



City of Keene Planning Board

AGENDA

Monday, September 23, 2024 6:30 PM City Hall, 2nd Floor Council Chambers

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – August 26, 2024
- III. **Final Vote on Conditional Approvals**
- IV. **Public Hearings**
 - a. **PB-2024-09 – Cottage Court Conditional Use Permit – 30 High St** – Applicant Nancy M. Clark Esq., on behalf of owner Redion Kadilliu, proposes the conversion of the existing two-unit building at 30 High St (TMP #549-065-000) into three units. The parcel is 0.17-ac in size and is located in the High Density District.
 - b. **SPR-806, Modification #2A – Major Site Plan – Applebee’s, 40 Key Rd** - Applicant Apple New England LLC, on behalf of owner RAM 3 Keene Properties LLC, proposes modifications to the exterior of Applebee's Grill & Bar located at 40 Key Rd (TMP #111-016-000), including painting the existing unfinished brick exterior and the installation of new lighting. The parcel is 0.83-ac in size and is located in the Commerce District.
- V. **Master Plan Update**
 - a. Project Updates
 - b. [Master Plan Project Website](#)
 - c. [Master Plan Steering Committee webpage](#)
- VI. **Training on Site Development Standards: Drainage & Stormwater Management / Sediment & Erosion Control**
- VII. **Staff Updates**
 - a. InvestNH HOP Grant Application Update
- VIII. **New Business**
- IX. **Upcoming Dates of Interest**
 - Joint Committee of the Planning Board and PLD – **Tuesday**, October 15th, 6:30 PM
 - Planning Board Steering Committee – October 15th, 11:00 AM
 - Planning Board Site Visit – October 23rd, 8:00 AM – **To Be Confirmed**
 - Planning Board Meeting – October 28th, 6:30 PM

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

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

8 **Monday, August 26, 2024**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Councilor Michael Remy
Armando Rangel
Ryan Clancy
Kenneth Kost
Randyn Markelon, Alternate (Voting)
Stephon Mehu, Alternate (Voting)

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner
Jesse Rounds, Community Development
Director

Members Not Present:

Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Sarah Vezzani
Michael Hoefler, Alternate
Tammy Adams, Alternate

9
10 **I) Call to Order: Roll Call**
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12 Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. The Chair invited
13 the Alternates to participate as voting members for this meeting.
14

15 **II) Minutes of Previous Meeting – July 22, 2024**
16

17 Chair Farrington offered the following corrections:
18 Line 109 – insert the word “note”
19 Line 257 – missing word is “parking spaces”
20 Line 261 – switch the words “existing” and “the:
21 Line 271 – City would “be” forwarded the results of the test
22 Line 297 – replace expect with “accept”
23

24 A motion was made by Councilor Michael Remy to approve the July 22, 2024 meeting minutes as
25 amended. The motion was seconded by Stephon Mehu and was unanimously approved.
26

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

28 The Chair stated that as a matter of practice, the Board will now issue a final vote on all
29 conditionally approved plans after all of the “conditions precedent” have been met. This final vote
30 will be the final approval and will start the 30-day appeal clock. He asked whether there were any
31 applications tonight that are ready for a final vote.
32

33 Senior Planner, Mari Brunner, stated there are two applications that are ready for a final vote, one
34 of which was included in the memo in the Board’s agenda packet on page 26: PB-2024-06. This
35 was a three-lot subdivision of the property at 435 Chapman Road. The conditions precedent were
36 as follows: owner’s signature appears on both sheets of the plan set; the submittal four paper
37 copies, two mylar copies, and a digital copy of the complete plan set; the inspection of lot
38 monuments by the Public Works Department; the submittal of a check to cover the cost of
39 recording fees; and the submittal of documentation demonstrating that the application has received
40 State subdivision approval from the New Hampshire Department of Environmental Services. Ms.
41 Brunner stated that all conditions precedent for this application have been met.
42

43 A motion was made by Councilor Michael Remy that the Planning Board issue final approval for
44 PB-2024-06. The motion was seconded by Stephon Mehu and carried on a unanimous vote.
45

46 The next project staff addressed was PB-2024-08, which was a Cottage Court Conditional Use
47 Permit application for the construction of a two-unit townhouse at 0 Ellis Court (TMP #535-012-
48 000).
49

50 The precedent conditions of approval for this application were as follows: the engineer’s stamp
51 must appear on the site grading plan; the owner’s signature must appear on the site plan and
52 architectural plans; the submittal of five paper copies and one digital copy of the site plan and
53 architectural plans; the submittal of an effective screening plan between the abutters to show a six
54 foot tall fence at the south of the property and ornamental shrubs on Colony Court to create a buffer
55 that will have no impact on drainage or flooding.
56

57 Ms. Brunner stated that in order to meet the final condition, the applicant submitted a revised plan
58 that shows a six foot tall, solid vinyl privacy fence for that portion of the site and ornamental crab
59 apple trees along the frontage.
60

61 A motion was made by Councilor Michael Remy that the Planning Board issue final approval for
62 PB-2024-08. The motion was seconded by Stephan Mehu.
63

64 Mr. Kost clarified that this was the project where there was concern about invasive species and
65 asked if the final drawings submitted were satisfactory to staff. Ms. Brunner stated the plans have
66 not changed except that they show the location of the fence and the location where the plantings
67 will go along the front portion of the site. She indicated the plans are available for Board review
68 before a vote is taken. Mr. Kost stated he wanted to make sure it was reviewed.
69

70 Ms. Brunner stated it met the condition regarding the fence and the ornamental shrubs along the
71 front. She added the condition of approval did not refer to invasive species and hence the applicant
72 is not being held to anything with respect to invasive species removal. She noted that she wasn’t
73 sure what their plan is in regards to invasive species. Mr. Kost stated he recalls that in reading the

74 minutes, the applicant noted that they would be willing to remove any invasive species. Ms.
75 Brunner stated that unless it is outlined in the conditions, an applicant cannot to be held to this
76 request. They may have said this at the meeting; however, stating this during a meeting is not a
77 binding commitment.

78
79 The motion made by Councilor Remy carried on a unanimous vote.
80

81 **IV) Continued Public Hearing**

82
83 **a. PB-2024-07 – Site Plan – Dinkbee’s Redevelopment, 510 Washington St - Applicant**
84 **Fieldstone Land Consultants PLLC, on behalf of owner OM 510 Washington Street**
85 **LLC, proposes to demolish the existing Dinkbee’s building on the property at 510**
86 **Washington St (TMP #532-003-000), construct a new ~6,256-sf building in its place, and**
87 **expand the number of vehicle fueling stations. Waivers are requested from Sections**
88 **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**
89 **drainage report, parking lot landscaping, light trespass, and parking. The parcel is 0.74**
90 **ac and is located in the Commerce District.**

91
92 **A. Public Hearing**

93 Planner, Evan Clements, addressed the Board and stated that this application was first heard at the
94 July 22nd meeting, which is when the Board initially deliberated and took public comments. The
95 Board voted to continue the application to their next meeting August 26th. He added that the Board
96 took action on the three waiver requests and approved the waivers related to light trespass and the
97 creation of parking spaces in front of the building. The third waiver related to the submittal of a
98 drainage report was denied.
99

100 The applicant has since submitted both the traffic study and drainage report. Mr. Clements stated
101 that City Staff has had a chance to review those reports and believes that they meet the Planning
102 Board’s standards. Staff is comfortable with the drainage design for the site as well as the
103 improvements in regards to traffic and site circulation.
104

105 Mr. John Noonan of Fieldstone Land Consultants was the next to address the Board. Mr. Noonan
106 stated they have submitted a drainage report, which was one of the waiver requests that the
107 applicant had initially requested. He indicated that they had also made a minor change to the width
108 of the stone trench shown on the plans, which will ensure that the post development runoff from
109 the site in velocity and volume is reduced from the existing conditions.
110

111 He indicated that they also submitted a traffic report from VHB Engineering, who utilized DOT
112 counts from June of 2023 as well as recent counts on Washington Street, in creating the report.
113 The results of the report showed that the capacity of Washington Street would not be diminished
114 as a result of this proposal.
115

116 Mr. Clements reviewed the proposed motion.
117

118 The Chair asked for public comment. With no comment from the public, the Chair closed the
119 public hearing.

120
121 Councilor Remy noted that he did not feel that there would be any regional impact from this
122 project.

123
124 **B. Board Discussion and Action**
125 A motion was made by Councilor Michael Remy that the Planning Board approve PB-2024-07 as
126 shown on the plan identified as “510 Washington Street Gas Station Redevelopment” prepared by
127 Fieldstone Land Consultants at a scale of 1 in. = 20 ft. dated June 14, 2024 and last revised July 8,
128 2024, and the architectural elevations prepared by Metropol Design at a scale of 1/4 in. = 1 ft.
129 dated July 8, 2024 with the following conditions:

- 130
131 1. Prior to final approval and signature by the Planning Board Chair, the following conditions
132 precedent shall be met:
- 133 a. The owner’s signature shall appear on the plan.
 - 134 b. Submittal of security for landscaping, sedimentation and erosion control and “as built”
135 plans in a form and amount acceptable to the City Engineer.
 - 136 c. Submittal of five full-size paper copies and one digital copy of the final plan.
- 137
138 2. Subsequent to final approval and signature by the Planning Board Chair, the following
139 conditions shall be met:
- 140 a. Prior to the commencement of site work, the Community Development Department
141 shall be notified when all erosion control measures are installed and the Community
142 Development Director, or their designee, shall inspect the erosion control measures to
143 ensure compliance with this site plan and all City of Keene regulations.”

144
145 The motion was seconded by Randyn Markelon and was unanimously approved. The Chair
146 commended the applicant for meeting the Board regulations with respect to this project.

147
148 **V) Advice & Comment**

149
150 **a. Planning Board Review & Comment on Proposed Development at 270 Beaver St In**
151 **accordance with RSA 674:41, subsection I.(d), prospective owner Ken Susskind seeks**
152 **Planning Board review and comment regarding his request for City Council**
153 **authorization for the issuance of building permit where the street giving access to the**
154 **lot upon which the dwelling is proposed to be placed is a Class VI road.**

155
156 Mr. Ken Susskind addressed the Board and indicated that he and his wife, Monica Marshall, live
157 at 81 Terrace Street in Keene. He explained that they have made an offer to purchase the parcel at
158 270 Beaver Street. He explained that this purchase is conditioned upon receiving a building permit
159 and a driveway permit from the City.

160
161 Ms. Susskind explained that as far as the driveway permit is concerned, he had forwarded a letter
162 from Public Works Director explain the process that would need to be completed per Article 23.5.5

163 of the Land Development Code (LDC) in order for the lot to be eligible for a Street Access Permit.
164 He stated that one of the things that has been brought to his attention is that the City may allow a
165 property owner to get a Street Access Permit, but that the City Council would need to sign off on
166 it.

167
168 He stated that they are also asking the City Council to suspend resolution, R-2000-28, in which
169 the City Council resolved that no permits shall be issued for development on Class VI roads. He
170 stated this resolution is in line with NH RSA 674-41, which prohibits the issuance of a building
171 permit on a lot, if the street giving access is a Class VI highway, unless certain conditions are met.
172 He noted that the conditions are very similar to the conditions that need to be met for the Street
173 Access Permit.

174
175 Mr. Susskind provided some background on this item. He stated that he and his wife purchased
176 the property at 81 Terrace Street, which abuts this property on Beaver Street. The City demolished
177 the house on the Beaver St parcel a few years ago. He noted that what he is trying to draw the
178 Board's attention to is that this property had a house on it in the relatively recent past. He stated
179 that their plan for the property is to build a small affordable house for their daughter to live in. The
180 plan is to construct a house that is approximately 500 square feet in size. He noted that he hoped
181 others could emulate this type of housing. This concluded the applicant's presentation.

182
183 Councilor Remy stated he will be looking at City Staff to review Resolution, R-2000-28.
184

185 Mr. Susskind stated he has been given a deadline of October 15th to complete this process. He
186 clarified that no decision will be made tonight. Chair Farrington stated if the Board agrees with
187 this request, then a recommendation in favor of the proposal will be sent to forward to City
188 Council.

189
190 Ms. Monica Marshall of 81 Terrace Street addressed the Board next and stated they have been
191 interested in the idea of small housing in Keene, especially with the housing shortage in the area.

192
193 Staff comments were next. Ms. Brunner stated her role tonight is to review and comment on this
194 request, keeping in mind that the reason this request is going to City Council is simply because
195 this property has both frontage and access from a Class VI road. She added that even though the
196 property is right next to the Class V portion of the road and even though a house used to be on this
197 lot, it falls into a category where it requires City Council authorization for the issuance of the
198 building permit under the RSA.

199
200 She noted that in addition to this and in accordance with the Street Access standards, it requires
201 City Council approval before a Street Access Permit can be granted. Ms. Brunner stated that
202 Council will be looking for a recommendation from the Planning Board as to whether or not this
203 development makes sense in this location.

204
205 Mr. Kost asked where the Class VI portion begins. It was indicated it begins east of Oak Street.

206
207 Mr. Clancy asked where the original driveway was located and also asked staff if the applicant
208 would have to come to the Planning Board for any approvals. Mr. Susskind stated they have to go

209 to City Council for both driveway permit and building permit approvals. He noted that the
210 driveway onto the property is only about ten feet in length.

211
212 Ms. Brunner referred to a plan from 2015 and noted where the Class V portion ends and where the
213 Class VI portion begins. The distance from the Class V portion to the lot is very short. She referred
214 to the location where the house used to be and also pointed out the portion of Beaver Street that
215 has never been maintained.

216
217 Mr. Clancy asked whether this site has access to City water and sewer. Mr. Susskind answered in
218 the affirmative

219
220 A motion was made by Councilor Remy that the Planning Board recommend that City Council
221 grant the request to authorize the issuance of building permit for development on the property
222 located at 270 Beaver Street.

223
224 The motion was seconded by Kenneth Kost.

225
226 Mr. Clancy noted that the cement area leading up from Oak Street to Terrace Street is in disrepair
227 and noted that he did not feel the City would be maintaining this.

228
229 Mr. Mehu asked whether the motion also includes the driveway permit. Councilor Remy stated
230 this motion is in response NH RSA 674-41. This statute requires that the Planning Board make a
231 recommendation to City Council about whether or not to grant approval to allow for construction
232 of a residence to occur off of a Class VI road. He noted that the City Council will also need to
233 suspend its rules, because the existence of Resolution R-2000-28. He explained that applicant
234 would be required to come back with a driveway permit.

235
236 The motion made by Councilor Remy carried on a unanimous vote.

237
238 **VI) Master Plan Update (www.KeeneMasterPlan.com)**

239 a. Project Updates

240 b. Steering Committee webpage (to view agenda packets and approved minutes)

241
242 Ms. Brunner addressed the Board. She stated that the Master Plan project continues to move
243 forward and noted that included in the agenda packet is a link to the project portal
244 (keenemasterplan.com) as well as a link to the Steering Committee webpage. She explained that
245 the Master Plan Steering Committee webpage is where the approved minutes and agenda packets
246 are posted. She stated that the draft meeting minutes are not posted right away, but if anyone is
247 interested in reviewing minutes, they can always email staff within 5 business days to obtain those
248 minutes.

249
250 Ms. Brunner stated that the last meeting was on August 6th and it was a workshop style meeting,
251 where the steering committee started to identify key themes and build them out. She explained that
252 this discussion will continue at the next meeting scheduled for Tuesday, September 3rd at Heberton
253 Hall. She noted that this would also be a workshop-style meeting. These meetings are in
254 preparation for the October 5th Future Summit, which is the next big public engagement

255 opportunity. This event is going to be held on a Saturday, October 5th from 9:00 AM to 12:00 PM
256 in Heberton Hall at the Keene Public Library. This event will mark the official transition of the
257 Master Plan project from the visioning phase into the implantation phase.
258

259 Ms. Brunner stated that they are still doing outreach work including setting up setting up Visioning
260 sessions with Keene High School and Keene State College and trying to find a way to reach a
261 younger demographic. Staff is also planning to visit Hundred Nights to talk to some of their
262 residents.
263

264 Ms. Brunner asked the Planning Board to let staff know if they are planning to attend because they
265 are members of a public body and this will enable staff to make sure a quorum will be present.
266

267 **VII. Letter of Support for Invest NH Housing Opportunity Planning Grant Application**

268

269 Ms. Brunner stated this item is coming before the Board because the Invest NH Housing
270 Opportunity & Planning Grant program is running another round of funding. This is a funding
271 source to help communities increase the supply of housing in their community, especially
272 workforce or affordable housing. There are three types of planning and zoning grants for which a
273 community can apply. The first type of grant is to help municipalities plan. The second phase of
274 this grant would be to conduct a regulatory audit and the third phase is to use the funds to actually
275 develop regulations that will hopefully increase housing development in the community.
276

277 Ms. Brunner stated that in the past, the City has utilized these grants for the Housing needs
278 Analysis, Cottage Court Ordinance, and the Neighborhood Parking Project, which resulted in three
279 different ordinances that are in draft form right now.
280

281 One of the issues that came up throughout all three of those projects was short-term rentals. Ms.
282 Brunner stated this issue came up during the Cottage Court Ordinance where there was concern
283 raised from the public and City Councilors. The concern staff is hearing is that there is a growing
284 number of short-term rentals in the community and there is interest to better understand how much
285 short-term rentals are growing and how they are impacting the community. In addition, people
286 would like to know whether or not this is impacting the available housing supply. In particular
287 with the Cottage Court Ordinance, concern was voiced that when the ordinance was passed and
288 Cottage Court Developments were constructed that there would be nothing in place to stop them
289 from becoming short-term rentals instead of housing.
290

291 Ms. Brunner stated that staff has started researching short-term rentals and in talking with New
292 Hampshire Housing, has found that there is no community in New Hampshire that has an answer
293 for this issue. This is new territory that needs to be charted and staff is proposing to hire a
294 consultant to help work through the state-level regulatory framework as well as what would work
295 here locally and what our community would like to see. The goal would be to get an understanding
296 of how many short-term rentals there are in the City and where they're located.
297

298 Ms. Brunner stated staff would like to work with the consultant to develop regulations that are
299 appropriate for a short-term rentals based on what the community wants to see and to mitigate their
300 impact on the community's housing supply. Ms. Brunner stated this came about because of a

301 request from the Planning Board and the PLD Committee who were hearing concerns from the
302 public and other elected officials in the City.

303
304 Councilor Remy asked if the Community Development Department has access to the Airbnb
305 Portal, which gives access to data regarding usage. Ms. Brunner stated that Air DNA has a lot
306 of data and because the City does not have a paid account, the information is very broad other than
307 a map, which shows approximately where short-term rentals are located.

308
309 Mr. Kost asked whether if in addition to short-term rentals such as Airbnb or VRBO, whether there
310 are or not there are also short-term rentals that can be occupied for a few weeks for professionals
311 like visiting nurses. Ms. Brunner stated the proposal is just to research and better understand short-
312 term rentals in the City, but it is not being limited to just to Airbnb or VRBO. It would be defined
313 by being a short-term stay versus permanent residency but also distinguished from a hotel or motel.

314
315 If the City Council would like to see any regulations regulating those, there is still an open
316 discussion about what exactly would be regulated and how. She indicated that one issue that has
317 been discussed is perhaps an administrative licensing process that can track where short-terms
318 rentals are located and make sure that they are meeting basic life-safety standards. There could
319 also perhaps be a use definition in zoning, so that there is an actual definition the City could use
320 to regulate where these could occur within the City. She stated that the City would like to learn the
321 benefits as well as the perceived impact to the community.

322
323 Mr. Clancy stated that he knows of a handful of communities in New Hampshire that have passed
324 ordinances in the last few years and some of those are being challenged in the courts. He stated
325 there are templates available in New Hampshire as to what is working and what is not working.
326 He stated he is a little hesitant of hiring a consultant when there is data on short-term rentals and
327 there are a couple examples within New Hampshire of ordinances that are going through or being
328 challenged. He felt if this grant is being applied for, he would like to see it used for some other
329 purpose.

330
331 Chair Farrington stated what staff is referring to is data specific to Keene – when the City is ready
332 to craft regulations, perhaps we can use information from other towns. Mr. Clancy noted there was
333 a recent housing study and noted that he wasn't sure how much of that detailed short-term rentals.
334 He felt that this was a great grant opportunity and it could be focused on something more
335 productive for the community.

336
337 Ms. Markelon stated she does not disagree with what has been said, but she noted that this issue
338 has been raised at many meetings and she felt that having this information would be really helpful.

339
340 Councilor Remy noted that the top dates last year for Airbnb were October 8th, October 14th and
341 15th, September 24th for the Clarence DeMar marathon, and then October 20th for Pumpkinfest.

342
343 Ms. Brunner stated she wanted to add to what Ms. Markelon stated and noted that this is where
344 staff was coming from. Anytime something like the Cottage Court Ordinance or changes to the
345 accessory dwelling unit (ADU) regulations were proposed, this issue has been raised as a concern.

346 She agreed that there are other ideas that this grant could be used for, if that is what the Board
347 would like.

348
349 A motion was made by Councilor Remy to authorize Chair Farrington to write and submit a letter
350 of support for the City of Keene's application to the Invest NH Housing Opportunity Planning
351 Grant program.

352
353 The motion was seconded by Stephon Mehu.

354
355 Councilor Remy stated he did not feel this was the best use of the funds and felt it was a perceived
356 problem, which might not be reality. He felt that although there are short-term rentals, there is a
357 fixed demand for them. If there are enough, it will stop being a demand. He noted that the average
358 rate for an Airbnb is \$193 per night, which is not something that is in competition with rental
359 housing. He felt Airbnbs also bring money into the community. He stated that he is not in favor of
360 regulating this use.

361
362 Mr. Kost asked if the Board does not support this idea, whether there was another use these funds
363 could be utilized for. He also asked how much the grant was for. Ms. Brunner stated the deadline
364 for the grant is September 30th and it could be used for another purpose. What staff would be
365 looking for is a letter of support, if they feel this is a good project. Otherwise, there could be a
366 discussion as to what might be a worthwhile project to work on. The ultimate goal of this grant is
367 to provide affordable and workforce housing in the community. The maximum grant the City could
368 apply for is \$100,000, but for short-term rentals, the City would likely request about \$20,000.

369
370 Ms. Markelon asked whether the previous Housing Needs Analysis looked at rentals. Ms. Brunner
371 stated that it did and one of the suggestions of the suggested action items was to create a rental
372 reimbursement program for short-term rentals. Ms. Markelon felt it would be worthwhile to have
373 the data as this has been an ongoing pushback from the community. She asked whether the review
374 can be broad without the intention of regulating it. She indicated that as a student at Antioch when
375 visitors come down for the weekend in the fall, they have a hard time renting. She noted that
376 Airbnb's and hotels are expensive, and agreed there is a need to explore this idea.

377
378 Community Development Director, Jesse Rounds, felt one of the benefits of going with an Invest
379 NH Grant is to be able to understand the size of the issue. Staff can also work with the consultant
380 to come up with a set of regulations. He stated that as Mr. Clancy indicated, there are NH towns
381 who are having to deal with the court system because of this issue and the City would like some
382 outside help to make this work. He added that this is also a way for staff to focus on other projects
383 that the Joint Committee has assigned them to work on.

384
385 Mr. Kost stated that understanding the real issues and ultimately getting some development into
386 the area will be very important. Ms. Brunner stated there is another grant staff is looking into,
387 which is a very competitive grant because it focuses directly on housing. The Invest NH Grant
388 helps with planning, auditing regulations, or developing regulations. It cannot be used for things
389 like identifying where developable properties are located, land acquisition, working with
390 developers, etc. Ms. Brunner stated staff could review the other projects related to parking
391 minimums, zoning changes for neighborhood nodes, and private roads.

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Mr. Clancy stated that in his opinion, the priorities are encouraging development and bringing more housing in. He felt that this was a great grant opportunity and noted that he would like to see the auditing and planning side of the application crafted, so that more development could be encouraged in the City.

Chair Farrington felt that the motion gives the Board flexibility to choose the project that is most valuable. Mr. Clancy stated he does not feel comfortable voting on something that could be valuable information, but is not a priority. The Chair stated the Planning Board is not the only voice, the Council would also have a say in what project they would like to use the grant for. He felt that if the Board holds it up, staff loses the opportunity to meet the deadline. Mr. Kost felt the motion makes sense as it would bring in grant funding that could be used to do something useful and not jeopardize getting the grant. Ms. Markelon stated she trusts staff's judgement. Councilor Remy felt this was not the best use of the funds. Based on the Housing Needs Assessment completed in 2021, it showed there were 50 short-term rental units, which is only 0.5% of housing in Keene. He felt that even if that number quadrupled, it was still not a problem.

The motion made by Councilor Remy carried on a unanimous vote.

VIII. Training: Site Plan Review Process

Ms. Brunner addressed the Board and began by indicating that there was a previous unanimous vote from the Board for a Site Plan Review training. She indicated that today she would be going over State RSAs; the role of the Minor Project Review Committee; the thresholds in the Board's regulations for Major and Minor Site Plan Review; a high-level review of the Major Site Plan Review process; the Board review of site plans; the Site Development Standards; an explanation of off-site improvements; and a review of Board decisions.

Ms. Brunner stated the authority for the site plan review comes from NH RSA 674:43, which states that communities that have adopted a zoning ordinance, established a Planning Board, and have adopted subdivision regulations, have the authority to develop site plan regulations in order to review and approve site plans for the development, change, or expansion of use of tracts of land for non-residential uses or multifamily dwelling units.

Under state law, this applies specifically to commercial and multifamily uses. Multifamily housing is defined as being more than two dwelling units. In addition, it is specified that the site plan review regulations can address the following items: drainage and flooding; the protection of groundwater; pollution (such as noise); fire safety; aesthetics; open space preservation; streets; character of land for development; health, safety, convenience, and prosperity of the public; and innovative land use controls.

Minor Project Review Committee: Ms. Brunner went on to say that State statute also allows the Planning Board to delegate its site plan review authority for the review of minor projects (as defined by the local municipality) to a different entity. In Keene, the Planning Board has delegated Minor Site Plan Review authority to the Minor Project Review Committee. This committee, as dictated by state statute, is composed of City Staff who have experience reviewing site plans,

438 including the Public Works Director or their designee, the Community Development Director or
439 their designee, the Zoning Administrator or their designee, the Fire Chief or their designee, and a
440 designee of the City manager.

441
442 The Minor Project Review Committee is similar to the Planning Board and has to hold a public
443 hearing. Notice to abutters is required, which includes a 10-day published notice in the paper,
444 sending abutter letters, and posting a notice in two public locations. Ms. Brunner noted that because
445 projects in this category do not meet such a high threshold for review, they can be reviewed by
446 City Staff where there is a little less pressure at the meeting. Meetings are held during the day on
447 the third Thursdays of the month at 10:00 AM. Because this is during normal work hours, it is a
448 lot easier for applicants who have to hire a professional. There is also a shorter timeframe for
449 application review. The public has the opportunity to attend a public hearing or send an email or
450 letter ahead of time with their comments and questions. The decision of the Minor Project Review
451 Committee can always be appealed to the Planning Board.

452
453 Ms. Brunner stated that prior to the adoption of the Land Development Code, the Board's Site Plan
454 Regulations dictated that the threshold for Major Site Plans was that any new construction of 1,000
455 square feet or more automatically had to go before the Planning Board, which meant that there
456 were many projects that came before the Board that were relatively minor in nature. She noted that
457 this was the case especially in some of the more commercial and industrial districts, where a 1,000
458 square foot building was relatively small. One of the changes that was made with the adoption of
459 the Land Development Code, was that new buildings and structures between 1,000 and 5,000
460 square feet (sf) of gross floor area (gfa) could go to the Minor Project Review Committee and
461 anything above this threshold would come to Planning Board. She noted that there were other
462 thresholds added with the idea that in some areas of the City, there are massive buildings where a
463 10% addition would be large compared to a smaller building closer to the downtown where a 10%
464 addition would be much smaller. This percentage has been added as a threshold.

465
466 Ms. Brunner noted that another threshold is the number of vehicle trips per day. If a new use or a
467 new development will increase the number of vehicle trips by 100 per day or 50 during a peak
468 hour, then that is an automatic trigger where they have to go before the Planning Board.

469
470 Another threshold is installation of impervious surfaces and land disturbance. Ms. Brunner stated
471 that as was indicated on the presentation slides, when it came to the items on the bottom of the list,
472 it gave a lot of discretion to the Community Development Director in terms of deciding where a
473 project should go. The language is as follows: *"Modifications to the site or building (e.g. lighting,
474 landscaping, façade alteration, etc.), which, at the discretion of the Community Development
475 Director, or their designee, warrants minor site plan review."* And any, *"Change of use, which at
476 the discretion of the Community Development Director, or their designee, warrants minor site
477 plan review. Such determination shall be based on an evaluation of the impacts of the proposed
478 use on both the subject parcel and the surrounding neighborhood."*

479
480 Ms. Brunner explained that when a project comes or an inquiry comes in, if it doesn't fall under
481 any of those automatic triggers, such as 100 vehicle trips, the square footage of new construction,
482 etc., staff verifies whether or not the proposal would have any impact on the site and surrounding
483 areas. If determined it does not, staff will have it either go through what is called an Administrative

484 Planning Review just to make sure that it meets the regulations or it would be referred to the Minor
485 Project Review committee. Ms. Brunner noted that any time an applicant requests a waiver from
486 the regulations, it automatically pushes them up to the Planning Board for review.
487

488 Mr. Clancy asked who created this list and asked if something like a Cottage Court Conditional
489 Use Permit (CUP) application does not need a waiver, whether such an application could be sent
490 to the Minor Site Plan Review Committee (LDC). Ms. Brunner stated that in reference to the
491 creation of the list, when the Land Development Code was being created, there was a steering
492 committee that staff worked with pretty closely. They came up with an initial set of
493 recommendations, and then it moved into the public workshop phase. This item was in that phase
494 for approximately nine months and then went through the Joint Committee process. She added that
495 many of these thresholds came from the original regulations.
496

497 She went on to say before the LDC, the Minor Site Plan process did not exist. Any project meeting
498 the current thresholds for Minor Site Plan Review met the old threshold for review by the Planning
499 Board. The adoption of the LDC allowed some of the Planning Board applications and shifted
500 them down to the Minor Project Review Committee to try and make things a little bit easier for
501 applicants.
502

503 With reference to the second question, Ms. Brunner stated that in New Hampshire, CUPs can only
504 be granted by either the Planning Board, Zoning Board, or City Council. If it is decided that the
505 Zoning Board or City Council would be the body that grants a CUP, it has to be after a review and
506 recommendation by the Planning Board. The City of Keene has decided to have the Planning Board
507 review CUPs. Ms. Brunner stated it is her understanding that there isn't the ability to have a CUP
508 go to the Minor Project Review Committee. The only items that the Minor Project Review
509 Committee can approve are site plan approvals.
510

511 Mr. Kost noted that for projects in the Downtown, the scale gets much finer and noted that a small
512 project can have a big impact. He asked whether this is something that has been considered. Ms.
513 Brunner stated that this is where thresholds related to additions being between 10% to 15% of the
514 gross floor area of the existing building going through the Minor Site Plan review process and then
515 additions greater than 15% of the gfa of the existing building needing to go to the Planning Board
516 come into play. She noted that this is why percentage is used for those thresholds and agreed that
517 new construction 5,000-sf in the Downtown would be pretty significant.
518

519 Chair Farrington clarified that the Historic District Commission would also weigh in on any
520 projects in the Downtown. Ms. Brunner stated that the Historic District Commission would weigh
521 in on any project impacted an existing building 50 years or older in age. Any new construction is
522 exempt from that review process.
523

524 Major Site Plan Review: Ms. Brunner stated in the City of Keene, we require a pre-submission
525 meeting with City Staff. She explained that the timeframe for that meeting is at least two weeks
526 prior to the application submission deadline. She indicated that the purpose of these meetings is to
527 go over plans with the applicant and staff from the various City departments. Even if the plans are
528 only at a conceptual level, staff can review some of the key issues with the applicant that they will
529 need to address and hopefully help them be prepared by the time they apply. The preliminary

530 consultation stage is required for Major Site Plan Review applications and any subdivisions
531 involving the creation of than three lots or the creation a road. Applicants have indicated that this
532 is a helpful meeting. She indicated that the application submission deadline is 26 business days
533 before the Planning Board meeting. Staff requires two business days to do a completeness review
534 of all applications and verify that all submittal items have been provided. Applications are then
535 sent out for departmental review. Staff is given one week to complete this review. Those comments
536 are then provided to the applicant in one document and updated materials are then submitted by
537 the applicant to address staff comments. The day after that revision deadline, the City sends out
538 the notice to the newspaper (this has to be sent out two days before it runs) and it has to run 12
539 days before the meeting. Staff also mails out abutter letters 10 days ahead of time.

540

541 If a site visit is going to be held, a site visit is scheduled the week before the meeting.

542

543 At the Planning Board meeting when the Board votes to accept an application as complete, this
544 starts the 65-day decision clock, which Ms. Brunner stated is an important item to note. This is
545 because in state statute, there is the 65-day decision deadline. Within that 65-day timeframe, the
546 Planning Board has to make a decision or the project basically gets automatically approved. If the
547 Board feels at the end of that 65 day timeframe that they do not have enough information or are
548 not ready to make a decision, the Board can always deny the application without prejudice and
549 then the applicant can resubmit the exact same application. Mr. Clements added that the Board can
550 also request more time from the applicant and the applicant can waive that 65 day decision
551 timeframe

552

553 Ms. Brunner added that once the Board accepts the application as complete, they can either open
554 the public hearing at that same meeting, which is the general practice, or the public hearing can
555 opened at the next meeting.

556

557 Once the public hearing process has been completed, the Board either votes to continue as long as
558 it is within that 65 days; approve with conditions; issue final approval; or deny the application.
559 Ms. Brunner stated that staff recommends instead of denying an application, to continue it to the
560 next meeting to give the applicant more time to address the Board's concerns. Once the Board has
561 issued final approval, that is when the 30 day appeal clock gets started for abutters or any other
562 aggrieved parties to appeal the Board's decision if they so desire. Ms. Brunner stated the goal is to
563 have an application approved in one meeting with all the preliminary review completed ahead of
564 time. It might not always be the case with more complex projects. This is really meant to be for
565 those larger, more complex projects, they have to go through that preliminary consultation phase.

566

567 Councilor Remy noted that 90% of the time, the conditions precedent on an application include
568 the owner's signature on the plan as well as submitting copies of the plan. He asked if there is
569 anything that can be done to eliminate the need to include these items as conditions precedent. He
570 is hoping that there may be a way that an applicant can show up with copies of signed plans in
571 hand. Ms. Brunner agreed that this can be done and noted that it has been done with some
572 applications. When there is a risk that an application might not get approved or other conditions
573 might need to be added and if a mylar is already signed, this is not commended; however, if it is a
574 straightforward application, they are advised to do what the Councilor was referring to.

575

576 Best Practices: When the Board reviews a site plan, it is using its Site Development Standards to
577 guide that process. The Board has 13 standards and the Board cannot replace any of those standards
578 or supplant them with personal feelings about a project. The Board cannot also rely on opinions or
579 anecdotes that have been refuted by uncontroverted expert evidence (*e.g. if someone says they feel*
580 *a project is going to increase runoff onto their property, but the applicant has a study prepared*
581 *and stamped by a licensed engineer that the project is going to actually reduce runoff and reduce*
582 *flooding*).

583
584 The Board now has uncontroverted expert evidence on the table that says one thing, and then
585 there's somebody's fear of what might happen. In this instance, the Board can't rely on a
586 layperson's opinion or anecdotes if there is expert advice that says otherwise. Ms. Brunner stated
587 that the Board has the right to ask for a third-party opinion. Ms. Brunner encouraged the Board to
588 raise their hand and ask questions of the public or the applicant. She indicated that the Board should
589 avoid what is referred to as *ex parte* communication, which means no discussion of the project
590 with other Board members or the public and definitely not with the applicant or abutters.

591
592 Ms. Brunner that the Board cannot rely on a lay person's opinion, but the Board can rely on their
593 own personal knowledge of the area. She noted that the reason members are appointed to this
594 Board is because they are experts in the local community and have connections.

595
596 Chair Farrington stated that members should not be emailing each other with opinions about
597 projects and stated that all discussions should take place within the confines of Council Chambers.

598
599 Ms. Brunner stated if Board members are emailing each other, they could potentially create a
600 condition of an illegal meeting under as defined under NH RSA-91A. If Board members have a
601 question, email staff directly and not copy anyone else.

602
603 Mr. Clancy asked if two board members wanted to work on ordinances or procedures if that is
604 allowed outside of meeting. Ms. Brunner stated this would not be advisable.

605
606 Mr. Clancy asked if the Board wanted to change its regulations to make it be restrictive and there
607 is an application already before the Board – could this cause an issue. Ms. Brunner stated it
608 depends where in the process the application was; if the Board was in an informal discussion stage,
609 but the regulations on the books are what the regulations are, then the Board would need to follow
610 those regulations. However, if there is public notice regarding changes to the regulations, then the
611 applicant would have to wait until that process is complete.

612
613 Public Hearing Format: After the application has been found to be complete and the Chair opens
614 the public hearing, the applicant will make their presentation to the Board followed by staff's
615 presentation based on the staff report. The public would then have an opportunity to comment.
616 Once the public comment portion is closed, the Board should have adequate information to
617 deliberate. During the public comment, the Board should not be deliberating. Board members
618 should be obtaining all information before deliberating and their deliberation should be based on
619 their standards.

620

621 Off Site Improvements: These are improvements that are necessitated by a development, but are
622 located off of that private property associated with the development. Ms. Brunner explained that
623 when a large development happens next to an intersection, for example, this may create the need
624 for the City to upgrade that intersection, which is going to be an expense to the taxpayer as a result
625 of this development. In this instance, the Planning Board could request that the developer do
626 certain things so the expense does not fall on the taxpayer and include these items as conditions of
627 approval.

628
629 Mr. Clancy referred to the Whitcomb's Mill Road project where the public raised concern, but the
630 State was in charge of this intersection. He asked what authority the Board has in an instance such
631 as this. Ms. Brunner stated the City cannot request changes to a State-managed intersection, but
632 could work with the state on this. Mr. Clements stated that when he worked in Hollis and they
633 encountered situations like this where there were sight issues on a State-managed road, the
634 applicant reached out to the State early on in the process.

635
636 Board Decisions: As mentioned previously, the Board had 65 days to act. The Board can approve
637 applications with no conditions and the applicant has 180 days to meet any conditions precedent
638 to receive final approval. The conditions have to be related to the specific criteria the Board has.
639 The Board can also deny the application, and if it does, the reason for denial has to be clearly
640 stated. If the applicant meets the development standards and the Board still feels the application
641 needs to be denied, then its decision has to be supported by really compelling evidence and
642 analysis. Ms. Brunner stressed that in the case of a denial, the Board needs to make sure they are
643 building up the reasons in the public record because denials have a very high chance of getting
644 appealed to the Superior Court. Hence, this is one of the reasons why staff always recommends
645 continuing an application rather than denying it. This gives staff time to confer with the city
646 Attorney and also gives the applicant time to address the Board's concerns.

647
648 Best Practices: If questions or concerns come up during public comment or deliberation, it is a
649 good practice to invite the applicant to respond. Once the application is closed and a suggestion is
650 made which may require a response from the public, the Board would need to re-open the public
651 hearing to hear from the applicant. Ms. Brunner suggested being as clear as possible about the
652 basis of Board decisions.

653
654 Mr. Clements stated that strong, well deliberated approvals are just as important as strong, well-
655 articulated denials. Shaky approvals put an applicant at risk for an appeal that can derail and
656 ultimately ruin a project. He suggested that the Board read the staff report and pick one or two
657 standards that an application meets well bring them up during the deliberative portion of the public
658 hearing.

659
660 **IX. Staff Updates**

661 None

662
663 **X. New Business**

664 None

665
666 **XI. Upcoming Dates of Interest**

- 667 • Joint Committee of the Planning Board and PLD – September 9th, 6:30 PM
- 668 • Planning Board Steering Committee – September 10th, 11:00 AM
- 669 • Planning Board Site Visit – September 18th, 8:00 AM
- 670
- 671 There being no further business, Chair Farrington adjourned the meeting at 8:45 PM.
- 672
- 673 Respectfully submitted by,
- 674 Krishni Pahl, Minute Taker
- 675
- 676 Reviewed and edited by,
- 677 Megan Fortson, Planner



CITY OF KEENE
NEW HAMPSHIRE

MEMORANDUM

TO: Planning Board
FROM: Community Development Staff
DATE: September 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, there are no applications ready for final approval.

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-2024-09 – COTTAGE COURT CONDITIONAL USE PERMIT – 30 HIGH STREET

Request:

Applicant Nancy M. Clark Esq., on behalf of owner Redion Kadilliu, proposes the conversion of the existing two-unit building at 30 High St (TMP #549-065-000) into three units. The parcel is 0.17-ac in size and is located in the High Density District.

Background:

The subject parcel is owned by Redion Kadilliu and is located at 30 High St (TMP #549-065-000) in north central Keene, approximately 300 feet west of Washington Street and Franklin Elementary School. The existing use is a two-family dwelling/duplex with a 3-bedroom unit on the first floor and a 5-bedroom unit on the second and third floors. Other notable features of the site include a small, detached barn located at the end of an existing driveway and parking area. Figure 1 shows the adjacent uses, which include a mix of single-family, two-family, and multifamily (3 and 4 unit) residential buildings. The parcel is 0.17 acres in size (~7,405-sf) and is located in the High Density District.

The owner proposes to convert the existing building to a 3-unit multifamily building by converting the five-bedroom apartment into two separate dwelling units (one on each floor). Although this lot does not meet the minimum lot size required for three dwelling units in the High Density District, this use is allowed if it is developed in accordance with the Cottage Court Overlay district requirements and the proposal receives a conditional use permit (CUP) from the Planning Board. This project does not meet the threshold for site plan review.



Figure 1. Aerial imagery showing the parcel at 30 High St as well as the development density of the abutting parcels.

Determination of Regional Impact:

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

Completeness:

The Applicant has requested exemptions from submitting separate existing and proposed conditions plans, a grading plan, landscaping plan, lighting plan, elevations, drainage report, soil analysis, historic evaluation, screening analysis, and architectural & visual appearance analysis.

STAFF REPORT

After reviewing each request, Staff have made the preliminary determination that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

Departmental Comments:

- **Code Enforcement:** A building permit will be required and the new unit may require fire sprinklers per the current State building code.
- **Fire Department:** The new configuration will require a building permit and will need to be reviewed for compliance with the State building and fire codes.

Application Analysis: The following is a review of the Cottage Court Overlay requirements and applicable Site Development Standards.

Article 17.5.1 – Development Types Allowed

The development is proposed to be on a single parcel of land with a property management entity. This standard appears to be met.

Article 17.5.2 – Dimensional Standards

Table 1 shows the required dimensional standards for a cottage court development located in the High Density District as well as the dimensional standards proposed as part of this specific application. The existing building was constructed around 1870 and has two apartments with ~3,039-sf of total gross floor area (gfa). The project narrative states that the building exterior will remain unchanged, and all renovations will take place within the existing building envelope. While the structure does not comply with the 15’ front or 10’ side setbacks, these are existing nonconformities and no changes are proposed to the building or site that would increase these nonconformities. In addition, the setback from the road matches the established building line along the road, which is allowed within the Cottage Court Overlay. The structure blends in with the established development patterns in this neighborhood and will continue to do so after its conversion to three units. This standard appears to be met.

Table 9-1: Required vs. proposed dimensional standards.

	Required	Proposed
Minimum tract size	None	0.17-ac (~7,405-sf)
Minimum tract frontage	30’	60’
Perimeter setback from road	Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.	~8’
Perimeter setback from other tract boundaries	Rear: 15’ Side: 10’	Rear: ~40’ Side: ~0’
Density	None	3 units per 3,039 sf of gross floor area (gfa)
Height	3 stories or 50’ max	2.75 stories

STAFF REPORT

Article 17.5.3 - Conditional Use Permit Standards

- A. Dwelling unit size: This standard requires a maximum average size of 1,250 square feet gross floor area (gfa) and a maximum building footprint of 900 square feet per unit. The proposed units would average 884 square feet gfa. This standard has been met.
- B. Parking: This standard requires a minimum of one parking space per unit and a maximum of one parking space per bedroom. The applicant proposes three apartments with a total of eight bedrooms and 8 parking spaces. In order to minimize the visibility of the parking area from the public right-of-way, the property owner is proposing to install three arborvitae in this area, which the project narrative states will be 3'-tall at planting and will reach up to 15' tall at maturity. Planning Staff recommend that the Board include a precedent condition of approval related to the submittal of a security to cover the cost of this landscaping. This standard appears to be met.
- C. Building Separation: This proposal does not involve the construction of multiple buildings. This standard is not applicable.
- D. Driveways. The project narrative states that the parking area is proposed to be repaved and restriped in its existing configuration. The driveway is currently 20' wide at its entrance, which will allow for the flow of 2-way traffic. This standard appears to be met.
- E. Internal Roads: No internal roads are proposed; this standard does not apply.
- F. Screening: This standard states that either a six-foot tall fence or a landscaped buffer is required for screening if the proposed building type (not density) is more intense than the adjacent building type. The subject parcel directly abuts two single-family residences to the south and east and a two-family residence to the southeast. The submitted plot plan shows that there is an existing fence along the southern portion of the eastern property line as well as along the majority of the southern property line. The narrative and plan specify that a total of seven arborvitae will be installed along the remainder of the eastern property line adjacent to the fence to offer privacy between the subject parcel and the adjacent single-family home to the east. The existing fence and barn appear to provide sufficient screening from the properties to the south and southeast. This standard appears to be met.

Article 17.5.4 - Architectural Guidelines: There are no changes to the building exterior proposed as part of this application. This standard is not applicable.

Article 21.4 – Snow Storage & Removal:

The submitted plot plan shows that the property owner is proposing to store snow in the grass area at the southwestern corner of the site. This standard appears to be met.

Article 21.5 – Landscaping: The property owner is proposing to install a total of 10 arborvitae along the eastern property line to screen the parking area from view of High St and the building from view of the adjacent single-family home directly to the east. As was mentioned previously in this staff report, Planning Staff recommend that the Board include a precedent condition of approval related to the submittal of a security to cover the cost of this landscaping. This standard appears to be met.

STAFF REPORT

Article 21.6.1 – General Screening Standards:

As shown on the submitted plot plan, the property owner proposes to plant ten arborvitae and use the existing wooden fence to screen the 3-unit building from adjacent single- and two-family residential uses. The project narrative specifies that trash and recyclables will be handled by a total of two, 96-gallon waste storage containers and a recycling container, which the property owner has confirmed will be placed in a location where they will not be visible from High St. This standard appears to be met.

Article 21.7 – Lighting: The project narrative states that there are no changes proposed to the building exterior or site, including the installation of lighting. This standard is not applicable.

Article 21.8 – Sewer & Water: The City's GIS Database (<https://next.axisgis.com/KeeneNH/>) shows that the site has access to existing water and sewer utilities. Given that no changes are proposed to either of these items, this standard is not applicable.

Article 21.9.3 – Access Management: No changes are proposed to the existing street access for this site. With respect to bicycle access and parking, the submitted plot plan shows the installation of a bike rack near the southeastern corner of the building on the opposite side of the travel aisle from the parking spaces. This standard appears to be met.

Article 21.14.3.D – Site Design & Relationship to Surrounding Community: This standard states "All required off-street parking shall be to the side or rear of buildings on the proposed site, and such parking shall be screened or aligned in accordance with Section 9.4." No changes are proposed to the existing parking area, which is located to the side of the building. As noted previously in this report, the applicant proposes to screen the parking with arborvitae plants. This standard appears to be met.

Recommended Motion:

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

"Approve PB-2024-07 as shown on the plot plan identified as "City of Keene, NH" prepared by Redion Kadilliu at a scale of 1 inch = 18 feet on July 24, 2024 and last revised on August 9, 2024 with the following conditions precedent to final approval and signature by the Planning Board Chair:

- a. Owner's signature appears on the proposed plot plan.***
- b. Submittal of five (5) color paper copies of the approved plan.***
- c. Submittal of a security in an amount and form acceptable to the Community Development Director and City Engineer to cover the cost of landscaping."***



City of Keene, NH

Cottage Court Conditional Use Permit (CUP) Application

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

SECTION 1: PROJECT INFORMATION

PROJECT NAME: 30 High Street	NUMBER OF NEW DWELLING UNITS PROPOSED: 1 <i>(Please note: Proposals that include the creation of 5 or more new units will require concurrent Major Site Plan review. See the Major/Minor Site Plan application for additional information.)</i>
PROJECT ADDRESS(ES): 30 High Street Keene, NH	DOES THIS PROJECT INCLUDE A PROPOSAL TO SUBDIVIDE ONE OR MORE PARCELS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
AVERAGE GROSS FLOOR AREA 497 sf OF ALL PROPOSED UNITS (In SF):	<i>(If yes, a Subdivision application will need to be submitted and reviewed currently with the Cottage Court application. See the Article 20 of the Land Development Code (LDC) for additional information.)</i>

SECTION 2: CONTACT INFORMATION

PROPERTY OWNER	APPLICANT
NAME/COMPANY: Redion Kadilliu	NAME/COMPANY: Redion Kadilliu
MAILING ADDRESS: 30 High Street, Keene, NH 03431	MAILING ADDRESS: 30 High Street, Keene, NH 03431
PHONE: 646-825-0175	PHONE: 646-825-0175
EMAIL: rkadilliu@gmail.com	EMAIL: rkadilliu@gmail.com
SIGNATURE: 	SIGNATURE:
PRINTED NAME: Redion Kadilliu	PRINTED NAME: Redion Kadilliu

AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:	
NAME/COMPANY: Nancy M. Clark, Esq.,	TAX MAP PARCEL #(s): 549 065 000 000 000	
MAILING ADDRESS: P.O. Box 244, New Ipswich, NH 03071	-----	
PHONE: 603-451-4526	PARCEL SIZE: 0.17 ac	DATE STAMP:
EMAIL: nclark@newenglandrealestatelaw.com	ZONING DISTRICT: High Density	
SIGNATURE: Nancy M. Clark	PROJECT #: PB-2024-09	
PRINTED NAME: Nancy M. Clark		

Project Narrative: 30 High Street

Pursuant to Keene, NH Land Use Development Code Article 17.5.5. B.1; 26.12.5.A; and 21.

Introduction

Redion Kadilliu owns the 30 High Street, Keene, NH property. Mr. Kadilliu purchased the property on June 30, 2023. The 30 High Street property is currently a two-family rental property with one unit on the first floor and the second unit on the second and third floors. The upper unit currently consists of five bedrooms and two full bathrooms. This unit has been difficult to rent because of its size. Mr. Kadilliu proposes to divide the five-bedroom two bath unit into two units comprising: (1) a three-bedroom one bath unit on the second floor of the property; and (2) a two-bedroom one bath unit on the third floor. The existing first floor unit has 3 bedrooms. This conversion would result in a multi-family property.

Mr. Kadilliu would achieve this with the addition of a kitchen on the third floor and relocating the third-floor bathroom. On the second floor the addition of a wall in the dining room will create a third bedroom for that apartment which will be a total of three. No exterior construction or alterations on the existing building are required. No new buildings or structures are proposed. Sufficient parking already exists for the new unit. There will be a total of 7 parking spaces available on the property. The parking area will be repaved (same location) as shown in the plot plan.

There are no modifications proposed for the exterior of the property. As a result, there would be no impact on the physical or architectural characteristics of the site or the surrounding neighborhood. There would be no change in access points for the property.

The backyard will be used for snow storage and snow removal is handled by a plow service that plows every storm.

Trash removal is done through Waste Management and 1 more 96 gallon container will be added for a total of two 96 gallon containers as well as a recycling container.

There is an existing fence that screens half of the property line to the east. The remainder will be screened with arborvitae trees. The trees will be spaced 3' apart at the roots. The arborvitae will be planted when they're 3' tall and can grow as much as 15' tall. The screening on the north portion of the property will also be screened with the same arborvitae trees.

This project does not conflict with and complies with the Site Development Standards articulated in Keene, NH Land Use Development Code Article 21. These Site Developments Standards concern development on the exterior of the building and/or the land. No such development is proposed for this project. The exterior of the building and the land would remain as they are at present. In addition, to the extent that any current conditions of the property do not strictly comply with Article 21, the building was constructed in 1870, long before the enactment of the Keene, NH Land Use Development Code.

Cottage Court Conditional Use Permit

Redion Kadilliu is applying for a Cottage Court Conditional Use Permit pursuant to Keene, NH Land Use Development Code Article 17. The proposed project as discussed above meets the criteria in Article 17. The new unit would comprise 497 square feet and the average size of all units at the property would comprise 1,013 square feet. There is sufficient existing parking on site.

In addition, City of Keene Planning staff, Corinne Marcou and Evan Clements, were consulted on multiple occasions during the development of this application and they recommended that Mr. Kadilliu utilize the Cottage Court Conditional Use Permit application for this project.

Exemptions, Waiver and Partial Waivers

Redion Kadilliu requests an exemption from Minor Site Plan Review pursuant to Keene Land Use Development Code Article 26.12.5. In the event that the Keene Planning Board does not find that an exemption of Minor Site Plan Review is warranted, several waivers and partial waivers are attached to this application concerning most aspects of Minor Site Plan Review.



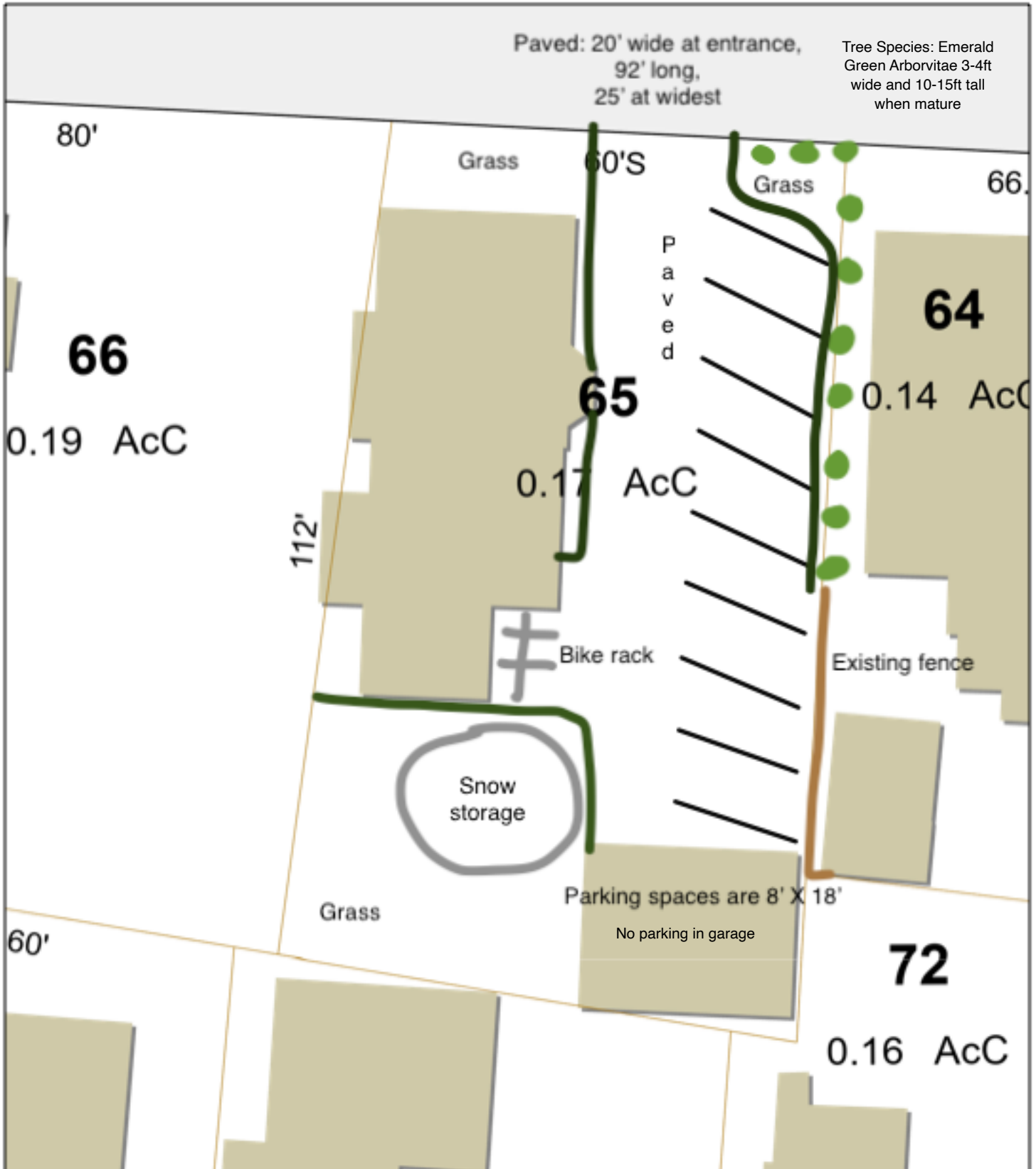
City of Keene, NH

1 inch = 18 Feet



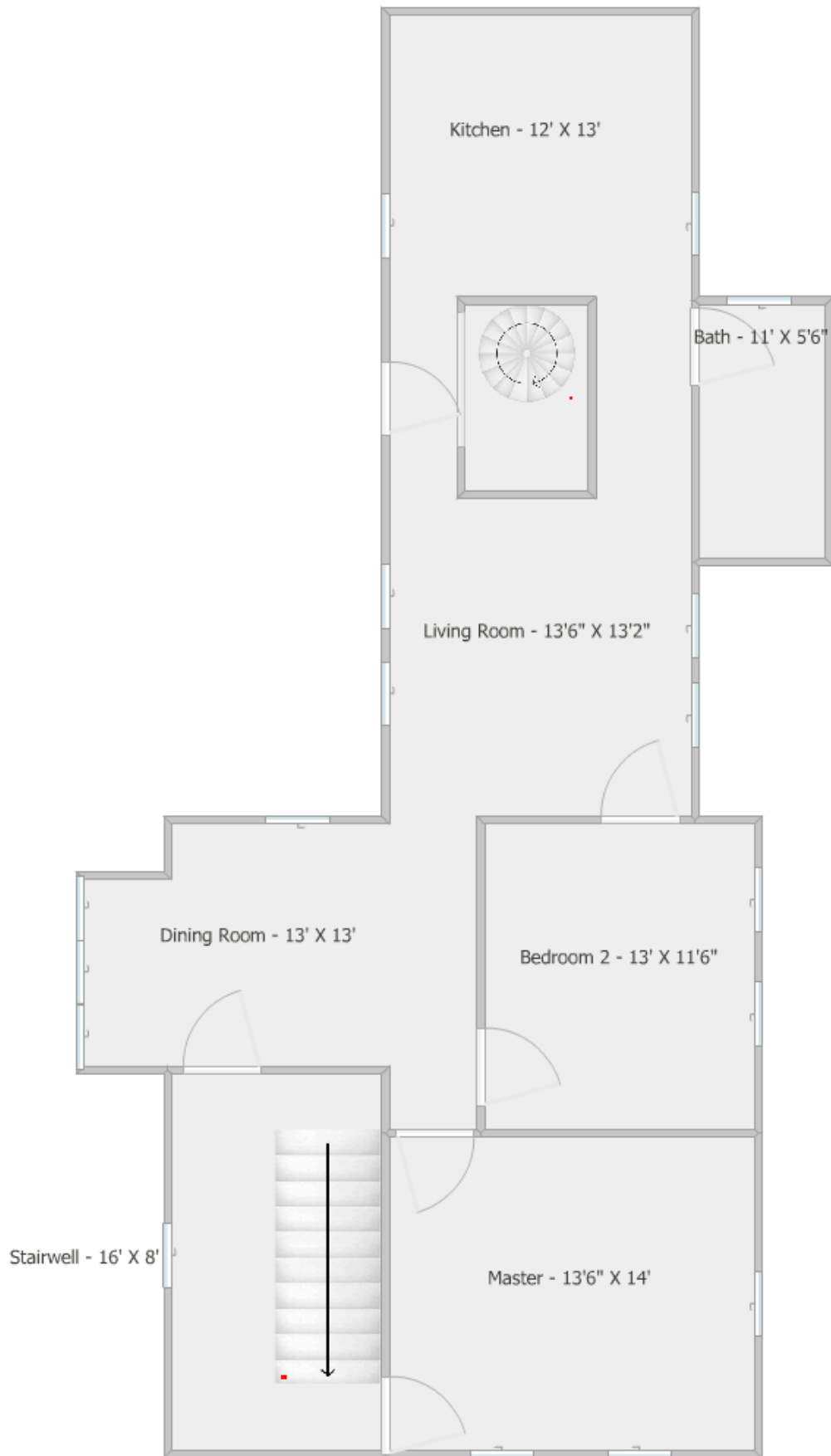
www.cai-tech.com

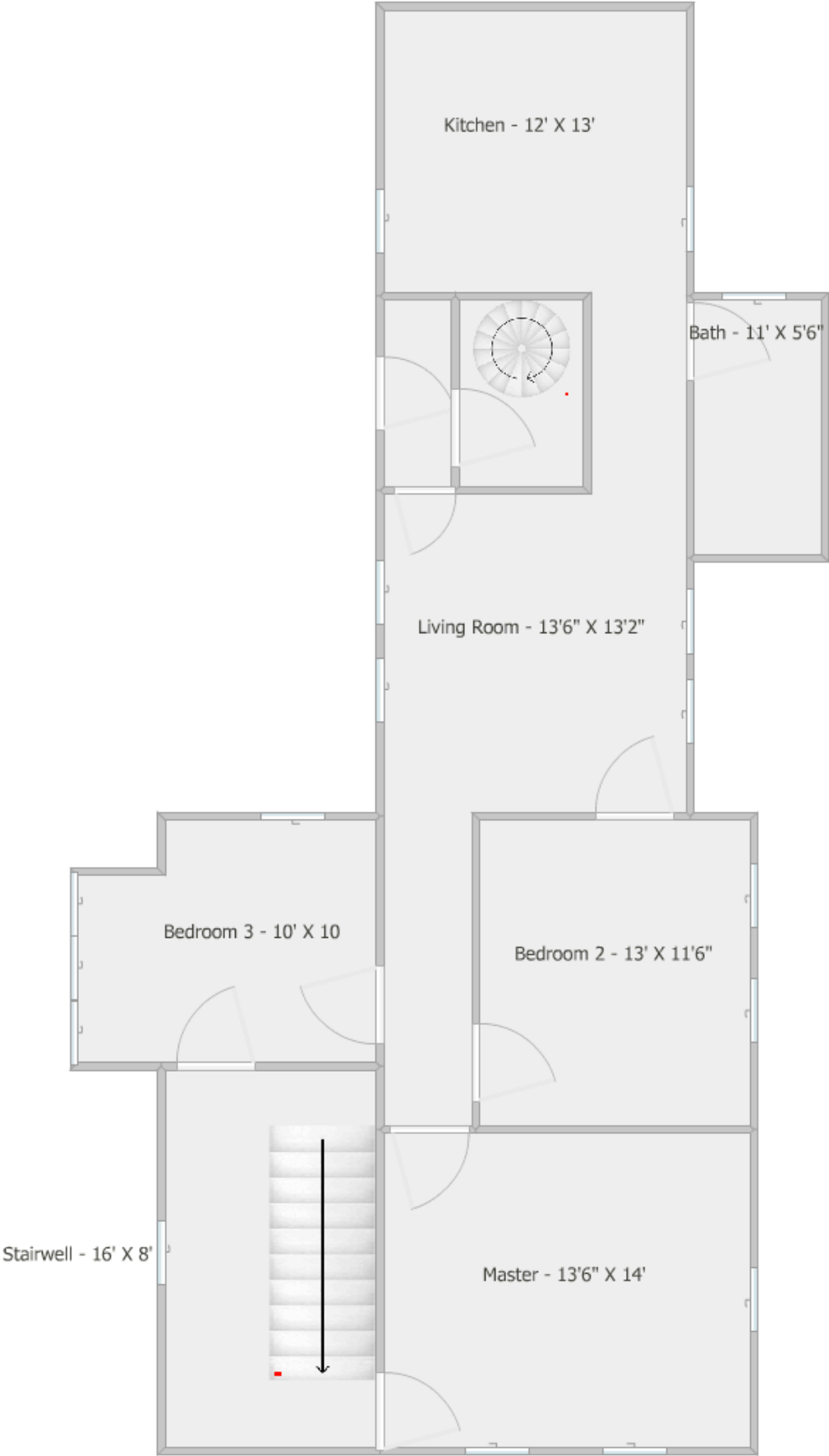
July 24, 2024



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

30 High St, Second Floor Existing layout Map/Lot # 549//065/000/000/000





Existing Layout
3rd Floor
Redion Kadilliu
30 High St
Keene NH, 03431
Map/Lot #
549/ / 065/000
000/000



Proposed Layout -
3rd Floor

Redion Kadilliu
30 High St
Keene NH, 03431
Mar/Lot #
549/ / 065/000
000/000









STAFF REPORT

SPR-806, Modification #2A – SITE PLAN REVIEW – APPLEBEE'S, 40 KEY ROAD

Request:

Applicant Apple New England LLC, on behalf of owner RAM 3 Keene Properties LLC, proposes modifications to the exterior of Applebee's Grill & Bar located at 40 Key Rd (TMP #111-016-000), including painting the existing unfinished brick exterior and the installation of new lighting. The parcel is 0.83-ac in size and is located in the Commerce District.

Background:

Applebee's Grill & Bar is located at 40 Key Rd (TMP #111-016-000) in south Keene. The property is 0.83-acres in size and is in the Commerce District. The restaurant is surrounded by commercial uses on all sides, including ConvenientMD Urgent Care to the northeast and a commercial building occupied by several other businesses to the west, including Five Guys, Rick's Ice Cream, Auto Zone, and Town Fair Tire. Riverside Plaza is directly to the east across Winchester St and other commercial business are directly to the north across Key Rd. The Route 10 & 101 by-pass is directly to the south as shown in Figure 1.

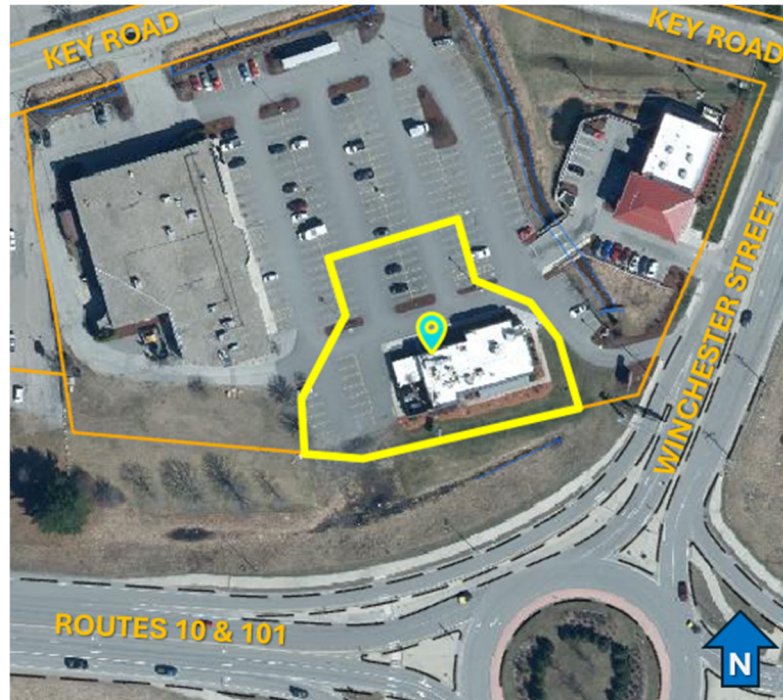


Figure 1. Aerial imagery showing the Applebee's site at 40 Key Rd.

The applicant is seeking to modify the building's existing brick and red exterior color scheme by painting the brick a cream color and installing new simulated wood plank panels in place of the current stone veneer covering the entry tower at the northeastern corner of the building. In addition the decorative lighting around the perimeter of the building is proposed to be replaced.

Determination of Regional Impact:

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

Completeness:

The applicant has requested exemptions from submitting a grading plan, landscaping plan, lighting plan, soil analysis, drainage report, traffic analysis, historic evaluation, architecture & visual appearance analysis, screening analysis, and elevations showing the building dimensions. After reviewing each request, staff have the preliminary determination that the requested

STAFF REPORT

exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

Departmental Comments:

- **Code Enforcement:** A building permit will be required for the proposed renovations.

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

Article 21.7.3 – Lighting – General Standards:

This section of the Land Development Code (LDC) states that all new light fixtures installed on a building must be full cut-off with a color temperature of 3,500 Kelvin (K) or less. The applicant is proposing to remove twelve existing decorative light fixtures around the perimeter of the building and install a new style of wall sconce in place of the old fixture. The updated fixture is full cut-off with a color temperature of 3,000K. While the fixture is designed to be illuminated on both the top and bottom, the applicant has confirmed that a bulb will only be installed in the bottom of the fixture. This standard appears to be met.

Article 21.14.2 - Architecture & Visual Appearance – Visual Interest:

- A. *“Front facades and exterior walls shall be articulated to express an architectural identity to avoid a uniform appearance, and architectural details shall give the impression of being integral to and compatible with the overall design.”*

The applicant is proposing to paint the existing unfinished brick exterior a cream color from Dunn Edwards called “Bone White.” Accents will be painted using in the shade “Bison Beige” and metal components will be painted Sherwin Williams’ “Enduring Bronze” as shown on the submitted elevations. The existing stone veneer covering the entry tower at the northeastern corner of the building is proposed to be refinished with Nichiha Vintagewood Simulated Wood Grain Horizontal Plank Panels in the shade “Cedar.” Figures 2 & 3 show a comparison between the existing and proposed exterior building finishes. The Board will need to determine whether or not the proposed design complies with the architectural and visual appearance standards outlined under this section of the LDC.

- B. *“Structures shall have architectural features (e.g. dominant gable ends, cornices, granite sills, arched openings, large windows framed with architecturally consistent trim, etc.) and patterns that provide visual interest at the pedestrian scale, reduce massive aesthetic effects, and harmonize with the City’s distinctive architectural identity, unique character, and prevailing scale.”*

The project narrative states that only the existing decorative stone, lighting, and brick are proposed to be modified as part of this application. The submitted renderings specify that there are no changes proposed to the existing building area or height and show no new architectural features. This standard is not applicable.

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Figure 2. Snippets of Google Street View imagery and the submitted elevations showing the existing and proposed building exterior finishes along the east building façade.

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

The proposed elevations show an updated red apple design on the window awnings around the building. These features are considered signage and will be reviewed as part of a Sign Permit application, which is separate from the site plan review process.

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

There are no new architectural features proposed as part of this application, only changes to the finish of the existing building. This standard is not applicable.

- E. *“Facades shall express a traditional visual distinction between the ground floor and upper stories through architectural features or detailing, change in materials, or a change in pattern elements such as fenestration.”*

There are no upper floors on this building. This standard is not applicable.

- F. *“Buildings shall be designed with consistent building materials and treatments that wrap around all facades visible from a public right-of-way. Where material or color treatments change, there shall be a significant change in surface plane of a minimum of 6-in in difference. Differing materials are encouraged to terminate at inside corners.”*

STAFF REPORT

The proposed cream and brown color scheme will wrap around the entire building exterior as shown on the submitted elevations. There are no changes proposed to the height of the surface plan where materials change. The Board will need to make a determination as to whether or not this standard has been met.

- 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.”*

As stated previously in the staff report, the existing building exterior is comprised of stone veneer on the entry tower and unfinished brick around the remainder of the building. The red brick is proposed to be painted a cream color with brown accents and the natural stone veneer is proposed to be removed and replaced with a brown simulated wood grain paneling. The Board will need to make a determination as to whether these proposed exterior changes, *“harmonize with the City’s architectural identity and unique character.”* There don’t appear to be any colors or finishes proposed that would be considered visually aggressive.



Figure 3. Snippets of Google Street View imagery and the submitted elevations showing the existing and proposed building exterior finishes along the north building façade.

- H. *“Modifications and additions to existing structures shall be harmonious with the character of the existing structure.”*

The existing exterior of the Applebee’s building is unfinished brick with stone accents and red window awnings. The Board will need to make a determination as to whether the proposed cream and brown color scheme with faux wood finishes are harmonious with the character of the existing structure.

- I. *“Where parapet walls are used, they shall feature three-dimensional cornice treatments or other shadow creating details along their tops.”*

STAFF REPORT

There is an existing parapet wall around portions of the roof line that is currently unfinished brick with a brown cap. The submitted elevations show that the existing brick below the roof parapet will be painted with Dunn Edwards' "Bison Beige" and the metal parapet cap will be finished with Sherwin Williams' "Enduring Bronze" paint. The Board will need to make a determination as to whether or not this proposed finish meets the intent of this standard.

Recommended Motion:

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

"Approve SPR-806, Modification #2A as shown on the elevations titled "Applebee's" prepared by Flynn Group on August 14, 2024 and last revised on September 4, 2024 with no conditions."



City of Keene, NH Site Plan Application

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

SECTION 1: PROJECT INFORMATION	
PROJECT NAME: Applebees 8144 Keene	TYPE OF APPLICATION BEING SUBMITTED: <input type="checkbox"/> MAJOR PROJECT APPLICATION <input checked="" type="checkbox"/> MINOR PROJECT APPLICATION
PROJECT ADDRESS(ES): 40 Key Road	
EXISTING OR PREVIOUS USE: Restaurant	PROPOSED USE: Restaurant
GROSS FLOOR AREA OF NEW CONSTRUCTION (in square feet)	GROSS FLOOR AREA OF EXISTING BUILDINGS/STRUCTURES (in square feet)
AREA OF PROPOSED NEW IMPERVIOUS SURFACES (in square feet)	TOTAL AREA OF LAND DISTURBANCE (in square feet)
SECTION 2: CONTACT INFORMATION	
PROPERTY OWNER	APPLICANT
NAME/COMPANY: Ram 3 Keene Properties LLC	NAME/COMPANY: Apple New England, LLC
MAILING ADDRESS: 2700 Las Vegas Blvd Sunit 1811 Las Vegas NV 89109	MAILING ADDRESS: 6200 Oak Tree Blvd Ste 250 Independence OH 44130
PHONE: 626-864-8060	PHONE: 913-227-9008
EMAIL: slai.orion@gmail.com	EMAIL: rcooper@flynn.com
SIGNATURE: <small>signed by:</small> Shirley Lai	SIGNATURE: R. Cooper
PRINTED NAME: Shirley Lai	PRINTED NAME: Rachael Cooper
AUTHORIZED AGENT <small>(if different than Owner/Applicant)</small>	FOR OFFICE USE ONLY:
NAME/COMPANY:	TAX MAP PARCEL #(s): 111.016.000.000
MAILING ADDRESS:	
PHONE:	PARCEL SIZE: 0.83ac
EMAIL:	ZONING DISTRICT: Commerce
SIGNATURE:	DATE STAMP: <div style="border: 2px solid blue; padding: 5px; display: inline-block;">RECEIVED AUG 19 2024 By _____</div>
PRINTED NAME:	
	PROJECT #: SPR 806, Mod. 2A

Applebee's Planning Commission Meeting – 40 Key Road

Project Narrative 8/22/23

To whom it may concern, the narrative for this project on the proposed exterior work is listed below. We will be doing only what is listed below with **no additional** work being done. We will be painting the building, upgrading the stonework with Nichiha wood look and changing out the lighting sconces.

1. We will be removing current stone and installing new Nichiha
2. We will also be painting the building.
3. Adding Led spots to greenhouse using existing junction boxes.




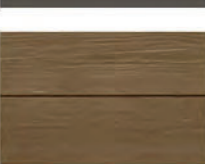
We are requesting exemptions from Grading Plan, Landscaping plan, Lighting Plan, soil analysis, Drainage report, Traffic Analysis, Historic Evolution, architecture & visual appearance analysis and Screening Analysis. Also Exempt request for the elevations is from providing elevations with dimensions. We're are still submitting elevations.

We are excited about updating this Applebee's for the town of Keene.

Thank you,

Rachael Cooper
Project Coordinator
Flynn Group



-  **FIELD COLOR - PAINT**
Dunn Edwards
DEC741 'Bone White'
Existing Brick
-  **ACCENT COLOR - PAINT**
Dunn Edwards
SP134 'Bison Beige'
Existing Brick
-  **METALS COLOR - PAINT**
Sherwin Williams
SW7055 'Enduring Bronze'
Existing metal roof, parapet caps
doors, gates, downspouts.
Paint Entry Canopy
-  **REPLACEMENT SIDING**
Nichiha Vintagewood 'Cedar'
Simulated Wood Grain
Horizontal Plank Panels.
@ Existing Entry Tower Only

No change to existing building area or height



EAST ELEVATION FRONT



RIGHT NORTH ELEVATION



SOUTH ELEVATION LEFT

- FIELD COLOR - PAINT**
Dunn Edwards
DEC741 'Bone White'
Existing Brick
- ACCENT COLOR - PAINT**
Dunn Edwards
SP134 'Bison Beige'
Existing Brick
- METALS COLOR - PAINT**
Sherwin Williams
SW7055 'Enduring Bronze'
Existing metal roof, parapet caps
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Paint Entry Canopy
- REPLACEMENT SIDING**
Nichiha Vintagewood 'Cedar'
Simulated Wood Grain
Horizontal Plank Panels.
@ Existing Entry Tower Only

No change to existing building area or height



WEST ELEVATION REAR

3-5046D

Wall Mount, Up/Down Light, Outdoor, Wet Location



Features

Housing

Die-cast Aluminum with Powder Coated Finish
 Finish Options: -05 Black, -30 Oil Rubbed Bronze, -08 Gray
 Good for Wet Location Applications

Optical

Shade: Clear Glass

Electrical

120V – 277V
 High Power Factor, Low THD

Lamp

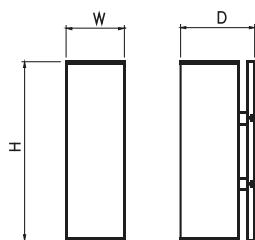
Integrate LED Module: Color Temperature Option 3000K or 4000K
 LED: High Efficiency, High CRI, Binned and Mixed to Reach Uniform Light

Certification

ETL/cETL Listed, Suitable for Wet Locations

Warranty

5 Years Limited Warranty on Driver and LED



LED Type

Model	Input Voltage	Input Wattage	LED CT	Lumen (TYP)	Finish	Shade	Dimension (H x W X D)	Energy Star
3-5046D-xxxxK-05	120V ~ 277V	34W	3000K or 4000K	3200	Black	Clear Glass	18.1" x 6.0" x 8.2"	---