

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, October 28, 2024

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy (remote)
Sarah Vezzani
Armando Rangel
Kenneth Kost
Michael Hoefler, Alternate
Stephon Mehu, Alternate

Staff Present:

Mari Brunner, Senior Planner
Megan Fortson, Planning Technician

Members Not Present:

Ryan Clancy
Randyn Markelon, Alternate
Tammy Adams, Alternate

I) Call to Order

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken.

II) Minutes of the Previous Meeting – September 23, 2024

Chair Farrington offered the following corrections:

Line 183 – add the word “access.”

After Line 197 – add the phrase “the Chairman closed the public hearing.”

After Line 234 – insert the phrase “original proposal by the applicant.”

Line 254 – delete the word “but” not parallel to the wheels.

Line 445 – “not parallel to the wheels.”

A motion was made by Mayor Kahn that the Planning Board accept the September 23, 2024 meeting minutes as amended. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved by roll call vote.

III) Final Vote on Conditional Approvals

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

The first is project is CLSS-CUP-03-23, Congregate Living and Social Services Conditional Use Permit, for the Keene Serenity Center located at 24 Vernon Street. Ms. Brunner stated this application came before the committee almost a year ago, and the only condition that they had to meet was getting their license, which they received in September. They have now met all their conditions of approval and are looking for final approval.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final approval for CLSS-CUP-03-23. The motion was seconded by Kenneth Kost and carried on a unanimous vote.

The second project for final approval was the Cottage Court Conditional Use Permit project PB-2024-09 for 30 High Street. This was to add a third unit within the existing building of a two-unit structure. There were three conditions attached to this application.

The first condition was the owner's signature appears on the proposed plot plan, the second was submittal of five color paper copies of the approved plan, and the third was security in an amount acceptable to the Community Development Department to cover the cost of landscaping. Ms. Brunner stated that all three of those conditions have been met.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final approval for PB-2024-09. The motion was seconded by Kenneth Kost and carried on a unanimous vote.

IV) Public Hearings

a. PB-2024-13 – 2-Lot Subdivision – Habitat for Humanity, 0 Old Walpole Rd – Applicant Monadnock Land Planning, on behalf of owner Monadnock Habitat for Humanity Inc., proposes to subdivide the ~7.18-ac parcel at 0 Old Walpole Rd (TMP #503-005-000) into two lots ~2.35-ac and ~4.83-ac in size. The parcel is located in the Rural District

A. Board Determination of Completeness

Planner Mari Brunner recommended the Board accept the application as complete.

A motion was made by Roberta Mastrogiovanni to accept Application PB-2024-13 as complete. The motion was seconded by Kenneth Kost and was unanimously approved.

B. Public Hearing

Mr. Dave Bergeron of Monadnock Land Planning began by introducing Matt Keenan Monadnock Habitat for Humanity.

Mr. Keenan indicated Monadnock Habitat for Humanity is a nonprofit 501C3 affiliate of the International Habitat for Humanity. Their mission is to build affordable workforce housing so that it can be turned over through a no interest mortgage to a partner family.

The applicant puts in 300 hours of sweat equity to build their home. Mr. Keenan stated they fundraise to purchase land and materials and rely on volunteer labor to keep the cost down, which makes the home affordable for these partner families.

He noted they have been in the area since 1991 and have built 16 homes in the southwestern part of the state. The most recent house they built was in 2020. He added that when they move applicants into homes it frees up homes for Keene Housing Authority.

Mayor Kahn stated during the site visit the Board learned about the number of years covenants are placed on the properties by virtue of habitat being the developer. He asked for added clarification on this issue. Mr. Keenan explained because it is affordable housing, Habitat for Humanity holds the mortgage. The applicant pays them through no interest mortgage payments on a monthly basis. Habitat for Humanity has first right of refusal to purchase the home if the applicant needs to relocate or can't make the payments, and then they turn it into a home for another affordable housing family.

He added in the mortgage they write deed restrictions for the applicant to sell, but they also give Habitat for Humanity the opportunity to take the home back and put another family in the home.

The Mayor clarified that this remains affordable housing beyond the life of the first owner. Mr. Keenan answered in the affirmative. There are provisions in place so that the homeowner can't sell the property and take all the savings. He added there is a silent mortgage Habitat for Humanity gets back if anything happens, and they have to sell. If Habitat for Humanity can't afford to purchase the home back from the partner family with the first right of refusal, the provision goes away. The partner family can sell the home to whoever they want, but Habitat for Humanity gets that silent mortgage as funding for the next home.

Mr. Kost asked whether or not there is a time period of commitment as a requirement so that a homeowner cannot sell the home for profit. Mr. Keenan stated it is for the length of the mortgage, which is typically 30 years. He added since 1991 the first mortgage was just paid off in August. This is the first family that has gone through the whole process.

Mr. Bergeron addressed the Board next and referred to Old Walpole Road as well as the street which heads towards Surry on the map. It is a seven-acre parcel with frontage along Old Walpole Road. There are wetlands delineated on the property. There are two homes being proposed for the site. The first lot would be 2.3 acres in size and the second lot would be about 4.8 acres in size. He noted where some steep slopes are located to the rear of the site.

As far as water and sewer for these lots – there is no access to water and sewer on site. Test pits have been completed to determine where those septic systems can be located. Areas on both lots that will be able to support septic systems and will be part of a State Subdivision approval, which will be also submitted for this property.

For fire protection, there is a fire hydrant directly across the street. Mr. Bergeron noted the entire site is currently wooded and described the area that would be cleared where the building sites and the septic systems would go, while the remainder of the lot would remain fully wooded.

There will also be some wooded area along the front of the property that will be maintained. There will be a single driveway that will come into property line, which will service both house sites. This concludes Mr. Bergeron's presentation.

Mr. Kost noted all the wooded areas, steep slopes, and wetlands, and he asked whether the applicant was planning on placing any protections, such as a conservation easement. Mr. Bergeron stated he had a discussion with the City Assessor about placing a conservation easement on the land and whether it would be economically feasible for such a small piece of property. He indicated the issue with most conservation easements is that there needs to be someone who maintains that easement. Most of the time, the person who maintains the easement is from the Forest Society or a similar group; however, this is such a small piece of property, so it would be difficult to get someone interested in it.

Mr. Bergeron stated at the very least they have talked about placing deed restrictions which will prevent further clearing of a lot beyond what is developable area.

Staff comments were next.

Ms. Brunner addressed the Board. She stated staff has determined this application will have no regional impact and noted this is something the Board would need to address.

Next, Ms. Brunner addressed the following items:

Character of Land for Subdivision – She indicated the applicant did a good job explaining the application. This is a steep lot with wetlands and the developable area is limited, but there is room for two house lots. Staff recommend a condition of approval for a storm water management plan for each lot prior to a building permit being issued. Also, she stated that the wetland buffer should be flagged and inspected by staff prior to site development.

Scattered or Premature Development – Ms. Brunner stated this area of the city is already developed and there is no concern regarding emergency access. Both sites can support on-site septic systems and well.

Preservation of Existing Features – As mentioned by the applicant, there are steep slopes, wetlands, tree cover, and a stonewall that runs around the property. All of these would be preserved, except for the trees in the development area.

Fire Protection and Water Supply - There is a fire hydrant near the property, so Fire Department staff had no concerns.

Utilities – Applicant is not proposing to use city water or sewer. The lots can support septic and a well. With respect to the septic, New Hampshire DES approval will be required, because both new lots would be under five acres, which is a recommended condition of approval.

Shared Driveway – There is a recommended condition of approval regarding this issue. Ms. Brunner noted that the Board may want to consider requiring a condition of approval submittal of language for an easement document so that the neighbors will have clear easement language in place for use of that shared driveway.

Ms. Brunner reviewed motion language. This concluded staff comments.

Mayor Kahn stated in a previous iteration, there was concern about storm water getting onto abutting properties on Butternut Drive and asked whether this has been reviewed by staff. Ms. Brunner stated that because she knows who the applicant is and what they are proposing, she would be surprised if there was a large storm water impact. However, if the lots were to be sold it would be a different issue, hence the reason for the requirement for a storm water management plan.

The Chair asked for public comment next.

Mr. Nick Bergman of 122 Butternut Drive addressed the Board. He stated he was following up on discussion at prior meetings, and he felt the applicants were good stewards and have considered concerns from neighbors. They have reduced the number of houses, and will be using a shared driveway and locating buffers along the front and rear of the site. He stated he was happy with this proposal.

Mr. Bergeron stated he has a general layout for what the lot would look like and has a pretty good idea what the size of buildings would be and where the driveway is going to be located. He added their drainage plan will not increase runoff from this property; in addition, what exists now would be slightly reduced once this development is completed. This is because they are going to handle the storm water for this development on site.

Mr. Jeff Kaiser of 118 Butternut Drive was the next speaker. He thanked Habitat for Humanity for listening to the neighbors and doing such a good job of working with them to come up with a plan, which he felt is a lot better than the one from a year ago. He felt if this plan is not approved, anything else that is proposed would be a lot worse, and a different applicant would not work as well with the neighbors as this applicant did.

Mr. Kevin of Thatcher of 28 Evans Circle stated he would also like to speak in support of this application. He stated as a civil engineer the standard of care that the applicant has put in for a two-lot subdivision is above the norm. He felt this is in keeping with providing affordable workforce housing and would be a great benefit to the city.

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

C. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB2024-13 as shown on the plan set identified as “Subdivision Plan Prepared for Habitat for Humanity, INC.” prepared by David A Mann Survey at a scale of 1 inch = 80 feet, dated September 3, 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 appears on the plan.
 - b. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security deposit in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.
 - c. Subdivision approval from the New Hampshire Department of Environmental Services shall be obtained.
 - d. Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.
 - e. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees.

2. After final approval and signature by the Planning Board Chair, the following conditions shall be met:
 - a. Prior to the issuance of a building permit for new residential construction, a stormwater management plan shall be submitted to the Community Development Department for review and approval by the City Engineer.
 - b. At the City Engineer’s discretion, the 75-ft. wetland buffer shall be flagged and inspected by the Community Development Director or their designee prior to site development.
 - c. C. Submittal of draft easement language for approval of a shared driveway.

The motion was seconded by Mayor Kahn.

Mr. Hoefler agreed with staff that he sees no regional impact from this application.

Ms. Vezzani thanked everyone for their comments. She felt it was great they were able to come back to meet the needs of the neighbors and saw no issue with moving forward with this proposal.

Chair Farrington stated that from his perspective he felt it is an excellent proposal and appears to meet all the standards set forth for subdivision. It also addresses the priority of the neighbors - storm water impact.

The motion made by Roberta Mastrogiovanni carried on a unanimous roll call vote.

b. PB-2024-14 – Cottage Court Conditional Use Permit, Hillside Protection Conditional Use Permit, & Major Site Plan – Timberlane Woods Development, 0 Drummer Rd - Applicant Fieldstone Land Consultants, on behalf of owner Christopher Farris, proposes a Cottage Court Development consisting of 6 buildings

and a total of 36 units on the parcel at 0 Drummer Rd (TMP #515-015-000). A Hillside Protection Conditional Use Permit is requested for impacts to steep slopes. The parcel is ~13.1-ac in size and is located in the Low Density District.

Ms. Vezzani asked to be recused from this application.

Councilor Remy asked whether a vote needed to be taken for the recusal request. Ms. Brunner stated there is no vote required for land use boards, but an advisory vote could be requested and it is up to the individual board member to request recusal.

A. Board Determination of Completeness

Planner Megan Fortson addressed the Board and stated the applicant has requested an exemption from submitting a traffic study and other technical reports and analysis. After reviewing each request, staff have made the preliminary determination that the requested exemptions would have no bearing on the application and recommend that the Board grant the requested exemptions and accept the application as complete.

A motion was made by Roberta Mastrogiovanni to accept Application PB-2024-14 as complete. The motion was seconded by Mayor Kahn and was unanimously approved by roll call vote.

B. Public Hearing

Mr. John Noonan from Fieldstone Consultant addressed the Board on behalf of Christopher Farris. Mr. Noonan stated the proposal is for six buildings with 36 units. This application was previously approved for five buildings with 30 units. It was approved as a conservation residential development with nine acres being placed in conservation. However, with the recent cottage court development being adopted, the applicant is back with six buildings and 36 units.

He indicated previously there were garages proposed in front of each unit. This proposal has 46 parking spaces with no garages (one parking space per bedroom). The units would be one-bedroom, two-bedroom, and studio/efficiency apartments.

There will be one central driveway, 24 feet wide, coming off Timberlane Drive. All parking will be located behind the buildings. There was a waiver request approved as part of the prior proposal which was granted to locate parking in front of a building, which Mr. Noonan referred to on the plan. He noted there won't be any more tree clearing as was indicated during the site visit. A 32-foot buffer will be maintained along Timberlane Drive. The western portion containing nine acres will remain undeveloped.

Mr. Noonan went on to say the applicant would own the property, maintain all the buildings, as well as maintain pavement, storm water and infrastructure for water and sewer.

A grading and drainage plan has been submitted, which is the same as before. Collecting stormwater with closed drainage, open drainage along the upper portions into the closed drainage and ultimately into a detention basin.

A utility plan has also been submitted and was also submitted with the prior plan, except this utility plan will tie into the buildings in the upper portion of the plan.

Mr. Noonan stated the applicant is also proposing a ground mounted solar array, and the building to the southeast would have roof mounted solar arrays.

Landscaping Plan – Each lot would have bike racks, trees to meet the requirements, and shrubs in each parking area. The transformer on site would be screened by a dwarf spruce. The central dumpster would be enclosed by a fence.

Lighting Plan – Mr. Noonan stated there would be 14-foot-tall pole mounted lights, with the rest being wall packs residential style lighting. Lighting would be fully cut off LED fixtures.

Mr. Noonan stated fire access plans were also submitted that shows trucks can get into and out of the site. The plan also notes that a 200-foot fire hose can access the rear of the site.

The next exhibit plan is in reference to slope impacts. The prior proposal had 20,000 square feet for each lot which did not reach that threshold. With the new plan, the impact stands at 54,000 square feet and a Hillside Conditional Use Permit application has been submitted. Mr. Noonan noted these are all precautionary slopes (15% to 20%).

Architectural Renderings – Elevations for the buildings have been submitted. Mr. Noonan stated the applicant is willing to design the buildings to meet the cottage court overlay district standards. The previous plan called for town house style homes, 2.5 stories, and 30-foot roof peak height.

Mr. Christopher Farris addressed the Board and stated the if the Board has an opinion, he was flexible with the final appearance of the building as they want it to fit in with the neighborhood.

This concluded the applicant's comments.

Mayor Kahn stated removing the first floor garages lowers the profile and allows for surface parking, which he felt was an improvement. He asked how the remaining parts of the driveway would address capacity for guest parking or additional parking on the property.

Mr. Noonan stated along each side of the driveway there is a larger gravel shoulder along this area where the dumpster is located, which could be used for parking.

The Mayor asked whether 24 feet is sufficient for two way traffic. Mr. Noonan stated 24 feet meets the city standard for a town road and is wide enough for two-way traffic.

Mr. Kost noted the addition of another building would cause more runoff and asked how that is being handled. Mr. Noonan stated their drainage report included the impervious areas that increased compared to the prior plan. The way that is being handled is with the use of swales on either side, and they are also providing a treatment swale at the top and at the bottom of the driveway and sediment forebay. In addition, main pond areas were increased in size and well as

the detention pond which was also increased in size. Ultimately, this gets submitted for the Alteration of Terrain Permit which is reviewed by DES.

Chair Farrington clarified that the elevation with the stairways at the front is not going to be included. Mr. Farris agreed.

Mr. Hoefler stated he prefers this design compared to the original design. He asked how the solar provides relief to the users, from a net metering standpoint. Mr. Farris stated their intention with this development is to provide affordable housing and all utility costs will be included in the rent. The solar would just contribute to that overall savings.

Chair Farrington noted building three and asked whether it could be rotated 90° or if there are reasons why it is in its current position. Mr. Noonan stated in order to work more with the slope, it is designed to follow the contours of the land. If it is located at the end of the parking lot, you would have one side that cuts into the hillside and the other side would drop way off. Mr. Noonan stated they are trying to minimize the slope impacts.

The Chair asked how addresses for each property would be handled for emergency services purposes.

Mr. Noonan stated each building unit would have a 911 address of its own. The interior driveways would not be named. It would be building one through six and unit numbers. This would be turned into the city to decide how they want it numbered.

Mayor Kahn asked whether the applicant was willing to be flexible on the type of housing they are providing based on housing trends in the community where demand might be for more two-bedroom compared to one-bedroom units. Mr. Farris stated the original plan was all two-bedroom units. He stated it was probably feasible, based on the size of the buildings, to obtain that.

This would, however, encompass using the half-story attic space which they were not planning on utilizing. He added the program they would be using requires a 25% minimum of two-bedroom units, but this can be changed based on need. The Mayor asked staff what this process would look like.

Staff comments were next.

Ms. Fortson addressed the Board and stated, as indicated by the applicant, this is a 13.1-acre tract which has about 818 feet of frontage along Timberlane Drive and 160 feet of frontage on Drummer Road. The site is currently forested and undeveloped, although logging has taken place on the eastern end of the property near Timberlane Drive. Wetlands are present towards the western portion of the parcel and steep slopes are present on the northeastern portion of the site.

As indicated by the applicant, this parcel was previously the subject of a Major Site Plan & Conservation Residential Development (CRD) Subdivision application in 2022. The applicant has subsequently received three extensions to the timeframe to satisfy the precedent conditions

of approval. Cottage Court Development (CCD) was not an option in 2022 and the applicant is coming back to the Board to utilize this option so they don't need to have multiple lots or place land in conservation.

The proposed development will consist of six town-home style buildings containing a total of 36 units ranging from studio to two-bedroom units. This proposed development would impact more than 20,000 sf of precautionary slopes (15-25% grade), which requires the applicant obtain a Hillside Protection CUP. Cottage Court Standards outlined in Article 17 of the LDC states if a development is proposing more than five units, it would require site plan review.

Ms. Fortson noted staff has made a preliminary evaluation that the proposed development does not appear to have the potential for regional impact, but the Board will need to make a final determination on that issue.

Ms. Forston noted there will be 54,075 sf of impact on precautionary slopes, and the vegetation clearing seems to be limited to the area required for construction. The plan indicates the site will be developed based on Best Management Practices for DES Alteration of Terrain Permit requirement for site stabilization, erosion control measures and stormwater management. Staff recommend a precedent condition of approval regarding security to cover maintenance of erosion control measures. Staff also recommend a condition be included regarding a pre-construction meeting and an inspection of erosion control measures prior to start of site work.

Precautionary Slope Standards: Ms. Fortson stated as mentioned previously the property owner logged the proposed development area prior to the issuance of the previous Planning Board conditional approval in 2022, which is allowed under the Hillside Protection requirement. As part of this application, the owner will be installing private utility lines in the areas of precautionary slopes. She noted the Board will need to make a determination as to whether or not the applicant has sufficiently demonstrated that this site is being developed in the best way possible.

View Clearing: The proposed conditions plan on Sheet 3 of the plan set delineates the edge of the tree clearing. The project narrative states that the extent of this clearing was based on the location of the 30' surface water buffer along the western portion of the proposed development area. The narrative also states that no additional clearing will be required for the site to be developed. This standard appears to be met.

Drainage & Stormwater Management: The narrative states that the impervious surfaces on the site will have stormwater runoff treated and retained on site to meet or reduce the runoff when compared to the undeveloped state of the property. Planning staff recommend that the Board consider including the submittal of an approved AOT permit application as a precedent condition of approval for this application. This standard appears to be met.

Ms. Fortson next reviewed Cottage Court CUP Regulations: Multi-family uses or town-style homes are permitted in the Low Density District as long as the units are attached horizontally and contain between 4-6 total dwelling units per building. The applicant is proposing six buildings with 36 units. The proposed conditions plan shows the

accessory structures and features to be incorporated into the development, including mail kiosks, a community garden, dumpster area, playground, dog park, small-scale ground-mounted solar array, and a picnic area. This standard appears to be met.

The project narrative states that the development will be located on a single lot and will be owned by a single entity who will be responsible for all maintenance. Units will be rented out to individuals as apartments. The studio apartments are going to be about 512 square feet in size, the one-bedroom apartments will be 640 square feet and the two-bedroom apartments will be 800 square feet in size.

Under the Dwelling Unit Size for Cottage Court CUP, all new units in the development could have a maximum average size of 1,250 square feet of gross floor area per unit and a maximum footprint of 900-sf per unit. The information provided by the applicant indicates that the total gross floor area of all units is 23,872 square feet, which averages out to 663 gross floor area per unit. The narrative states that the footprint of each individual unit will not exceed 900 square feet. Staff recommend that the submittal of architectural elevations and floor plans prior to the issuance of a building permit be included as a condition of approval. This standard appears to be met.

Parking: The plan shows 46 surface parking spaces, which is one space per bedroom. This standard appears to be met.

Building Separation: The two closest buildings will be about 11 feet apart and the Fire Marshal had no concerns. This standard appears to be met.

Driveways: Driveways for two-way traffic need a minimum width of 20' and a maximum width of 24'. The maximum width is going to be 24' and a minimum width of 22'. This standard appears to be met.

Screening: The project narrative states that the existing vegetative buffer in the development area is going to remain along Timberlane. Staff recommend a precedent condition of approval to maintain a vegetative buffer along the perimeter of the developed area. This standard appears to be met.

Snow Storage: Snow storage areas have been identified on the plan and excess snow is going to be removed from the site. That standard appears to be met.

Landscaping: This standard requires that one tree be installed for every 10 parking spaces under Article 9 of the Land Development Code. The applicant is proposing to install five trees to meet that requirement, as well as some additional landscaping. This standard appears to be met.

Screening: The applicant is going to be maintaining a vegetated buffer around the perimeter of the site. Staff recommend that this be shown on an updated plan and included as a precedent condition of approval.

Lighting: This standard appears to be met.

Water and Sewer: This standard appears to be met.

Traffic and Access Management: The applicant submitted an updated traffic study, which engineering staff did review and had no concerns about the increase in the number of vehicles for 30 versus 36 units.

Filling and Excavation: That standard was met.

Surface Waters and Wetlands: Ms. Fortson stated the only thing that staff recommend as a condition of approval is that the 30-foot buffer be flagged and subject to inspection by the Community Development Director prior to the commencement of site work.

Architecture and Visual Appearance: Mr. Noonan did say that they requested a waiver from this section of the code. This would be the requirement that all required parking be located to the side or rear of buildings. Ms. Fortson noted in Article 17, which are the Cottage Court Development standards, if there is going to be parking located between a unit and the road it needs to be screened in some way; it can be screened with landscaping in accordance with Article 9 of the LDC, which is where the parking lot landscaping standards are located.

Ms. Fortson noted this waiver was not necessary, because Article 20 and Article 17 conflict as no parking is actually located between the units and the road.

Article 17 takes precedence over Article 20.

Ms. Fortson reviewed the motion language and noted the one related to a cut sheet for an updated wall pack light fixture – 1. E. is no longer necessary, given that they have already addressed that.

Ms. Brunner addressed the Board next and noted what Ms. Fortson stated about Article 17 clearly states that in the instance where there is a conflict between Article 17 and the site development standards, the standard in Article 17 prevails. Based on the topography of the site, the building where there is parking proposed to be between the building and the road would not be visible from the road. Thus, staff concluded that a waiver was not required.

The next issue Ms. Brunner referred to was in reference to Cottage Court, which has a parking minimum and a parking maximum. The applicant stated clearly that there are 46 bedrooms and 46 parking spaces, which is the maximum number of parking spaces that are allowed under the Cottage Court Ordinance. The gravel shoulders along the driveway are technically not parking spaces. They cannot provide more than 46 parking spaces without going to the ZBA to obtain a variance. This concluded staff comments.

Chair Farrington noted the traffic study from VHP came in just a couple weeks ago and asked if staff were able to review the report. Ms. Forston answered in the affirmative and stated it was sent to engineering staff who did not see any concern. The Chair clarified it is well below the 100 trips. Staff agreed.

Mayor Kahn asked staff what procedure would be followed if the applicant, based on market conditions, changes the number of specific bedroom sizes. Ms. Forston stated what the Board is doing is approving the number of units not the layout of those units. If they want to change the number of units, they would need to come back before the Board. Mayor Kahn stated he was questioning the change to the number of beds. Ms. Brunner stated in that instance, regarding the actual mix of the types of units, any change to a conditional use permit must come back to the Planning Board. A change of that level would have to come back to the Planning Board.

Mr. Kost referred to the precautionary slopes standard where it *says the Board will need to make a determination as to whether or not the applicant sufficiently demonstrated it is the most suitable portion of the site*, and asked whether the Board can assume that this is the best place to build. Additionally, since there is going to be some impact to 54,000 square feet of slope area – he stated he is not seeing where the mitigation is. He asked how any kind of erosion or runoff would be prevented.

Ms. Brunner responded by saying this site is the appropriate location, and that standard is concerned with a site impacting more than 20,000 square feet of precautionary slopes. What the standard is asking the Board to evaluate is whether there is a location on the site that would not impact steep slopes. The answer for this property, after looking at the plans, is that the proposed area would be the least impactful.

Mr. Noonan added that he would like to review their existing conditions. He stated a large portion of the property close to where the wetlands are located was not surveyed because of its size. The applicant knew he was not going to develop that area, even though there is frontage off Drummer Road. He noted the darker grey areas on the plan, which are the precautionary slopes.

He noted the three plateaus and stated this is the area they targeted as the best spot to place the buildings. The buildings were laid out to work as much as they could to work with that land.

After constructing the site and ensuring that there is no erosion or impact on slopes post construction, conditions will be reviewed with the Alteration Terrain Permit. There will be inspections done during construction. Steeper slopes, 3:1 or greater, would have erosion control matting.

The Chair asked for public comment next.

Mr. David Ploppert addressed the Board. He stated he worked on the Timberlane Drive project for two years and there was an incredible amount of dynamite blasting used to put in all the cellar holes on the left side of the site. He felt a project of this size with the mountain that has a ledge will increase veins of water running down that slope.

He also questioned how this project is going to impact the value of homes already on Timberlane Drive.

Mr. Kevin Thatcher of 28 Evans Circle addressed the Board next. He stated he is a civil engineer for NHDES Alteration of Terrain Bureau. He stated he would like to address the Board in that

capacity. He stated he was able to perform a preliminary review based on the information in the staff report. Mr. Thatcher stated this project is not compliant with DES Regulations regarding stormwater quality treatment. He stated he raises these concerns for the benefit of the applicant and the Board so that they can address the changes that need to be made. Specifically, a significant portion of this site is a tributary to the detention basin. He added that a detention basin is not an approved stormwater quality management practice with DES; it is only a conveyance for quantity control not quality control.

Mr. Thatcher added that each of the buildings seem to have a stone drippage associated with them. These details were not provided in the staff report. From a state perspective, he pointed out single and duplex-style residences are exempt from stormwater quality treatment, but multi family, town homes, and apartment buildings are not exempt. The project must ensure that drip edges meet treatment standards regarding water coming off the roofs.

Lastly, Mr. Thatcher noted there is one treatment swale proposed, but it isn't clear if this meets DES Standards.

Mr. Mark Vanson of 62 Meetinghouse Road stated he wanted to follow up on Mayor Kahn's question regarding overflow parking. He felt one car per bedroom, even though it is the standard, seems "tight." A working couple in a one-bedroom could have two cars. A two-bedroom with a teenage driver could have three cars. He asked that the gravel aprons, which are not technically parking spaces, be considered a quantifiable measure of the capacity of this area to handle visitor, resident and service parking for this development. If the gravel area parking cannot handle this type of parking, there will likely be parking happening on Timberlane Drive. Timberlane Drive has restricted parking during the winter months, and its capacity to manage vehicular travel is limited.

Sarah Vezzani of 464 Elm Street addressed the Board next. Ms. Vezzani stated she has owned her home for 17 years and has not had any water issues in her basement. Since the clearing across the street, she has had more than a foot of water. She stated she contacted the city, and no one can say if the instances of water in her basement are related exactly to this project; however, the situation does seem curious because it occurred directly after the clearing across the way. She indicated stormwater is a concern for her and hoped she would not suffer a \$60,000 loss to her finished basement, which is not covered by insurance. She asked that this be noted on the record that this was an issue that occurred after this clearing.

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

The Chair asked Mr. Noonan to comment on the concerns that were just raised.

Mr. Noonan address the first comment regarding the ledge. He stated when test pits were done on the site, there was no ledge encountered. The owner has done additional digging on site and investigative work. Afterward, the owner found only boulders throughout the site and did not find any ledge. In addition, after the initial approval, he performed excavations to see if there was any ledge and none was found. He added that when you travel up to Drummer Hill there is a substantial ledge. The Chair asked whether they anticipate any use of dynamite.

Mr. Noonan stated, based on what was found with test pits and what the owner of the property has investigated further, they don't anticipate blasting. If any blasting was to be undertaken, it would be through Fire Department review; however, they do not foresee blasting on the site.

The next comment Mr. Noonan addressed was in reference to the statements Mr. Thatcher had made regarding the design for Alteration of Terrain. He stated they are asking for that as a condition of approval, and they would design it to meet state standards. There could be more treatment required. He noted the swales being proposed on site and additional space where more treatment swales could be located.

As far as clearing, the property went from a wooded lot to being cleared. Once an approval and an alteration of terrain permit is issued, there would be a design to slow down and reduce runoff from the site. He added he did not know where this abutter's house was located in relation to this site.

Councilor Remy stated this is the first time he has heard from a civil engineer who happens to work for the state. When reviewing this process, including a condition of approval, he inquired whether the Board should consider his testimony. Ms. Fortson stated the Planning Board obviously is not trained to know what the operation of an Alteration of Terrain Permit is going to require. If the applicant applied for the permit, and it was going to significantly impact their proposed design, then staff would need to look at the changes that are proposed. Staff would then determine if the changes would require a return to the Planning Board for review. Pending staff determination, it could be reviewed by the Minor Project Review Committee as a minor site plan application or even reviewed administratively by staff.

Mr. Noonan stated the city is copied on that Alteration of Terrain application, and this would be prior to the applicant coming back for a final approval. Staff would see if there were any major changes to the site plan prior to the final plans being submitted.

Mayor Kahn clarified these units would not have basements and would have concrete footings; in addition, any disruption would be limited to removal of boulders on the site. Mr. Noonan agreed there would be no basement and removal of boulders would be done to put in footings.

The Mayor further clarified stormwater runoff would be reviewed by the State. Mr. Noonan stated this would be reviewed as part of the Alteration of Terrain Permit. He also asked for clarification that the water flow from the site is not going to be disrupted because of the detention pond, which will give greater capacity for stormwater runoff than there currently is on the site. Mr. Noonan stated the design, after the Alteration of Terrain permit process, will be implemented to treat stormwater runoff and match as close as possible or create a slight reduction from current runoff conditions. The design would be in the pre-development, or wooded, condition, so the system ultimately will be sized larger if the applicant showed the conditions as already cleared. The Mayor clarified, again, that the applicant's intent with the design is that it would reduce the amount of runoff from the site currently. Mr. Noonan answered in the affirmative and stated this would be a requirement of the Alteration of Terrain Permit.

Mr. Hoefler stated he hears the concerns about parking and felt it is going to be a tight parking situation; however, the site is also constrained because the maximum amount of parking for the use of a cottage court overlay has been met.

The Chair noted the site has been cleared and, at least anecdotally, has affected the flow of water down the hill. It will be some time between now and when the storm water drainage system is in place. The Chair asked, in the meantime, if there was anything that could be done to reduce some of the drainage. Mr. Noonan stated it has been three years since the site was cleared and there has been a substantial amount of vegetation that has already grown over the entire site; therefore, he felt it was completely stabilized at this point. There are small trees across the entire site. He did not feel a stormwater management system would warrant much from what is there today. The Chair asked that the applicant be mindful of this issue as they proceed when developing the site.

Mayor Kahn referred to the concern raised about quantifying the amount of gravel parking the site may provide and asked if this is something that can be done. Mr. Noonan stated he would be hesitant to say how many spaces there are available along the side. He stated the applicant is showing that they are meeting the maximum of the one per bedroom parking requirement. He felt indicating they are adding ten more spaces on the side would make the site plan not compliant.

Ms. Fortson added this becomes an issue for a few reasons. First, being above the maximum number of parking spaces would require that they go before the Zoning Board for a variance to allow for more parking spaces. You will also then be potentially creating parking spaces that don't meet the parking lot design standards.

The Mayor asked whether the parking lots were going to be paved. Mr. Noonan agreed they would be paved. The Mayor asked whether the applicant has considered permeable surface for greater capacity on the site. Mr. Noonan stated they have not considered permeable surfaces; it would be standard asphalt. All the impervious surfaces would be running into treatment swales and then into a detention pond. He stated the applicant is trying to keep costs down as much as possible, because the ultimate goal of the project is providing affordable and workforce housing.

The Mayor asked staff, when the Department of Environmental Services review is conducted, whether this could be a possible suggestion they might make to achieve certain mitigation. Ms. Brunner stated she has never seen that as a requirement or a suggestion. She stated the way she believes it works is that there are certain standards that you have to meet, and then it is up to the applicant to design a plan that meets those standard, which is what gets reviewed by the state.

C. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2024-14 as shown on the plan set identified as "Multi-Family Residential Development, Tax Map 515, Lot 15, Timberlane Woods" prepared by Fieldstone Land Consultants at varying scales on September 20, 2024 and last revised on October 14, 2024 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owner's signature appears on the plan.
 - b. Submittal of five paper copies and a digital copy of the final plan set stamped by an engineer and certified wetlands scientist licensed in the State of NH.
 - c. Submittal of an updated proposed conditions plan with a 30' "no-cut buffer" labeled along the boundaries of the proposed development area.
 - d. Submittal of five full sized, color paper copies and a digital copy of the final elevations stamped by a NH-licensed architect showing each building façade with the proposed exterior building materials/finish colors labeled.
 - e. Submittal of an updated cut sheet for a wall-pack light fixture that complies with the lighting standards outlined under Article 21.7 of the LDC.
 - f. Submittal of an approved Alteration of Terrain Permit application to the Community Development Department.
 - g. Submittal of a security deposit to cover the cost of sediment and erosion control, landscaping, and as-built plans in a form and amount acceptable to the City Engineer.

 2. After final approval, the following conditions subsequently shall be met:
 - a. Prior to the commencement of site work, a preconstruction meeting will be scheduled with Community Development Staff.
 - b. Prior to the commencement of site work, the erosion and sediment control measures shall be inspected by the Community Development Department to ensure compliance with this application and all City of Keene regulations.
 - c. Prior to the commencement of site work, the 30' wetlands buffer shall be flagged and inspected by the Community Development Department to ensure compliance with the Surface Water Protection Ordinance and all City of Keene regulations.
 - d. Following the installation of landscaping, the applicant shall contact Community Development Staff to schedule an initial landscaping inspection.
 - e. After 1 full growing season (a minimum of 1 year), the applicant shall contact Community Development staff to conduct a final landscaping inspection.
- The motion was seconded by Kenneth Kost.

Mr. Kost stated this project provides much needed affordable housing, which is important. He stated the concern about storm water runoff and downhill erosion has been raised, and stated he wanted to make sure everything is in place between state reviews and the city engineers. He added he supports the city in its desire for wanting housing, but he wanted to make sure we are not damaging or causing issues in the excitement of getting housing.

Ms. Brunner stated she just spoke to the applicant, and the plans don't have sufficient area to place a 30-foot buffer around the entire development area. The applicant is asking that this condition be modified to take out "30 feet" and to say a "no cut buffer" around the development area. To get a 30-foot buffer around the entire development they would have to change their entire design.

The Chair asked where the 30-foot requirement came from. Ms. Brunner stated it might have come from the CRD approval. It is carryover from that application. What staff intend with that condition is to ensure the vegetation there today would remain.

She felt if it is labeled as a no cut buffer, the buffer would meet the intent without having to specify the 30-feet.

Mr. Noonan agreed and added when they had the CRD Subdivision, he noted how the buildings were located, and the garages were almost directly on to the driveway.

Hence, there was 30-feet right at the entry of the driveway. With the new plan that includes the rotation of the buildings, the drainage and utilities, they are not able to get 30 feet through this entire area. Mr. Noonan added there is no 30-foot buffer requirement and it is not a regulation.

Mayor Kahn felt this is a development the city needs. Regarding storm water runoff, there is a net improvement, which needs to be and will be verified independently. The storm water runoff will be verified by the Department of Environmental Services, and the city is dependent on their review.

The Chair asked whether any Board wanted to address regional impact. Mr. Mehu stated this plan doesn't meet regional impact.

Mr. Hoefler felt this was a challenging lot and is glad there is a developer who is willing to take on this development. He felt there are protections in place to make sure the stormwater will meet state standards. He stated he had no concerns proceeding with a vote tonight.

Robert Mastrogiovanni made the motion to amend 1c. to read as follows:

1. Submittal of an updated proposed conditions plan with a "no-cut buffer" labeled along the boundaries of the proposed development area.
2. The amended motion was seconded by Mayor Kahn

The original motion carried on a unanimous roll call vote.

The amended motion carried on a unanimous roll call vote.

V. Advice & Comment

a. Cottage Court Development & Surface Water CUP – 0 Court St, TMP #228-016-000 – Fieldstone Land Consultants, on behalf of owner Guitard Homes LLC, is seeking input from the Planning Board regarding a potential Cottage Court Development & Surface Water Conditional Use Permit (CUP). The parcel is located in the Low Density District.

Mr. John Noonan addressed the committee again. Mr. Noonan stated this proposal is for 31 individual homes. The property is located on 0 Court Street. He noted a cul-de-sac that comes in and extends to the back of the property. There is a wetland that bisects a portion of the property, and the applicant is looking to build in three phases.

The phases would include the following:

1. The first phase would be coming off Court Street using the turnaround.
2. The second phase would be crossing the wetland and using that proportion of property.
3. The third phase would be crossing the wetland to the rear of the property.

Mr. Noonan stated the applicant has met with city staff and reviewed the three styles of homes that they are looking to build. Specifically, cottage style must meet the 900 square feet gross floor area or less and maximum of 1,250 square feet total gross. He presented a rendering showing the three home styles they were looking at.

Mr. Noonan stated there is a right of way for this subject lot that crosses through the Keene Center land, which they are not proposing to use. Ultimately, they would be using the Court Street entrance of the proposed road. Water and sewer services would come off Court Street and they would also be using the water extension at the right of way. The Fire Department is satisfied with the access to hydrants located in this area for their use.

Mr. Noonan stated they would be impacting over 100,000 square feet of wetlands overall, and this application would also include applying for an Alteration of Terrain Permit and a Wetland Permit for the three crossings. There would be two permanent crossings and one temporary crossing, if water does not extend from a hydrant located at the end of the property.

The homes would be two-bedroom homes. At this point the applicant is in the preliminary stages of meeting the College Court Ordinance for density. Some of the homes would have the option of a detached garage or shed as part of the property. He stated they would be coming back soon before the Board with a full site plan application.

Mayor Kahn asked how many units would be in each phase. Mr. Noonan stated phase one would have 13 units, phase two would have 12 units, and phase three would have six units. The Mayor clarified there will be a traffic study as part of this application. Mr. Noonan answered in the affirmative. The Mayor asked if all the units would be in two levels. Mr. Noonan stated two of the three styles will be two stories, and one will be a single story. The Mayor asked whether these homes would be in private ownership. Mr. Noonan stated it would be a homeowners' association with the terms that the units cannot be rented. The Mayor felt this is something the community would benefit from and asked for a price range for these home.

Applicant Mike Guitard addressed the Board and called attention to the different styles of homes being considered. He stated the houses could be less than \$300,000 (market driven concept). The Mayor asked whether soil tests have been completed. Mr. Guitard answered in the negative but stated that soil tests will be completed. The applicant added development would all be slab on grade with no basement.

Mr. Kost asked what kind of parking is being offered. Mr. Guitard stated it would be one per bedroom. Mr. Noonan stated they are on the agenda with the Conservation Commission at their next meeting to address the wetland crossing.

Ms. Vezzani asked the applicant to make sure they meet the maximum square footage average. She also asked the applicant to keep in mind an attractive screening between the homes. She also asked the applicant to consider traffic, which is going to increase in the area, and have a study completed by a NH Licensed engineer.

The Mayor asked if the attached garages are considered under the Cottage Court Ordinance. Ms. Brunner stated garages do not count towards the gross floor area.

Mr. Mehu stated he likes this concept. He noted the footprint has been increased and felt a variety in the neighborhood won't be a bad thing.

Ms. Mastrogiovanni asked whether there was a cap on the value of homes under the Cottage Court Ordinance. Ms. Brunner stated there is no cap, but it is addressed through the size of the home.

VI. Master Plan Update (<https://keenemasterplan.com/>)

Ms. Brunner stated, since the last update, the future summit was held on October 5th. There was a lot of feedback received from participants. The vision report was updated based on the feedback. "Heathy Community" was changed to "Vibrant Neighborhood." There was also a call for "Educated Citizenry" based on feedback received at the summit.

The steering committee is currently in the process of finalizing the task forces for the six pillars related to the Master Plan Update. The task forces will start meeting in January. Their work will be shared with the Steering Committee and the Planning Board to finalize the Master Plan. For those who don't have online access, there will be public open houses conducted at the library for the discussion boards on December 11, 12 and 13.

VII. Training on Site Development Standards – Snow Storage & Removal, Landscaping, & Screening

Item was not discussed.

VIII. Staff Updates

Ms. Brunner stated there is a training opportunity coming up. The training is the Municipal Land Use Law Conference on Saturday November 16, from 9:00 am to 3:15 pm, in person, held at Southern NH University. Keene is an NHMA member, and the registration fee is \$115. The Board has a small budget which could fund two attendees.

IX. New Business

None

X. Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – Tuesday, November 12th, 6:30 PM
- Planning Board Steering Committee – November 12th, 11:00 AM
- Planning Board Site Visit – November 20th, 8:00 AM – To Be Confirmed
- Planning Board Meeting – November 25th, 6:30 PM

The Chair reminded the Board to let staff know if they cannot attend a site visit, so the date can be changed to meet quorum.

With no further business, Chair Farrington adjourned the meeting at 9:25 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Emily Duseau, Planning Technician