77.00 made out to the City of Keene to cover the  
202 cost of recording fees.
  - 203 e. Submittal of documentation demonstrating that the application has received state  
204 subdivision approval from NHDES. A note with the NHDES approval number shall be  
205 added to Sheet 1 of the plan set.
- 206 2. Subsequent to final approval and signature by the Planning Board Chair, the following  
207 conditions subsequent shall be met:  
208

- 209 a. Prior to the issuance of a building permit for new residential construction, a stormwater  
210 management plan shall be submitted to the Community Development Department for  
211 review and approval by the City Engineer.
- 212 b. At the Community Development Director’s discretion, the 75’ wetland buffer shall be  
213 flagged and inspected by the Community Development Director or their designee prior to  
214 the development of the new lots.

215  
216 The motion was seconded Stephen Mehu.

217  
218 Mr. Clancy stated he agrees with staff that there is no regional impact from this development.

219  
220 Chair Farrington stated he finds this application acceptable based on the Board’s standards and the  
221 fact that it complies with the minimum lot size requirements for the Rural District.

222  
223 The motion made by Roberta Mastrogiovanni was unanimously approved.

- 224  
225 b. **PB-2024-07 – Site Plan – Dinkbee’s Redevelopment, 510 Washington St - Applicant**  
226 **Fieldstone Land Consultants PLLC, on behalf of owner OM 510 Washington Street**  
227 **LLC, proposes to demolish the existing Dinkbee’s building on the property at 510**  
228 **Washington St (TMP #532-003-000), construct a new ~6,256-sf building in its place,**  
229 **and expand the number of vehicle fueling stations. Waivers are requested from**  
230 **Sections 20.2.1.b, 20.6.E, 20.7.2.C, and 20.14.3.D of the LDC related to the submittal**  
231 **of a drainage report, parking lot landscaping, light trespass, and parking. The parcel**  
232 **is 0.74 acres and is located in the Commerce District.**

233  
234 A. Board Determination of Completeness

235  
236 Planner, Evan Clements, addressed the Board and stated the applicant has requested exemptions  
237 from submitting a drainage report, historic evaluation, screening analysis, architectural and visual  
238 appearance analysis, and soil analysis. After reviewing the requested exemptions, staff feels that  
239 they have no bearing on the merits of the application and is comfortable with the Board granting  
240 these exemptions. The applicant has also requested an exemption from submitting a drainage  
241 report, which staff is not in support of. Additionally, they have also requested a waiver from  
242 completing this report. As a result, staff feels the application is not complete. It would be up to the  
243 Board to decide if they support the waiver or not.

244  
245 A motion was made by Roberta Mastrogiovanni to accept the site plan application, PB-2024-07,  
246 as complete. The motion was seconded by Mayor Kahn and was unanimously approved.

247  
248 B. Public Hearing

249  
250 Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of the property  
251 owner. He indicated that the proposal is to demolish the existing laundromat and gas station at 510  
252 Washington Street and replace it with a larger building. He explained that they have already  
253 obtained a variance from the Zoning Board to encroach into the rear setback.

254

255 He went on to explain that along the southern portion of the parcel, there is access to the gas station  
256 and the rear lot owned by Toby Tousley. This will be smaller curb cut and is related to the waiver  
257 request to allow for the creation of four parking in this area. Additionally, asphalt will be reduced  
258 along the front entryway

259  
260 Along the north side of the property, the applicant will be providing the main entryway for each  
261 of the two units in the building. One unit will be occupied by existing the convenience store and  
262 the second space has not yet been rented, but was designed with a retail use in mind. More parking  
263 will also be provided in this location. Overall, there will be 26 parking spaces with one being an  
264 ADA accessible space.

265  
266 Mr. Noonan stated that at the same location where there are the four existing pump stations, the  
267 applicant would like to add two more. The applicant is also proposing to install another  
268 underground gasoline storage tank, which would require permitting through DES. Mr. Noonan  
269 noted the property has asked for relief regarding soil testing; however, when DES permits the  
270 installation of the underground storage tank, there is excessive amount of testing that will need to  
271 be done as part of that process and the city would forwarded the results of these tests.

272  
273 With respect to grading and drainage, the applicant has asked for an exemption and a waiver from  
274 providing a drainage report. He noted there is going to be a 6.6% reduction in the overall amount  
275 of impervious surfaces on the site. Just by reducing the impervious area, the post-condition runoff  
276 and velocity is going to be reduced compared to the existing amount of runoff. He referred to the  
277 infiltration trench shown on the proposed site plan, which is where water is going to be directed,  
278 which will further help to reduce the amount of runoff.

279  
280 With reference to utilities – there are two existing overhead lines that feed the Tousley property.  
281 The existing line that goes to the gas station will be utilized for the proposed new building. The  
282 applicant is working with Eversource to get information about the potential installation of a second  
283 utility pole.

284  
285 Water would be fed from a new domestic water line running from the existing curb stop valve that  
286 was replaced when Washington Street was upgraded. Sewer would come from the same  
287 connection.

288  
289 In regards to landscaping, the frontage is currently paved, there will be two defined curb cuts; one  
290 to access the Tousley property and the other that they anticipate using for employee parking. There  
291 will be landscaping located along the front of the road. There will be a few additional trees and  
292 shrubs in addition to the existing trees that will remain. The arborvitae at the rear of the existing  
293 building will remain to help define the rear property line.

294  
295 Mr. Noonan noted that the existing dumpster will also be enclosed.

296  
297 In regards to lighting, wall packs are being proposed along all sides of the building (except for the  
298 side facing residences) as well as two pole mounted lights. Mr. Noonan noted one of their other  
299 waivers requests was to allow for light trespass levels of 0.2 foot candles, where only 0.1 foot

300 candles is allowed at the property line under the Planning Board’s lighting standards. The applicant  
301 feels that this lighting is necessary for security reasons.

302  
303 In regards to aesthetics, Mr. Noonan explained that when they first submitted their application,  
304 they did not have architectural plans. With the submittal of their updated materials, they were able  
305 to provide elevations and today they submitted updated plans from the architect showing the  
306 proposed exterior building materials. The unit closest to Washington Street would have techwood  
307 siding and the larger unit would have a combination of azek trim, hardie panel siding, and cultured  
308 stone along the bottom perimeter. The roof will be pitched roof and covered with asphalt shingles.  
309 The rear façade will be finished with hardy plank siding. This concluded the presentation.

310  
311 Mayor Kahn asked about delivery vehicles accessing the site, which could be a challenge. Mr.  
312 Noonan stated the large landscaping island would be surrounded with stamped asphalt. Delivery  
313 trucks would enter as they do now during off hours. The stamped asphalt curb will have a sloped  
314 curve and trucks can drive over it, if there is a need. The Mayor asked where the anticipated  
315 delivery locations are for the building. Mr. Noonan stated that they are at the rear, similar to their  
316 current locations. He explained that there will be stairs and a grade change at this back portion of  
317 the building.

318  
319 If it is off hours, deliveries would be through the front entrance. The Mayor asked whether there  
320 is an intent to have a circulating pattern through the parking lot. Mr. Noonan answered in the  
321 negative. The Mayor noted in that case, the exit for delivery vehicles off the site would be to back  
322 out of where they entered.

323  
324 Mr. Kost stated that during the site visit, he noticed the employees parking on the southerly corner  
325 of the site, which does not leave much room for landscaping. He asked whether Mr. Noonan sees  
326 any benefit to moving two of those spaces to the east, to allow for more green space. Mr. Noonan  
327 stated this is something that could be considered.

328  
329 Mr. Kost referred to the underground tanks – when the second one is added, it has to be approved  
330 by the state and a soil test will be completed at that time. Mr. Noonan agreed and added the state  
331 will be looking for many more chemicals as well as other items.

332  
333 Mr. Clancy asked whether there will be gutters on this building. Mr. Noonan stated there will be  
334 closed gutters because this is going to be a pitched roof and the roof to the north and south corners  
335 will be tied into this gutter system. Mr. Clancy referred to the north side of the property and asked  
336 how much of that slopes down towards Washington Street. Mr. Noonan stated with the current  
337 condition, about 50% goes down to Washington Street and then about 50% goes to the rear. With  
338 the new proposal, 75% will go to the front and 25% will go to the rear.

339  
340 Ms. Vezzani stated that during the site visit, there was a discussion about the 6% reduction in the  
341 amount of impervious surface on the site. She asked why the applicant was looking for waiver and  
342 exemption requests from submitting a drainage report. She asked whether there was a report done  
343 in the last 10 years that could be used and asked how the Board could determine if the drainage  
344 mechanisms will working the properly without this information. Mr. Noonan stated the last site  
345 plan was done to add the gas pumps. The existing and proposed condition are going to be almost



346 identical. He explained that ultimately the roof runoff from the gas canopy will be tied into a  
347 culvert, and the existing roof ties into a roof drain. With the proposed condition, they will be doing  
348 the same thing, but runoff will go through a stone infiltration trench and what doesn't end up in  
349 the trench will flow into the culvert. The proposed condition will slow runoff down by directing it  
350 through the stone infiltration trench.

351  
352 Ms. Vezzani asked whether there are numbers Mr. Noonan has to that show that this drainage  
353 system would work. Mr. Noonan stated they are requesting a waiver to not go through that exercise  
354 and noted they do many of these type of systems that have been reviewed by the state. He added  
355 they will be reducing the runoff by at least 25%.

356  
357 Chair Farrington asked for clarification about the screening along Washington Street. Mr. Noonan  
358 stated the islands they have created along the southern entrance would have a tree, shrubbery, and  
359 would be surrounded by grass on the corner. The large landscape island between the building and  
360 Washington Street would have two trees and nine shrubs.

361  
362 Mayor Kahn asked if the applicant was required to install a transformer on site for the underground  
363 utilities and asked where that would be located and how that would be included in the landscape  
364 plan. Mr. Noonan stated the transformer currently is located on a pole and they are planning to do  
365 the same for the new plan. He added that pad-mounted transformers are hard to procure at this  
366 time.

367  
368 Chair Farrington asked for a timeline for this project. Mr. Noonan stated they would like to start a  
369 year from when they receive approval.

370  
371 Staff comments were next. Mr. Clements addressed the Board. With respect to regional impact,  
372 staff does not believe this application meets the threshold for regional impact.

373  
374 Screening – Mr. Clements stated the Board does not need to make a motion with reference to this  
375 item, but section 9.4.4.A.5, of the land development code refers to screening of parking lots from  
376 public rights-of-way. The applicant is requesting an alternative landscape plan and the Board  
377 would need to decide if the proposed landscape plan meets the spirit of the screening standard.

378  
379 Lighting Waiver – As Mr. Noonan described, this is very much an existing condition with the City-  
380 mounted lighting and light trespass onto the abutting property. There is very nominal amount of  
381 trespass. The Board will need to vote on the requested waiver from this standard.

382  
383 Traffic Management – There is going to be a reduction in the width of the curb cuts. Mr. Clements  
384 stated there is also a traffic report that is pending for this application, which has not yet been  
385 finalized and submitted to staff. He stated staff is recommending a condition of approval that this  
386 be submitted and reviewed by the City Engineer. The waiver request is technically from complying  
387 with the architectural and visual guideline standards due to the addition of six parking spaces  
388 within the front building line.

389  
390 Hazardous and Toxic Material – The applicant does acknowledge that the existing site is a  
391 refueling station and will be continuing to use it as such. Mr. Clements noted that they will be

392 applying for the underground storage tank permit and a copy of the permit, along with the decision  
393 by DES, will be submitted to the Community Development Department.

394  
395 Mr. Clements stated there are three waiver request motions and then the approval request at the  
396 end, so there will be four votes taken for this application. He reviewed the waivers and motions as  
397 proposed.

398  
399 Mr. Clements noted this application was noticed with those waivers being cited. After this  
400 application was noticed and this staff report was created, the Land Development Code was updated  
401 to include the new Cottage Court Overlay Conditional Use Permit process. He explained that the  
402 Site Development Standards in Article 21 (formerly Article 20), are exactly the same, but wanted  
403 to note that the article numbers had changed.

404  
405 Mr. Kost clarified that staff was not in favor of granting the drainage waiver and asked what staff's  
406 concern was. Mr. Clements stated he appreciates the assumptions made by Mr. Noonan with the  
407 low impact development of this design for the stormwater system, but stated he would like to see  
408 proof with numbers. Staff would like to see proof that the system will function as described.  
409 Because City Staff can't do their own drainage modeling, he explained that they rely on stamped  
410 reports.

411  
412 Mayor Kahn clarified the waiver motion – it is granting a waiver from the requirement. Mr.  
413 Clements agreed and explained the proposed motion is for the Board to grant the waiver and if that  
414 motion fails, then the waiver request is denied. At that time, staff could add a condition of approval  
415 regarding submittal of a drainage report.

416  
417 Mr. Clancy asked for the ratio of parking spaces to trees and if arborvitae are on the approved list  
418 of trees. Mr. Clements stated it is one tree per ten spaces, and arborvitae are not considered trees.  
419 Mr. Clancy asked whether staff is looking to add the requirement for a traffic study as a condition  
420 of approval. Mr. Clements stated the applicant is working on a traffic study, but it has not been  
421 submitted yet. As a result, it is being included as a recommended condition of approval.

422  
423 Chair Farrington noted the Board will need to make some assumptions, as there is no clear use for  
424 the second unit. Mr. Noonan stated they have contracted with VHB Traffic Engineers and they are  
425 working on a report. He indicated the second unit would be a retail space; however, the driving  
426 factor is the gas station. They have increased the traffic trip counts per day based on the square  
427 footage of the building. The traffic count would be based on the convenience store use and  
428 increasing the total number of gas pumps from four to six. These two uses combined generate the  
429 total trip count. Mr. Noonan agreed that the submittal of a traffic report could be included as a  
430 condition of approval.

431  
432 The Chair asked for public comment next.

433  
434 Mr. Toby Tousley of 500 Washington Street addressed the Board and asked whether the screening  
435 will remain at the rear. Mr. Noonan answered in the affirmative and referred to the arborvitae  
436 shown on the proposed site plan that will remain at the rear of the lot.

437



438 Mr. Tousley went on to say that he has come before the Board with numerous projects previously  
439 and if he had not completed for instance a traffic study, the application would not have made it  
440 before the Board. He stated the public was not given the opportunity to review the report and hoped  
441 he would have the same consideration as is being offered to this applicant for future projects.

442  
443 With no further comment, the Chair closed the public hearing.

444  
445 Mayor Kahn asked staff what they thought about Mr. Tousley’s perception – when does a traffic  
446 study become a condition of approval versus a submission. Mr. Clements stated usually this is  
447 something staff would like to see prior to a public hearing so they have an opportunity to review  
448 the material. Staff had hoped this material would be provided to them prior to the meeting. He  
449 stated his personal opinion with this project is that this is an existing gas station and convenience  
450 store with four pump stations. The increase in size of the building and the increase to the number  
451 of pump stations is not a dramatic change of use or would be a dramatic increase to traffic.

452  
453 He stated he understands the comment about the public not being given the opportunity to review  
454 the report, but it is a quantifiable report and staff did not feel it was necessary to continue this  
455 application for that purpose. The City Engineer will be given the opportunity to review the report  
456 and if it the City Engineer is not satisfied with the report, then that condition of approval would  
457 not have been met and the applicant would have to come back and address those comments.

458  
459 C. Board Discussion and Action

460  
461 A motion was made by Roberta Mastrogiovanni that the Planning Board grant a waiver from  
462 Section 21.2.1.B “Runoff Volume and Velocity” of the Land Development Code regarding the  
463 requirement to submit stormwater and drainage data in the form of a Drainage Report stamped by  
464 a Professional Engineer licensed in the state of New Hampshire.

465  
466 The motion was seconded by Mayor Kahn.

467  
468 Ms. Vezzani stated that in looking at the responsibilities assigned to the Board, she did not feel  
469 comfortable granting the waiver. She stated she does not have information about whether not the  
470 system is currently working and how it is going to work in the future with the proposed new  
471 changes. She stated she likes that the applicant is installing an infiltration system, but is not sure  
472 how that is going to work.

473  
474 Mr. Kost stated he is stuck on the language in the code stating that, “*strict conformity would pose*  
475 *an unnecessary hardship to the applicant.*” He stated that he did not want to address the applicant’s  
476 finances, but noted that he felt the true hardship would be a day or two of engineering design. He  
477 felt submitting a drainage report is an obligation the developer should be meeting, so the proposed  
478 drainage system is on record for staff to review.

479  
480 The motion for the waiver failed on a 0-8 vote.

481

482 Mr. Clements stated based on the public’s concern regarding the traffic study and the motion and  
483 the denial of the waiver for the drainage report, he suggested continuing this application to the next  
484 meeting of the Board to give the applicant time to submit this information.

485  
486 The Chair asked for Mr. Noonan’s comments. Mr. Noonan stated he was in agreement with  
487 continuing the application to provide the drainage report and the traffic report for staff to review.  
488

489 Chair Farrington felt this was a great project for this area.  
490

491 Mr. Clancy asked whether the Board should vote on the other waivers, so the applicant knows  
492 what items are still outstanding for next month. The Chair agreed.  
493

494 A motion was made by Roberta Mastrogiovanni that the Planning Board grant a waiver from  
495 Section 21.7.2.C “Light Trespass” of the Land Development Code to allow light trespass of 0.2-  
496 footcandles on an adjacent property where only .1-footcandles is permitted.”  
497

498 The motion was seconded by Mayor Kahn and was unanimously approved.  
499

500 A motion was made by Roberta Mastrogiovanni that the Planning Board grant a waiver from  
501 Section 21.14.3.D “Site Design and Relationship to Surrounding Community” of the Land  
502 Development Code to allow for required off street parking to be located in front of the building  
503 where parking is normally required to be located on the sides and rear of buildings.”  
504

505 The motion was seconded by Mayor Kahn.  
506

507 Ms. Vezzani stated the improvements to this site look exciting and she is inclined to move forward  
508 with approving this waiver request for that reason.  
509

510 The waiver request was unanimously approved.  
511

512 A motion was made by Roberta Mastrogiovanni that the Planning Board continue the site plan  
513 application, PB-2024-07, to the August 26<sup>th</sup> Planning Board meeting scheduled for 6:30 pm in the  
514 Council Chambers on the 2<sup>nd</sup> Floor of City Hall.  
515

516 The motion was seconded by Stephon Mehu and was unanimously approved.  
517

518 c. **PB-2024-08 – Cottage Court Conditional Use Permit – Townhomes, 0 Ellis Ct -**  
519 **Applicant Sampson Architects LLC, on behalf of owner POMAH LLC, proposes to**  
520 **construct a two-unit townhome on the parcel at 0 Ellis Ct (TMP #535-012-000). The**  
521 **parcel is 0.18 ac and is located in the Medium Density District.**  
522

523 A. Board Determination of Completeness  
524

525 Senior Planner, Mari Brunner, addressed the Board and stated that the applicant has requested  
526 exemptions from submitting an existing conditions plan, a lighting plan, a landscaping plan, and  
527 technical reports that are not relevant to this project including traffic, soil, historic and screening

528 analyses. Staff recommends that the Board grant these exemptions and accept the application as  
529 complete.

530  
531 A motion was made by Roberta Mastrogiovanni to accept the Cottage Court Conditional Use  
532 Permit (CUP) application, PB-2024-08, as complete. The motion was seconded by Mayor Kahn  
533 and was unanimously approved.

534  
535 **B. Public Hearing**

536  
537 Tim Sampson of Sampson Architects addressed the Board on behalf of the property owner. Mr.  
538 Sampson stated they are proposing to construct a duplex on the existing 8,000 square foot lot. He  
539 indicated that normally duplexes would not have to go through a Planning Board review process;  
540 however, given that the lot is small, there isn't sufficient square footage to be able to construct a  
541 duplex under the current zoning requirements for the Medium Density District.

542  
543 He went on to state that the duplex will be two stories and will be built into the slope of the hill.  
544 He noted the site does meet front and rear setbacks as well as all other applicable land use  
545 requirements outlined in the code. Each unit will be approximately 1,050 square feet of living  
546 space, including a garage, two bedrooms, one-and-a-half baths and is consistent with the  
547 neighborhood's existing uses and appearance. This concluded Mr. Sampson's presentation.

548  
549 Ms. Vezzani referred to the constraints of this roadway and asked how construction vehicles were  
550 going to be handled. She noted there was no room for the parking of construction vehicles. Mr.  
551 Sampson stated this would be up to the contractors to address and agreed it is small site and storage  
552 would be limited. He felt there could be an opportunity to park in a neighbors' driveway and added  
553 that this is not a large development and he can't see more than six to eight people on the site doing  
554 work at any given time. He indicated that once the foundation is in and the first floor is decked off,  
555 there would be room for the storage of materials on the site.

556  
557 The Chair asked for staff comments next. Ms. Brunner stated this is the first Cottage Court CUP  
558 application coming before the Board and is not what staff was expecting for these types of  
559 applications, but noted that she felt it was a creative application.

560  
561 Ms. Brunner noted this is a vacant undeveloped parcel ~8,000 square feet in size, which is the  
562 minimum lot size for the Medium Density District. She explained that in this zoning district, you  
563 can have up to three units on a lot. For each additional unit to be added on a lot, there must be an  
564 additional 5,400-sf of lot space available (in addition to the required 8,000-sf minimum lot size).  
565 The applicant does not have enough lot area to construct a duplex on this lot. Ms. Brunner noted  
566 that a duplex would not ordinarily come before the Board, but because they did not have enough  
567 lot area to construct a duplex by right, they are going through the Cottage Court Conditional Use  
568 Permit application process.

569  
570 Ms. Brunner went on to say that this lot was created in 2007 through a subdivision and called the  
571 Board's attention to a few notes on that subdivision plan: Notes 8 through 11.

572

573 She explained that Note 9 talks about the proposed Lot 2, which is the subject parcel being  
574 discussed this evening. Note 8 is talks about a 20-foot wide sewer easement that runs across Lot 1  
575 for the purposes of installing a sewer line for a future structure. Note 10 states that the Planning  
576 Board requires approval by the City Engineer for sediment and erosion control and stormwater  
577 management designs prior to the issuance of a building permit for any new development. Note 11  
578 states that prior to the issuance of building permits on Lot 2, the applicant shall install  
579 sedimentation and erosion control devices following best management practices and stormwater  
580 management designs must be reviewed and approved by the City Engineer

581  
582 Ms. Brunner stated that because these notes are on the subdivision plan, staff is recommending  
583 that they be included in the motion for approval for this application, so that it is clear that these  
584 items need to be addressed when the building permit is submitted.

585  
586 With respect to the surrounding uses, adjacent to this property there is an existing four-unit  
587 residential building, a duplex, and then across the street and to the south are single-family homes.  
588 Staff did make a preliminary determination that the proposed duplex would most likely not have  
589 regional impact, but she noted that the Board will have to make the final decision on that.

590  
591 With reference to departmental comments, Ms. Brunner stated that between the time the staff  
592 report came out and this evening, the applicant has submitted revised materials that address many  
593 of the departmental comments that are listed in the staff report. The applicant has clarified that  
594 they are going to be connecting to water on Colony Court and sewer on Ellis Court. They have  
595 also modified the location of the driveway to address the concerns about turning conflicts.

596  
597 With respect to the Cottage Court CUP standards,

598  
599 Development Types Allowed: Ms. Brunner stated she had included a table of what the  
600 requirements are and what the proposal calls for; all of these items appear to be met.

601  
602 Dwelling unit size: This standard requires a maximum average size of 1,250 square feet gross floor  
603 area and a maximum building footprint of 900 square feet per unit. This gross floor area does not  
604 include the garage area. The proposed units would each be 1,140 square feet of gross floor area  
605 and would have a footprint of 608 square feet per unit. This standard has been met.

606  
607 Parking: This standard requires a minimum of one parking space per unit and a maximum of one  
608 parking space per bedroom. Each unit within the duplex would have two bedrooms. The applicant  
609 proposes four parking spaces, (two surface and two garage). This standard has been met.

610  
611 Building Separation: Does not apply as there is only one building

612  
613 Driveways: The applicant proposes a shared driveway on Colony Court - 20 feet wide at the  
614 property line 30 feet at the road. Mr. Brunner went on to say, with respect to the driveway, that  
615 for a single-family or two-family home, if someone were to submit a Street Access Permit  
616 application or request a modification to their approved Street Access Permit, the Planning Board  
617 has delegated their authority for review of those driveway permits to the City Engineer's Office.  
618 Because this item is coming before the Board for review, staff is suggesting adding a note to the

619 plan indicating that any future changes to the driveway can go before the City Engineer for  
620 approval.

621  
622 Internal Roads: No internal roads are being proposed. This standard is not applicable.

623  
624 Screening: This standard requires either a six-foot tall opaque or semi opaque fence between uses  
625 that are higher in intensity not density. This means a more intense type of use (duplex next to a  
626 single family home) requires this type of fencing. Landscaping can be used in lieu of the fence as  
627 long as the Board feels its meets the standard. The applicant is proposing to maintain the existing  
628 vegetation to use as this screening.

629  
630 Architectural Guidelines: This section is to encourage development to fit in with the surrounding  
631 neighborhood. There are guidelines but not requirements and this something the Board will need  
632 to evaluate whether or not it has been met.

633  
634 Ms. Brunner stated that because this is a duplex, it does not meet the threshold for formal site plan  
635 review and these are the only standards for the Board to consider.

636  
637 Mayor Kahn asked whether there is additional wording for the Board to use for the other  
638 conditions. Ms. Brunner referred to page 59 of the staff report where the motion is outlined and  
639 stated that item #2 addresses those items. The Mayor asked about language for a landscape buffer.  
640 Ms. Brunner stated this is not included as a condition of approval, but stated it can be added as a  
641 condition.

642  
643 Chair Farrington felt the Mayor was referring to Item F in the staff report related to screening  
644 properties with different intensities. Ms. Brunner explained the screening standard states that a six  
645 foot tall fence should be used for screening or in lieu of that, the Planning Board can approve  
646 landscaping. The applicant is proposing to use existing vegetation that is there today as that  
647 proposed landscaping. The rationale is that this landscaping is tall and provides the same level of  
648 screening as a fence. She indicated it would be up to Board to decide if they feel this is or is not  
649 sufficient screening. The Board could then ask the applicant if they would be willing to install  
650 additional landscaping or install a fence to meet this standard.

651  
652 Mr. Kost stated that during the site visit, they could not access the site to look at the landscaping  
653 and asked what type of landscaping exists at the site; is it invasive species, etc. Ms. Brunner  
654 referred to pages 60 and 61 of the agenda packet, which outlined the existing landscaping, but  
655 explained that just based on the pictures she is not able to determine what type of species are  
656 present on the site. She noted that if the Board is concerned about this, she would suggest including  
657 a condition of approval requiring that any invasive species be removed and replaced with a suitable  
658 alternative.

659  
660 Chair Farrington asked the applicant to comment on the screening. Mr. Sampson stated they would  
661 agree to remove any invasive species and replace it with suitable plantings. The Chair asked which  
662 sides would require screening. Ms. Brunner stated it would be to the south and along Colony Court.  
663 The Chair asked whether this was included in the application. Mr. Sampson stated screening along  
664 Colony Court is not included. He was agreeable to screen this portion of the site as well.

665  
666 Mr. Clancy referred to the property on the east side and asked whether intensity would also extend  
667 to this property. Ms. Brunner stated that property was also a duplex.  
668

669 The Chair asked for public comment next.  
670

671 An abutter, who did not provide her name, addressed the Board and stated there were drainage  
672 issues recently in that area that were supposed to be fixed by the Public Works Department and  
673 residents are concerned about additional runoff taking place as a result of this construction. She  
674 indicated there are already standing water issues in yards during severe storm events. She went on  
675 to say that they are also concerned about parking. She stated that as was indicated by Ms. Vezzani,  
676 the road is very narrow.  
677

678 She indicated there are at least two households who have individuals with medical issues and the  
679 residents wanted to make sure the road is accessible in an emergency. She also asked how long  
680 construction would last and the about the expected noise level during construction, as there are  
681 certain neighbors on the street who work from home. She also asked about safety measures during  
682 construction as there are children who play outside and ride bicycles. She questioned what permits  
683 would be needed and if the public could have access to reports as it pertains to traffic patterns,  
684 drainage, etc., prior to this application being approved.  
685

686 With respect to the driveway, if it is going to be a 12% grade coming from Colony Court, there is  
687 going to be significant excavation necessary. She asked how that is going to affect the slope behind  
688 the property and then eventually the drainage. She questioned if the snow storage area will have  
689 any impact on drainage.  
690

691 She asked what type of impact exterior lighting would have on the houses across the street. With  
692 reference to vegetation, if the driveway is going to come in directly from the road, is the vegetation  
693 going to be installed on a hill in front of the home.  
694

695 Mr. Stephen Dover of 16 Colony Court addressed the Board. He referred to the right-of-way on  
696 Ellis Court and asked why that is not being utilized. He stated he reiterates everything that was  
697 stated earlier and felt this construction will disrupt the neighborhood.  
698

699 Mr. Chris Newer of 12 Colony Court stated he was concerned about flooding and stated his  
700 basement floods all the time. He indicated where this house is going to be sited, it will undoubtedly  
701 cause more flooding issues for his home. He stated he is also concerned about parking and the  
702 introduction of more vehicles to this area.  
703

704 Mr. Jared Goodell stated he does not live in this neighborhood, but noted that Keene has a housing  
705 shortage and hopes that the Board would keep in mind the need for housing in Keene. He stated  
706 new development does need to take into consideration abutters in the area, but Keene has a housing  
707 shortage which also needs to be considered.  
708

709 Mr. Troy Kelsey of 55 Washington Avenue addressed the Board and stated the landscaping that  
710 exists in the area has already been trimmed. He felt there should be a barrier along the side of the



711 duplex adjacent to the single-family house. With respect to traffic, Mr. Kelsey stated traffic coming  
712 off of Washington Avenue is fast and constant. There is a housing complex already in the area and  
713 there is also a bus stop. He stated there should be a traffic study for this application.  
714

715 Ms. Kelsey of 55 Washington Avenue stated the screening barrier looks a lot different in the  
716 summer compared to how it does look in the winter (no screening at all). She felt a fence would  
717 provide consistent screening throughout the year.  
718

719 With no further comment, the Chair closed the public hearing.  
720

721 Based on the comments made regarding screening, Ms. Brunner asked whether the Board was  
722 inclined to go with vegetative screening or a fence. Mr. Kost stated the Board is not aware of the  
723 quality or effectiveness of the landscape proposed to be used for screening and felt fencing would  
724 be better unless the developer wants to install quality landscaping.  
725

726 Mayor Kahn stated that based on the erosion issues and drainage concerns having whatever  
727 vegetation that can be sustained is important. He felt having a fence all around the site might not  
728 be the best solution.  
729

730 Chair Farrington stated that based on the public comment, the new development would have  
731 internal parking. He felt the stormwater issues have been addressed. With respect to erosion  
732 control, that item is being addressed by a recommended condition of approval in the recommended  
733 motion.  
734

735 Ms. Brunner agreed and added what the City Engineer would be looking for is that this site  
736 complies with the City's stormwater and runoff requirement. For erosion control, he will be  
737 looking to make sure sedimentation does not go onto abutting properties. The Chair addressed  
738 traffic on Washington Avenue and noted that he did not feel this was in the purview of the Planning  
739 Board's review of the application. Ms. Brunner stated the City of Keene is working with a  
740 consultant on a Roadway Safety Action plan and felt those comments would be useful to that plan.  
741

742 She explained that in terms of this development, there would be minimal traffic impact and unless  
743 there are ten or more units being proposed as part of a development, the submittal of a traffic study  
744 is not required. The Chair asked how the duration of construction and safety measures during  
745 construction is handled. Ms. Brunner stated these types of issues are handled by other City  
746 ordinances and a pre-construction meeting can always be requested. She explained that City staff  
747 could always meet with contractors based on how constrained this street is. This Chair felt this  
748 would be a good option for this property.  
749

750 Mr. Clancy stated he was more inclined to go with a vegetative screening rather than a fence to  
751 keep with the rest of the neighborhood and noted that vegetative screening also would require less  
752 maintenance.  
753

754 Chair Farrington indicated there are two outstanding items that need to be addressed: the pre-  
755 construction meeting and effective screening. He asked how these should be handled. Ms. Brunner  
756 stated that the pre-construction meeting would be subsequent to final approval and prior to the start

757 of construction. With respect to the screening plan, Ms. Brunner asked that the Board be as specific  
758 as possible as to what is being required of the applicant. If it is a vegetative buffer the Board is  
759 requiring, then it could be a condition subsequent. If the Board wants to just see a fence on the  
760 plan, it would be a condition precedent. As long as what the Board is looking for is clear, it could  
761 be just “checked” off by staff once it is completed, otherwise the applicant would have to come  
762 back before the Board for further review.

763  
764 Mayor Kahn stated he likes the Chairman’s suggestion of effective screening; vegetation versus a  
765 fence. He also asked whether the issue with parking would be discussed at the pre-construction  
766 meeting. The Mayor felt if parking could be restricted to the site, it could alleviate much of the  
767 concern from the public. Ms. Brunner agreed these are things could be handled at a pre-  
768 construction meeting, but the key component here is during construction that the applicant is  
769 keeping with all city ordinances and regulations; not blocking the flow of traffic or causing  
770 hazardous conditions for the neighbors. She added that for the members of public who are here, to  
771 let City Staff know when there is an issue.

772  
773 Ms. Brunner read some recommended motion language: “*Prior to the start of construction, the*  
774 *applicant shall hold a pre-construction meeting with staff to address any potential impacts to the*  
775 *neighborhood from construction activities.*” She asked whether this would be acceptable to the  
776 Board. The Chair agreed it would.

777  
778 For the screening condition, the Chairman suggested wording the condition as follows:  
779 “*Submission and approval of an effective screening design for the lesser intensive abutters.*” Ms.  
780 Brunner stated that for this type of condition, she would suggest continuation of the public hearing,  
781 so that the Board can review and approve the screening, due to the subjective nature of the wording.  
782 Mayor Kahn stated he wanted to be clear that screening to the front of the property was not a  
783 necessity.

784  
785 Ms. Brunner suggested inviting the applicant’s representative to address the screening issue. Mr.  
786 Sampson stated they would be willing to place some sort of screening along the property line, but  
787 wouldn’t want a six foot tall fence in front of the site. He stated that they would be willing to place  
788 some sort of vegetated screening here as well. The Chair asked whether Mr. Sampson would be  
789 willing to locate a fence along the southern portion of the site. Mr. Sampson answered in the  
790 affirmative. Mr. Clements asked whether Mr. Sampson would agree to an ornamental bushes  
791 along the front. Mr. Sampson agreed.

792  
793 C. Board Discussion and Action  
794

795 A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2024-08 as  
796 shown on the site plan identified as “Site Grading Plan, POMAH, LLC” prepared by Fieldstone  
797 Land Consultants at a scale of 1 inch = 10 feet and dated June 21, 2024, and on the architectural  
798 plans identified as “Proposed Townhouse, 0 Ellis Court, Keene, NH 03431” prepared by Sampson  
799 Architects at varying scales and dated May 21, 2024, with the following conditions:

- 800  
801 1. Prior to final approval and signature of the plans by the Planning Board Chair, the following  
802 conditions shall be met:



- 803 a. Engineer’s stamp appears on the site grading plan.  
804 b. Owner’s signature appears on the site plan and architectural plans.  
805 c. Submittal of five (5) paper copies and one digital copy of the site plan and architectural  
806 plans.  
807 d. Submittal of an effective screening between the abutters of a six foot tall fence along the  
808 southern property boundary and ornamental shrubs along Colony Court to create a buffer  
809 that would have no impact on drainage or flooding.  
810
- 811 2. Subsequent to final approval and signature by the Planning Board Chair, the following  
812 conditions shall be met:  
813 a. City Engineer review and approval of sediment and erosion control and stormwater  
814 management designs prior to the issuance of a building permit.  
815 b. Any future modification to the street access shall be reviewed and approved by the City  
816 Engineer.  
817 c. Schedule a pre-construction meeting to review plans including parking and material storage  
818 and any impact the project may have on the neighborhood.  
819

820 The motion was seconded by Mayor Kahn and was unanimously approved.  
821

822 **VI. Advice and Comment**  
823

- 824 a. **Planning Board Review and Comment on Proposed Development at 57 Marlboro St.**  
825 **and 3 Aliber Pl.– In accordance with RSA 674:41, sub-section I.(d), owner Jared**  
826 **Goodell seeks Planning Board review and comment regarding his request for City**  
827 **Council authorization for the issuance of building permits where the street giving**  
828 **access to the lot upon which the buildings are proposed to be placed is a private road.**  
829

830 Applicant, George Hansel of Tailfeather Strategies, addressed the board and explained that this  
831 request pertains to an issue he has never encountered before, which is a state statute that requires  
832 any parcel that does not have frontage to be approved by the governing body. Furthermore, the  
833 statute requires that the Planning Board provide comments to the governing body. He noted that  
834 this project will also require other approvals, including relief from zoning. He said he and the  
835 owner participated in a Pre-submission meeting with staff and got feedback from planning, zoning,  
836 police, fire, engineering, and building. He appreciates staff working with him on a new and  
837 different idea.  
838

839 The plan calls for the construction of three duplexes on a currently un-used section of 57 Marlboro  
840 St, which is located between a two-family parcel on Marlboro St and a single-family property to  
841 the rear. This lot would not be allowed to be created today – it is an existing nonconformity. The  
842 area where the duplexes are proposed is currently deteriorated gravel, so part of the plan is to make  
843 improvements to the site and add some desperately needed housing in a developed area of the city.  
844

845 Mr. Hansel stated that the RSA does not provide guidance for reviewing this type of request. In  
846 his research, he found that most communities when reviewing these types of requests are mostly  
847 reviewing to make sure there is emergency access. They are concerned with Class VI roads that

848 are way out in the woods where it might be difficult to get a fire truck or emergency vehicle to  
849 access the site. That is not an issue for this instance – this is an established site; it has been reviewed  
850 by fire and police and they did not have any comments or concerns.

851  
852 Chair Farrington asked for clarification on the location of Aliber Place. Mr. Hansel responded that  
853 it is essentially a shared driveway that runs along the east of the properties that are part of this  
854 proposal. It provides access for the single-family home at 3 Aliber Place and a three-family home  
855 on 57 Marlboro. Mayor Kahn asked for clarification that Aliber Place is a private road; Mr. Hansel  
856 responded in the affirmative.

857  
858 Mayor Kahn noted that the City Council has a policy, Resolution R-2000-28 that pertains to Class  
859 VI roads. Ms. Brunner addressed the Board and said that this resolution was adopted in 2000 and  
860 it deals with the RSA under discussion tonight, RSA 674:41. At the time the resolution was  
861 adopted, the RSA did not mention private roads; however, in 2002 the RSA was amended to  
862 include a section on private roads. She noted that this resolution is a matter for City Council to  
863 discuss and not the Planning Board. The role of the Planning Board is to provide comment as  
864 required by RSA 674:41 on this specific proposal, or in other words, the Planning Board is being  
865 asked to comment on whether the City Council should authorize building permits to be issued  
866 specifically for properties with frontage/access from Aliber Place. City Council will have to decide  
867 whether the resolution the Mayor mentioned is pertinent to this situation, and if so, whether they  
868 want to amend it or suspend it.

869  
870 Mayor Kahn asked whether or not the Planning Board could even look at this tonight, given City  
871 Council's policy on Class VI roads. Ms. Brunner said that the City Council's policy is not the  
872 Planning Board's policy; the Planning Board does have jurisdiction to provide review and  
873 comment on this request under RSA 674:41. City Council will have to decide whether and how  
874 their resolutions applies to this request and work through that when this item gets to them. She  
875 reiterated that the Planning Board, tonight, is being asked to comment specifically on Aliber Place  
876 and not private roads city wide. Mr. Clements added that the Board should look at this from the  
877 perspective of their role as a regulator for the safe, orderly development of the community in a  
878 general sense. He noted that the RSA contemplates old woodlots and large, very remote parcels;  
879 he doesn't the legislators were considering an urban developed area when the RSA was written.

880  
881 Ms. Vezzani said that, in her view, the applicant has addressed emergency access. She has no  
882 concerns related to fire or police access. She would like to know how maintenance such as snow  
883 removal will be handled.

884  
885 Chair Farrington asked whether Aliber Place is a Class VI road; Ms. Brunner said it is not. A Class  
886 VI road is a type of road in New Hampshire that is a public right of way that is no longer maintained  
887 for motor vehicle access or emergency access. The City has specific regulations relating to Class  
888 VI roads, but does not have any regulations specific to private roads. Neither the city nor state  
889 statute defines what a private road is.

890

891 Don Lussier, Public Works Director addressed the Board and said that private roads, for all intent  
892 and purposes are shared driveways – there is no public right to use a private road, versus a Class  
893 VI road which is a public road under state statute. He noted that the RSA requires that a notice be  
894 filed with the Registry that states the municipality is not, and will never be, responsible for  
895 maintenance of the road or damages resulting from it. He said Public Works will not be  
896 maintaining this road and utilities will remain private, therefore there is no public interest.

897  
898 Mayor Kahn asked what the City’s responsibility is to provide services to this development. Mr.  
899 Lussier said that currently, all of the buildings on these lots have individual private water service  
900 and a shared private sewer line. City ordinances allow a shared service for multiple buildings on a  
901 single parcel, but do not allow shared service for buildings on multiple parcels. The applicant has  
902 proposed to merge these lots into a single residential parcel, so it is permissible under City code to  
903 have a single water service and a single sewer service serving multiple buildings. He noted that he  
904 strongly recommends that the owner upgrade the water service in order to provide adequate water  
905 pressure to the new and existing units. Mayor Kahn asked if this is sufficient for fire service. Mr.  
906 Lussier said the Fire Department would be better equipped to answer this question, but typically  
907 single and two-family homes do not require sprinkler systems. Mr. Hansel said that the Fire  
908 Department did look at the proposal and gave guidance on fire separation between the buildings.

909  
910 Chair Farrington asked whether 57 Marlboro St. is accessed by Aliber Place; Mr. Hansel answered  
911 in the affirmative.

912  
913 Ryan Clancy asked if this will be a Cottage Court overlay, Mr. Hansel said it is not – in this case  
914 the Cottage Court overlay was not useful.

915  
916 Chair Farrington asked about the size of the combined parcel. Mr. Hansel did not have the acreage  
917 but showed what the outline of the merged parcel would be on a map. Mr. Mehu said he believes  
918 it would be about a half-acre.

919  
920 Mayor Kahn asked what action the Board is being asked to take. Ms. Brunner recommended that  
921 the Board make a motion that summarizes any comments that the Board has so it is clear going to  
922 City Council. She said this item is going to PLD Committee on Wednesday. Mayor Kahn said he  
923 would like the committee reviewing this to consider the 2000 ordinance and its application in this  
924 instance. He thinks it deserves this kind of attention – other applicants might have similar  
925 considerations on private drives, and he thinks Council ought to weigh in.

926  
927 Mr. Kost said he thinks this is a very creative approach to provide some workforce housing and its  
928 using a site that is in need of some attention. This will provide small, rentable housing in a really  
929 nice location which we need. He hopes this succeeds.

930  
931 Chair Farrington asked if the Planning Board will have another chance to review this request. Ms.  
932 Brunner said that this request does need zoning relief, including two variances related to  
933 dimensional requirements and a special exception for major parking reduction, so the public will

934 have a chance to comment on this proposal at the public hearing before the ZBA. With respect to  
935 planning, there is a three-family building on the parcel so the site changes will require  
936 administrative planning review. The new duplexes will not require site plan approval.  
937

938 Chair Farrington asked what zoning districts these parcels are in. Mr. Hansel said that 57 Marlboro  
939 Street is in Downtown Edge. These parcels are located on the edge of downtown where different  
940 zoning districts come together.  
941

942 Mayor Kahn asked about screening, especially from the adjacent parking lot which is heavily used.  
943 Mr. Hansel said that he included a rendering in the packet to show how heavily vegetated the area  
944 is between the parking lot and the proposed duplexes. Mayor Kahn said his comment is with  
945 respect to screening and privacy for the future occupants of the duplexes. Mr. Hansel said that is  
946 the reason they are asking for variances from setbacks – they feel the proposed location for the  
947 duplexes is ideal because it is screened from view and will provide the most privacy for the  
948 residents.  
949

950 Chair Farrington asked about the process for a voluntary merger; Ms. Brunner responded that it is  
951 administrative.  
952

953 Vice Chair Mastrogiovanni made a motion to recommend that City Council grant the request to  
954 authorize the issuance of building permits for three duplexes on the property located at 57  
955 Marlboro Street. The motion was seconded by Ms. Vezzani. The Chair asked for any further  
956 discussion.  
957

958 Mayor Kahn reiterated his request that the Board ask City Council to consider Resolution R-2000-  
959 28. Ms. Mastrogiovanni made a motion to amend the motion to reference Resolution R-2000-28  
960 to be considered. The motion to amend was seconded by Mr. Mehu.  
961

962 Chair Farrington asked for a vote on the motion as amended. The motion passed unanimously.  
963

## 964 **VII. Master Plan Update**

### 965 **a. Project Updates**

966 Ms. Brunner stated that throughout the month of July visioning sessions are being conducted on  
967 an on-demand basis. Three more sessions are being planned for August when the consultant is in  
968 town for the Steering Committee meetings. One session will be held on Monday, August 5<sup>th</sup> from  
969 5 pm to 6 pm at the United Church of Christ and another session is scheduled the same day from  
970 6:30 pm to 7:30 pm in the 2<sup>nd</sup> Floor Conference Room of City Hall. A morning session will also  
971 be held on August 6<sup>th</sup> at the Monadnock Food Co-op. Additionally, the Steering Committee will  
972 be meeting on Tuesday, August 6<sup>th</sup> at 5:30 pm at Heberton Hall. They will be looking at key themes  
973 for the Master Plan.  
974  
975  
976

977 She noted that community members are looking for non-digital methods to provide feedback to  
978 staff. Staff is making comments cards available throughout the City as well as postcards that can  
979 be mailed in.

980

981 Ms. Brunner encouraged Board members to assist in promoting the visioning sessions.

982

983 **VIII. Training: Site Plan Review Process**

984 Not Discussed

985

986 **IX. Staff Updates**

987 None

988

989 **X. New Business**

990 None

991

992 **XI. Upcoming Dates of Interest**

993 • Joint Committee of the Planning Board and PLD – August 12th, 6:30 PM

994 • Planning Board Steering Committee – August 13th, 11:00 AM

995 • Planning Board Site Visit – August 21st, 8:00 AM – To Be Confirmed

996 • Planning Board Meeting – August 26th, 6:30 PM

997

998 **XII. Adjournment**

999 There being no further business, Chair Farrington adjourned the meeting at 9:47 PM.

1000

1001 Respectfully submitted by,

1002 Krishni Pahl, Minute Taker

1003

1004 Reviewed and edited by,

1005 Megan Fortson, Planner



**CITY OF KEENE**  
NEW HAMPSHIRE

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Community Development Staff  
**DATE:** August 16, 2024  
**SUBJECT:** Agenda Item III - Final Vote on Conditional Approvals

**Recommendation:**

To grant final approval for any projects that have met all their “conditions precedent to final approval.”

**Background:**

This is a standing agenda item in response to the “George Stergiou v. City of Dover” opinion issued by the NH Supreme Court on July 21, 2022. As a matter of practice, the Planning Board issues a final vote on all conditionally approved projects after the “conditions precedent to final approval” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

**As of the date of this packet, the following applications are ready for final approval:**

**1. PB-2024-06 – 3-lot Subdivision – 435 Chapman Rd**

If any projects meet their conditions precedent between date of this packet and the meeting, they will be identified and discussed during this agenda item.

All Planning Board actions, including final approvals, are posted on the City of Keene website the day after the meeting at [KeeneNH.gov/planning-board](https://www.keeneNH.gov/planning-board).



# STAFF REPORT

## PB-2024-07 – Site Plan Review – Dinkbee’s Gas Station Redevelopment – 510 Washington St

### **Request:**

Applicant Fieldstone Land Consultants PLLC, on behalf of owner OM 510 Washington Street LLC, proposes to demolish the existing Dinkbee’s building on the property at 510 Washington St (TMP #532-003-000), construct a new ~6,256-sf building in its place, and expand the number of vehicle fueling stations. Waivers are requested from Sections 20.2.1.b, 20.6.E, 20.7.2.C, and 20.14.3.D of the LDC related to the submittal of a drainage report, parking lot landscaping, light trespass, and parking. The parcel is 0.74 ac and is located in the Commerce District.

### **Background:**

The Planning Board heard the application at the July 22, 2024 meeting. After the Board deliberated and took public comment, the Board voted to continue the application to the August 26, 2024 meeting. The Board voted on the three waiver requests and approved the waiver from Section 21.7.2.C “Light Trespass” for light trespass of .2-footcandles where only .1-footcandles is permitted and Section 21.14.3.D to allow for off-street parking to be in front of the proposed building. The third waiver request, from Section 21.2.1.B “Runoff Volume and Velocity” for stormwater and drainage data, was denied. The Board chose to continue the application to give the applicant time to submit a drainage report and traffic study. Both reports have been submitted for review and are included in the agenda packet.



Fig 1: 510 Washington Street outlined in yellow

The applicant proposes to redevelop the site by demolishing the existing building and constructing a new 6,256 SF, two-unit building, adding a third fueling station, expanding the fueling canopy, adding additional parking spaces, and formalizing the parking areas. The laundromat will be removed, and the convenience store expanded. The second unit will be retail space; however, a tenant for that space has not yet been identified. The property received a Variance to allow for a 20-foot rear setback instead of the 50-foot rear setback normally required to make room for the expanded building footprint.

The proposal includes an overall reduction in impervious surface, 26 parking spaces, landscape islands, and parking lot trees. A new underground storage tank to accommodate the third pumping station is also proposed. The property is not located within a flood hazard area.

## STAFF REPORT

**Application Analysis:** The following is a review of the Planning Board development standards relevant to this application.

- 21.2 Drainage: The applicant states in their narrative that the proposed redevelopment of the property will result in an impervious surface reduction of 6.64% due to the removal of pavement in the northeast corner of the lot and the addition of new landscape areas. The applicant proposes to tie into an existing 18" corrugated plastic pipe that directs flow from the north of the site to the south of the property. The roof drains for the existing building and gas canopy are currently tied to this drainage culvert at the manhole.

The plan proposes to install a new catch basin to re-route the water around the new building and then outlet the flow to the south of the property. The plan also includes a stone infiltration trench to be installed parallel to the edge of pavement along the northwest side of the site. The applicant notes that the trench will further reduce runoff from the paved area when compared to the existing condition.

The submitted drainage report states that the runoff from new impervious areas will receive qualitative treatment and there will be a reduction of peak rates of runoff leaving this site from all storm events. The report further states that there will be no downstream adverse impacts created by this project. It appears that this standard has been met.

- 21.9 Traffic & Access Management: The applicant states in their narrative that the proposal will improve internal circulation for both vehicles and pedestrians by formalizing the parking areas and reducing the existing curb cuts along Washington Street. The plan also formalizes an existing access easement to the property located to the west of the subject parcel and identified as TMP 531-045. The applicant anticipates that the addition of a new pump station will have a negligible impact on traffic demand. A traffic report is anticipated prior to the Planning Board meeting but has not been submitted to staff at this time. The Board will need to determine if this standard has been met.

The applicant has submitted a waiver request from Section 21.14.3.D to allow for two parking spaces in front of the proposed building. The Board should evaluate the waiver request using the criteria listed above in section 21.2 of this report.

The submitted traffic report states that the increase in site trips for the proposed development are not projected to meet the threshold of 100 vehicles per hour during the weekday AM and PM peak hours at any of the three site driveways. The report further states that the traffic increases would not reduce the level of service for the driveway intersections with Washington Street, which currently operates at a level of service B, and would have a negligible impact to the adjacent roadway network. It appears that this standard has been met.



# STAFF REPORT

21.14 **Architecture & Visual Appearance:** The submitted elevations depict a 27' tall single-story building with muted earth tone colors. A revised elevation lists techwood siding, hardieboard, and stone veneer as the proposed exterior materials. Windows are proposed along the building front and the left elevation that will face Washington Street. In determining if the proposed architectural designs meet the standard, the Board should consider the following:

## Section 21.14.2. Visual Interest:

C – “Architectural features shall not serve primarily as an advertisement, commercial display, or identifying characteristics corresponding to corporate identity.”

D – “Architectural features shall conform to accepted architectural principles of design and construction.”

G – “Exterior materials, textures, and colors shall minimize visual aggressiveness and shall harmonize with the City’s distinctive architectural identity and unique character. Surfaces with glossy finishes, reflective glass or dark tinted exteriors, or untreated aluminum, stainless steel, or metal exterior finishes shall be discouraged.”



Fig 2: Primary building façade, facing north



Fig 3: Side façade facing Washington Street to the east

## STAFF REPORT

### **Recommended Motion:**

**“Approve PB-2024-07 as shown on the plan identified as “510 Washington Street Gas Station Redevelopment” prepared by Fieldstone Land Consultants at a scale of 1 in. = 20 ft. dated June 14, 2024 and last revised July 8, 2024, and the architectural elevations prepared by Metropol Design at a scale of 1/4 in. = 1 ft. dated July 8, 2024 with the following conditions:**

- 1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:**
  - A. The owner’s signature shall appear on the plan.**
  - B. Submittal of security for landscaping, sedimentation and erosion control and “as built” plans in a form and amount acceptable to the City Engineer.**
  - C. Submittal of five full-size paper copies and one digital copy of the final plan.**
- 2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:**
  - A. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations.”**



# 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](mailto:communitydevelopment@keenenh.gov)

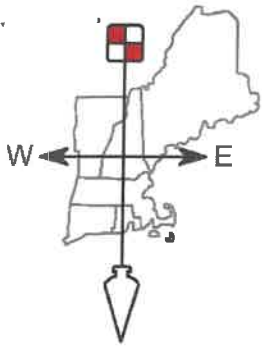
## SECTION 1: PROJECT INFORMATION

<b>PROJECT NAME:</b> Dinkbee's Convenience Store Redevelopment		<b>TYPE OF APPLICATION BEING SUBMITTED:</b> <input checked="" type="checkbox"/> MAJOR PROJECT APPLICATION <input type="checkbox"/> MINOR PROJECT APPLICATION	
<b>PROJECT ADDRESS(ES):</b> 510 Washington Street			
<b>EXISTING OR PREVIOUS USE:</b> Gas station, convenience store, laundromat		<b>PROPOSED USE:</b> Gas station, convenience store, retail space	
<b>GROSS FLOOR AREA OF NEW CONSTRUCTION</b> (in square feet) 6,256 square feet		<b>GROSS FLOOR AREA OF EXISTING BUILDINGS/STRUCTURES</b> (in square feet) 3,345 SF (includes fueling canopy)	
<b>AREA OF PROPOSED NEW IMPERVIOUS SURFACES</b> (in square feet) -2,145.3 square feet		<b>TOTAL AREA OF LAND DISTURBANCE</b> (in square feet)	

## SECTION 2: CONTACT INFORMATION

PROPERTY OWNER	APPLICANT
<b>NAME/COMPANY:</b> OM 510 Washington Street, LLC	<b>NAME/COMPANY:</b> OM 510 Washington Street, LLC
<b>MAILING ADDRESS:</b> 5 Patriot Ridge Lane, Westborough, MA 01681	<b>MAILING ADDRESS:</b> 5 Patriot Ridge Lane, Westborough, MA 01681
<b>PHONE:</b> 607-596-3474	<b>PHONE:</b>
<b>EMAIL:</b> acres1922@gmail.com	<b>EMAIL:</b>
<b>SIGNATURE:</b> 	<b>SIGNATURE:</b>
<b>PRINTED NAME:</b> Rakesh Patel	<b>PRINTED NAME:</b> Rakesh Patel

AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:
<b>NAME/COMPANY:</b> Fieldstone Land Consultants, PLLC	<b>TAX MAP PARCEL #(s):</b> 532-003-000-000-000
<b>MAILING ADDRESS:</b> 206 Elm Street, Milford, NH 03055	
<b>PHONE:</b> (603)672-5456	<b>PARCEL SIZE:</b> 0.74 ac <b>DATE STAMP:</b>
<b>EMAIL:</b> jnoonan@fieldstonelandconsultants.com	<b>ZONING DISTRICT:</b> commerce
<b>SIGNATURE:</b> 	<b>RECEIVED</b> JUN 14 2024 By _____
<b>PRINTED NAME:</b> John Noonan	



# FIELDSTONE

LAND CONSULTANTS, PLLC

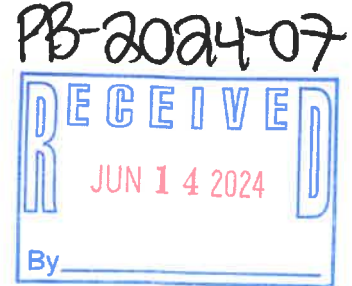
206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456  
www.FieldstoneLandConsultants.com

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

Site Plan Application Narrative

OM 510 Washington Street, LLC  
Dinkbee's Gas Station Redevelopment  
Tax Map Parcel 532-003  
510 Washington St.  
Keene, New Hampshire

June 14, 2024



## **Project Narrative:**

Fieldstone Land Consultants, on behalf of OM 510 Washington Street, LLC, is submitting this narrative as part of the Planning Board Site Plan review application. The applicant is looking to expand the existing gas station, convenience store, and retail space (currently a laundromat). The proposal consists of razing the existing building, constructing a new 6,256 SF building with two separate units, increasing parking spaces, additional gas pumps, expanding the fuel pump canopy area, and formalizing parking areas.

The site is located on Tax Map 532, Lot 003 with the access and frontage on Washington Street. The size of the lot is listed as 0.744 acres with 233.5' of frontage per the City of Keene tax maps. The zoning district is Commerce (COM). The current use on the property is a gas station with a small convenience store and a laundromat combined in one building, and the use is permitted in this zone. The proposed use would be similar to the existing condition, but expand the space for the convenience store, replace the laundromat with a new retail space, provide separate units, and provide more parking on site. The proposal would also increase the number of gas pumps and the installation of a new underground fuel storage tank. Twenty-six parking stalls, including one ADA space, are proposed.

To accommodate the new building, we were granted a variance from Article 5.1.2 *Dimensions & Siting, Minimum Rear Setback*. The property abuts a residential district, the required rear setback is 50 feet; we were granted a 19.1-foot rear setback in order to hold the 20-foot front setback. While increasing the building size, adding additional gas pumps and parking, the redevelopment of this parcel will reduce the overall impervious surface by 6.64% from existing conditions. The property is bordered by the Low Density District on all sides. The entire parcel lies outside of the limits of the Flood Hazard Area.

We are requesting a waiver from Article 20.14.3(D) of the LDC to allow for off street parking in front of the proposed building. The existing conditions of the site provide employee parking in front of the structure; the area between Washington Street and the building front is almost entirely paved with a small landscaped island between the parking/access area and the street. Site is paved beyond the southern property border, with access encroaching through Tax Map Parcel 532-002. Two of the proposed parking spaces will be in front of the building, while two full and two partial proposed parking spaces will be to the sides of the building and nearer to the ROW than the building. The large proposed landscape island will prevent informal parking in front of the building in the future.

Below is an outline of the Site Development Standards on the application and how each is addressed.

3661.00 OM 510 Washington Street, Keene

Page 2 of 3

## **20.2 Drainage & Stormwater Management:**

This project proposes to construct a building with associated site improvements. The site improvements consist of walkways, lighting, landscaping, reworking the travel patterns and parking layout and limits of pavement. To incorporate Low Impact Design elements, the redevelopment of this property proposes to decrease the impervious cover or lot coverage by 6.64% due to the removal of pavement adjacent to the northernmost parking area and increases in landscaped areas. Since the total impervious surface of the subject property will be reduced as a result of the proposed redevelopment, stormwater will continue to be directed to existing drainage and stormwater management areas.

## **20.3 Sediment and Erosion Control:**

Silt fence will be installed along the down gradient perimeter of the development area to prevent sediment travel. All catch basins will have temporary silt socks during construction and permanent oil/debris hoods installed, along with 3-foot deep sumps. Disturbed areas will be stabilized as shown on the site plan with loam and plantings, mulch or new pavement. The site has been designed with sedimentation and erosion controls. Please see the attached Site Plan Set.

## **20.4 Snow Storage & Removal**

This plan proposes adequate snow storage. Snow storage is designated in areas shown on the site plan.

## **20.5 Landscaping**

The redevelopment of the subject property proposes to remove pavement in various locations to improve green/open space between the street and adjacent properties. The plans also include the expansion of landscaping along Washington Street. There will also be landscaping within the reworked parking areas to make the site more aesthetically appealing and to reduce impervious areas. The existing conditions have almost no landscaping between the front of the existing structure and Washington Street, this landscaping is an immense improvement. We believe that this proposal meets the City Zoning and Development Standards as it pertains to Landscaping and that the redevelopment of this site will be an improvement to the area.

## **20.6 Screening**

There are two existing, unscreened dumpster locations on the site. The dumpster in the southwest corner of the property serves Tax Map Parcel 531-045 and will be relocated to the adjacent parcel. The remaining dumpster will be screened with arborvitae to reduce visibility from the public way. Existing vegetation provides screening to the west and south. HVAC equipment is not designed at this time, but it is noted that it must meet the City screening standards once installed.

## **20.7 Lighting**

Site lighting will be provided by building mounted, pole mounted, and canopy mounted, full cutoff LED light fixtures. The lighting levels are shown on the Lighting Plan located within the plan set. From our review of the regulations, we believe that the lighting design for this project meets the City standards. It is noted for hours of operation and 50% of the lights will be on motion sensors to provide security lighting. There are no lights proposed near property lines or public ways.

## **20.8 Sewer & Water**

The site is currently connected to municipal sewer and water. The proposed building will utilize the existing service connections onto the site. Any utility fit up work will meet the City standards as detailed in the plan set.

## **20.9 Traffic & Access Management**

This project proposes to construct a 6,256 S.F. two-unit retail building, additional fueling station with associated site improvements. This proposal does not change the use of the building but improves traffic circulation internally and onto Washington Street. There are three existing curb cuts, the southernmost curb cut encroaches through Tax Map Parcel 532-002 approximately 11 feet. There is a 15-foot wide right-of way for access to Tax Map Parcel 531-045. Existing access and traffic movement on the site allows for vehicular movement from the northernmost access through the site to the southernmost access, resulting in informal parking areas in front of the existing structure.

The site improvements proposed will reduce the amount of existing impervious cover on-site while formalizing

3661.00 OM 510 Washington Street, Keene

Page 3 of 3

the number of parking spaces and potential traffic over what presently exists. This project also proposes to reduce the width of the existing curb cuts, discontinue the encroachment onto Tax Map Parcel 532-002, and formalize the location of the right-of-way to Tax Map Parcel 531-045 allowing for better traffic flow and safety entering and exiting the site. Based on this evaluation this project should have no adverse impacts on the traffic characteristics of the surrounding roadway network.

### **20.10 Filling & Excavation**

Filling and Excavation will be required for the removal of the existing building, the removal of portions of the existing paved areas, the construction of the new building and associated foundation, the construction of proposed walkways, the installation of the new underground fuel storage tank, and utility connections if necessary.

This project does not propose any excavation or filling of jurisdictional wetland or floodplain areas.

Since this proposal consists of replacement and expansion of an existing building on the subject parcel the amount of earthwork for this project is relatively minor and the specifications to complete this work properly are contained in the plan set. The materials transported to and from the site will utilize Washington Street.

### **20.11 Surface Water & Wetlands**

There are no wetlands or surface waters within the proposed project limits or on-site. This project will therefore have no impacts on any jurisdictional wetland areas or surface waters.

### **20.12 Hazardous & Toxic Materials**

The existing and proposed use of this site includes a refueling station. As such, hazardous or toxic materials (as defined by NH RSA 339-A:2) will be stored onsite including gasoline and diesel fuel. Copies of all state and federal permits and plans as required by the NH Department of Environmental Services for the proposed use will be submitted to the City's Building and Health Official and the Fire Department for review. The permitting of the underground fuel storage tank will be completed with NHDES and copies sent to the City.

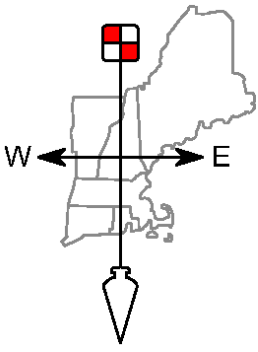
### **20.13 Noise**

There is no anticipated increase in noise levels from the existing conditions to the proposed improvements as the use is remaining largely the same.

### **20.14 Architecture & Visual Appearance**

The architectural plans for this project are pending at this time, but will be submitted prior to the Planning Board meeting. The new building will be a major improvement from the existing building and increase the aesthetics of the property.





# FIELDSTONE

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LAND CONSULTANTS, PLLC

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www.FieldstoneLandConsultants.com

July 8, 2024

## City of Keene Planning Board

Attn: Evan Clements  
City Hall - 4<sup>th</sup> Floor  
3 Washington Street-  
Keene, NH 0343

**RE: PB-2024-07, TMP #532-003-000**  
**Dinkbee's Convenience Store Redevelopment**  
**Waiver Request**

Dear Planning Board,

Fieldstone Land Consultants, on behalf of OM 510 Washington Street, LLC, is submitting this waiver request for Planning Board approval. The proposed project consists of expanding the existing gas station, convenience store, and retail space. The proposal consists of razing the existing building, constructing a new 6,256 SF building with two separate units, increasing parking spaces, additional gas pumps, expanding the fuel pump canopy area, and formalizing parking areas. Based on the Community Development review letter, dated June 28, 2024, we are hereby seeking waivers for following standards in the Land Development Code (LDC).

### Waiver 1:

**§ 20.2.1.B Runoff Volume and Velocity:** *States that the applicant shall provide sufficient data in the form of a drainage report prepared by a NH licensed engineer to demonstrate compliance with requirement.* The redevelopment plans will reduce overall impervious surfaces on the subject property. Stormwater will be directed to existing stormwater management areas, following existing, established flow pathways to existing discharge points. An infiltration trench will be constructed along the rear of the property to mitigate any potential water trespass off of the site. We are requesting a waiver for this requirement, as allowed per Section Article 25.12.14.A.

1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations:* If the applicant is required to adhere to this section of the regulations, it will impose an unnecessary hardship. The engineering work required to produce this information will add significant time and cost to the project. The spirit and intent of the ordinance will be met by approving the waiver for this section. The purpose of the regulation is to

demonstrate no increase in peak flow rates off of the property during storm events as a result of proposed improvements. The proposed improvements reduce impervious areas and add an additional LID. The proposed improvements will use existing discharge points. As such a stormwater and drainage report is unnecessary for the proposed improvements.

2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.* The site plan demonstrates both the reduction in impervious area and the existing stormwater management conditions on the subject property. The proposed conditions demonstrate grading of the site that will continue to direct stormwater to existing discharge points after redevelopment.
3. *In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.* There will be no increase in adverse impacts by granting this waiver.

### Waiver 2:

**§ 20.6.E. Parking Lots:** *States that parking lots shall be designed and screened in accordance with Article 9 of this LDC. Article 9.4.4.A. addresses parking lot screening and perimeter landscape area.* The existing conditions of the subject property do not comply with these regulations along the northern and southern boundaries of this property. The proposed redevelopment of the subject property will follow existing, historic buffers and edge of pavement along the northeastern boundary of the property with some removal of impervious surface beyond the existing curb. The existing conditions do not comply with this regulation, the proposed improvements, while not meeting the regulation will improve over existing conditions. The existing southern access driveway on the property trespasses across the southern property line. The proposed redevelopment will reduce and formalize this access point. A stockade fence is proposed for screening between the proposed parking area and the property to the south. We are requesting a waiver for this requirement, as allowed per Section Article 25.12.14.A.

1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations:* If the applicant is required to adhere to this section of the regulations, it will impose an unnecessary hardship. The subject property has two established business operations onsite and no existing landscape buffer in the areas in question. Providing an eight-foot wide landscape buffer along these sections of parking will limit the expansion of this business property by limiting the number of parking spaces that can fit on the property. The proposed improvements will allow for the expansion of business on the property. Complying with this regulation would prevent the property owner and applicant from investing in this redevelopment and expansion. The purpose of this regulation is to screen



adjacent properties from new parking areas, the access and parking areas on this property have been long established with no screening. Improvements to the northern parking area will mimic existing conditions and the addition of a stockade fence to the south will improve existing conditions.

2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.* The site plan demonstrates that the waiver will carry out the spirit and intent of the regulations. The proposed improvements as shown on the site plan demonstrate that the redevelopment of the site will be more in compliance with these regulations than existing conditions.
3. *In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.* There will be no increase in adverse impacts by granting this waiver.

Waiver 3:

**§ 20.7.2.C Light Trespass:** *States that the maximum light level of any light fixture cannot exceed 0.1-footcandle measured at the property line and cannot exceed 1-footcandle measured at the right-of way line of a street.* The redevelopment plans include a pole mounted light fixture in the northeastern corner of the subject property. The proposed foot candle reading for this light is 0.2-footcandles at the property line. Existing lighting features on the adjacent property (TMP 518-001-000) in addition to an existing street light approximately 10 feet distant to the proposed light already illuminate the area of the property line in excess of 0.1-footcandles. We are requesting a waiver for this requirement, as allowed per Section Article 25.12.14.A.

1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations:* If the applicant is required to adhere to this section of the regulations, it will impose an unnecessary hardship. The proposed light is intended to illuminate the parking and refueling area. The proposed light is necessary for the safety and security of customers and workers on the property. The light trespass will not exceed existing conditions. The spirit and intent of the ordinance will be met by approving the waiver for this section. The purpose of the regulation is to demonstrate no excessive light trespass on adjacent properties. This area is and should be well lit to preserve safe and secure conditions on the property and the adjacent commercial property. As such, we request a waiver to this regulation.
2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the*

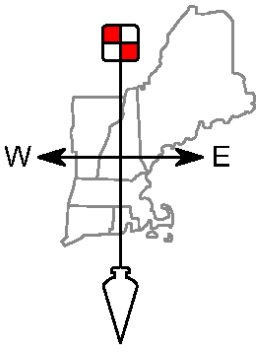
*regulations.* The site plan demonstrates the minimal light incursion at the northeast corner of the property. The adjacent property is also developed as a commercial property with their own site lighting to provide safety and security on the premises. The spirit and intent of the regulation is to prevent unwanted light trespass, it is clear from existing conditions that lighting is both wanted and necessary in this location to provide safety and security for these businesses, their workers, and their patrons. The proposed lighting demonstrates the intent to meet this goal with as little light trespass as possible.

- 3. In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.* There will be no increase in adverse impacts by granting this waiver.

Thank you for your consideration in granting the waivers outlined above.

Best Regards,  
**FIELDSTONE LAND CONSULTANTS, PLLC**

John Noonan  
Project Engineer



# FIELDSTONE

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456  
www.FieldstoneLandConsultants.com

Evan J. Clements  
Community Dev. Planner  
City of Keene  
3 Washington St – 4<sup>th</sup> Floor  
Keene, NH 03431

July 8, 2024

**RE: Response to Staff Comments  
PB-2024-07 Site Plan Application  
Dinkbee's Convenience Store Redevelopment**

Mr. Clements:

On behalf of our client, Rakesh Patel of OM 510 Washington Street, LLC, we are hereby submitting revised plans based on the staff comment letter, dated June 28, 2024. The staff comments and our responses are listed below:

- Please submit color elevations of the proposed building so they can be reviewed for compliance with the Planning Board's Architectural and Visual Appearance standards in section 20.14 of the LDC.: Color elevations and architectural plans are included herewith.*
- Please provide an estimate of the traffic generated by the existing and proposed development using the most recent version of the ITE Trip Generation Manual (available at Keene Public Works, 350 Marlboro St.). Please be aware that any project involving 100 or more vehicle trips per day shall demonstrate that the project will not diminish the capacity or safety of existing city streets, bridges, or intersections.: The estimated traffic in the ITE Trip Generation Manual is based on number of gas pumps with 8 or less, under Land Use Code 945: Convenience Store/Gas Station. The estimated number of trips per day would not change substantially, as we have 4 pump stations existing and 6 pump stations proposed. We do not foresee any impact on the City Streets based on the proposed condition to warrant a traffic report. We will submit trip calculations for the existing and proposed scenarios prior to the Planning Board meeting.*
- Please submit a drainage analysis to demonstrate that there will be no net increase in runoff (volume or velocity) from the site. A waiver request letter has been included for this check list item, as there is a reduction in impervious area and stormwater will continue to flow to the existing discharge points.
  - The proposed drainage pipe (previously blocked off/discontinued but now proposed to be used) extends beyond the property line onto adjacent private property. Please describe who will be taking ownership and how this infrastructure will be maintained in the future.: The direction of the blocked off culvert was incorrect and has been corrected on the plan. The northern pipe is blocked off, however, the existing 18" HPDE corrugated plastic pipe is an active drainage structure that flows from the north to the south of the property. The existing building's roof drains and gas canopy roof drains are tied to this culvert at the existing drain manhole. The drain manhole has an 18" HDPE culvert that outlets to the south of the property. The plan is install a catch basin to re-route the water around the new building, and still outlet to the south as it currently does. The proposed drainage will also include a stone infiltration trench parallel to the edge of the pavement along the northwest side of the site. This infiltration trench will further reduce pavement runoff when compared to the existing condition.**
- While the proposed dumpster location is the same as the existing location, the area is being redeveloped along with the rest of the site. The dumpster area will need to comply with section 20.6.2.A, "Service Areas" of the LDC of the Planning Board's Screening standards, which states "Waste storage containers (e.g. dumpsters or bulk storage containers) shall be fully screened by a solid enclosure of wood, masonry, vinyl or other material deemed acceptable by the Planning Board." Please either revise the plan to include a dumpster enclosure area that meets this standard or submit a waiver request.: A dumpster enclosure fence has been added to the plans, in addition to the concrete pad.*

5. *A second, smaller dumpster is shown in the southeast corner of the property. The project narrative states that this dumpster will be relocated to the adjacent parcel. Since this dumpster is proposed to be moved off site, please remove it from the proposed conditions plan.: The dumpster has been removed from the proposed plans, as it will be relocated onto the abutter's property.*
6. *Please submit separate cut sheets for all proposed light fixtures. Please note that these cut sheets will need to show a color rendering index (CRI) that is greater than 70.: The lights are shown on the plans and cutsheets provided herewith. The CRI for the proposed lights is 80, as listed in Design Notes #2 (Sheet LT-1).*
7. *The photometric plan shows light trespass of 0.2 footcandles on the southeast corner of the abutting property to the north when only 0.1 footcandles are allowed. Please revise the plan to remedy the light trespass or submit a waiver request.: There is currently a City owned street light that illuminates this area of the street and abutting property. The abutter also has wall mounted lights in this same area, so the added light from the proposed site will not impact the abutter. For these reasons, we are submitting a waiver request.*
8. *The northern parking area, adjacent to the residential zoning districts to the west and the southern parking area, adjacent to the residential zoning district to the south will need to be landscaped as required by section 9.4.4.A, "Perimeter Landscape Area" of the LDC. Please revise the Landscape Plan to propose landscaping that meets the requirements of the above section.: The northern parking has been revised to maintain the existing pavement and add additional parking to the west. The existing trees will remain along the northern property line and the new spaces. It should be noted that the northern adjacent lot is not residential zoning.  
The southern parking is located in an area that is currently paved. As there is no room to provide a landscaped buffer, a 6'H vinyl fence has been provided. The pavement encroachment into the abutting property to the south has been eliminated, and this proposed layout/entrance will be a great improvement to the aesthetics to this area. We have requested a waiver for perimeter landscaping in this area and are asking the Planning Board to approve an alternative landscaping plan.*
9. *Please be aware that a copy of the crossing easement language will need to be submitted prior to final approval by the Planning Board.: Understood. The crossing easement language will likely remain the same as the existing easement language with an addition of "following centerline of driveway", as the existing does indicate the precise location of the easement.*
10. *Please be aware that the existing water and sewer infrastructure extending to the property's boundary has been replaced by the city recently; however, city engineering staff recommend replacing these services beyond the Right-of-Way.: We obtained tie cards from the City Public Works for the locations shown on the plans. The plans already show that the services from the Right-of-Way to the building will be replaced (sheet UT-1). The utilities that service the rear lot will also be maintained.*

We believe that the above responses and revised plans have addressed the items outlined by City staff. If you have any questions or need further clarification, please do not hesitate to contact me at [jnoonan@fieldstonelandconsultants.com](mailto:jnoonan@fieldstonelandconsultants.com) or (603) 672-5456.

Best Regards,



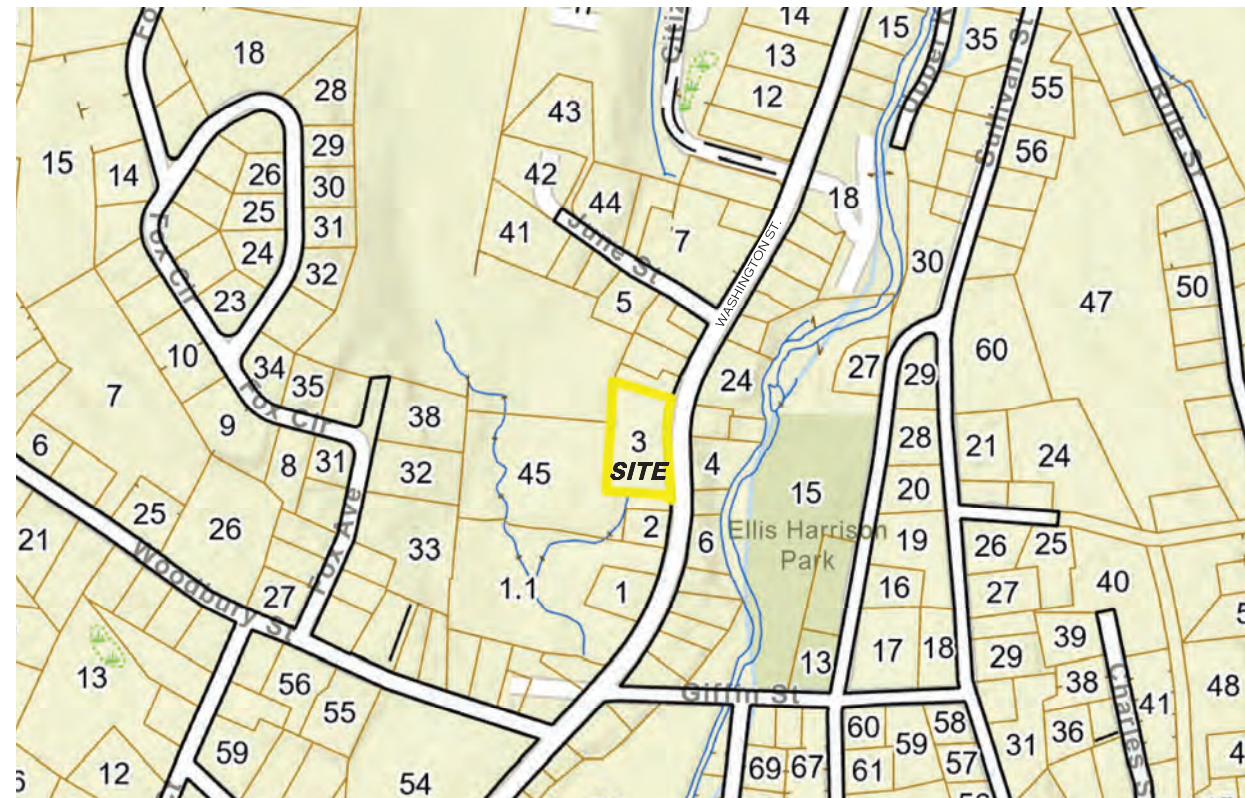
John Noonan  
Fieldstone Land Consultants



# SITE DEVELOPMENT PLANS

## 510 WASHINGTON STREET GAS STATION REDEVELOPMENT

- TAX MAP 532, LOTS 003 -  
(WASHINGTON STREET)  
KEENE, NEW HAMPSHIRE  
JUNE 14, 2024  
LAST REVISED: JULY 8, 2024



SCALE: 1"=400'

SHEET INDEX		
PAGE	SHEET	TITLE
1	CV-1	COVER SHEET
2	EX-1	EXISTING CONDITIONS PLAN
3	SP-1	SITE PLAN
4	GR-1	GRADING & DRAINAGE PLAN
5	UT-1	UTILITY PLAN
6	LS-1	LANDSCAPING PLAN
7	LT-1	LIGHTING PLAN
8	DT-1	EROSION CONTROL DETAILS
9	DT-2	CONSTRUCTION DETAILS
10	DT-3	CONSTRUCTION DETAILS
11	DT-4	CONSTRUCTION DETAILS (SEWER)

**PREPARED FOR:**  
**RAKESH PATEL**

6 PATRIOT RIDGE LANE, WILBRAHAM, MA 01095

**LAND OF:**

**OM 510 WASHINGTON STREET, LLC**

16 EAST MAIN STREET, WESTBOROUGH, MA 01581

OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED BY THE KEENE, NH PLANNING BOARD	FOR PHASE _____
ON DATE: _____	
CERTIFIED BY: _____	

1. THE LOCATION OF THE UTILITIES SHOWN ARE APPROXIMATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PRESERVE ALL UTILITY SERVICES.

2. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING AND COORDINATING WITH ALL JURISDICTIONAL AGENCIES AND UTILITY COMPANIES PRIOR TO AND DURING CONSTRUCTION.

3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND PROPOSED WORK PRIOR TO CONSTRUCTION.

CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION  
**DIGSAFE.COM**  
OR DIAL **811**  
KNOW WHAT'S BELOW

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

**FIELDSTONE**  
LAND CONSULTANTS, PLLC

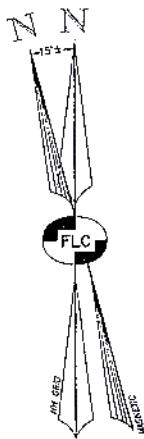
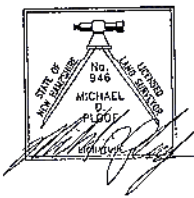
206 Elm Street, Milford, NH 03055  
Phone: (603)-672-5456 Fax: (603)-413-5456  
www.FieldstoneLandConsultants.com

REV.	DATE	DESCRIPTION	C/O	DR	CK
A	7/8/24	REVS PER STAFF COMMENTS		JEN	CEB
FILE: 3661CV00A.dwg PROJ. NO. 3661.00 SHEET: CV-1 PAGE NO. 6 OF 11					

**CERTIFICATION:**

"I HEREBY CERTIFY THAT THE EXISTING CONDITIONS SHOWN WERE DEVELOPED FROM A FIELD SURVEY PERFORMED BY FIELDSTONE LAND CONSULTANTS, PLLC DURING THE MONTH OF OCTOBER, 2023."

DATE: 6-14-24



**519-037**  
**FOX TRAIL FARM LLC**  
 P.O. BOX 626  
 KEENE, NH 03431  
 BK 3102 PG 0477 03/03/2020

**518-001**  
**SHAKOUR DIVERSIFIED INC**  
 P.O. BOX 487  
 KEENE, NH 03431  
 BK 0835 PG 0487

**518-024**  
**JERUSALEM LODGE #14 MASONIC ASSOCIATION**  
 525 WASHINGTON ST.  
 KEENE, NH 03431  
 BK 2203 PG 0939 12/15/2004

**518-025**  
**JOHN J. CARLAND JR.**  
 521 WASHINGTON ST.  
 KEENE, NH 03431  
 BK 1037 PG 0402 06/01/1983

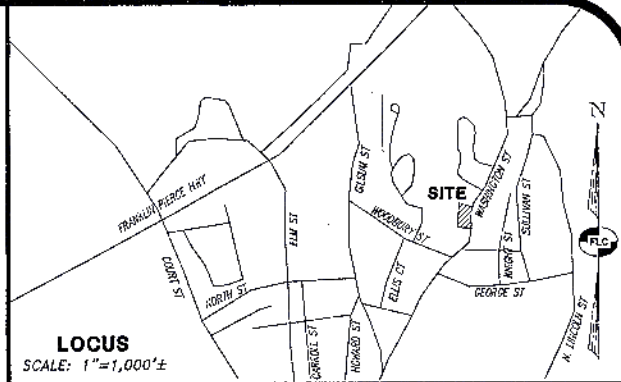
**532-004**  
**DIANE E. BURKE**  
 515 WASHINGTON ST.  
 KEENE, NH 03431-2749  
 BK 3157 PG 0600 04/02/2021

COM 1009  
 RM=528.00  
 INV. 01(2)=528.12  
 INV. 01(1)=521.71  
 INV. 01(2)=522.61  
 SHELF=521.1  
 COM 1432  
 RM=528.41  
 INV. 01(2)=525.29  
 SHIP=525.01

**532-005**  
**JORDAN J. ESTRADA**  
 27 VALLEYVIEW DR.  
 HERRINGSBORO, NH 03554  
 BK 3234 PG 0828 12/15/2022

**531-045**  
**CHARLES D. TOUSLEY REV. TRUST**  
 P.O. BOX 826  
 KEENE, NH 03431  
 BK 2864 PG 0304 03/20/2014

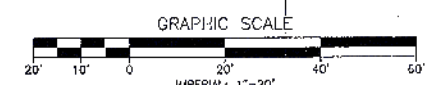
**532-003**  
 0.744 ± ACRES  
 32,406 SQ. FT. ±  
 (PER REF. PLAN)



**LOCUS**  
 SCALE: 1"=1,000'±

- NOTES:**
- OWNER OF RECORD FOR LOT 532-003 IS OM 510 WASHINGTON STREET, LLC, 16 EAST MAIN STREET, WESTBOROUGH, MA 01581. SEE C.C.R.D. BK. 3169 PG. 267 DATED JUNE 24, 2021
  - THE PURPOSE OF THIS PLAN IS TO DEPICT EXISTING CONDITIONS AND IMPROVEMENTS ON TAX MAP PARCEL 532-003 AS SHOWN.
  - THE TOTAL AREA OF TAX MAP LOT 532-003 IS 32,406 SQ. FT. OR 0.744 ACRES PER THE REFERENCE PLAN CITED HEREON. LOT FRONTAGE IS 233.50' ALONG WASHINGTON STREET.
  - THE PROPERTY IS LOCATED WITHIN THE COMMERCE DISTRICT (COM).
  - CURRENT ZONING REQUIREMENTS FOR THE COMMERCE ZONE:  

MINIMUM LOT REQUIREMENTS	REQUIRED
LOT AREA (SQ FT)	15,000
LOT FRONTAGE (FT)	50
MINIMUM BUILDING SETBACKS:	
FRONT (FT)	20
SIDE (FT)	20
REAR (FT)	50 (ADULTS RESIDENTIAL)
MAX. BUILDING STORIES	2
MAX. BUILDING HEIGHT (FT)	35
MAX. BUILDING COVERAGE (%)	80
MAX. LOT COVERAGE (%)	80
  - THE BOUNDARY INFORMATION AND EXISTING FEATURES SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS CITED HEREON AND ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF OCTOBER 2023.
  - THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
  - NO JURISDICTIONAL WETLANDS WERE FOUND ON THE PROPERTY.
  - THE LOT LINES LIE OUTSIDE THE LIMITS OF THE FLOOD HAZARD AREA PER FEMA F.I.R.M. PANEL J300800259E DATED MAY 23, 2006 FOR KEENE, NEW HAMPSHIRE COMMUNITY NO. 330023.
  - USDA SOIL TYPE FOR THE ENTIRE PARCEL IS 526B - CAESAR LOAMY SAND, 3% TO 8% SLOPES.
  - THE HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE NAD83 AND NAVD88.
  - A PORTION OF TAX MAP PARCEL 531-045 LIES WITHIN THE SURFACE WATER PROTECTION OVERLAY DISTRICT WHICH REQUIRES A 30' WETLAND BUFFER. THE 30' BUFFER EXTENDS INTO TAX MAP PARCEL 532-003.



REV.	DATE	DESCRIPTION	C/O	DR	CK

**EXISTING CONDITIONS PLAN**  
**TAX MAP LOT 532-003**  
**(510 WASHINGTON STREET)**  
**KEENE, NEW HAMPSHIRE**  
 PREPARED FOR:  
**RAKESH PATEL**  
 5 PATRIOT RIDGE LANE WILBRAHAM, MA 01085  
 LAND OF:  
**OM 510 WASHINGTON STREET LLC**  
 16 EAST MAIN STREET, WESTBOROUGH, MA 01581

SCALE: 1" = 20' DECEMBER 21, 2023

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

**FIELDSTONE**  
**LAND CONSULTANTS, PLLC**  
 206 Elm Street, Milford, NH 03055  
 45 Roxbury Street, Keene, NH 03431  
 Phone: (603) 672-5456 Fax: (603) 413-5456  
 www.FieldstoneLandConsultants.com

**REFERENCE PLAN:**

1. "BOUNDARY LINE ADJUSTMENT PLAN - BETWEEN LANDS OF - TONY TOUSLEY - TAX MAP PARCEL NO. 532-003 - 510 WASHINGTON ST., KEENE, NEW HAMPSHIRE - & - FOX TRAIL FARM LLC - TAX MAP PARCEL NO. 519-037 - 0 FOX AVE., KEENE, NEW HAMPSHIRE", SCALE: 1"=40', DATED APRIL 22, 2021 BY HUNTLEY SURVEY & DESIGN, PLLC. PLAN IS RECORDED AS PLAN NO. 21074 34 IN THE C.C.R.D.

**LEGEND:**

—	RIGHT-OF-WAY LINE	□ C.B.(F)	GRANITE BOUND FOUND
—	BOUNDARY LINE	⊙ D.H.(F)	DRILL HOLE FOUND
—	ADJUTING LOT LINE	⊙ I.P.H.(F)	IRON PIN FOUND
—	BUILDING SETBACK LINE	⊙ I.P.F.(F)	IRON PIPE FOUND
—	EDGE OF PAVED ROAD	⊙ D.H.(S)	DRILL HOLE SET
—	EDGE OF GRAVEL ROAD	⊙ U.P.F. & GUY	UTILITY POLE & GUY
—	CLUB LINE	⊙ C.B.S.(S)	CATCH BASIN (SQUARE)
—	STONE WALL	⊙ C.B.S.(R)	CATCH BASIN (ROUND)
—	EDGE OF TREE LINE	⊙ S.C.C.	SEWER CLEAN-CUT
—	EDGE OF WETLANDS	⊙ W.I.	WATER INVAIANT
—	WETLANDS BUFFER LINE	⊙ W.	WELL
—	10' CONTOUR INTERVAL	⊙ T.M.H.	TELEPHONE MAN-HOLE
—	5' CONTOUR INTERVAL	⊙	EXISTING BUILDING
—	CULVERT	⊙	EXISTING BUILDING
—	OVERHEAD UTILITY LINE	⊙	EXISTING BUILDING
—	532-003	⊙	TAX MAP & LOT NUMBER

**CERTIFICATION:**

WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLANDS DELINEATION MANUAL 7-67-1 AND REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHEASTERN REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND, BY CHRISTOPHER A. GUIDA, C.W.S. IN SEPTEMBER, 2023.

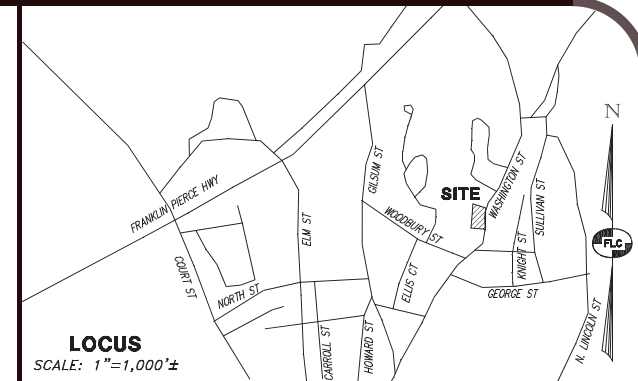
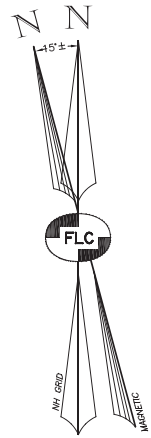
DATE: 6/14/24



FILE: 3661EX00.dwg





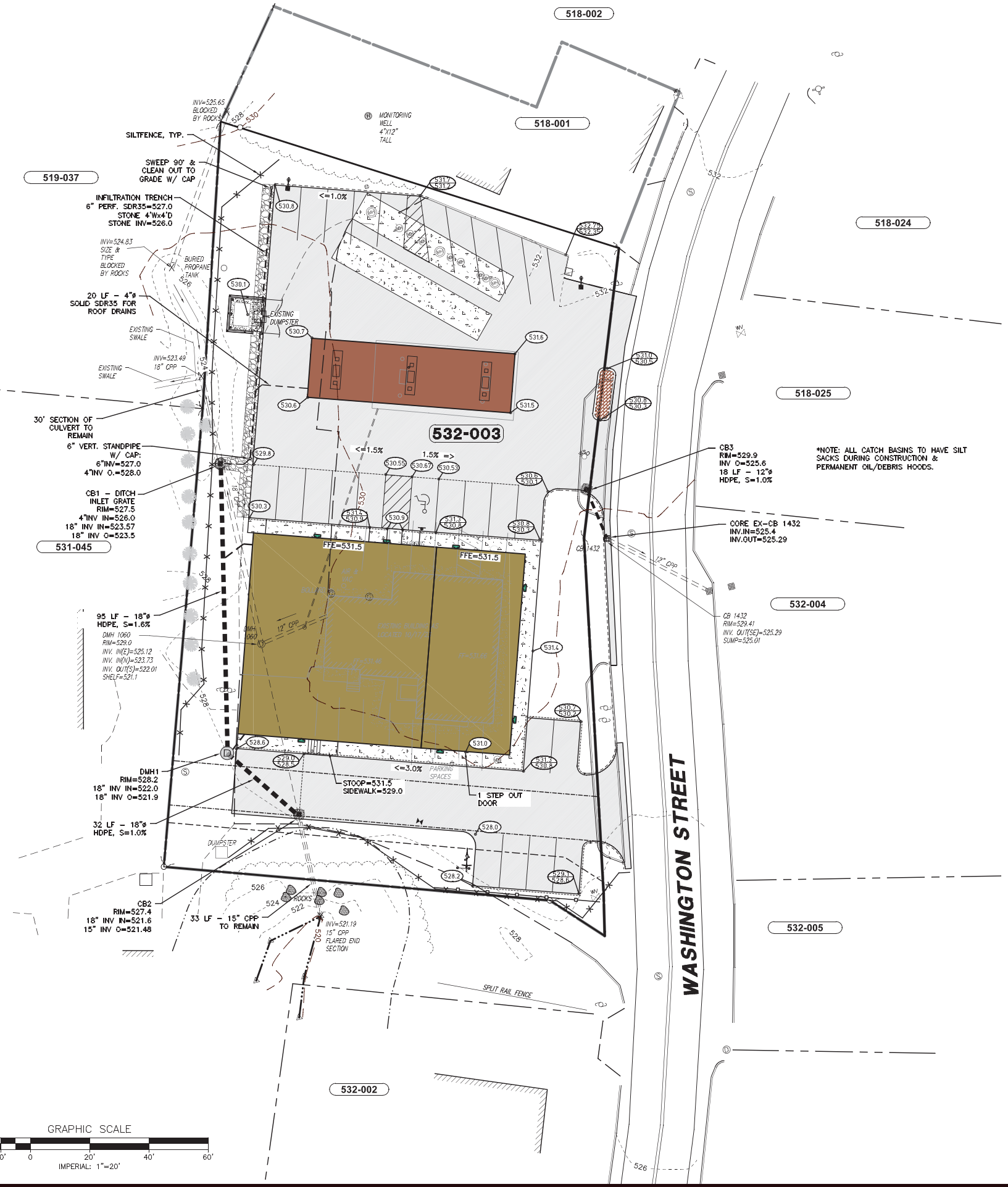
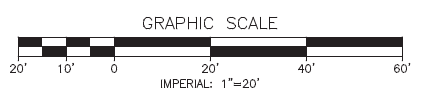


**LOCUS**  
SCALE: 1"=1,000'±

- NOTES:**
- OWNER OF RECORD FOR LOT 523-003 IS OM 510 WASHINGTON STREET, LLC, 16 EAST MAIN STREET, WESTBOROUGH, MA 01581. SEE C.C.R.D. BK. 3169 PG. 267 DATED JUNE 24, 2021
  - THE PURPOSE OF THIS PLAN IS TO DEPICT A PROPOSED CONVENIENCE STORE AND GAS STATION EXPANSION ALONG WITH ASSOCIATED SITE IMPROVEMENTS AS SHOWN.
  - THE TOTAL AREA OF TAX MAP LOT 532-003 IS 32,406 SQ. FT. OR 0.744 ACRES PER THE REFERENCE PLAN CITED HEREON. LOT FRONTAGE IS 233.00' ALONG WASHINGTON STREET.
  - THE PROPERTY IS LOCATED WITHIN THE COMMERCE DISTRICT (COM).
  - CURRENT ZONING REQUIREMENTS FOR THE COMMERCE ZONE:
- | MINIMUM LOT REQUIREMENTS   | REQUIRED               | EXISTING | PROPOSED |
|----------------------------|------------------------|----------|----------|
| LOT AREA (SF)              | 15,000                 | 32,406   |          |
| LOT FRONTAGE (FT)          | 50                     | 233.5    |          |
| MINIMUM BUILDING SETBACKS: |                        |          |          |
| FRONT (FT)                 | 20                     | 28.3     | 20.1     |
| SIDE (FT)                  | 20                     | 57.3     | 47.0     |
| REAR (FT)                  | 50 (ABUTS RESIDENTIAL) | 48.0     | 20.6     |
| MAX. BUILDING STORIES      | 2                      | 1        | 1        |
| MAX. BUILDING HEIGHT (FT)  | 35                     | <35      | <35      |
| MAX. BUILDING COVERAGE (%) | 80                     | 10.32    | 23.97    |
| MAX. LOT COVERAGE (%)      | 80                     | 79.63    | 73.01    |
| MIN. GREEN/OPEN SPACE (%)  | 20                     | 20.37    | 27.01    |
- PARKING CALCULATION:  
 -VEHICLE FUELING STATION (WITH OR WITHOUT RETAIL STORE) = 4 SPACES / 1,000 SF GFA  
 4,216 SF X 4 / 1,000 = 16.8 SPACES  
 -RETAIL ESTABLISHMENT, LIGHT = 4 SPACES / 1,000 SF GFA  
 2,040 SF X 4 / 1,000 = 8.2 SPACES  
 TOTAL SPACES REQUIRED = 16.8 + 8.2 = 25.0 = 25 SPACES  
 TOTAL SPACES PROVIDED = 26 SPACES (INCLUDING 1 ADA SPACE)
  - THE BOUNDARY INFORMATION AND EXISTING FEATURES SHOWN WERE DEVELOPED FROM THE REFERENCE PLANS CITED HEREON AND ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE DURING THE MONTH OF OCTOBER 2023.
  - THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
  - NO JURISDICTIONAL WETLANDS WERE FOUND ON THE PROPERTY.
  - THE LOT LINES LIE OUTSIDE THE LIMITS OF THE FLOOD HAZARD AREA PER FEMA F.I.R.M. PANEL 330050C0259E DATED MAY 23, 2006 FOR KEENE, NEW HAMPSHIRE COMMUNITY NO. 330023.
  - USDA SOIL TYPE FOR THE ENTIRE PARCEL IS 526B - CAESAR LOAMY SAND, 3% TO 8% SLOPES.
  - THE HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE NAD83 AND NAVD88.
  - A PORTION OF TAX MAP PARCEL 531-045 LIES WITHIN THE SURFACE WATER PROTECTION OVERLAY DISTRICT WHICH REQUIRES A 30' WETLAND BUFFER. THE 30' BUFFER EXTENDS INTO TAP MAP PARCEL 532-003.

**LEGEND:**

EXISTING FEATURES	PROPOSED FEATURES
RIGHT-OF-WAY LINE	TEMPORARY SILT FENCE
BOUNDARY LINE	2 FT. CONTOUR
ABUTTING LOT LINE	10 FT. CONTOUR
BUILDING SETBACK LINE	SPOT GRADE ELEVATION
EDGE OF PAVED ROAD	SPOT ELEVATION AT CURB
EDGE OF GRAVEL ROAD	STORM WATER DRAINAGE
CURB LINE	DRAIN MANHOLE
STONE WALL	SILT SOCK FOR ALL CATCH BASINS
EDGE OF TREE LINE	SOIL TEST PIT
EDGE OF WETLANDS	TP: 1 L=LLEDGE S=WATER ELEV.
WETLANDS BUFFER LINE	EDGE OF PAVEMENT
10' CONTOUR INTERVAL	CURBLINE (CAPE COD BERM)
2' CONTOUR INTERVAL	CURBLINE (GRANITE)
CULVERT	ASPHALT PAVED AREA
OVERHEAD UTILITY LINE	BUILDING
<b>532-003</b> TAX MAP & LOT NUMBER	TRAFFIC FLOW (NOT PAINTED ARROWS)
GRANITE BOUND FOUND	CONCRETE PAD/SIDEWALK
DRILL HOLE FOUND	HANDICAP PARKING STALL
IRON PIN FOUND	PROPOSED SANITARY SEWER
IRON PIPE FOUND	CULVERT W/ END SECTION & RIP-RAP
DRILL HOLE SET	HYDRANT, GATE VALVE & WATER MAIN
UTILITY POLE & GUY	GAS LINE, PROPANE
CATCH BASIN (SQUARE)	POLE & BUILDING MOUNTED LIGHTS
SEWER CLEAN-OUT	SIGN
WATER HYDRANT	
EXISTING BUILDING	
EXST. UTILITY, ACCESS EASEMENT	



REV.	DATE	DESCRIPTION	C/O	DR	CK

**GRADING & DRAINAGE PLAN**  
**TAX MAP LOT 532-003**  
**(510 WASHINGTON STREET)**  
**KEENE, NEW HAMPSHIRE**

PREPARED FOR:  
**RAKESH PATEL**  
 5 PATRIOT RIDGE LANE WILBRAHAM, MA 01095

LAND OF:  
**OM 510 WASHINGTON STREET LLC**  
 16 EAST MAIN STREET, WESTBOROUGH, MA 01581

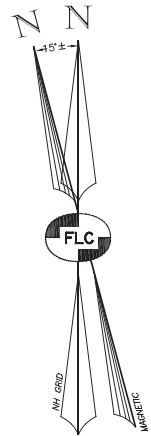
SCALE: 1" = 20' JUNE 14, 2024

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**REFERENCE PLAN:**  
 1. "BOUNDARY LINE ADJUSTMENT PLAN - BETWEEN LANDS OF - TOBY TOUSLEY - TAX MAP PARCEL NO. 532-003 - 510 WASHINGTON ST., KEENE, NEW HAMPSHIRE - & - FOX TRAIL FARM LLC - TAX MAP PARCEL NO. 519-037 - O FOX AVE., KEENE, NEW HAMPSHIRE", SCALE: 1"=40', DATED APRIL 22, 2021 BY HUNTLEY SURVEY & DESIGN, PLLC. PLAN IS RECORDED AS PLAN NO. 21074 34 IN THE C.C.R.D.

**LEGEND:**

	RIGHT-OF-WAY LINE		GRANITE BOUND FOUND
	BOUNDARY LINE		DRILL HOLE FOUND
	ABUTTING LOT LINE		IRON PIN FOUND
	BUILDING SETBACK LINE		IRON PIPE FOUND
	EDGE OF PAVED ROAD		DRILL HOLE SET
	EDGE OF GRAVEL ROAD		UTILITY POLE & GUY
	CURB LINE		CATCH BASIN (SQUARE)
	STONE WALL		CATCH BASIN (ROUND)
	EDGE OF TREE LINE		SEWER CLEAN-OUT
	EDGE OF WETLANDS		WATER HYDRANT
	WETLANDS BUFFER LINE		WELL
	10' CONTOUR INTERVAL		TELEPHONE MAN-HOLE
	2' CONTOUR INTERVAL		EXISTING BUILDING
	CULVERT		
	OVERHEAD UTILITY LINE		
	TAX MAP & LOT NUMBER		

CONTRACTOR TO VERIFY LOCATION OF EXISTING ELECTRICAL SERVICE & ENSURE POWER TO ABUTTING PROPERTY IS MAINTAINED.

REMOVE 2 POLES, INSTALL ELEC. VAULT BOX.

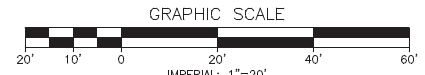
120 LF - 6" D.I.P. ROUTE WATER LINE AROUND BUILDING; VERIFY LOCATION OF EXISTING WATER LINE

VERIFY EXISTING 6" SEWER LOCATION PRIOR TO INSTALLING CATCH BASIN.

POLES REMAIN UNDERGROUND TO NEW BUILDING. SEPARATE UNDERGROUND TO REAR LOT.

6" SEWER CONNECTED TO EXISTING 6" STUB. MAINTAIN EXISTING INVERTS. REPLACE LINE FROM R.O.W. TO BUILDING.

OVERHEAD TO REAR LOT REMOVED. ALL UNDERGROUND FROM RISER POLE.



**UTILITY NOTES:**

- ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE CITY OF KEENE AND SHALL BE BUILT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS. THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS FOR ROAD CONSTRUCTION AND SEWERS AND DRAINS AND THE NHDOT STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION APPROVED AND ADOPTED 2010 ARE HEREBY INCORPORATED BY REFERENCE.
- ROAD AND DRAINAGE CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS AND THE SPECIFICATIONS NOTED ABOVE. ANY ALTERATION OF THIS DESIGN OR CHANGE DURING CONSTRUCTION MAY REQUIRE APPROVAL OF VARIOUS CITY BOARDS OR AGENCIES AND SHALL BE DISCUSSED WITH THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS AND SHALL VERIFY THAT ALL THE INFORMATION SHOWN HEREON IS CONSISTENT, COMPLETE, ACCURATE, AND CAN BE CONSTRUCTED PRIOR TO AND/OR DURING CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES, ERRORS, OMISSIONS, OR EXISTING UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION SO THAT REMEDIAL ACTION MAY BE TAKEN BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACT "DIGSAFE" AT LEAST 72 HOURS PRIOR TO THE START OF CONSTRUCTION (1-888-344-7233)
- THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE APPROPRIATE TOWN DEPARTMENTS PRIOR TO CONSTRUCTION TO ARRANGE FOR NECESSARY INSPECTIONS. THE WATER AND SEWER CONNECTIONS IN WASHINGTON STREET WILL REQUIRE AN EXCAVATION PERMIT AND COORDINATION WITH KEENE PUBLIC WORKS.
- BLASTING, IF REQUIRED, SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF KEENE FIRE DEPARTMENT REGULATIONS. BASED ON TEST PITS, THIS IS UNLIKELY TO BE PRESENT.
- ALL DISTURBED NON-PAVED AREAS SHALL BE LOAMED AND SEEDED IMMEDIATELY UPON BEING CONSTRUCTED. THE RETAINING WALLS SHOWN SHALL BE DESIGNED BY OTHERS UNLESS OTHERWISE NOTED.
- ALL TRAFFIC SIGNS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
- EXISTING PAVEMENT SHALL BE SAW-CUT AS NECESSARY. THE CONTRACTOR SHALL ENSURE A SMOOTH TRANSITION BETWEEN EXISTING AND NEW PAVEMENT.
- ALL POWER WORK SHALL CONFORM TO EVERSOURCE STANDARDS. THE POWER SERVICE SIZES SHALL BE VERIFIED BY AN ELECTRICAL ENGINEER AND EVERSOURCE.
- ALL TELEPHONE WORK SHALL CONFORM TO CONSOLIDATED COMMUNICATIONS SPECIFICATIONS.
- ALL PROPANE GAS WORK SHALL CONFORM TO THE SUPPLIER'S GAS SPECIFICATIONS. PROVIDE SHUTOFF VALVE AND REGULATOR FOR EACH BUILDING. THE PROPANE TANKS SHALL BE INSTALLED BELOW GRADE & HAVE ANTI-FLOTATION BLOCKS INSTALLED.
- WATER AND SEWER SERVICES TO TIE INTO THE KEENE MUNICIPAL SERVICE IN WASHINGTON STREET. CONTRACTOR TO CONFIRM SIZE AND LOCATION OF EXISTING STUB TO THE PROPERTY.
- SEWER SERVICES AT EACH UNIT SHALL HAVE INDIVIDUAL CLEAN-OUTS INSIDE THE BUILDING.
- CONTRACTOR TO COORDINATE WITH CITY DPW ON SEWER TIE-IN ON WASHINGTON STREET. THE EXISTING SEWER FLOW MUST BE MAINTAINED AND PUMP AROUND MANHOLE DURING THE IN.
- ALL UNITS WILL HAVE FIRE SUPPRESSION SPRINKLER SYSTEMS AND EXISTING FIRE HYDRANTS ARE LOCATED ON WASHINGTON STREET.
- ALL HVAC EQUIPMENT SHALL MEET THE SCREENING STANDARDS OF THE L.D.C.; ROOF MOUNTED EQUIPMENT SHALL BE SETBACK 10' FROM EDGE. GROUND-MOUNTED EQUIPMENT TO BE LOCATED SO AS NOT TO BE VISIBLE FROM THE PUBLIC WAY - SCREEN IF VISIBLE.
- FIRE ALARM SYSTEM TO BE HANDLED AS PART OF THE BUILDING PERMIT.
- ALL UNDERGROUND FUEL STORAGE SHALL CONFORM TO NHDES SPECIFICATIONS.
- MAXIMUM LOT COVERAGE: 80% (0.744 AC x 0.8=0.595 AC, 32,406 SF X 0.8=25,925 SF)  
 PROPOSED LOT COVERAGE:  
 BUILDINGS = 6,392 SF, PAVEMENT = 16,443 SF  
 TOTAL IMPERVIOUS = 22,835 SF (22,835 ±SF / 32,406 SF) = 70.4%±
- SNOW STORAGE SHALL BE DONE ON SITE. IN THE EVENT OF EXCESSIVE SNOW, SNOW WILL BE TRUCKED OFF SITE, AS NECESSARY.
- BUILDING CORNERS ARE TO BE PINNED BY A SURVEYOR PRIOR TO FOUNDATION CONSTRUCTION.

REV.	DATE	DESCRIPTION	C/O	DR	CK
A	7/8/24	REVS PER STAFF COMMENTS		JEN	CEB

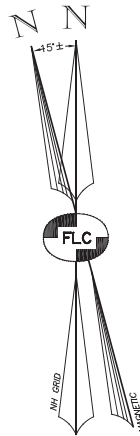
**UTILITY PLAN**  
**TAX MAP LOT 532-003**  
**(510 WASHINGTON STREET)**  
**KEENE, NEW HAMPSHIRE**  
 PREPARED FOR:  
**RAKESH PATEL**  
 5 PATRIOT RIDGE LANE WILBRAHAM, MA 01095  
 LAND OF:  
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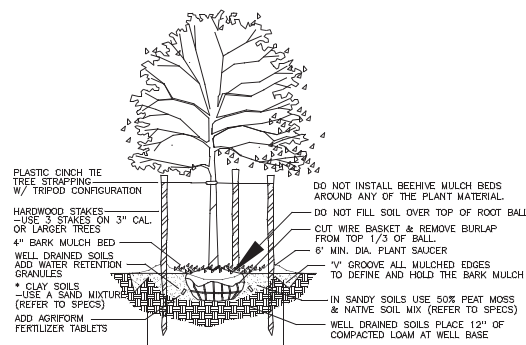
PLANT SYMBOL	PLANT LIST & NAME	QTY.
	ACER RUBRUM (RED MAPLE TREE)	(1) 3" CAL., 12' TALL, 6" DRIP LINE 50"H, 40' DRIP LINE AT MATURITY
	QUERCUS RUBRA (RED OAK)	(1) 3" CAL., 12' TALL, 6" DRIP LINE 40"H, 50' DRIP LINE AT MATURITY
	CRATAEGUS MACROSPERMA (HAWTHORN)	(1) 3" CAL., 10' TALL, 5" DRIP LINE 25"H, 20' DRIP LINE AT MATURITY
	THUJA OCCIDENTALIS (AMERICAN ARBORVITAE)	(8) 3 GAL. 2'-3"
	P.I.M. RHODODENDRON SHRUB	(5) 2 GALLON CONTAINER, 1.5' - 2'H (4'H MATURE)
	CORNUS AMOMUM (SILKY DOGWOOD SHRUB)	(2) 3 GALLON CONTAINER, 2.5' - 3'H (8'H MATURE)
	ILEX VERTICILLATA (WINTERBERRY SHRUB)	(5) 2 GALLON CONTAINER, 1.5' - 2'H (4'H MATURE)



- INSTALL 1/2" STAINLESS BOLTS INTO DROP-IN ANCHORS BY HILTI.
- SET TWO 8" SONOTUBES FILLED WITH CONCRETE TO CONNECT BASE PLATES TO.

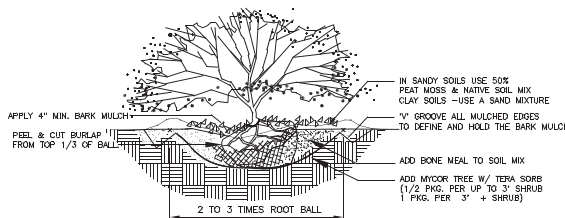
5 - BIKE WAVE BIKE RACK

BIKE RACK DETAIL	1
	LS-1



NOTE: ALL PYRAMIDAL EVERGREENS & DECIDUOUS TREES SHALL BE PLANTED W/ ROOTS HORMONE ENHANCER.

DECIDUOUS TREE PLANTING DETAIL	2
	LS-1



B & B SHRUB PLANTING DETAIL	3
	LS-1

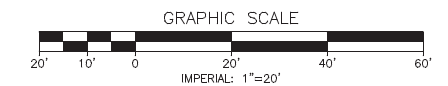


DESIGN NOTES:

1. LANDSCAPING REQUIREMENTS:		
TREES (SITE)	REQUIRED	PROPOSED
1/10 PARKING SPACE (26 SP)	3 TREES	3 TREES
PARKING PERIMETER TREES	3 TREES	3 TREES
SHRUBS:	REQUIRED	PROPOSED
EVERGREENS	SCREENING	11
NON-EVERGREEN	N/A	7

LANDSCAPING NOTES:

- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIG-SAFE AND FOR VERIFICATION OF ALL UTILITIES AND SHALL NOTIFY THE OWNERS REPRESENTATIVE OF ANY CONFLICTS PRIOR TO COMMENCING.
- EXISTING TREES TO REMAIN SHALL BE PRESERVED AND PROTECTED DURING CONSTRUCTION. TEMPORARY FENCING SHALL BE INSTALLED PRIOR TO THE START OF SITE WORK TO PROTECT ROOT MASSES.
- EXISTING TREES THAT ARE TO BE REMOVED, SHALL BE REMOVED ENTIRELY FROM THE SITE, INCLUDING STUMPS. NO STUMP-DUMPS ARE ALLOWED ON SITE.
- UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED WITHIN THE IMMEDIATE AREA NO PLANT MATERIAL SHALL BE INSTALLED.
- UNLESS OTHERWISE NOTED OR APPROVED, ALL TREES MUST BE BALLED AND BURLAPPED.
- ALL PLANT MATERIALS INSTALLED SHALL MEET OR EXCEED THE SPECIFICATIONS OF "THE AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSEYMEN.
- ANY PROPOSED PLANT MATERIAL SUBSTITUTIONS MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE.
- ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE INSTALLER FOR ONE YEAR FOLLOWING DATE OF ACCEPTANCE. ANY PLANT MATERIAL THAT IS SIGNIFICANTLY DAMAGED, MISSING, DISEASE RIDDEN, OR DEAD SHALL BE ABATED WITHIN 1-YEAR OR BEFORE THE END OF THE FOLLOWING PLANTING SEASON, WHICHEVER OCCURS FIRST.
- IN AREAS OF STONE MULCH LAY 6 MIL SHEETS OF "VISQUEEN" TYPE POLYETHYLENE ON COMPACTED SUBGRADE BEFORE PLACING STONE, MINIMUM 6" OVERLAP. PERFORATE SHEETING IN PLANTING BEDS BEFORE PLACING STONE.
- UNLESS OTHERWISE NOTED LOAM AND SEED ALL DISTURBED AREAS WITH A MINIMUM 4" OF SUITABLE LOAM. SLOPES GREATER THAN 3:1 SHALL BE PROTECTED WITH AN EROSION CONTROL BLANKET.
- WHERE APPLICABLE, THE CONTRACTOR SHALL HAVE ALL FALL TRANSPLANTING HAZARD PLANTS DUG IN THE SPRING AND STORED FOR FALL PLANTING.
- PLANTS SHALL BE INSTALLED WITHIN ONE YEAR OF COMMENCEMENT OF CONSTRUCTION
- ALL LANDSCAPING SHALL BE LOCATED AND MAINTAINED SO AS NOT TO IMPACT THE LINES OF SIGHT AT THE ENTRANCE AND INTERNAL INTERSECTIONS TO PROVIDE SAFE PASSAGE OF PEDESTRIANS, BICYCLISTS, AND MOTORISTS.
- ALL LANDSCAPED AREAS WILL BE MAINTAINED TO HAVE A SUFFICIENT AMOUNT OF WATER TO MAINTAIN VIABILITY EITHER BY IRRIGATION OR BY OTHER MEANS.
- PROPOSED PLANTINGS SHALL NOT CONFLICT WITH SNOW STORAGE AREAS, LIGHT FIXTURES OR UNDERGROUND UTILITIES.
- ALL LANDSCAPING APPROVED AS PART OF THE SITE PLAN SHALL BE CONSIDERED AS ELEMENTS OF THE SITE, IN THE SAME MANNER AS PARKING, BUILDING MATERIALS, AND OTHER SITE DETAILS. ANY CHANGES WILL REQUIRE APPROVAL BY THE OWNER AND CITY COMMUNITY DEVELOPMENT DIRECTOR.
- BIKE RACKS ARE PROPOSED AT THE LOCATION SHOWN.
- ALL HVAC EQUIPMENT SHALL BE ROOF MOUNTED OR NOT BE VISIBLE FROM THE PUBLIC RIGHT OF WAY.



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	7/8/24	REVS PER STAFF COMMENTS		JEN	CEB

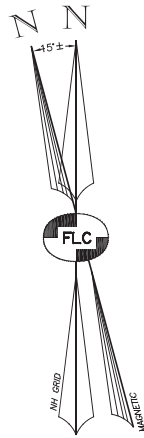
**LANDSCAPE PLAN**  
**TAX MAP LOT 532-003**  
**(510 WASHINGTON STREET)**  
**KEENE, NEW HAMPSHIRE**  
 PREPARED FOR:  
**RAKESH PATEL**  
 5 PATRIOT RIDGE LANE WILBRAHAM, MA 01095  
 LAND OF:  
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SCALE: 1" = 20' JUNE 14, 2024

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**LSI**

OVERVIEW	
Lumen Package	4000 - 8000
Wattage Range (W)	40 - 80
Efficiency Range (LPW)	80 - 100
Weight (see spec)	78 (LS)

**XSPS**  
LED Soffit Light



**GAS CANOPY FIXTURE:**

**LSI**

Outdoor System

- Size of this LED canopy fixture is adjustable to fit any canopy.
- Available in 3000K, 4000K, and 5000K color temperatures per ANSI/CIESA TM-30-15.
- Minimum CR of 70.

OVERVIEW	
Lumen Package (lm)	2,000 - 8,000
Wattage Range (W)	12 - 65
Efficiency Range (LPW)	128 - 162
Weight (see spec)	10 (LS)

**Mirada Small Wall Sconce Silicone**  
Outdoor LED Wall Light



**WALL MOUNTED FIXTURE:**

**LSI**

Outdoor System

- Pole height is adjustable from 10' to 20'.
- Available in 3000K, 4000K, and 5000K color temperatures per ANSI/CIESA TM-30-15.
- Minimum CR of 70.

OVERVIEW	
Lumen Package (lm)	4,000 - 24,000
Wattage Range (W)	41 - 196
Efficiency Range (LPW)	102 - 156
Fixture Weight (see spec)	20 (S)

**Mirada Small Area (MRS)**  
Outdoor LED Area Light



**POLE MOUNTED FIXTURE:**

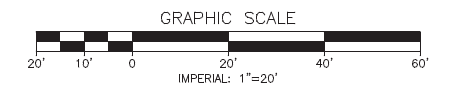
**DESIGN NOTES:**

1. LIGHTING REQUIREMENTS:
 

	REQUIRED	PROPOSED
PARKING LOTS		
AVERAGE	3.5 Fc MAX	3.0 Fc AVG.
MINIMUM	0.33 Fc	0.3 Fc
U. RATIO (AVG/MIN)	5:1	3.6
MAX AT PROP. LINE	0.1 Fc	0.0 Fc
MAX AT R.O.W.	1.0 Fc	0.0 Fc
WALKWAYS/SIDEWALKS		
MINIMUM	0.5 Fc	N.A.
MAXIMUM	5.0 Fc	N.A.
LUMENS	1200 L MAX	N.A.
GAS CANOPY		
UNDER CANOPY MAX.	12.5 Fc MAX	12.3 Fc MAX
RES. CANOPY MAX.	5.5 Fc MAX	5.3 Fc MAX
2. ALL PROPOSED LIGHTING MUST BE GREATER THAN 70 (CRI) COLOR RENDERING INDEX. 80 CRI IS SPECIFIED.
3. ALL PROPOSED LIGHTING MUST BE 3500 KELVIN COLOR-TEMPERATURE OR LESS. THE PROPOSED FIXTURES ARE 3000 KELVIN.

**LIGHTING NOTES:**

1. LIGHTING SHALL BE INSTALLED AND ARRANGED SO AS NOT TO REFLECT OR CAUSE GLARE UPON ADJACENT LAND, HIGHWAYS AND ROADS.
2. ALL FIXTURES ARE FULL CUTOFF, LED FIXTURES. FLOOD LIGHTING AND UP-LIGHTING ARE PROHIBITED.
3. LIGHTING IS PROVIDED VIA BUILDING MOUNTED LIGHTS, CANOPY LIGHTS, AND POLE MOUNTED LIGHTS.
4. MOUNTING HEIGHT OF ALL PROPOSED WALL MOUNT LIGHTING FIXTURES SHALL BE 12 FEET ABOVE FINISH GRADE ON THE BUILDINGS. LOCATED AT EACH BUILDING UNIT.
5. POLE MOUNTED LIGHTS ARE TO BE MOUNTED 20 FEET ABOVE FINISH GRADE.
6. ALL LIGHTS ARE TO BE SETUP ON PHOTOCELLS TO AUTOMATICALLY TURN OFF DURING DAYLIGHT HOURS. TIMER SHALL BE INSTALLED TO LIMIT HOURS FROM 6 AM - 10 PM. IF OPERATING 24/7 THE LIGHTING MUST REDUCE BY 50% FOR SECURITY LIGHTING.
7. ALL FIXTURES AND HARDWARE ARE TO BE DARK BRONZE IN COLOR TO MATCH.
8. LIGHT FIXTURES ARE AVAILABLE THROUGH EXPOSURE 2 LIGHTING. ANY CHANGE IN FIXTURE MUST BE APPROVED BY THE OWNER, DESIGN ENGINEER, AND CITY OF KEENE.



REV.	DATE	DESCRIPTION	C/O	DR	CK
A	X/XX/XX	XXXXXXXXXXXXXXXXXX		XXX	XXX

**LIGHTING PLAN**  
**TAX MAP LOT 532-003**  
**(510 WASHINGTON STREET)**  
**KEENE, NEW HAMPSHIRE**

PREPARED FOR:  
**RAKESH PATEL**  
5 PATRIOT RIDGE LANE WILBRAHAM, MA 01095

LAND OF:  
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**LAND CONSULTANTS, PLLC**

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Symbol	Qty	Label	Arrangement	Description	Tag	[MANUFAC]	CRI	CCT
☐	6	C	Single	XSPS-S-LED-SS-WW-VOLT-DFL	CANOPY MOUNTED FIXTURE	LSI INDUSTRIES, INC.	80	3000K
☐	1	SL	Single	MRS-LED-06L-SIL-LC-UNV-DIM-30-70CRI-IMSBT1-CXX / 4SQ B3 S11G20 S AB 4BC	20' POLE	LSI INDUSTRIES, INC.	70	3000K
☐	1	SR	Single	MRS-LED-06L-SIL-RC-UNV-DIM-30-70CRI-IMSBT1-CXX / 4SQ B3 S11G20 S AB 4BC	20' POLE	LSI INDUSTRIES, INC.	70	3000K
☐	2	W2	Single	XWS-LED-02L-SIL-2-UNV-DIM-30-70CRI-IMSBT1-CXX	WALL MOUNTED 12' AFG	LSI INDUSTRIES, INC.	70	3000K
☐	5	W4	Single	XWS-LED-03L-SIL-FT-UNV-DIM-30-70CRI-IMSBT1-CXX	WALL MOUNTED 12' AFG	LSI INDUSTRIES, INC.		

FUELING YARD LESS UNDER CANOPY UNDER CANOPY ONLY

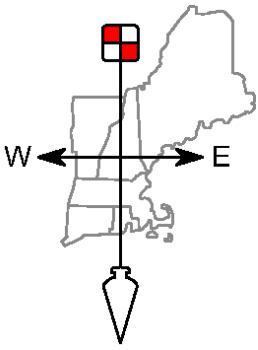
Illuminance (Fc)  
Average = 2.00  
Maximum = 5.3  
Minimum = 0.5  
Avg/Min Ratio = 4.00  
Max/Min Ratio = 10.60

Illuminance (Fc)  
Average = 9.39  
Maximum = 12.3  
Minimum = 5.7  
Avg/Min Ratio = 1.65  
Max/Min Ratio = 2.16









# FIELDSTONE

Surveying ♦ Engineering  
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LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456  
www.FieldstoneLandConsultants.com

## STORM WATER MANAGEMENT REPORT DINKBEE'S GAS STATION REDEVELOPMENT WASHINGTON STREET, KEENE, NEW HAMPSHIRE

Prepared for:  
Rakesh Patel

August 14, 2024

### I) INTRODUCTION

This storm-water management report was conducted for a proposed site re-development for the existing Dinkbee's Gas Station in Keene, NH. The property is located on Washington Street, specifically on City of Keene Assessor's Parcel 532-003. The site is currently a gas station with a small convenience store and small laundry mat. The proposal is to demolish the existing building and construct a larger convenience store with a second unit for retail (possibly laundry mat or other retail use). There will be an additional 2 gas pump stations installed with a new underground storage tank for gasoline storage. The overall impervious area will be decreased in the proposed layout from the existing condition.

The purpose of this report is to analyze the qualitative and quantitative impacts of the proposed development on stormwater runoff. The objective of the proposed stormwater management system for this project is to mitigate any increases resulting from the proposed re-development and to meet the drainage guidelines set forth in the City of Keene's Site Plan Review regulations, as outline for stormwater management.

### II) SITE DESCRIPTION (EXISTING)

The subject property is listed as 0.744 Acre (32,406 S.F.), with frontage along Washington Street. The lot is fully developed as a gas station and laundry mat. The land cover on the lot is typical for an urban gas station, where most of the lot is asphalt pavement with some gravel drive aisles and small grass areas. There are portions of the asphalt driveway that are outside of the property boundary on the southern driveway entrance and the northern property line. The southern driveway provides access to the rear residential complex abutting the property to the west. There is a deeded easement for this crossing, which will be maintained with this proposal.

The NRCS websoil survey indicates that the soils on site are Caesar Loamy Sand (526B). This soil is listed as a Hydrologic Group (HSG) "A" soil, with a listed infiltration rate of 20.0 Inches/hour to 100.0 inches/hour.

### III) METHODOLOGY

The quantity of runoff and the conveyance of that flow through the site are determined using the software package HydroCAD r 10.0 by HydroCAD Software Solutions, LLC. HydroCAD is a computer

aided design program for modeling storm water hydrology based on the Soil Conservation Service (SCS) TR-20 method combined with standard hydraulics calculations used to model stormwater systems, such as detention basins, culverts, swales, and catch basins.

The stormwater management systems are designed in accordance with the methodology for the "Best Management Practices" (BMP's), as outlined in the New Hampshire Storm Water Manual, Volume 2.

#### **IV) DRAINAGE DESIGN**

In accordance with the City of Keene Land Development Code (Section 21.2), there will be no increase in the volume or velocity of stormwater onto adjacent properties. In order to demonstrate this the two (2), ten (10), and fifty (50) year frequency storm events have been evaluated. The values for each storm modeled match the Extreme Precipitation Estimates, as listed by the Northeast Regional Climate Center, specifically for Keene NH. These design storms have been analyzed to compare the Pre and Post-development peak flow rates for the site (see comparison tables below).

##### Pre-Development Drainage Conditions:

The Pre-Development Drainage Map outlines the area where water flows across the property. The largest volume of water runs onto the property in the northwest corner which is diverted through a culvert and swale into another culvert that ultimately outlets to southern end of the property. There is a drain manhole midway in the culvert that the building roof drains and gas canopy roof drains are tied into, diverting stormwater to the wetland swale to the south and a higher invert diverting some water to the swale to the west. The West Swale is modeled as Observation Point 1 (OP1). A portion of the site drains to the south to a wetland channel. This area is modeled as Observation Point 2 (OP2). The east side of the site drains towards Washington Street and is captured by the municipal catch basins. One catch basin (Existing CB1432) is located near the curb cut into the gas pumps, and outlets to the east under Washington Street. This is modeled as Observation Point 3 (OP3). A fourth observation point was modeled for runoff that is directed to Washington Street and enters a catch basin south of the project in front of Lot 532-002. This Observation Point is referenced as Observation Point 4 (OP4) in the model. These four observation points are used to compare the Pre-Development and Post-Development stormwater flows off of the subject property.

##### Post-Development Drainage Conditions:

The proposed drainage system was designed to capture runoff from the building and paved areas, and direct the flow to stormwater management systems while maintain the existing stormwater flow patterns off the site. The overall impervious area on the property has been reduced in the post-development condition versus the existing condition of the site. The proposed parking area to the north of the building will direct most of the stormwater runoff to an infiltration trench along the western edge of the parking lot. This infiltration will allow water to infiltrate back into the native soil and provide treatment to stormwater runoff. During larger storm events, the water that

does not infiltrate into the ground, will flow through the 4-inch pipe and into a catch basin (CB1). Catch Basin, CB1, will direct water in a similar fashion as the existing drain-manhole (DMH 1060); lower storm events will direct water to south (OP2), and larger storm events will direct water to the north-west (OP1). A proposed drain manhole (DMH1) will allow the culvert to be diverted around the new building and tie into proposed catch basin, CB2. A third catch basin, CB3, has been proposed at the curb cut near the front of the store. This catch basin is proposed to ensure no puddles or water is directed into Washington Street. The CB3 structure will tie into the existing municipal catch basin CB 1432. The flow to the southernmost catch basin in Washington Street will have less flow in the post development condition, see OP4 results. This is due to new layout of the southern curb cut and a reduction of pavement in this area.

The net result is that virtually all of the new impervious areas will receive qualitative treatment and there will be a reduction of peak rates of runoff leaving this site for all storm events.

#### **V) SUMMARY**

The intent of the stormwater management system for this project is to address the qualitative and quantitative aspects of the stormwater runoff so that there are no downstream adverse impacts created by the project. To mitigate the resulting increases in runoff peak rates due to the development of Lot 532-003, this project proposes that a stormwater management system consisting of three (3) catch basins, one (1) drain manhole, and one (1) infiltration trench (on west side of parking lot) to be constructed. The net result is that the new building and paved areas will receive qualitative treatment and there will be no increase in the peak rates of runoff leaving the site.

The stormwater management design for this project therefore complies with the standards set forth in the City of Keene’s Land Development Regulations.

The following table is a summary of the attached calculations and shows a comparison of the peak flow rates at the summary points for the site. The values presented are based on Pre- and Post-development conditions modeled in HydroCAD.

**Table 1.1: Peak Flow Rates (CFS)/Volume (AF) to Observation Point 1 (OP1) – PRE VS. POST DEVELOPMENT**

<b>STORM FREQUENCY</b>	<b>PRE-DEV. RUNOFF (CFS/AF)</b>	<b>POST-DEV. RUNOFF (CFS/AF)</b>	<b>CHANGE (CFS/AF)</b>
<b>2-YEAR</b>	<b>0.36/0.025</b>	<b>0.07/0.001</b>	<b>-0.29/-0.024</b>
<b>10-YEAR</b>	<b>0.72/0.049</b>	<b>0.15/0.003</b>	<b>-0.57/-0.046</b>
<b>50-YEAR</b>	<b>1.29/0.089</b>	<b>0.28/0.009</b>	<b>-1.01/-0.080</b>

**Table 1.2: Peak Flow Rates (CFS)/Volume (AF) to Observation Point 2 (OP2) – PRE VS. POST DEVELOPMENT**

STORM FREQUENCY	PRE-DEV. RUNOFF (CFS/AF)	POST-DEV. RUNOFF (CFS/AF)	CHANGE (CFS/AF)
2-YEAR	0.55/0.035	0.52/0.035	-0.03/0
10-YEAR	0.90/0.058	0.86/0.060	-0.04/0.002
50-YEAR	1.43/0.093	1.37/0.099	-0.06/0.003

**Table 1.3: Peak Flow Rates (CFS)/Volume (AF) to Observation Point 3 (OP3) – PRE VS. POST DEVELOPMENT**

STORM FREQUENCY	PRE-DEV. RUNOFF (CFS/AF)	POST-DEV. RUNOFF (CFS/AF)	CHANGE (CFS/AF)
2-YEAR	0.54/0.034	0.38/0.022	-0.16/-0.012
10-YEAR	0.83/0.052	0.64/0.038	-0.19/-0.014
50-YEAR	1.23/0.08	1.03/0.063	-0.02/-0.017

**Table 1.4: Peak Flow Rates (CFS)/Volume (AF) to Observation Point 4 (OP4) – PRE VS. POST DEVELOPMENT**

STORM FREQUENCY	PRE-DEV. RUNOFF (CFS/AF)	POST-DEV. RUNOFF (CFS/AF)	CHANGE (CFS/AF)
2-YEAR	0.26/0.018	0.10/0.008	-0.16/-0.01
10-YEAR	0.49/0.033	0.25/0.018	-0.24/0.015
50-YEAR	0.83/0.057	0.51/0.035	-0.32/-0.022



To: John Noonan  
Fieldstone Land Consultants, PLLC  
206 Elm Street  
Milford, NH 03055

Date: August 14, 2024

Project #: 59174.00

From: Jason R. Plourde, PE, PTP

Re: Traffic Study  
Proposed 510 Washington Street Redevelopment  
Keene, New Hampshire

## Introduction

Vanasse Hangen Brustlin, Inc. (VHB) has prepared this Traffic Study to summarize the anticipated traffic impacts associated with the proposed redevelopment of the convenience store and gasoline station located at 510 Washington Street in Keene, New Hampshire. The site currently contains a Mobil gas station with 4 vehicle fueling positions and a 2,195 square foot building for Dinkbee's Convenience Store and Keen Klean Laundromat with three curb cuts along the west side of Washington Street. As proposed, the fueling station will be expanded to provide 6 vehicle fueling positions and the building will be razed and replaced with a 6,256 square foot structure (4,216 square foot convenience store and 2,040 square feet of retail space). Proposed access would continue to be provided via three curb cuts along Washington Street. In summary, traffic operational results based upon standard traffic engineering practice indicate that the vehicular trips associated with the proposed development would have negligible impacts to the adjacent roadway system during the weekday AM and PM midday peak hours. The site location in relation to the surrounding roadway network is shown on Figure 1.

Based on preliminary research, Washington Street is under City of Keene jurisdiction. Therefore, review and approval are expected to be required with respect to traffic through the City of Keene permitting process. This Traffic Study has been prepared in compliance with Section 21.9.1.A: Traffic & Access Management of the City of Keene's Land Development Code for the proposed redevelopment project.

## Base Traffic Volumes

For planning purposes within this Traffic Study, June 2023 traffic counts provided on the New Hampshire Department of Transportation (NHDOT) MS2 website were reviewed along Washington Street north of Concord Road in Keene.<sup>1</sup> These traffic counts showed that Washington Street carried approximately 400 vehicles during the weekday AM peak hour and approximately 500 vehicles per hour during the weekday PM peak hour. NHDOT traffic counts were also reviewed to determine general directional travel patterns in the area. Based on these traffic counts, traffic volumes generally experienced a 45 percent northbound and a 55 percent southbound directional split during the weekday AM and PM peak hours. Using this methodology, Washington Street adjacent to the site carries the following traffic volumes. The NHDOT data are provided in the Appendix.

- › Weekday AM Peak Hour (400 vehicles per hour):
  - Northbound = 180 vehicles per hour
  - Southbound = 220 vehicles per hour
- › Weekday PM Peak Hour (500 vehicles per hour):
  - Northbound = 225 vehicles per hour
  - Southbound = 275 vehicles per hour

<sup>1</sup> NHDOT Transportation Data Management System (TDMS). Washington Street north of Concord Road, Keene. (Location ID: 82237071).



## Trip Generation

To estimate the volume of traffic to be generated by the proposed project, Institute of Transportation Engineers (ITE) trip rates were reviewed.<sup>2</sup> Table 1 summarizes the ITE trip-generation estimates for the proposed development as stand-alone uses. The trip-generation calculations are provided in the Appendix.

**Table 1 Trip-Generation Summary**

Time Period/Direction	Gas Station & Convenience Store Trips <sup>a</sup>	Retail Trips <sup>b</sup>	Total Trips <sup>c</sup>
<b>Weekday Daily</b>			
Enter	772	56	828
Exit	772	56	828
Total	1,544	112	1,656
<b>Weekday AM Peak Hour</b>			
Enter	82	3	85
Exit	82	2	84
Total	164	5	169
<b>Weekday PM Peak Hour</b>			
Enter	69	7	76
Exit	69	7	76
Total	138	14	152

a ITE Land Use Code 945: Convenience Store/Gas Station (4,000-5,5000 sf) for 6 vehicle fueling positions.

b ITE Land Use Code 822: Strip Retail Plaza (<40,000 sf) for 2,040 sf.

c Gas Station & Convenience Store Trips plus Retail Trips.

The vehicle trips calculated for each of the proposed uses represent single-use trips to the site on the study area system. Based on the ITE Trip Generation Handbook,<sup>3</sup> studies have shown that some patrons of mixed-use or multi-use sites could visit more than one of the uses on the site (internal trips). In addition, not all of the vehicle trips expected to be generated by the proposed development represent new trips on the study area roadway system. Based on data presented in the ITE Trip Generation Handbook, a portion of the vehicles visiting the proposed uses may already be present in the adjacent passing traffic stream or are diverted from another route to the subject site. Table 2 presents the trip-generation characteristics for the proposed development and the calculations are provided in the Appendix.

<sup>2</sup> Institute of Transportation Engineers. Trip Generation Manual, 11th ed. Washington, DC, Sept. 2021.

<sup>3</sup> Institute of Transportation Engineers. Trip Generation Handbook, 3rd ed. Washington, DC, Sept. 2017.

## Conclusion

In summary, ITE and NHDOT methodologies suggest that a development may have a noticeable impact if the addition of site trips increases traffic volumes at an intersection by 100 vehicles per hour or more. Based on the findings of this Traffic Study, the site trips for the proposed development at 510 Washington Street in Keene, New Hampshire, are not projected to meet this threshold during the weekday AM and PM peak hours at any of the three site driveways (between 56 and 61 vehicles per hour at the site driveways). These increases would be less beyond the site driveways (between 26 and 36 vehicles per hour north and south of the site). In addition, these traffic increases would be lower than as modeled within this Traffic Study as no trip credit was applied for the existing uses. In addition, the intersection analyses show that the Washington Street site driveway intersections would operate with minimal delay (LOS B or better), minimal queueing (<1 vehicle), and with ample capacity available (v/c ratios  $\leq 0.05$ ). Therefore, the proposed development is anticipated to result in negligible impacts to the adjacent roadway network.





**CITY OF KEENE**  
NEW HAMPSHIRE

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Mari Brunner, Senior Planner  
**DATE:** August 16, 2024  
**SUBJECT:** Agenda Item V – Request for Review and Comment

**Recommendation:**

If the Board is inclined to recommend approval to City Council, the following language is suggested for a motion:

*“Move to recommend that City Council grant the request to authorize the issuance of building permits for development on the property located at 270 Beaver St.”*

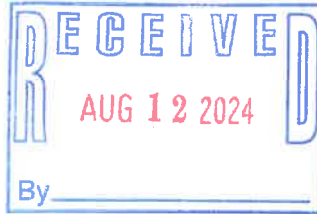
**Background:**

This request pertains to an existing vacant lot within the city that has frontage and access from the Class VI portion of Beaver Street. This is a legally non-conforming lot of record that was previously the site of a single-family home, which has since been demolished. The applicant, Mr. Ken Susskind, intends to build a residential home on the property. RSA 674:41, subsection I(c) states that building permits may be issued when the street giving access to the lot upon which the building is proposed to be placed is a class VI highway, provided that:

- “(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or portion thereof; and*
- (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and*
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.”*

In accordance with RSA 674:41, the applicant has submitted a request for Planning Board review and comment prior to City Council authorization for the issuance of a building permit on a lot that has access from a class VI highway. The applicant’s request is included as an attachment to this memo.

Keene Planning Board  
Keene, NH



8/10/2024

Hello Planning Board Members,

I am requesting to be put on the agenda for your August 26th meeting, specifically in regard to NH RSA 674:41, as described below.

My wife and I have recently won the bid to conditionally purchase the 270 Beaver Street property that the city has had up for sale. We were one of only two bids by potential purchasers. The paperwork for the bid requested both a monetary offer and an explanation of what the potential purchaser intended to do with the property. We and the other bidder both indicated a desire to build a residential house on the property. Ours was the higher bid.

The condition put on our bid was that we would, in fact, be able to use the driveway currently on the land and be legally allowed to build on the land, subject to the usual requirements for property zoned medium-density.

The issue which necessitated that condition is this: According to a letter sent to me by Donald Lussier, P.E., Keene's City Engineer, "the section of the roadway between Oak Street and Reservoir Street was never constructed and has not been maintained in a condition suitable for travel for more than 5 years. Therefore, in accordance with NH RSA 229:5, this segment of the road has the legal status of a "Class VI highway."

He goes on, "The City's Land Development Code, Article 23.5.5 "Access on Class VI Highways" states that "Parcels that have frontage and access only from a Class VI highway shall not be eligible for a street access permit." However, Section D. of this article," he continues, "provides a process whereby a parcel with access only from a Class VI may be approved." He then goes on to state what those conditions are.

Rather than include all of those conditions within this letter, I have just included Mr. Lussier's letter so that you may review them. My understanding, based on his letter, is that it is under Public Works purview to make certain that we have agreed to and signed off on all of those conditions whereupon they have the authority to issue a Street Access Permit.

More importantly, in order to obtain a building permit for this property, we are asking the City Council to make an exception to Resolution R-2000-28 which made it council policy that no permits shall be issued for development on Class VI roads. This is in line with NH RSA 674:41, which expressly prohibits issuance of a building permit on a lot if the "street giving access" is a Class VI highway, **unless:**

**1)The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of building on said private road or portion thereof; and**

**2)The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and**

**3)Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought.**

I look forward to discussing this with you and answering any of your questions at your August 26th meeting. Thank you for your time.

Ken Susskind and Monica Marshall  
81 Terrace Street  
Keene, NH  
[ksusskind@gmail.com](mailto:ksusskind@gmail.com)

1  
7.1 AcC

2  
0.03 AcC





July 26, 2024

Ken Susskind  
81 Terrace Street  
Keene, NH 03431

RE: Eligibility of Parcel No. 552-035 for Street Access and Building Permits

Mr. Susskind,

Thank you for your interest in purchasing the City's vacant parcel no. 525-035. The purpose of this letter is to confirm the status of the parcel's road frontage with respect to public roadways.

This parcel has access to the public right-of-way via Beaver Street. Beaver Street was laid out as a public highway from Oak St. to Terrace St. by the City Council on July 2, 1880. However, the section of the roadway between Oak Street and Reservoir Street was never constructed and has not been maintained in a condition suitable for travel for more than 5 years. Therefore, in accordance with NH RSA 229:5, this segment of the road has the legal status of a "Class VI" highway.

The City's Land Development Code, Article 23.5.5 "Access on Class VI Highways" states that "Parcels that have frontage and access only from a Class VI highway shall not be eligible for a street access permit." However, Section D. of this article provides a process whereby a parcel with access only from a Class VI highway *may be* approved:

*D. The Issuing Authority may issue a street access permit for access based upon a demonstration that the section of the Class VI highway to be used as a driveway is suitable for emergency vehicles on the date of issuance of the street access permit and further provided that the property owner executes and delivers to the City a document suitable for recording at the County Registry of Deeds which contains the following items:*

- 1. Property owner name(s), address, description of the property, and where the owner's deed is recorded at the County Registry of Deeds.*
- 2. Name of the highway, fact that the highway is Class VI, with the details of how it attained that status.*
- 3. Description of the proposed structure to be constructed, including the number of units.*
- 4. An acknowledgement by the owner of the property that the City has no legal duty to maintain the highway, or any intent of doing so, nor any liability for damages resulting from the use of the highway. Further, that the City will provide no winter maintenance, grading or other road repairs, and that, at times, the City may not be able to provide police, fire or other emergency services. That school bus, mail, or other services may be restricted or nonexistent and it is the property owner's responsibility to obtain such services.*
- 5. An acknowledgement by the owner of the property that: the City does not maintain Class VI highways and does not have any intent of doing so; that any maintenance, or expense associated with the repair and maintenance of the Class VI highway in a condition to be used as a driveway is the responsibility of the property owner or*



*their successors or assigns; that the portion of the Class VI highway used for a driveway shall be in conformance with the Driveway Standards in Section 9.3 of this LDC.*

6. *An acknowledgement by the owner of the property that any work performed by the property owner on the Class VI road must have prior approval from the Public Works Director or their designee.*
7. *An acknowledgement by the owner of the property that the Class VI highway shall remain a full public highway and that the property owner shall not prohibit or restrict use by the public.*
8. *An acknowledgement by the owner of the property that the City retains full authority, if it chooses, to regulate the public use of the highway, pursuant to NH RSA 41:11 and NH RSA 231:21*

As the Issuing Authority for single family and duplex homes, I've inspected the portion of the Class VI highway that would be used for access to the southwest corner of the subject parcel and find that it is suitable for emergency vehicles as of today's date. Therefore, this parcel may be eligible for a street access permit, provided that the future owner meets the requirements described above.

Although I have the authority to issue a **Street Access Permit** as described above, there is another issue that will complicate the development of this parcel. NH RSA 674:41 expressly prohibits issuance of a **Building Permit** on a lot if the "street giving access" is a Class VI highway, unless:

- (1) *The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and*
- (2) *The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and*
- (3) *Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or*

In 2000, the City Council passed Resolution R-2000-28 which makes it council policy that no permits shall be issued for development on Class VI roads. Because that resolution is still in effect, the Council would first need to vote to suspend their resolution and then vote to authorize the issuance of a building permit as described above. I have no reason to believe that the council would not look favorably on your request, but these requirements will add time to your redevelopment of the site.

If you have any questions, please feel free to contact my office at 603-352-6550.

Sincerely,



Donald R. Lussier, P.E.  
City Engineer

Jesse Rounds, Community Development Director  
Dan Langille, City Assessor



**CITY OF KEENE**  
NEW HAMPSHIRE

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Community Development Staff  
**DATE:** August 16, 2024  
**SUBJECT:** Agenda Item VII – Letter of Support for InvestNH Housing Opportunity Planning Grant Application

**Recommendation:**

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

“Move to authorize Chair Farrington to write and submit a letter of support for the City of Keene’s application to the InvestNH Housing Opportunity Planning Grant Program.”

**Background:**

In spring 2024, an additional \$2.9 million was allocated to the InvestNH Housing Opportunity Planning (HOP) Grant Program. These grants are for municipalities to hire consultants for the following activities:

- Update the housing, land use, and vision sections of the master plan, and related aspects of the implementation section, as well as the community facilities section or other relevant sections as they pertain to water and sewer in support of housing development.
- As part of a larger project, conduct a housing needs assessment or analysis.
- Audit a municipality’s land use regulations and make recommendations for changes to promote housing development.
- Create new regulations or revise existing regulations with the stated primary goal of increasing the supply of housing in the community, especially affordable and workforce housing.

Grant-funded activities should generally assist applicants to become eligible for New Hampshire Housing Champion designation pursuant to RSA 12-O:71 and must include robust community engagement. The deadline to submit applications is September 30, 2024, and the application requires a letter of support from both the Planning Board and the local governing body (i.e., City Council).

Planning staff intend to submit a grant application to hire a consultant to research and develop regulations to address short-term rental properties (STRs) in the city. The project would involve an updated inventory of the existing STRs in Keene, gauge community sentiment and opinions related to STRs (both in terms of benefits and perceived impacts), evaluate the impact of STRs on housing supply in Keene, and develop regulations that comply with NH State Statute for consideration by City Council.

## CHAPTER III: REGULATORY FUNCTIONS

**Drafting, reviewing and recommending ordinances, regulations and amendments.**

**Subdivision and Site Plan Review Regulations.**

### **PURPOSE OF SUBDIVISION REGULATIONS (RSA 674:35)**

Subdivision control guides municipal development, protects prospective residents and abutting property owners from problems associated with poorly designed areas, and advances the purposes of the municipality's police power: to protect the public health, safety, and general welfare. Subdivision controls are based on the premise that a new subdivision is not an island but an integral part of the whole community which must mesh efficiently with the municipal pattern of streets, sewers, water lines and other installations that provide essential services and vehicular access. Peter Loughlin, Volume 15, New Hampshire Practice Series, §29.02.

Regardless of whether or not a municipality has adopted a zoning ordinance, the legislative body may authorize the planning board to regulate the subdivision of land (RSA 674:35). The planning board must adopt regulations before exercising this power. See RSA 674:36 for a list of provisions that may be included in subdivision regulations.

**“Subdivision” means the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development.**

**It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. (RSA 672:14, I)**

### **PURPOSE OF SITE PLAN REVIEW REGULATIONS (RSA 674:43)**

In addition to subdivision review authority, municipalities may regulate site plans for non-residential, as well as multi-family, housing development. Site plan review is one of the most useful techniques in modern land use control. It is an important device to ensure that uses that are permitted by the zoning ordinance are constructed in such a way that they fit into the area in which they are being constructed without causing drainage, traffic, lighting, or similar problems.

A site plan may be required to be submitted to the planning board prior to development of a particular tract of land. The plan must show the proposed location of the buildings, parking areas, landscaping, drainage, and other installations on the plot and their relationship to existing conditions such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads and similar features.

The authority to review site plans for non-residential and multi-family housing development, whether or not it involves the subdivision of land, may be delegated to the planning board by vote of the municipality's legislative body, but only in municipalities that have adopted a zoning ordinance and subdivision regulations (RSA 674:43). Site plan review regulations, which are adopted by the planning board, may govern adequate drainage, protection of groundwater quality, provision of “open spaces and green spaces of adequate proportions,” fire safety, and other similar issues. (RSA 674:44).

through the National Fire Protection Association regulations to require residential sprinklers when unique site or building conditions warrant them).

### **Preparing Site Plan Review Regulations (RSA 674:44)**

Local site plan review regulations which must be adopted by the planning board shall include:

- a. The procedures the board must follow in reviewing site plans;
- b. A provision defining the purpose of site plan review (at a minimum, the general language provided in the statute should be incorporated);
- c. A specification of the general standards and requirements that must be met “including appropriate reference to accepted codes and standards for construction;”
- d. Provisions for guarantees of performance, including bonds or other security; and
- e. Waiver provisions (see Chapter IV for more information on waivers).

Additionally, site plan review regulations may include:

- a. Provide for the safe and attractive development or modified use of the site and protect against conditions that could pose a danger or injury to health, safety or prosperity due to:
  - inadequate drainage that may contribute to flooding,
  - inadequate protection of groundwater quality,
  - increased undesirable, yet preventable, noise, air, light, or other pollution, and
  - inadequate fire safety, prevention or control.
- b. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- c. Provide for adequate proportions of open spaces and green spaces;
- d. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- e. Require that streets be suitably located and sized, usually to road standards adopted by the municipality, to accommodate existing and future traffic and access to emergency vehicles and services;
- f. Require that plats depicting new streets or the resizing of existing streets be submitted to the planning board for approval;
- g. Require that land be suitable for building purposes without posing health risks;
- h. Include conditions that protect the health, safety, convenience or prosperity of the municipality;
- i. Require innovative land use controls when supported by the master plan; and
- j. Require preliminary review of site plans.
- k. The Board can consider making the application and checklist as part of the site plan regulations;

Subdivision and site plan review regulations should evolve from the overall planning process that starts with preparation of the master plan. Subdivision and site plan regulations control the design and accessibility of the subdivision and/or development itself, not the use itself or where it can be located in the community. Zoning regulations establish permitted uses and density limits for the various areas in a community based on the development patterns and types of uses i.e. residential