



## **City of Keene Planning Board**

### **AGENDA - AMENDED**

**Monday, December 16, 2024      6:30 PM      City Hall, 2<sup>nd</sup> Floor Council Chambers**

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – November 25, 2024
- III. **Final Vote on Conditional Approvals**
- IV. **Public Hearing**
  - a. **PB-2024-18 – Cottage Court Conditional Use Permit – 133 Roxbury St** - Applicant Unicron Management, on behalf of owner Mahantrashti Real Estate LLC, proposes the conversion of an illegal 7-unit building at 133 Roxbury St (TMP #569-099-000) into four units. The parcel is 0.25-ac in size and is located in the High Density District.
- V. **Advice and Comment Regarding Potential for Regional Impact** – Justin Daigneault of Granite Engineering, on behalf of owner G2 Holdings LLC, requests Planning Board consideration regarding the potential for “regional impact” as defined in RSA 36:55 for a proposed expansion of the gravel pit operation at 57 Route 9 (project EXP-01-22). The property is ~84.7 acres and is in the Rural District.
- VI. **Master Plan Update** ([KeeneMasterPlan.com](http://KeeneMasterPlan.com))
- VII. **Training on Site Development Standards** – Snow Storage, Landscaping, & Screening
- VIII. **Adoption of 2025 Meeting Schedule**
- IX. **Staff Updates**
- X. **New Business**
- XI. **Upcoming Dates of Interest**
  - Joint Committee of the Planning Board and PLD – January 13<sup>th</sup>, 6:30 PM
  - Planning Board Steering Committee – January 14<sup>th</sup>, 11:00 AM
  - Planning Board Site Visit – January 22<sup>nd</sup>, 8:00 AM – To Be Confirmed
  - Planning Board Meeting – January 27<sup>th</sup>, 6:30 PM

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

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

8 **Monday, November 25, 2024**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Harold Farrington, Chair  
Mayor Jay V. Kahn  
Councilor Michael Remy  
Sarah Vezzani  
Armando Rangel  
Kenneth Kost  
Michael Hoefler, Alternate  
Stephon Mehu, Alternate

**Staff Present:**

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

**Members Not Present:**

Roberta Mastrogiovanni, Vice Chair  
Ryan Clancy  
Randyn Markelon, Alternate  
Tammy Adams, Alternate

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10  
11 **1) Call to Order**  
12

13 Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. Mr. Mehu and  
14 Mr. Hoefler were invited to join the session as voting members.  
15

16 **2) Minutes of Previous Meeting – October 28, 2024**  
17

18 Chair Farrington offered the following corrections:

19 Line 8 – to note Councilor Remy joined remotely.

20 Line 109 – insert the word “no” before the sentence “access to water and sewer.”

21 Line 786 – total number of homes is 31.  
22

23 Senior Planner Mari Brunner offered the following corrections:

24 The minutes should note that all of the votes were done by roll call at the previous meeting.  
25

26 A motion was made by Kenneth Kost to approve the October 28, 2024 meeting minutes as  
27 amended. The motion was seconded by Armando Rangel and was unanimously approved.  
28

29 **3) Final Vote on Conditional Approvals**

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31 The Chair stated this is a new, standing agenda item. As a matter of practice, the Board will now  
32 issue a final vote on all conditionally approved plans after all of the “conditions precedent” have  
33 been met. This final vote will be the final approval and will start the 30-day appeal clock. The  
34 Chair asked if there were any applications ready for a final vote. Ms. Brunner stated Staff did not  
35 have any applications ready for a final vote.  
36

37 **4) Public Hearings**

38 a. **PB-2024-15 – Major Site Plan – Monadnock Conservancy, 0 Ashuelot St** - Applicant  
39 The Monadnock Conservancy, on behalf of owner JRR Properties LLC, proposes to construct a  
40 ~6,215-sf office building and make associated site improvements on the parcel at 0 Ashuelot St  
41 (TMP #567-001-000). The parcel is ~3.53-ac in size and is located in the Commerce District.  
42

43 A. **Board Determination of Completeness**

44  
45 Planner Evan Clements addressed the Board and stated the Applicant has requested an  
46 exemption from submitting a traffic study, historic evaluation, screening analysis, architectural &  
47 visual appearance analysis, and other technical reports and analyses. After reviewing each  
48 exemption request, staff have determined that granting the request would have no bearing on the  
49 merits of the application and recommend that the Board accept the application as complete.  
50

51 A motion was made by Mayor Jay Kahn to accept Application PB-2024-15 as complete. The  
52 motion was seconded by Armando Rangel and was unanimously approved.  
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54 B. **Public Hearing**

55 Ms. Liza Sargent from SVE Associates, representing Monadnock Conservancy, addressed the  
56 Board. She explained that this parcel exists at 0 Ashuelot Street. She noted that the river is on the  
57 west side, Keene Housing Authority is on the north side, and West Street is on the south side of  
58 the property. She noted the property is currently a bowl-shape with a catch basin in the center of  
59 the property and an existing city storm drain that runs with an easement through the property.  
60 She noted this property is all lawn space that used to be the area for overflow parking for the  
61 Colony Mill. She stated about four years ago, the Applicant received an Alteration of Terrain  
62 Permit to remove the asphalt.  
63

64 Ms. Sargent went on to say JRR Properties is proposing to donate a portion of the property to the  
65 Monadnock Conservancy with a balance of the property going to a City Park. She stated the  
66 Public Works Director suggested replacing the existing city storm drain, which is not in great  
67 condition, and putting flood storage compensation in place by removing a certain portion of the  
68 storm drain and replacing it with an open channel. She noted because the property had an  
69 Alteration of Terrain Permit four years ago, the proposed project remains within the 10-year  
70 time period. Although they are altering less than 100,000 square feet, they still need an  
71 Alteration of Terrain Permit.

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Ms. Sargent stated the storm water will be treated via an infiltration basin that runs around the perimeter of the property. There will also be a smaller infiltration basin to pick up a small amount of runoff from the access road. The property will have municipal water and sewer. There will be a landscaping buffer along the side of the parking lot abutting a residential area. This concluded her presentation.

The Mayor noted the site is currently flat and asked if the remainder of the site is buildable. Ms. Sargent noted the 100-year floodplain elevation line, represented by the bold dashed line on the plan, and explained that area needs to be elevated. Ms. Sargent explained the portion being donated to the city could also be developed, if that area is also elevated and the City undergoes the process of getting an Alteration of Terrain Permit. The Mayor asked how this area is going to be elevated. Ms. Sargent stated it would be elevated with suitable fill taken out from the storm drain area, and some fill would be brought in when needed. The Mayor asked whether the Applicant would track how many cubic yards of excavation and fill is being done to allow for a calculation to be made during potential future development of the site. Ms. Sargent stated the flood plain permit would have those calculations.

Mr. Kost clarified that this entire site at the present time is a flood zone. Ms. Sargent agreed that most of the site is a flood zone. He asked what happens to the water when it floods currently. Ms. Sargent stated that eventually the water drains into the city storm drain, which is at the low point of the site. He asked what will happen to the water when the site is potentially raised. Ms. Sargent stated it will flow into the existing drainage at the lower portion of the site and anything above would be diverted to the flood storage compensation.

Chair Farrington asked whether the parking area designated for employees is expected to flood. Ms. Sargent stated the drainage system will handle that and noted to the emergency overflow area for a 50-year storm. Ms. Sargent stated any overflow will go into the riparian swale and eventually into the city storm drain.

Staff comments were next.

Mr. Clements addressed the Board and stated the purpose of this application is to construct an approximately 6,000 square foot single story office building with associated site improvements for the future headquarters of the Monadnock Conservancy. The proposed headquarters will provide office space for 25 occupants and include a community room. The majority of the subject parcel, as discussed, is located within the 100-year floodplain; therefore, the project will require compensatory flood storage to offset the construction and site development.

The current owner of the property intends to subdivide the parcel at a future date—most likely the next planning board meeting—and donate approximately one acre in the northeastern corner of the parcel to the Monadnock Conservancy for this proposed development. The remainder of the parcel is intended to be donated to the City of Keene to provide additional green space connection along the Ashuelot River. A portion of the required compensatory flood storage will be located on the part of the parcel to be donated to the City. An agreement between the Monadnock Conservancy, the current owner, which is JRR Properties, and the City for the flood storage structures is being negotiated.

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Mr. Clements stated the project will be required to obtain an Alteration of Terrain permit from the NH Department of Environmental Services as well as a Floodplain Development Permit through the city. In addition to flood storage improvements, an existing city-owned storm drain that runs through the parcel will be replaced with a riparian drainage swale that will support both stormwater and floodwater volume management.

With respect to Regional Impact – Mr. Clements stated 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.

Drainage - The proposed stormwater management system includes a mix of detention basins, grass swales, infiltration trenches and an emergency spillway that is directed to the larger flood compensation structure. The applicant states in their narrative that that runoff will be managed onsite with no adverse impacts to downstream abutters. This standard has been met.

Sediment & Erosion Control - The applicant states in their narrative that the site is relatively flat, which reduces concerns related to erosion control. The application proposes the installation of erosion control measures, such as silt fence, on an as-needed basis. A stabilized construction entrance is also proposed and will be maintained with best management practices. All control measures will be repaired as needed. This standard has been met.

Snow Storage & Removal – There are areas of the site near the proposed parking area that are suitable for snow storage. Any storm event that exceeds snow storage capacity on site will be removed from the site. This standard has been met.

Landscaping - The application is required to install one tree per ten parking spaces in the parking area. The applicant proposes to install five Red Maple and one Multi-Leader Birch to meet this requirement. A rhododendron is proposed to be installed next to the power transformer that will be used to feed power to the building. The proposed screening area between the parking area and the High-Density zoning district to the north will include a mix of evergreens, ornamental shrubs and natural, local grasses. This condition has been met.

Screening - The dumpster area on site will be enclosed by a 7'6" tall solid wood enclosure with an attached shed. The heat pumps that are proposed along the façade of the building will be screened with a stockade fence. This standard has been met.

Lighting – There will be seven pole-mounted parking area light fixtures and 11 canopy lights. The fixtures will be installed on 12' tall pole mounts. An additional six wall mounted lights and 15 bollard lights. All fixtures have a CRI of greater than 70 and a color temperature of 3,000K. The applicant has also submitted a reduced lighting plan for after-hours security needs that meets the City standards. This standard has been met.

Sewer & Water: As mentioned by the Applicant, the development will connect to city water and sewer with a 1 ½" water service and a 4" diameter sewer service line. There will be no fire

164 suppression water service as fire suppression is not required for the proposed office building.  
165 This standard has been met.  
166

167 Traffic & Access Management - This proposed use will not generate a significant increase in the  
168 total vehicle trips per day. The previous use of the property was a 3.5-acre overflow parking area  
169 for a shopping center. The ITE trip generation manual estimates an additional 24 new vehicle  
170 trips during weekday peak hours. The site design includes the installation of 25 parking spaces,  
171 including two accessible parking spaces and a 24' wide drive aisle. Granite curbing is proposed  
172 as wheel stops along all parking spaces. Street access for the parking area will be located at the  
173 northeast corner of the property, to the north of the proposed office building. The parking lot also  
174 includes a turnaround and a truck turning plan has been submitted to ensure that emergency  
175 vehicles have sufficient area to navigate the site. Pedestrian access is located off Ashuelot Street  
176 with concrete walkways connecting the site to the city's sidewalk system. A bike rack is  
177 proposed to be installed by the front entrance of the office building. An existing concrete apron  
178 located at the southeast corner of the property left over from the parking lot is proposed to  
179 remain and will be on the portion being donated to the city. This standard has been met.  
180

181 Filling and Excavation – Mr. Clements stated filling and excavation is planned to happen  
182 throughout the development of this site. Considering that Ashuelot Street connects directly to  
183 West Street, which connects the site right to the highway, an additional sort of traffic  
184 management plan for yard trucks that are going to be bring fill in and out is not necessary. This  
185 standard has been met.  
186

187 Surface Waters & Wetlands: Mr. Clements noted the applicant states in their narrative that there  
188 will not be any work on the site that will impact the Ashuelot River. The proposed flood storage  
189 swale will require the removal of an existing 15" culvert that is part of the city's stormwater  
190 management system in the area and will be replaced with the riparian swale discussed earlier. No  
191 impacts to surface waters or natural wetlands are proposed as part of this application. This  
192 standard has been met.  
193

194 Hazardous & Toxic Materials: The applicant states in their narrative that there are no known  
195 hazardous or toxic materials on site and the proposed use does not include hazardous or toxic  
196 materials. This standard has been met.  
197

198 Noise: There will be no proposed noise footprint except for general office use. This standard has  
199 been met.  
200

201 Architecture & Visual Appearance: The applicant states in their narrative that the proposed  
202 office building will mimic the Monadnock Conservancy's values. The submitted elevations  
203 propose a single-story office building with a standing seam metal roof with solar panels. The  
204 building façade will be sections of slate siding with accent sections of wood siding. The east  
205 elevation will face Ashuelot Street and depicts a mix of the three building façade materials,  
206 wood, slate, and metal. A wooden fence will also be located on this elevation to screen the  
207 proposed heat pumps from view of the public right-of-way.  
208

209 Mr. Clements stated the Board should consider the following standards as part of the review of  
210 the city’s architectural and visual appearance:

211 Section 21.14.2 Visual Interest:

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

215  
216 B. *“Structures shall have architectural features (e.g. dominant gable ends, cornices, granite sills,*  
217 *arched openings, large windows framed with architecturally consistent trim, etc.) and patterns*  
218 *that provide visual interest at the pedestrian scale, reduce massive aesthetic effects, and*  
219 *harmonize with the City’s distinctive architectural identity, unique character, and prevailing*  
220 *scale.”*

221  
222 Mr. Clements reviewed the recommended motion language next.

223  
224 This concluded staff comments.

225  
226 Councilor Remy referred to the last condition, which states *“After 1 full growing season (a*  
227 *minimum of 1 year), the applicant shall contact Community Development Staff to conduct a final*  
228 *landscaping inspection.”* And noted this is not something he has seen with other applications and  
229 asked if this was something new. Mr. Clements stated adding this condition being added as part  
230 of the approval process is relatively new, but it is in the Community Development standard and  
231 Staff is finding that this is something that is often forgotten, hence it is a reminder to the  
232 applicant.

233  
234 The Chair asked what the signage would look like. Mr. Clements stated signage has not been  
235 proposed yet, but signage would be handled through a Sign Permit from the Community  
236 Development Department, which gets a zoning and building review.

237  
238 Mr. Kost asked if the lighting on the site would impact the abutting residential properties. Mr.  
239 Clements stated all the lighting levels proposed are within tolerances for light trespass onto  
240 private property and the public right of way. There is additional landscaping proposed to screen  
241 that parking area that was not included when the photometric plan was conducted. Mr. Clements  
242 further states that there is another parking area on the adjacent property, which separates lighting  
243 from the residential properties.

244  
245 Mr. Kost asked if the flood storage compensation would be on City property. Mr. Clements  
246 clarified that it would straddle both the proposed project site and the proposed City property. Mr.  
247 Kost asked if the City would maintain the flood storage compensation. Mr. Clements stated the  
248 City attorney and the representative from the Monadnock Conservancy would come to an  
249 agreement through negotiations. Ultimately, City Council will decide what they are comfortable  
250 with. Mr. Clements further explained that when the project comes back before the planning  
251 board for the subdivision, Staff will recommend the results of the negotiation are included with  
252 the application.

253

254 Councilor Remy clarified that the Planning Board is reviewing the application as the entire  
255 parcel. Mr. Clements answered that the Planning Board is reviewing the application only for the  
256 office building at this time.

257  
258 The Chair asked for public comment. Mr. Dan Hagen 93 Ashuelot Street addressed the Board.  
259 He noted this is a dead-end street, but the street also becomes busy with vehicles that come off  
260 School Street and travel through Ashuelot Street. He also added with the upcoming downtown  
261 reconstruction project, there are going to be more vehicles travelling via Ashuelot Street. He also  
262 expressed concern about added noise, traffic, and potential crime.

263  
264 Ms. Beth Ann Barrett of 27 Ashuelot Court addressed the Board next and asked if the row of  
265 trees and fence along the rear would remain. Ms. Sargent stated the fence along the north side  
266 will be removed. Ms. Sargent explained that the green space between the existing fence and the  
267 property line will also be removed and will be replaced with a Rhododendron, Birch, Ink Berry  
268 Holly, ornamental grass. The existing trees on the north side will not be removed and are not on  
269 the property. Ms. Barrett asked for the distance between the trees and the existing fence. Ms.  
270 Sargent stated it was approximately 20 feet. It was noted this would also be a single-story  
271 building. Ms. Barrett referred to the area on the north side of the property in which tenant  
272 parking occurs, which she stated is close to the proposed screening area.

273  
274 Mr. Hagen addressed the Board again and asked for the location of access to this parking area  
275 and how parking was going to be handled. Ms. Sargent noted the location of employee parking  
276 access, which is proposed to be across the street from Mr. Hagen's residence. Mr. Hagen asked if  
277 the employee parking lot would be used to access Ashuelot Park. Ms. Sargent explained that  
278 people would not be able to walk through the proposed stormwater swale to access the trails. He  
279 also asked how tall the light poles were going to be. Ms. Sargent stated the tallest ones would be  
280 12 feet tall and light would be reduced to 50% after 10 pm.

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

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284 C. Board Discussion and Action

285  
286 A motion was made by Kenneth Kost that the Planning Board approve PB-2024-15 as shown on  
287 the plan set identified as "Monadnock Conservancy Headquarters" prepared by SVE Associates  
288 at varying scales on October 18, 2024 and last revised on November 12, 2024 with the following  
289 conditions:

- 290 1. Prior to final approval and signature of the plans by the Planning Board Chair, the following  
291 conditions precedent shall be met:
- 292 a. Owner's signature appears on the plan.
  - 293 b. Submittal of five paper copies and a digital copy of the final plan with the AOT permit  
294 number included as a note on the site plan.
  - 295 c. Submittal of a security to cover the cost of sediment and erosion control, landscaping,  
296 and as-built plans in a form and amount acceptable to the City Engineer.

- 297  
298 2. Subsequent to final approval, the following conditions shall be met:



299 a. Prior to the commencement of site work, a preconstruction meeting will be scheduled  
300 with Community Development Staff.

301 b. Prior to the commencement of site work, the erosion and sediment control measures  
302 shall be inspected by the Community Development Department to ensure compliance with this  
303 application and all City of Keene regulations.

304 c. Following the installation of landscaping, the applicant shall contact Community  
305 Development Staff to schedule an initial landscaping inspection.

306 d. After 1 full growing season (a minimum of 1 year), the applicant shall contact  
307 Community Development Staff to conduct a final landscaping inspection.

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309 The motion was seconded by Councilor Michael Remy.

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311 Councilor Remy stated he agrees with the statement around regional impact. Even though this  
312 development is close to a body of water that does flow through many regions, it does not have an  
313 impact on those regions. With reference to traffic, he does agree with the count of about 20 trips  
314 as this lot is intended for employees only. He stated most people who use the park use the  
315 Mascoma Bank parking lot. The Councilor felt this is a well written proposal and fits in well  
316 with the surrounding area.

317  
318 Ms. Vezzani stated she agrees with the statement that this proposal will have no regional impact.  
319 She stated that building on that floodplain actually makes sense in this instance. Ms. Vezzani  
320 stated there will be 25 people using a single-story building and did not feel traffic would be an  
321 issue. She stated she wanted to make sure the solar fits in with the look of the roof. She stated  
322 she was comfortable with this application.

323  
324 Mayor Kahn stated what is being proposed is going to be a welcome improvement to the site.  
325 The Mayor felt the Conservancy moving to Keene would be an asset. He stated the issue with the  
326 constraints being placed on any gifted land is something the City Council would need to  
327 deliberate at a later day.

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329 Councilor Remy suggested the applicant look into the parking issue raised by Ms. Barrett.

330  
331 Mr. Kost felt there is an opportunity to incorporate vegetation into some of the drainage  
332 structures. A bio retention swale could serve as an educational tool with the right kinds of  
333 plantings. He felt this could be a great asset to the park.

334  
335 Mr. Hoefler felt this building would fit nicely with the neighborhood.

336  
337 Chair Farrington echoed what the Mayor said; Monadnock Conservancy is a great organization  
338 and fits in very nicely with the culture and charm of Keene. Having their headquarters in Keene  
339 would be a great asset for the city. He felt this was an excellent project.

340  
341 The motion made by Kenneth Kost carried on a unanimous vote.

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343 b. **PB-2024-16 – Major Site Plan – Kia, 440 Winchester St** - Applicant Hutter

344 Construction Corp, on behalf of owner 434-440 Winchester LLC, proposes to construct a new  
345 ~15,365- sf Kia dealership in place of the existing ~9,950-sf building and make associated site  
346 modifications on the property at 440 Winchester St (TMP #115-004-000). A Surface Water CUP  
347 is requested for temporary impacts within the 30' wetland buffer. Waivers are requested from  
348 Section 20.14.3.D, Section 21.7.3.C, and Section 21.7.4.A.1 of the LDC to allow for parking in  
349 front of the building and allowed lighting levels. The parcel is 2.23-ac in size and is located in  
350 the Commerce Limited District.

351

352 A. Board Determination of Completeness

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354 Planner Megan Fortson addressed the Board and stated the Applicant has requested exemptions  
355 from submitting a traffic analysis, soil analysis, historic evaluation, and screening analysis. After  
356 reviewing each request, staff have made the preliminary determination that granting the  
357 requested exemptions would have no bearing on the merits of the application and recommend  
358 that the Board accept the application as complete.

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360 A motion was made by Mayor Jay Kahn to accept Application PB-2024-16 as complete. The  
361 motion was seconded by Stephon Mehu and was unanimously approved.

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363 B. Public Hearing

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365 Mr. John Noonan from Fieldstone Land Consultants addressed the Board on behalf of the owner  
366 434-440 Winchester LLC and the applicant Hunter Construction. Mr. Noonan stated the proposal  
367 is to construct a new Kia building behind the existing Kia Dealership building, which will remain  
368 operational for as long as possible.

369

370 Mr. Noonan stated there are roughly 150 existing parking spaces but noted not all spaces are  
371 striped. The existing building will be demolished in the front and a new building (15,365 square  
372 feet) constructed at the rear. Parking would then be moved to the front of the proposed building,  
373 where the existing Kia building had been. Mr. Noonan stated that a waiver was filed for parking  
374 at the front and proposes formalizing parking at the sides. There is a proposed bay area in the  
375 back with ramps. There will now be less parking at the rear than in the existing conditions of the  
376 site. There is a jurisdictional wetland that runs along the back of the building and there is a 30  
377 foot buffer setback from this wetland. Mr. Noonan also noted there is a drainage ditch at the  
378 rear, which takes the flow of drainage from the building, front parking lot and side parking lot.  
379 This drainage ditch directs it to an outlet which ultimately ties into the tax ditch, which runs  
380 along Cromwell Drive and ends up into Ash Swamp Brook.

381

382 Mr. Noonan stated a stormwater CUP application for impacts to the wetland buffer has since  
383 been removed from the application. He clarified the back bay of parking is exactly at the edge of  
384 the existing parking lot. The area within the buffer area would be lowered in elevation for flood  
385 compensation. Erosion control measures will be used.

386

387 There is some proposed landscaping to be provided at the front of the site. Mr. Noonan stated  
388 the proposal plans for the pavement being pulled back from the existing conditions because of  
389 the plans for extending Route 10 and Winchester Street by the State.

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Mr. Noonan described the proposed flood compensation. He stated this property is in the 100-year floodplain, which would require permitting from FEMA and a city floodplain development permit, which has been reviewed preliminarily with City Staff. Ultimately, there will be a total volume compensation for flood compensation. The proposed building needs to be one foot above that flood elevation. Mr. Noonan stated the proposed floor elevation ends up being higher than the existing building. The front elevation will be lowered and the rear will be only about a foot lower than the existing elevations. Flood compensation numbers have been provided on the plan, which will be reviewed as part of the floodplain development permit.

The next is a utility plan. Mr. Noonan stated the existing transformer will need to be relocated to the rear of the lot.

Existing municipal water and sewer will be extended to the new buildings.

Lighting – There are two existing lights that fall outside the front easement line. There will be new lighting proposed along the edge of the proposed parking lot, including some on the islands, and two at the rear of the parking lot, which are pole mount lights. All fixtures are full cut off and meet the city standard. Lighting will be reduced by 50% after business hours, which will be at 10:00 PM and later. The existing fixtures on the building and the parking lot (pole mounted lights) are not full cut off. They are angled lights. The lighting being proposed for this new plan will be a vast improvement over the existing condition.

Mr. Noonan went on to say one of the waivers being requested is for lighting. The first waiver is for going over one foot candle at the right of way. The lights are coming right to the edge of the pavement, but Mr. Noonan noted this is an improvement compared to the existing condition. The second waiver was for lighting going over the northern property line (0.1 foot candle), which is allowed. He noted that drive isle is utilized by both the Kia dealership and one to the north, which are owned by the same owner; therefore, there is not any anticipated issue impacting abutters.

Landscaping – The Applicant is asking for an alternative review of the landscaping plan because the dealership does not want trees. The applicant is asking for lower shrubs to be utilized. The reason they don't want the trees is because of leaves falling on new car finishes and the attraction of birds.

Mr. Noonan stated erosion control and construction details have been provided. Sewer and water connection details have also been provided.

Architectural Details – Mr. Noonan stated Kia Corporate has provided these architectural plans. They are about a 90% plan. As the building permit process moves forward they will be submitting full architectural plans with all materials. The plan ultimately will be very similar to the GMC Dealership directly located to the north. Black aluminum panels will be used on the roof with large store front glass. The roof has a slight pitch at the rear of the building. Roof top units are set back 36 feet, and 23 feet from the front and rear.

436 Phasing Plan – Hutter Construction put together a phasing plan for how traffic will be handled  
437 during the demolition and operation. The Applicant is trying to operate as long as possible in the  
438 existing building. They would enter the existing building from the southern entrance. There is no  
439 curb cut to the building; they share a curb cut with the northern and southern properties.

440  
441 For phase one - the dealership will be utilizing the south entrance, and construction will come in  
442 through the north entrance. There will be a gate and fence placed from the existing GMC  
443 building to the proposed building and along the southern facing section. Construction fencing  
444 will be placed around the proposed site. Once the new building is fully operational, the  
445 dealership operations will be moved into the new building. At that phase, the dealership would  
446 utilize the north entrance, and any excavation or construction vehicles would utilize the south.

447  
448 Mr. Noonan stated these plans were revised on November 11th for the purpose of addressing  
449 staff comments from both the Community Development and the Department of Public Works.  
450 The City Engineer’s comments have been addressed. He stated there was a letter recently  
451 submitted to them from Kevin Thatcher regarding the Alteration of Terrain and drainage. This  
452 issue has also been discussed with the City Engineer, indicating that the Applicant meets city  
453 standards for storm water management and drainage. They have also reached out to Alteration of  
454 Terrain and will be meeting with DES soon. He indicated that most of the comments in the letter  
455 were regarding Alteration of Terrain and the Applicant’s opinion is that this permit is not  
456 applicable. However, they will be meeting with DES to review the plans. This concluded Mr.  
457 Noonan’s presentation.

458  
459 Councilor Remy noted there is an above ground storage tank where the proposed building is  
460 going to be located and asked if this tank will be removed and moved properly. Mr. Noonan  
461 stated this tank is located on the same island where the transformer is located. It is a skid tank for  
462 fuel (spill containment exists within the tank). The tank will be moved to the Mitsubishi  
463 Dealership site. The sheds and the containers at the rear of the site would also be moved from the  
464 site.

465  
466 The Mayor noted the frontage along Winchester Street and the consistency of that frontage.  
467 There is a building that is going to be moving back further on the lot, giving more visibility to  
468 vehicles on the site. The Mayor addressed the consistency of building setbacks. He asked what  
469 would be the consistent approach and appearance for Winchester Street; for example, would  
470 consistency be to encourage that dealership structures sit to the front of the lot or to the rear of  
471 the lot. Mr. Noonan stated there is a mix; for example, the Mitsubishi Dealership sits back and  
472 has parking up front. This site would have parking at the front and the rear. The GMC Dealership  
473 has a minimum amount of parking to the front and the rest is to the rear and side. He added the  
474 proposal would create conditions in which the Mitsubishi Dealership and the proposed building  
475 will be closer to lining up.

476  
477 Mr. Chad Brannon, Civil Engineer with Fieldstone Land Consultants addressed the Board. Mr.  
478 Brannon stated one of the key components is that the existing Kia Dealership finished floor  
479 elevation does not have the one foot of free board to the 100-year floodplain elevation. When the  
480 Applicant looked at developing the site initially, they looked at remodeling and options to utilize  
481 the existing building. Mr. Brannon stated that in discussions with City Staff regarding floodplain

482 requirements and conditions for addressing the existing building, the review ultimately revealed  
483 there was a need to create a new building. A new, detached building would allow for the  
484 finished floor elevation. He added for this investment in this improvement to happen, the process  
485 has to happen while allowing an existing business to operate.

486  
487 Chair Farrington stated during the site visit there was concern raised about the 30-foot buffer and  
488 asked whether the buffer would be disturbed during construction. Mr. Noonan stated there will  
489 be grading in that area. There will be a silt fence that would cut into the buffer. Once the grading  
490 is complete, the area will be loamed and seeded.

491  
492 Mr. Kost asked where the pervious pavement would be located. Mr. Noonan noted the rear of the  
493 building. Mr. Noonan continued and stated there will be porous asphalt at the rear, which was  
494 done to reduce the impervious area.

495  
496 The Mayor addressed the letter from Mr. Thatcher in which the issue of porous asphalt had been  
497 raised and clarified these concerns will be addressed with Staff. Mr. Noonan stated they have  
498 discussed the letter with the City Engineer and will be meeting with Alteration of Terrain as  
499 well.

500  
501 Mr. Brannon noted that the porous pavement meets and exceeds all the design requirements for  
502 City standards, and ultimately the letter is trying to impose State standards. He stated the  
503 Applicant and Mr. Thatcher have a difference of opinion as to whether this project qualifies for  
504 an Alteration of Terrain permit and invite dialogue with the Alteration of Terrain Bureau.  
505 Fieldstone plans on meeting with Alteration of Terrain soon.

506  
507 Mr. Brannon went on to say the porous pavement as depicted within the plan set meets standard  
508 engineering practices and guidelines. It does not meet Alteration of Terrain requirements as it  
509 relates to larger storm frequencies. Ultimately, any storm water that goes into that area, as Mr.  
510 Noonan stated, flows into an under drain design that ties into the floodplain mitigation and  
511 ultimately into that tax ditch. He stressed this is an improvement to the existing site from a  
512 drainage standpoint; for example, the Applicant is reducing impervious cover and providing  
513 additional storm water mitigation. He felt this letter was unfortunate because Fieldstone has  
514 worked with the Alteration and Terrain Bureau and their reviewers for well over 25 years. They  
515 encourage and engage in dialogue all the time and that is why they have reached out to them  
516 today. Fieldstone has asked the supervisors to meet with them to get some clarification on this.  
517 He noted if a State permit is required, as with any other project, the proposed project would be  
518 updated to their standards. Mr. Brannon stated he hoped the Board would consider any  
519 conditional approval to be subject to any State permits as applicable.

520  
521 Staff comments were next.

522 Ms. Fortson addressed the Board. She indicated this property is located to the south of Route 101  
523 and Winchester Street (Route 10) intersection. The car dealerships to the north and south are  
524 owned by the same property owner, and the properties across the street are a mix of residential  
525 and commercial uses on Wetmore Street and Fairbanks Street.

526

527 Ms. Fortson stated the parcel is 2.23-ac in size and has 134 feet of frontage along Winchester  
528 Street. Access to the site is not on the subject parcel, but rather from the two properties to the  
529 south.

530  
531 As part of this proposal, the applicant proposes to demolish the existing 9,950 square foot  
532 building and construct a new 15,365 square foot building behind the existing building. Because  
533 the entire site is located within the floodplain, the applicant is proposing to lower the grading of  
534 the site in the area where the existing building is located near the front as well as at the rear  
535 adjacent to the 30' surface water buffer.

536  
537 Ms. Fortson stated the applicant has requested waivers from Article 20.14 of the LDC to allow  
538 for parking in front of the new building. The Applicant has also requested a waiver from two  
539 sections of Article 21 to allow for lighting levels above the required maximums at the property  
540 line, public right of way line, and average parking lot levels.

541  
542 After reviewing the application, staff have made a preliminary evaluation that the proposed site  
543 plan does not appear to have the potential for regional impact. The Board will need to make a  
544 final determination as to whether the proposal, if approved, could have the potential for regional  
545 impact.

546  
547 In reference to departmental comments, Code Enforcement staff would like to reiterate that the  
548 Building Permit and Floodplain Development Permit applications will need to be submitted for  
549 the proposed site redevelopment.

550  
551 Zoning staff would like to see a detailed maintenance plan for the porous pavement to ensure that  
552 this area of the site does not become impervious. Staff want to make sure that the applicant was  
553 prepared to discuss alternative interior parking lot landscape design requirements for parking lots  
554 with 50+ spaces outlined under Article 9.4 of the LDC.

555  
556 After the initial review of the application, staff also received the letter from Mr. Thatcher, who  
557 raised concerns about the storm water design. Mr. Noonan noted the issue has been discussed  
558 with city staff; initially, engineering did not provide any concerns about the proposed storm  
559 water drainage design, but later agreed with Mr. Thatcher that the project could require an  
560 Alteration of Terrain permit. Ms. Fortson stated Mr. Thatcher has some experience working with  
561 Alteration of Terrain permits; however, the Board's purview is not State level drainage review.  
562 The City Engineer felt the applicant's design meets city drainage standards. As a result, Staff has  
563 amended the recommended conditions subsequent to include the submittal of an Alteration of  
564 Terrain Permit if it is required.

565  
566 Ms. Fortson continued with the application analysis.  
567 Drainage and Storm Water Management: The project narrative states that the applicant is  
568 proposing to use the existing drainage structures on the northern portion of the site that outlet  
569 into an existing drainage ditch near the rear of the site. Zoning Staff requested that the applicant  
570 submit a detailed maintenance plan for the porous pavement at the rear of the site. The applicant  
571 has submitted an inspection and maintenance manual, which is included as an attachment to this  
572 staff report. The second page of the manual recommends that inspections be performed every

573 couple of weeks and after large storm events and within the first year following construction to  
574 ensure that the site and slopes remain stabilized. Planning Staff recommend that the Board  
575 include a condition of approval that all inspection reports be submitted to the Community  
576 Development Department for review and approval by the City Engineer's Office one year after  
577 the completion of construction. Staff also recommend that the Board require the submittal of a  
578 security to cover the cost of performing all inspections during the first year as a condition of  
579 approval. Another recommended condition of approval for drainage is a submittal of an updated  
580 grading plan with a note added stating that an annual inspection and maintenance report for the  
581 porous pavement on the site shall be submitted to the Community Development Department.  
582 This standard appears to be met.

583  
584  
585 Sediment & Erosion Control: The project narrative states that the proposed sediment and erosion  
586 control measures include the installation of silt fencing, catch basin silt socks, and rip rap aprons,  
587 which are shown on Sheet 4 of the plan set. This plan shows a double row of silt fencing within  
588 the 30' surface water buffer at the rear of the site. The installation of erosion control measures  
589 within the surface water buffer would normally require the submittal of a Surface Water CUP;  
590 however, because this is being done in conjunction with compensatory flood storage, it is  
591 allowed under Article 11 of the LDC. Staff does recommend that during construction there will  
592 be flagging and inspection of the 30' buffer by Community Development staff to ensure erosion  
593 control measures are adequate. Additionally, the submittal of a security for the installation and  
594 maintenance of the erosion control measures during construction. This standard appears to be  
595 met.

596  
597 Snow Storage & Removal: The proposed conditions plan shows a snow storage area near the  
598 northeastern corner of the parcel and states that snow will not be stored within the wetlands or  
599 surface water buffer and will be hauled off the site, if needed. This standard appears to be met.

600  
601 Landscaping: The landscaping plan on Sheet 7 of the plan set shows the installation of  
602 rhododendron, winterberry, and nannyberry viburnum shrubs in landscaping islands on the  
603 western portion of the site. Article 9.4 of the LDC outlines the design standards for perimeter and  
604 internal parking lot landscaping areas that have 50 or more parking spaces. The applicant is  
605 requesting an alternative from the Board under the authority granted to the Board under these  
606 standards. The standard gives the Planning Board the authority to approve an alternative  
607 landscaping plan, if they feel the plan has met the intent of the standard. Staff recommend that a  
608 security be submitted to cover the cost of the landscaping and a condition regarding the  
609 performance of an initial inspection once the landscaping is installed and a final landscaping  
610 inspection after a year.

611  
612 Screening: The project narrative states that the mechanical equipment will be set back 10' from  
613 the edge of the roof and that the proposed building design incorporates a roof parapet that will  
614 range from 8" tall at the front of the building to 40" tall at the rear of the building as shown in the  
615 elevations. This standard appears to be met.

616  
617 Lighting: The proposed fixtures meet the color temperature 3,500 K or less and a color rendering  
618 index greater than 70 and requirement that they are full cut off. Item 6 on the photometric plan

619 states that the average illumination levels will not exceed an average of 1 foot candle between  
620 the hours of 10:00 pm and 6:00 am. This standard appears to be met.

621  
622 Ms. Fortson noted the applicant has requested two waivers from lighting. One is related to light  
623 trespass levels. Ms. Fortson noted as Mr. Noonan mentioned you can only have a trespass level  
624 of 0.1-foot candle between properties and then at the right of way line you can have one foot  
625 candle. The applicant is going to be slightly above those levels in both locations. The second  
626 waiver, in the new parking lot display spaces, will have lighting that will be above the 3 1/2-foot  
627 candle maximum. Ms. Fortson called the Board's attention to the waiver criteria outlined in the  
628 staff report.

629  
630 Sewer & Water: The City's GIS Database shows that the site is currently served by city water  
631 and sewer utilities. The project narrative states that the new building will require extensions of  
632 the water and sewer lines on the site, which will be coordinated during the demolition process of  
633 the existing building. This standard appears to be met.

634  
635 Traffic & Access Management: Ms. Fortson stated Mr. Noonan has explained the phasing of the  
636 project. Staff would like to make sure a security is submitted to make sure the temporary  
637 stabilized construction areas are maintained during construction. Ms. Fortson went on to say the  
638 sites to the north and south are currently owned by the same property owner. If either of those  
639 sites were to change ownership in the future, access easements and utility easements and other  
640 legal instruments may need to be in place. Hence, staff would like to see draft language  
641 submitted that would be reviewed by the City Attorney's office as a condition of approval. In  
642 regard to traffic and access management, that standard appears to be met.

643  
644 Filling & Excavation: The entire site falls within the 100-year flood plain and would require  
645 flood plain permit. The permit would be reviewed by the community development department. If  
646 the proposal does meet the threshold for an Alteration of Terrain permit, meaning that over  
647 100,000 square feet of land was disturbed, then a revised recommended condition of approval  
648 has been submitted. The revised recommended condition of approval indicates if an Alteration of  
649 Terrain permit is required once the Applicant meets with DES, staff would like to review a copy  
650 of that.

651  
652 Surface Waters & Wetlands: All work done within the surface water buffer is permitted as part  
653 of the flood compensation storage work. This standard appears to be met.

654  
655 Hazardous & Toxic Materials: The project narrative states that items considered toxic, including  
656 oils, lubricants, brake fluid, etc., will be stored inside the building and handled according to State  
657 regulations. This standard appears to be met.

658  
659 Noise: The narrative states that there will no increase in noise generated on the site. This  
660 standard appears to be met.

661  
662 Architecture & Visual Appearance: Ms. Fortson noted the proposed building is going to look  
663 very similar to the GMC dealership to the north. The proposed building will have aluminum  
664 finish paneling with a black and silver color scheme compared to black and white. She indicated



665 the Board will need to discuss whether or not they feel the proposed design meets with the  
666 Board’s architecture and visual appearance standards. A waiver has been requested from this  
667 section of the code to allow for that extra parking in front of the building.  
668

669 Ms. Fortson next reviewed the recommended conditions of approval.  
670

671 Ms. Brunner noted for condition c. “drainage inspections” will not need to be included. She  
672 explained under the Board’s regulations they can require security for erosion and sediment  
673 control, landscaping, and as-built plans. Drainage inspections are not something that is typically  
674 requested for an Applicant to complete; therefore, Ms. Brunner stated the security could not be  
675 required for it.  
676

677 Chair Farrington referred to 2. e. and asked if the language should be more specific with respect  
678 to maintenance and inspection. Ms. Fortson suggested perhaps language that states *annual*  
679 *inspection shall be performed of the pervious pavement at the rear of the site.*  
680

681 Ms. Brunner noted 2. a. states:

682 *Prior to the issuance of a building permit, the applicant shall*

683 i. *Schedule a pre-construction meeting with City Staff to review the project.*

684 She indicated that should say *Prior to the commencement of site work.*  
685

686 Councilor Remy asked if the Applicant has seen the draft motion and had any concerns. Ms.  
687 Fortson stated that this language within the recommended conditions of approval was included in  
688 the agenda packet that went out to the Applicant. Mr. Brannon stated they have no issues with  
689 the annual inspection requirement.  
690

691 Councilor Remy suggested striking 2. a. ii because it was already covered. Then,  
692 2. a. i. moves to 2. b. Then, the rest are renumbered to make numerical sense.  
693

694 This concludes Staff comments. The Chair asked for public comments, and with no comment  
695 from the public, the Chair closed the public hearing.  
696

### 697 C. Board Discussion and Action 698

699 A motion was made by Kenneth Kost that the Planning Board approve PB-2024-16 as shown on  
700 the plan set identified as “Site Redevelopment Plans, Fairfield Kia of Keene” prepared by  
701 Fieldstone Land Consultants PLLC, at varying scales on October 18, 2024 and last revised on  
702 November 11, 2024 with the following conditions:

703 1. Prior to final approval and signature of the plans by the Planning Board Chair, the following  
704 conditions precedent shall be met:

705 a. Owner’s signature appears on the title page and proposed conditions plan.

706 b. Submittal of five paper copies and a digital copy of the final plan set and elevations.

707 c. Submittal of a security to cover the cost of sediment and erosion control measures,  
708 landscaping, and as-built plans in a form and amount acceptable to the Community Development  
709 Director and City Engineer.

710 d. Submittal of an updated grading plan with a note added stating that annual drainage  
711 inspections shall be performed, and documentation of such shall be submitted to the Community  
712 Development Department.

713 e. Submittal of draft easement language and any other legal instruments required for this  
714 application to the Community Development Department for review by the City Attorney's  
715 Office.

716

717 2. Subsequent to final approval and signature of the plans, the following conditions shall be met:

718 a. i. Schedule a pre-construction meeting with City Staff to review the project.

719 ii. Submit an approved flood plain development permit.

720 iii. Flag the 30-foot surface water buffer and contact planning staff to inspect to ensure  
721 compliance with the approved site plan and all City of Keene Regulations.

722

723 b. Submittal of an approved Alteration of Terrain Permit from the NH Department of  
724 Environmental Services, if deemed necessary.

725

726 c. Prior to the issuance of a Certificate of Occupancy for the new building, the applicant shall  
727 submit recorded copies of all necessary easements to the Community Development Department.

728

729 d. One year after the completion of construction, copies of all drainage reports and inspection  
730 materials shall be submitted to the Community Development Department.

731

732 e. Annual maintenance inspections of pervious pavement shall be performed, and documentation  
733 of such shall be submitted to the Community Development Department.

734

735 f. After landscaping has been installed, the applicant shall schedule an initial landscaping  
736 inspection with the Community Development Staff.

737

738 g. After 1 full growing season (a minimum of 1 year), Community Development Staff shall be  
739 contacted to schedule a final landscaping inspection.

740

741 The motion was seconded by Councilor Remy with clarifications.

742

743 Mayor Kahn stated it is good to see the property owner is interested in making this improvement.  
744 He felt this improvement follows a business plan that has been executed fairly well. The Mayor  
745 stated the landscaping exception is one item that was addressed well enough by staff and the  
746 Applicant. Mayor Kahn stated he does not see any problem with that issue. He went on to say he  
747 also does not see an issue with the extra parking at the front of the building. With reference to the  
748 pervious surface, stated he has been involved with this type of pavement construction in the past  
749 and it does not hold up over time and agreed with the need for inspection. The Mayor stated he  
750 was ready to vote in favor of the application but was interested in comments regarding the  
751 lighting issue.

752

753 The Chair asked whether the motion needs to be tabled to vote on the waivers. Ms. Fortson  
754 advised that the Board take a separate vote on each Waiver.

755

756 A motion was made by Councilor Remy to amend the motion to include a Waiver from Article  
757 20.14.3.D of the LDC to allow parking in front of the new building. The motion was second by  
758 Sarah Vezzani.

759  
760 Councilor Remy felt the intent of this language is targeted for parking. He noted this is a  
761 showroom for a car dealership and would place a hardship on the Applicant to have to hide their  
762 vehicles when their purpose is to sell cars.

763  
764 The amendment carried on a unanimous vote.

765  
766 The Chair stated the amendment to include parking in front of the building has now been  
767 included in the original motion.

768  
769  
770 A motion was made by Councilor Remy to amend the motion to include an approval of the  
771 Waiver from Section 21.7.3.C to allow for lighting levels above 0.1-foot candle at the property  
772 line and 1 foot candle at the public right of way. The motion was seconded by Mayor Kahn.

773  
774 Mr. Kost asked whether the purpose of this waiver was for security. Ms. Brunner stated what is  
775 unique about this property is that the properties to the north and south used to all be one site. It  
776 was then subdivided in the 80s in which the property lines got drawn right down the middle of  
777 travel aisles. Those travel aisles still exist today and are proposed to be maintained. Part of the  
778 request is because cars will be traveling down the property line, and in order to keep the parking  
779 lot lighting safe and usable, lighting needs to cross the property line. With reference to the public  
780 right of way, the travel easement is along the front of the property, and the access for this  
781 property is actually from the property to the south. Therefore, a person would have to cross  
782 another property to get to this site. Because of where the pavement is and where the parking is in  
783 the front—consistent with the two properties on either side—is why the lighting would cross  
784 onto the public right of way.

785  
786 The motion to allow for lighting levels above 0.1-foot candle at the property line and 1 foot  
787 candle at the public right of way line carried on a unanimous vote.

788  
789 The Chair stated the amendment to allow for lighting levels above 0.1-foot candle at the property  
790 line and 1 foot candle at the public right of way has now been included in the original motion.

791  
792 A motion was made by Councilor Remy to amend the motion to include language granting the  
793 approval of a Waiver Request from 21.7.4.1 Lighting Parking Lots related to exceeding 3.5 foot  
794 candles. The motion was seconded by Stephon Mehu.

795  
796 The Chair asked for rationale for this waiver request. The Mayor asked what level is being  
797 exceeded. Ms. Brunner explained the Board has lighting standards for parking lots specifically,  
798 and has standards related to the average illumination; a lot cannot exceed 3.5-foot candles. There  
799 is also a uniformity ratio of 5:1. What the parking lot light level standard is trying to get at is not  
800 creating a situation where you have bright spots and dark spots. The regulations are geared  
801 towards creating a uniform light level across the city. The regulations keep light levels that are

802 consistent with each other and are dark skies compliant. This specific standard is the 3.5 average  
803 level. Presumably, the proposal meets the 5:1 uniformity ratio, just not the maximum average.  
804 She added the Applicant must submit a photometric plan that shows on a grid what the different  
805 light levels are in foot candles and use a software to calculate the average, which can't exceed  
806 3.5.

807  
808 The Chair reopened the public hearing.

809  
810 Mr. Noonan addressed the Board and added the provided lighting plan photometrics has outlines  
811 of what each fixture is and is dependent on the type of fixture. The areas they are exceeding the  
812 most are areas that have overlapped between pole mounted lights and other fixtures. The ones  
813 that are on the right of way have a four throw, which have full cut-off fixture but nothing shines  
814 back towards Winchester Street; therefore, you end up with more of a condensed amount of  
815 light. The other area where the light exceeds is where customer parking is located near the  
816 building.

817  
818 Mr. Noonan stated in working with the Corporate architect, they asked for higher levels as much  
819 as possible because they want security and higher display lighting. It has been noted that those  
820 lights would reduce by 50% after 10:00 PM.

821  
822 Mr. Hoefer clarified that it is 11.8 foot candles at the front area. Mr. Noonan agreed and added  
823 the next highest would be near the building at 6.8 feet.

824  
825 Chair Farrington asked for the overall average. Mr. Noonan stated it is broken down into areas:  
826 The front area (the display adjacent to the roadway), customer parking, and display at the front of  
827 the building and rear parking lot. The average at the front is 7.8.

828 The average at the main parking lot display is 3.25.

829 The average for the rear area is 1.65.

830 The overall average would be around 4.0.

831  
832 Mr. Kost clarified from staff what the Board's standard would allow for very bright lights. For  
833 example, if bright lights are in the middle of a parking lot, and the rest of the area is low with the  
834 average calculating to 3.5, it would be acceptable. Ms. Brunner stated there are two aspects that  
835 control the light level. The first is the maximum average; furthermore, in a photometric plan, if  
836 there are different parking areas the average will be calculated separately for each parking area.  
837 You calculate the average light levels and then the ratio of the average to the minimum light  
838 level gives you your uniformity ratio. Those together are what control the overall light levels. If  
839 there is a very bright light, it would be very hard to meet the rest of the standard.

840  
841 Mr. Clements added the average has calculated at 4.2 instead of the required 3.5.

842  
843 The Chair asked for public comment again. With no comment, the Chair closed the public  
844 hearing.

845

846 The Mayor noted at different times of the day and during different times of the year, the lighting  
847 would have a greater impact. He asked whether the motion should reflect that the Applicant  
848 would comply with the average foot candle from 10 pm on.  
849

850 Mr. Clements stated if the reduced lighting plan is compliant with the reduced standards, that  
851 issue has been addressed. The reduced lighting plan would be complying with the requirement. It  
852 is just during the Applicant's operational window that the Applicant is seeking the relief from it.  
853 The Mayor stated he will feel better that the Board is approving an exception during a certain  
854 period of time of operation to assist the business. The Mayor stated the Board is taking into  
855 consideration the concerns of the neighborhood. Ms. Fortson stated the Applicant did not submit  
856 a reduced lighting plan, but is the Applicant noted on the plan that lighting will be reduced to  
857 50% between 10 pm and 6 am.  
858

859 Ms. Brunner added that this is the standard and the Applicant would be held to it even if it was  
860 not a note on the plan. She indicated the standard is already covered, but if the Board wanted to  
861 memorialize it in the motion it would be just another reminder for the Applicant that this is a  
862 requirement. The Mayor stated the exception is for a specific time of day, which is what the  
863 Applicant has requested. Mr. Clements clarified from the Mayor that the increased light levels is  
864 only during daytime operation until 10 pm. Mr. Clements continued by stating the light levels the  
865 Board regulations normally require during the overnight hours is that 50% reduction. He asked  
866 whether the Mayor was looking for a clarification in the waiver language to note the regulation  
867 that light levels must be reduced by 50% between 6:00 AM to 10:00 PM. The Mayor answered  
868 in the affirmative.  
869

870 Councilor Remy asked whether the language in the motion could be amended to add language  
871 indicating light levels must be reduced between 6:00 AM to 10:00 PM in the waiver . Ms.  
872 Vezzani, the person who seconded the motion, agreed to adding this language.  
873

874 Mr. Hofer asked whether there should also be a maximum level included in the motion. Mr.  
875 Clements suggested adding not to exceed 4.5 average level. Councilor Remy felt the Applicant  
876 must be held to the light level they submitted.  
877

878 The Board voted unanimously to approve the amended motion made by Councilor Remy and  
879 seconded by Ms. Vezzani.  
880

881 The Board deliberated the overall motion.  
882

883 With reference to regional impact, Councilor Remy stated even though this proposal is close to  
884 the property line for the city, he did not feel there was regional impact from this application. He  
885 added he also agrees to the alternative landscape plan as he felt requiring the Applicant to add  
886 trees at a car dealership would be an undue burden for the Applicant. He stated he is also glad to  
887 see easement language outlined on paper. He stated he is glad the Board is addressing the  
888 possible need for an Alteration of Terrain Permit based on Mr. Thatcher's letter.  
889

890 Chair Farrington asked if anyone wanted to comment on the alternative landscape plan. With no  
891 comments from the board, Chair Farrington continued and asked if anyone wanted to weigh in

892 on the visual appearance. Mr. Kost noted this is a commercial area with other car dealerships. It  
893 is an intense commercial area with lots of paving, and the building resembles the other buildings.  
894 He stated the building fits into that environment well.

895  
896 The Chair noted Mr. Thatcher's letter, and stated the Board received the letter ten minutes prior  
897 to the meeting, which has been difficult to digest.

898  
899 Mr. Hoefler stated, as a lay person, he would like comments from staff on this very technical  
900 letter. He continued, asking if most of the concerns in the letter been addressed. He asked if there  
901 are concerns in this letter that would need to be addressed. He asked if the Alteration of Terrain  
902 Permit would follow another process that would address these comments.

903  
904 Ms. Vezzani stated she was comfortable adding language in the motion to indicate if an  
905 Alteration of Terrain Permit is deemed necessary it would be obtained. She raised the issue with  
906 the fuel storage tank. She stated if the tank is being moved and the Applicant would need to  
907 comply with proper regulations to do so, she is comfortable that it will be addressed based on the  
908 language in the motion already.

909  
910 Mr. Kost stated he heard earlier that this item has been shared with the City engineer and other  
911 technical individuals. He expects that experts will be looking into this. He stated the Board was  
912 given this letter 10 minutes before the meeting, which is not sufficient time to digest contents of  
913 the letter. He added he cannot do much with this information and questioned if this is part of the  
914 package that is then being reviewed and will be incorporated at the level of experts.

915  
916 Ms. Fortson responded by saying when engineering staff, specifically the City Engineer, are  
917 reviewing applications, they are reviewing them for compliance with the public infrastructure  
918 standards that are outlined under Article 23 of the Land Development Code. They are also  
919 looking for compliance with site development standards. They are not reviewing the proposal for  
920 compliance with Alteration of Terrain or any other DES State level permits that might be  
921 required. If that is necessary, that is at the State level the Applicant would be working at. This is  
922 not something that is under the purview of the Planning Board or the City Engineering Staff.

923  
924 She went on to say when planning staff spoke to the City Engineer, he felt this proposal met the  
925 local regulations and the local site development standards. He did think that it could potentially  
926 require an Alteration of Terrain Permit, but he indicated he did not have the authority to say yes  
927 or no. If one is required, State Statute requires that the Community Development Department be  
928 included in that review process.

929  
930 Ms. Brunner noted Mr. Thatcher, who wrote this letter, also met with the City Engineer to go  
931 over his comments. Hence, the City Engineer had plenty of time to digest these comments and  
932 understand them. They mostly relate to the Alteration of Terrain Permitting process. If one is  
933 required, the site would have to be reviewed again and re-designed.

934  
935 Mayor Kahn sought to clarify that the Alteration of Terrain review would incorporate the number  
936 of comments that have to do with parking surfaces from Mr. Thatcher's letter.

937

938 Mr. Brannon stated it is very uncommon to receive a review letter of this nature at a local level.  
939 He stated in the last couple of days he has been discussing this issue with City Staff on how to  
940 move forward with this project. He stated he has also been addressing this issue with State  
941 Commissioners and Alteration of Terrain Personnel who he has been working with for well over  
942 20 years. He felt this letter was unsolicited and unprecedented. He stated he, on behalf of  
943 Fieldstone Land Consultants, believe this project does not trigger an Alteration of Terrain  
944 Permit. However, if the project does require the permit, they will be happy to submit an  
945 application to the State. It is not their intention, ever, to avoid State permits.  
946

947 Mr. Brannon stated this is a complicated site and would touch on a few aspects of the site. First,  
948 it is under the 100,000 square foot threshold. There is a 10 year look back and the 10 year look  
949 back pertains to properties. They have separate properties that break the 10 year look back. There  
950 is a redevelopment component. Mr. Brannon stated he does not believe the project falls under the  
951 redevelopment component because the properties have never been permitted or developed  
952 together. Mr. Brannon added it could very well be a difference of opinion at the State level, but  
953 they didn't feel like it was necessary to be debated this evening. He stated they would have  
954 welcomed Mr. Thatcher to their office to have a professional conversation with their engineering  
955 department. He stated they are not taking this issue lightly and believe the plan that they have  
956 designed meets all the City criteria and the City Engineer has supported that.  
957

958 Mr. Brannon stated the timing of this project is critical. If they don't receive approval for this  
959 project prior to the end of the year, they don't qualify for corporate funding. He stressed, again,  
960 that they take the contents of the letter seriously and hope to have a productive conversation in  
961 the near future with the State. This concluded Mr. Brannon's comments.  
962

963 Mayor Kahn clarified that there is a path forward on addressing concerns that have been raised  
964 late in the process. He clarified that Staff and the Applicant's engineering firm both agree that  
965 there is a pathway for a discussion of these items, and he is satisfied that this can be addressed in  
966 the future.  
967

968 The Chair closed the public hearing.  
969

970 The motion carried on a unanimous vote by the Board.  
971  
972

973 **V. Master Plan Update (<https://keenemasterplan.com/>)**  
974

975 Ms. Brunner stated at the last Planning Board meeting she provided a recap of the Future  
976 Summit that was held on October 5<sup>th</sup>. There hasn't been a Master Plan Steering Committee  
977 meeting since then. The next meeting is going to be next week on Tuesday.  
978 They have a couple of online discussion boards that have gone live. One is on housing, and the  
979 other is on the economy. There will be four more that will be launched soon. The hope is to get  
980 residents, people who visit Keene, people who work in Keene that may not live in Keene, and  
981 others to contribute with ideas. The plan is to take those comment and include them into the  
982 implementation section of the Master Plan.  
983

984 Ms. Brunner stated they are also planning for office hours at the Public Library on December  
985 11th, 12th and 13<sup>th</sup> for members of the public that are interested in talking about the project one-  
986 on-one with a staff person. There will be a TV screen to bring up the online discussion boards for  
987 those who may not have a computer at home or would like assistance navigating the online  
988 discussion boards. Task forces for each of the six pillars have been formed and Staff will be  
989 holding an introduction meeting soon. Each of the task forces will be meeting three times  
990 throughout January and March 2025. Next, the results from those task force meetings will be fed  
991 back to the Master Plan Steering Committee for the Committee to consider building into the  
992 final plan.

993  
994 The date for the second future summit has been scheduled for the first Tuesday in June. This  
995 would be the conclusion of the project before it starts the adoption process.  
996

997 **VI. Training on Site Development Standards – Snow Storage, Screening, & Landscaping**

998  
999 Not Discussed

1000  
1001

1002 **VII. Staff Updates**

1003  
1004 Ms. Brunner stated that Emily Duseau is the new Planning Technician. She joined the  
1005 department about three weeks ago.

1006  
1007 Southwest Regional Planning Commission is holding a roundtable for citizen planners on  
1008 December 5<sup>th</sup>.

1009  
1010

1011 **VIII. New Business**

1012  
1013 None

1014  
1015

1015 **IX. Upcoming Dates of Interest**

- 1016 • Joint Committee of the Planning Board and PLD – December 9th, 6:30 PM  
1017 • Planning Board Steering Committee – December 3rd, 11:00 AM  
1018 • Planning Board Site Visit –December 11th, 8:00 AM – To Be Confirmed  
1019 • Planning Board Meeting – December 16th, 6:30 PM

1020  
1021

1021 **5) Adjournment**

1022  
1023 There being no further business, the Chair adjourned the meeting at 9:11 PM.

1024  
1025

1026  
1027

1027 Respectfully submitted by,  
1028 Krishni Pahl, Minute Taker

1029



1030 Reviewed and edited by,  
1031 Emily Duseau, Planning Technician



**CITY OF KEENE**  
NEW HAMPSHIRE

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Community Development Staff  
**DATE:** November 18, 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.

**1. PB-2024-13 – 2-lot Subdivision – Habitat for Humanity, 0 Old Walpole Rd (TMP #503-005-000)**

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).

**PB-2024-18 – COTTAGE COURT CONDITIONAL USE PERMIT – 133 ROXBURY STREET**

**Request:**

Applicant Unicron Management, on behalf of owner Mahantdrashti Real Estate LLC, proposes the conversion of an illegal 7-unit building at 133 Roxbury St (TMP #569-099-000) into four units. The parcel is 0.25-ac in size and is located in the High Density District.

**Background:**

The parcel at 133 Roxbury St is owned by Mahantdrashti Real Estate LLC and is located in central Keene ~0.2 miles to the east of the Main St & Roxbury St intersection in the High Density District. The parcel is ~0.25-ac in size with its primary frontage (~80') along Roxbury St and site access from Harrison St. The building has historically been used as a multi-family residence and is listed on the tax card as an existing 3-unit building; however, the building has most recently been operating as an illegal 7-unit building.

An existing walkway can be used to access the building from Roxbury St and a paved parking area occupies the southwestern portion of the site. Other notable site features include an existing dumpster to the south of the building, a 64-sf storage shed, and an existing hedge along the three of the property boundaries.

Adjacent uses include a lodging house run by Southwestern Community Services to the east, a duplex to the south, a duplex to the west, and two multi-family properties to the north as shown in Figure 1.

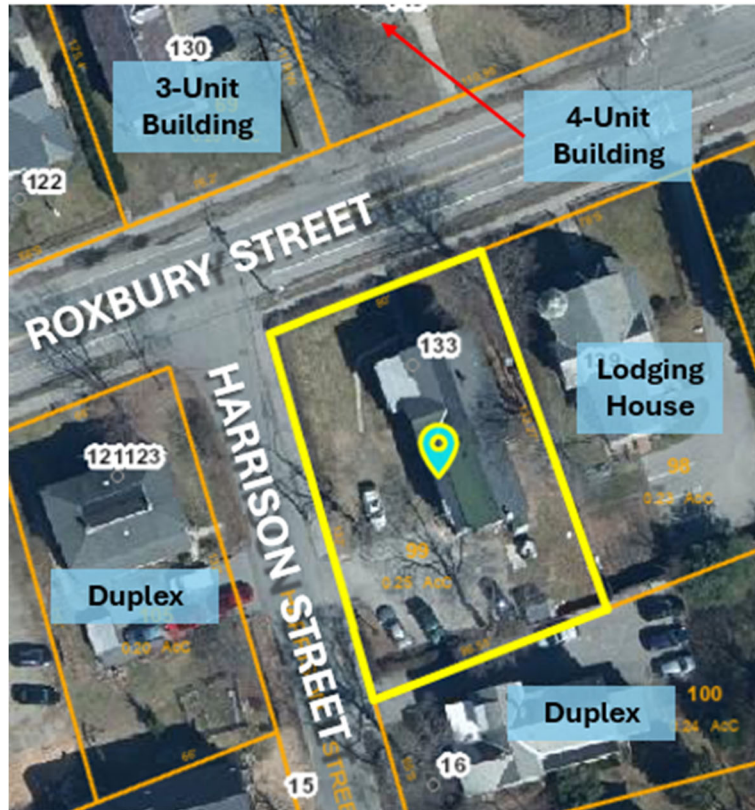


Figure 1. Aerial imagery showing the parcel at 133 Roxbury St as well as the development density of the abutting parcels.

The applicant proposes to renovate the building into four units (2 on each floor) and make minor site modifications, including adding two additional parking spaces, installing a fence around the dumpster, and extending the existing walkway. Although this lot does not meet the minimum lot size required for four 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.

**Determination of Regional Impact:**

After reviewing the application, staff have made a preliminary evaluation that the proposed CUP 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, drainage report, traffic analysis, soil analysis, historic evaluation, and screening analysis. After reviewing each request, staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of the application and recommend that the Board accepts the application as "complete."

## **Departmental Comments:**

### • **Engineering Staff Comments:**

- The existing driveway is in poor condition and has a ponding low point area adjacent to the City's existing sidewalk; it is recommended that the driveway at the interface with the City's sidewalk be reclaimed, re-graded and repaved to provide positive pitch to eliminate the ponding adjacent to the City's sidewalk and road infrastructure.
- The width of the existing driveway with parking on either side appears insufficiently wide for cars to turn around in the driveway and requires them to back out into the road. Given this, the existing bushes along the property frontage on both Harrison Street and Roxbury Street are recommended to be cut back to minimize the current line of sight obstructions and eliminate the obstruction of the City's sidewalk.

### • **Code Enforcement Staff Comments:**

This property is located in the floodway, and the applicant may need a Floodplain Development Permit to make grading changes as suggested by Engineering Staff.

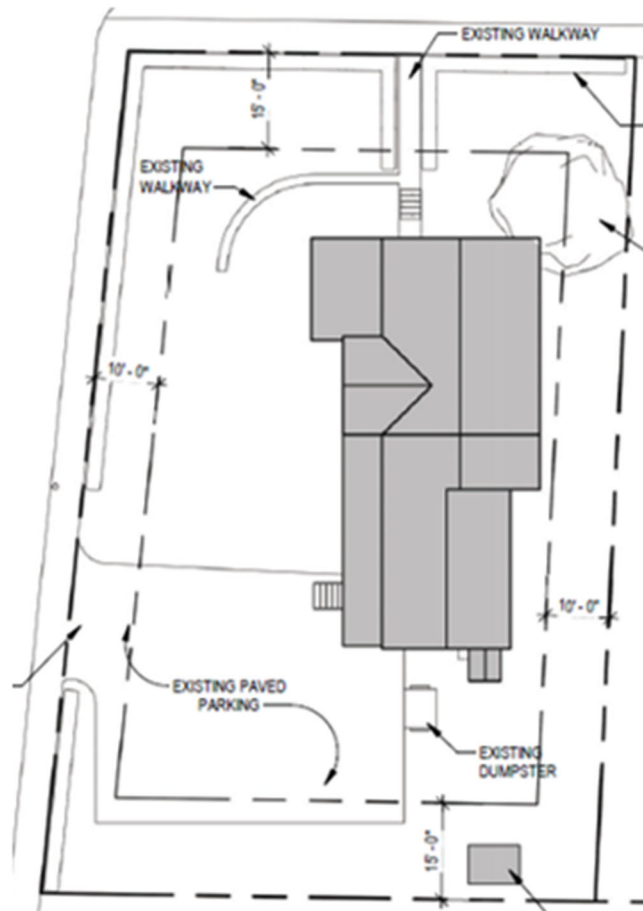


Figure 2. A snippet of the proposed conditions plan for 133 Roxbury St.

## STAFF REPORT - REVISED

**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 applicant proposes to redevelop the site as a 4-unit building managed by 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 in 1900 and is listed as having three total units on its tax card. Up until recently, the building was used as an illegal 7-unit apartment building. The project narrative states that the building will be converted into four units total and specifies that only minor changes will be made to the exterior of the building including ordinary maintenance and repairs, the replacement of existing siding, and the installation of new wall-pack light fixtures along the western building façade. The building meets the frontage, setback, and height requirements for the High Density District. A snippet of the proposed conditions plan is shown in Figure 2.

The project narrative states that the building’s appearance as a late 19<sup>th</sup> century or early 20<sup>th</sup> century structure is consistent with other properties of the period in the city and states that the existing character-defining features will be maintained. This standard appears to be met.

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

	Required	Proposed
<b>Minimum tract size</b>	None	0.25-ac (~10,890-sf)
<b>Minimum tract frontage</b>	30’	80’
<b>Perimeter setback from road</b>	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.	~21.6’ (from Roxbury St)
<b>Perimeter setback from other tract boundaries</b>	Rear: 15’ Side: 10’	Rear: ~34.5’ Side: ~33’
<b>Density</b>	None	1 unit per $\frac{1}{16}$ acre (~16 units per acre)
<b>Height</b>	3 stories or 50’ max	2.25 stories

**Article 17.5.3 – Conditional Use Permit Standards:**

- a. **Dwelling Unit Size:** This standard requires a maximum average size of 1,250 square feet (sf) of gross floor area (gfa) and a maximum building footprint of 900 sf per unit. The proposed first floor plan on Sheet A101 of the plan set includes a table outlining the square footage of each unit and indicates that the units will range from 510-sf to 1,620-sf in size with a maximum average size of 900.25 sf gfa per unit. This standard appears to be met.
- b. **Parking:** This standard states that a minimum of one parking space per unit must be provided and a maximum of one parking space per bedroom is allowed. The submitted plan set shows a total of eight bedrooms in the building and five proposed parking spaces, which will be

located in the existing parking area to the southwest of the building. The parking area will be expanded to add two spaces along the northern edge and all parking spaces will be screened from view of Harrison St by the existing hedge, which will be trimmed to a lower height to maintain safe sight distances for vehicles entering and exiting the parking lot. 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:** This section of the code states that driveways and travel aisles internal to a site shall have a minimum width of 20' and a maximum width of 24' for two-way traffic. The proposed conditions plan on Sheet A100 of the plan set shows that the existing curb cut onto Harrison St is ~26'-wide and the parking area will have a travel aisle that is ~23'-4"-wide. Although the curb cut is wider than the allowed maximum 24'-width allowed, this is an existing condition and is not proposed to be altered as part of this application. This standard appears to be met.
- e. **Internal Roads:** There are no new internal roads proposed as part of this application. This standard is not applicable.
- f. **Screening:** This standard states that a 6'-tall fence or some form of landscaping shall be required around a property if the proposed building type is more intense than the adjacent building types. The site has an existing hedge along the northern, southern, and western property boundaries. The proposed conditions plan includes a note stating that the existing hedge will be maintained around the property to screen the parking area and site from adjacent parcels.

The existing and proposed plans also show an existing fence along the southern and eastern property boundaries, which may actually be located on the adjacent parcels at 16 Harrison St and 139 Roxbury St. Planning Staff recommend that the Board include a recommended condition of approval to require the submittal of an updated proposed conditions plan showing the appropriate property line and fence locations prior to the issuance of final approval for the project.

**Article 17.5.4 – Architectural Guidelines:** Other than ordinary maintenance and repair and the installation of new lighting, there are no significant changes proposed to the building exterior as part of this application. This standard is not applicable.

**Article 21.2 - Drainage & Stormwater Management:** City Engineering Staff noted that the existing driveway is in poor condition and has a ponding low point area adjacent to the City sidewalk. The City Engineer recommends that this portion of the parking area be regraded and repaved to fix these issues and improve safety. The Plans Examiner / Floodplain Manager noted that the entire southwestern portion of the parcel is located within the floodway as shown in Figure 3. In accordance with Section 24.3.1 of the Land Development Code (LDC), this work may require the submittal of a Floodplain Development Permit application, unless there will be no decrease in the existing flood storage area on the site as a result of the grading changes.

In addition, the contour layer of the City's GIS Database shows that the existing site grading is such that snow and stormwater runoff would most likely be directed towards the southeastern corner of the site and onto the adjacent property to the south at 16 Harrison St. In accordance with this Site Development Standard and Section 18.2.1 of the LDC and zoning regulations, which

outlines the anti-nuisance standards related to erosion and drainage, water runoff is not allowed onto adjacent properties.

In response to the City Engineer's comments, the applicant stated that the existing parking area would be regraded and repaved to provide a positive pitch to eliminate ponding adjacent to the City's sidewalk and road infrastructure. An updated proposed conditions plan with a note stating that the parking area would be repaved and regraded was submitted as part of the revised application materials.

Planning Staff recommend that the Board include a condition of approval related to the submittal of an approved Floodplain Development Permit application, if deemed necessary by the Floodplain Manager, prior to the commencement of work on the parking area. Additionally, Planning Staff recommend that the Board include a condition of approval related to the submittal of existing and proposed grading/drainage plans to demonstrate that there will be no increase to the volume and/or velocity of water runoff onto adjacent parcels.

**Article 21.4 - Snow Storage & Removal:** The proposed conditions plan shows a snow storage area at the southeastern corner of the parking area. Once again, the Board may wish to include a condition of approval related to the submittal of grading/drainage plans to ensure that snowmelt will not increase runoff or erosion onto adjacent parcels.



Figure 3. Aerial imagery showing the approximate location of the floodway on the parcel at 133 Roxbury St.

**Article 21.5 - Landscaping:** The applicant will not be installing any new landscaping as part of this application, but will be maintaining/trimming the existing hedge and mature tree on the site. This standard appears to be met.

**Article 21.6 - Screening:** The project narrative states that no new mechanical equipment will be installed on the roof, exterior walls, or site itself as part of this application. Additionally, the existing dumpster will be remaining on the site and will be screened using a wood or PVC fence. The site itself will be screened from adjacent parcels by the existing hedge. As mentioned previously in this staff report, the applicant has already added a note to the plan stating that the hedge will be maintained around the perimeter of the site. This standard appears to be met.

**Article 21.7 - Lighting:** The proposed conditions plan shows the installation of eight new wall-pack light fixtures along the western building façade. The product specification sheet submitted by the applicant shows that the proposed light fixture will be full cut-off with a color temperature of 3,000 Kelvin. The project narrative states that the site lighting will comply with all applicable regulations. This standard appears to be met.

## STAFF REPORT - REVISED

**Article 21.8 - Sewer & Water:** The site is currently served by City water and sewer. There are no changes proposed to either of these utilities as part of this application. This standard is not applicable.

**Article 21.9 - Traffic & Access Management:** The site is accessed using the existing driveway off of Harrison St. The applicant is proposing to add two additional parking spaces to the northern portion of the parking area and regrade/repave the rest of the parking lot to fix issues with ponding in the area adjacent to Harrison St. The change of use from a 3-unit (illegal 7-unit) to a 4-unit multifamily dwelling is not expected to have any significant traffic impacts. The proposed conditions plan shows the installation of a bike rack near the northeastern corner of the parking area. This standard appears to be met.

**Article 21.10 - Filling & Excavation:** As mentioned previously in this staff report, the proposed conditions plan indicates that the parking area will be regraded and repaved. Planning Staff recommend that the Board include a condition of approval in the motion for this application related to the submittal of a Floodplain Development Permit, if deemed necessary by the City's Floodplain Manager.

**Article 21.11 - Surface Waters & Wetlands:** The City's GIS Database does not show the presence of surface waters or wetlands on the site. This standard is not applicable.

**Article 21.14 - Architecture & Visual Appearance:** The project narrative states that the only changes proposed to the building exterior are ordinary maintenance and repair, which will include the replacement of existing clapboard siding with new wood or vinyl siding that will maintain the same color as the existing building exterior as shown in Figure 4. This standard is not applicable.



*Figure 4. A photo of the existing building exterior submitted by the applicant.*

### **Recommended Motion:**

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

***“Approve PB-2024-18 as shown on the plan set identified as “Conditional Use Permit” prepared by Michael Petrovick Architects, PLLC at varying scales on November 7, 2024 and last revised on December 13, 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. Owner’s signature appears on the plan.***
  - b. Submittal of five (5) full sized paper copies of the final signed plan set.***



- c. Submittal of an updated proposed conditions plan showing the accurate locations of the fence and property lines.*
  - d. Submittal of existing and proposed grading & drainage plans prepared by an engineer licensed in the State of NH subject to review and approval by the City Engineer's Office.*
- 2. Subsequent to final approval and signature by the Planning Board Chair, the following condition shall be met:**
- a. Prior to the commencement of parking lot modifications, the submittal of an approved Floodplain Development Permit, if deemed necessary by the Floodplain Manager."*



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](mailto:communitydevelopment@keenenh.gov)

## SECTION 1: PROJECT INFORMATION

<b>PROJECT NAME:</b> 133 Roxbury Street	<b>NUMBER OF NEW DWELLING UNITS PROPOSED:</b> 4  <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>
<b>PROJECT ADDRESS(ES):</b> 133 Roxbury Street	<b>DOES THIS PROJECT INCLUDE A PROPOSAL TO SUBDIVIDE ONE OR MORE PARCELS?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <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 <a href="#">Land Development Code (LDC)</a> for additional information.)</i>
<b>AVERAGE GROSS FLOOR AREA OF ALL PROPOSED UNITS (In SF):</b> 3,654	

## SECTION 2: CONTACT INFORMATION

PROPERTY OWNER	APPLICANT
<b>NAME/COMPANY:</b> Mahantdrashti Real Estate, LLC	<b>NAME/COMPANY:</b>
<b>MAILING ADDRESS:</b> 342 Treble Cove Road, N. Billerica, MA 01862	<b>MAILING ADDRESS:</b>
<b>PHONE:</b> 651-206-6040	<b>PHONE:</b>
<b>EMAIL:</b> amitkumar.patel@gmail.com	<b>EMAIL:</b>
<b>SIGNATURE:</b> Signed by: <i>Amitkumar Patel</i> 7205F00E85F74FC...	<b>SIGNATURE:</b>
<b>PRINTED NAME:</b> Amitkumar Patel	<b>PRINTED NAME:</b>

AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:
<b>NAME/COMPANY:</b> Unicron Management	<b>TAX MAP PARCEL #(s):</b> 569099-000000-000
<b>MAILING ADDRESS:</b> PO Boc 365, Marlborough, NH 03455	
<b>PHONE:</b> 603-876-5034	<b>PARCEL SIZE:</b> 0.2502 <b>DATE STAMP:</b>
<b>EMAIL:</b> ann@unicronmanagement.com	<b>ZONING DISTRICT:</b> High Density
<b>SIGNATURE:</b> DocuSigned by: <i>Ann Connor</i> C8822BDA2A5744D...	
<b>PRINTED NAME:</b> Ann Connor	



# City of Keene, NH Cottage Court Conditional Use Permit (CUP) Application

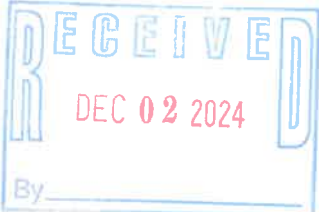
If you have questions about how to complete this form, please call: (603) 352-5440 or email: [communitydevelopment@keenenh.gov](mailto:communitydevelopment@keenenh.gov)

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<b>PROJECT NAME:</b> 133 Roxbury Street	<b>NUMBER OF NEW DWELLING UNITS PROPOSED:</b> 4  <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>
<b>PROJECT ADDRESS(ES):</b> 133 Roxbury Street	<b>DOES THIS PROJECT INCLUDE A PROPOSAL TO SUBDIVIDE ONE OR MORE PARCELS?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <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>
<b>AVERAGE GROSS FLOOR AREA OF ALL PROPOSED UNITS (In SF):</b> 3,654	

## SECTION 2: CONTACT INFORMATION

PROPERTY OWNER	APPLICANT
<b>NAME/COMPANY:</b> Mahantdrashti Real Estate, LLC	<b>NAME/COMPANY:</b> Michael Petrovick Architects, PLLC
<b>MAILING ADDRESS:</b> 342 Treble Cove Road, N. Billerica, MA 01862	<b>MAILING ADDRESS:</b> 310 Marlboro Street, Suite 266, Keene, NH 03431
<b>PHONE:</b> 651-206-6040	<b>PHONE:</b> (603) 491-2536
<b>EMAIL:</b> amitkumar.patel@gmail.com	<b>EMAIL:</b> mpetrovick@mjparchitect.com
<b>SIGNATURE:</b> <i>see original app. form sub. on 11/7/24 for signature.</i>	<b>SIGNATURE:</b> <i>Michael J. Petrovick</i>
<b>PRINTED NAME:</b> Amitkumar Patel	<b>PRINTED NAME:</b> Michael Petrovick

AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:	
<b>NAME/COMPANY:</b> Unicron Management	<b>TAX MAP PARCEL #(s):</b> <i>509-099-000 000 000</i>	
<b>MAILING ADDRESS:</b> PO Boc 365, Marlborough, NH 03455	_____	
<b>PHONE:</b> 603-876-5034	<b>PARCEL SIZE:</b> <i>0.25 ac</i>	
<b>EMAIL:</b> ann@unicronmanagement.com	<b>ZONING DISTRICT:</b> <i>High Density</i>	
<b>SIGNATURE:</b> <i>)</i>	<b>PROJECT #:</b> <i>PB-2024-18</i>	
<b>PRINTED NAME:</b> Ann Connor		By _____

## **ATTACHMENT B PROJECT NARRATIVE**

### **Existing and Proposed Uses**

The property located at 133 Roxbury Street (569/099/000 000/000) was constructed in 1900 as a multi-family dwelling. The building is zoned for three apartments and was most recently a 7-unit, non-conforming multi-family dwelling. The current configuration, as shown in the existing floor plans provided, has four apartments on the first floor, two apartments on the second floor, and one apartment on the third floor.

The proposed use of 133 Roxbury Street is for the property to be a rehabilitated 4-unit multi-family as a Conditional Use under the Cottage Court Overlay District. The proposed rehabilitation will reconfigure the building into:

- Unit 1 (first-floor front) two-bedroom apartment
- Unit 2 (first-floor rear) one-bedroom apartment
- Unit 3 (second-floor front) three-bedroom apartment (includes third floor)
- Unit 4 (second-floor rear) two-bedroom apartment

Plans examiner Michael Hagan and fire marshal Richard Wood have discussed and conditionally supported the proposed configuration. Their conditional support is based on egress that complies with the International Building Code (2021) for each of the four apartments and the sleeping area of the third floor, which is part of one of the second-floor units.

The rental property will be managed by Unicron Management.

In addition to reconfiguring the floor plan as outlined above, the interior of the building rehabilitation will include new kitchens, bathrooms, and code compliance for each apartment. The rehabilitation will also include repairs and maintenance to the exterior of the building to improve its appearance.

### **Compliance with Site Development Standards in Article 21 of the LDC**

The proposed use of the building and site is consistent with the current use, and no further development of the site beyond minor modifications to delineate parking is planned. The current site and building are not causing any conditions that are counter to the current Site Development Standards and their purpose of promoting the safe and orderly development of the city.

Specifically:

1. The continued use of this property as a 4-unit multi-family under the Cottage Court Overlay District does not counter the city's goal for orderly development.
2. The property provides housing to support economic vitality that does not adversely impact the environment.
3. The property does not contribute stormwater runoff to surrounding properties or streets; stormwater is recharged naturally on-site.
4. The building is in the classic 19th or 20th-century style common to industrial communities. Its corner lot places the driveway and parking away from the front of the building, contributing to the streetscape of Roxbury Street.
5. The proposed rehabilitation involves repairing and repainting the exterior of the building or installing vinyl siding and trim to improve its aesthetic appearance. The paint color will be chosen to match the existing paint color.

6. Providing the 5 required parking spaces will not be unsightly or create a nuisance to neighboring properties.
7. The spacious site provides ample snow storage away from parking spaces without causing erosion.
8. The property is currently bordered along Roxbury Street and Harrison Street by hedges that are kept trimmed. This hedge helps to screen the parking from Roxbury Street and Harrison Street. The yard is primarily a lawn, which is kept trimmed and mowed. Other shade trees on the site will be trimmed or limbed-up.
9. A wood or PVC screening fence is planned to surround the on-site dumpster serving the building.
10. Exterior lighting is limited to fixtures adjacent to exterior entry doors and walkways and will meet the requirements of the Land Development Code:
  - a. Shielding
  - b. Glare
  - c. Light trespass
  - d. Illumination
  - e. Height
  - f. Hours of operation
  - g. Wiring
  - h. Parking lots
  - i. Walkways
11. The building is currently served by municipal domestic water and sewer services.
12. The work to the building does not require that the building be made ADA-compliant per the IEBC (International Existing Building Code).
13. As a late 19<sup>th</sup> or early 20<sup>th</sup>-century structure, the building's architectural appearance is consistent with other properties of this period in the city. The building's character-defining features will be maintained to retain the neighborhood's character.
14. The mechanical equipment will not be installed on the roof, in the exterior walls, or ground-mounted.

#### **Compliance with Conditional Use Permit Standards in Article 17.5.5B of the LDC**

The proposed use of the site as a 4-unit multi-family dwelling continues the multi-family use for more than 30 years, most recently as a 5-unit building. The units have an average size of 900.25 SF gross floor area. The units will range from one to three bedrooms, each equipped with a full kitchen and bathroom. Each apartment will have a dedicated path of egress in compliance with the International Building Code 2021. The wood frame structure is structurally sound and architecturally in harmony with neighboring properties.

A portion of the site will be used for 5 parking spaces, which will be hardpack or paved and limited to a defined area at the current parking and driveway entrance from Harrison Street. The existing hedge enclosing the site will be maintained, and a portion near the parking area entrance will be removed to provide adequate sightlines to Harrison Street, blending the property into the neighborhood. The existing entrance to the parking area is 26'-0" wide, and the proposed layout provides a drive aisle of 23'-4".

The proposed 4-unit multi-family dwelling seeks to continue contributing to the surrounding neighborhood's character while providing much-needed housing.

Per City of Keene's engineering staff, the existing parking area for 133 Roxbury Street is in poor condition and will require regrading and repaving to address current ponding issues at the low points adjacent to the property line and the existing public sidewalk along Harrison Street.

The proposed parking area improvement and expansion includes adding two parking spaces to the north and extending the parking area to the south to increase the drive aisle and provide the required on-site snow storage. Adding the two parking spaces increases the parking capacity to (5) five (1 per unit = 4 + 1 additional = 5) per the City of Keene's Land Development Code, Article 17.5.3.B: Parking. Regrading and repaving will resolve the ponding concerns and improve the condition and visual appearance of the parking area.

The work required to regrade and repave the parking area will not change or affect the existing grading, as the work intends to improve the parking area and provide the required parking spaces for the units. In doing so, the work will not alter or worsen the existing parking area linked to the floodplain regulations of Article 24.3.

**PROPOSED SITE NOTES:**

1. THE EXISTING HEDGE WILL BE MAINTAINED AROUND THE PROPERTY TO SCREEN THE PARKING AREA & SITE FROM ADJACENT PARCELS.
2. PER SECTION 21.9.3.F. ACCESS MANAGEMENT, FOR DEVELOPMENT OTHER THAN SINGLE-FAMILY AND TWO-FAMILY DWELLINGS, BICYCLE PARKING SHALL BE PROVIDED IN RACKS OR OTHER SIMILAR FACILITY.
3. PER SECTION 21.4. SNOW STORAGE & REMOVAL, SNOW STORAGE HAS BEEN INDICATED ON THE SITE PLAN BELOW.
4. THE PROPOSED LOT COVERAGE WILL INCREASE TO 41%.

**PROPOSED PARKING NOTES:**

1. PER TABLE 9.2. TRAVEL & PARKING SURFACE SETBACKS, PROPOSED PARKING SPOTS ARE 8'-0" OR GREATER FROM THE PROPERTY LINE.
2. PER ARTICLE 17.5.3.B. PARKING, A MINIMUM OF 1 SPACE PER UNIT IS REQUIRED. A MAXIMUM OF 1 SPACE PER BEDROOM IS ALLOWED ON SITE. 5 PARKING SPACES ARE PROVIDED FOR 4 UNITS.
3. PER SECTION 9.4.3.D. SURFACE MATERIALS & GRADE, PARKING SPACES SHALL HAVE A SUBSTANTIAL CURB OR WHEEL STOP OF CONCRETE, MASONRY, STEEL OR HEAVY TIMBER PLACED AT OR NEAR THE END OF EACH PARKING SPACE TO PREVENT VEHICLES FROM DAMAGING NEARBY BUILDINGS, LAWNS, TREES OR SHRUBS, OR FROM CREATING A HAZARD TO PEDESTRIANS ON ANY SIDEWALK OR WALKWAY.

**ZONING INFORMATION:**

ZONING: HIGH DENSITY (HD)

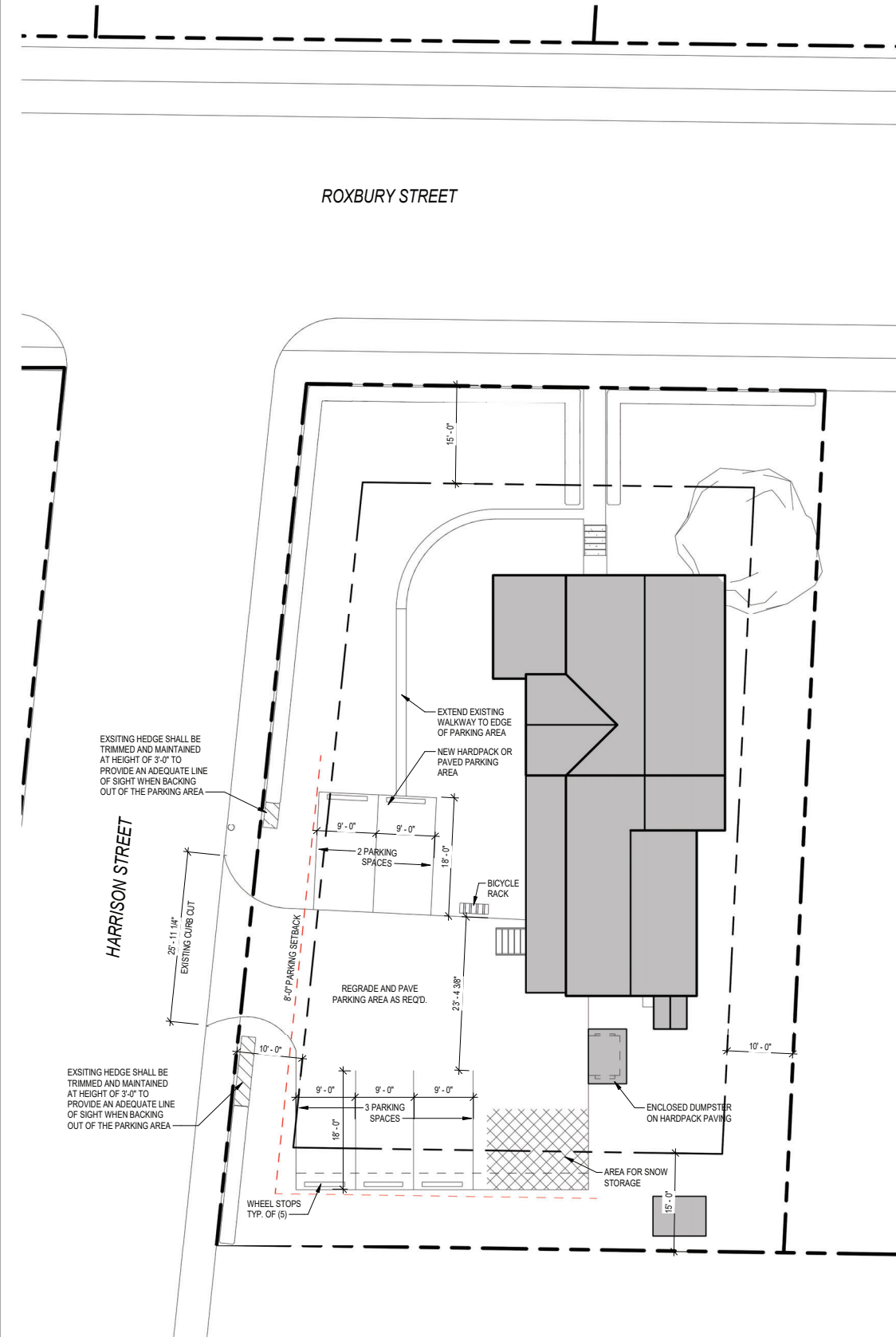
**PER SECTION 3.6.2 - DIMENSIONS & SITING**

MIN. LOT AREA 6,000 SF  
 ACTUAL LOT AREA 10,890 SF  
 EXISTING LOT COVERAGE 37%  
 MIN. LOT WIDTH 50'-0"  
 ACTUAL LOT WIDTH 80'-0"  
 FRONT SETBACK 15'-0"  
 REAR SETBACK 15'-0"  
 SIDE SETBACK 10'-0"

SITE LOCATION



3 KEY SITE PLAN  
 6" = 1'-0"



2 PROPOSED ARCHITECTURAL SITE PLAN  
 3/32" = 1'-0"



1 EXISTING ARCHITECTURAL SITE PLAN  
 1" = 20'-0"

**OWNER:**  
 MAHANTDRASHTI REAL ESTATE, LLC  
 342 TREBLE COVE ROAD  
 NORTH BILLERICA, MA 01862  
 (651) 206-6040

**AGENT:**  
 UNICRON MANAGEMENT  
 P.O. BOX 365  
 MARLBOROUGH, NH 03455  
 (603) 876-5034

**PROPERTY ADDRESS:**  
 133 ROXBURY STREET  
 KEENE, NH 03431

**CONDITIONAL USE PERMIT**

REV.	ISSUE	DESCRIPTION	DATE
1		CONDITIONAL USE PERMIT	11/07/2024
2		REVISION 1	12/02/2024
3		REVISION 2	12/06/2024
4		REVISION 3	12/13/2024

PROJECT NUMBER: 20240042

DRAWN BY: HD DAVIS

**SITE PLANS**

PROPOSED FIRST FLOOR PLAN LEGEND & SF

COLOR	UNIT	UNIT SF	# OF BR
[Grey]	MECHANICAL	144 SF	N/A
[Light Blue]	UNIT #1	727	2 BR
[Light Orange]	UNIT #2	510 SF	1 BR
[Light Green]	UNIT #3	100 SF	N/A
[Light Brown]	UNIT #4	42 SF	N/A

UNIT #3 GROSS SF ON THREE FLOORS = 1,620 SF & 3 BEDROOMS IN TOTAL

UNIT #4 GROSS SF ON TWO FLOORS = 744 SF

AVERAGE GROSS SF OF THE PROPOSED UNITS = 900.25 SF

EXISTING FIRST FLOOR PLAN LEGEND

COLOR	UNIT
[Yellow]	COMMON AREA
[Grey]	MECHANICAL
[Light Blue]	UNIT #1
[Light Orange]	UNIT #2
[Light Green]	UNIT #3
[Light Brown]	UNIT #4



2 PROPOSED FIRST FLOOR PLAN  
3/16" = 1'-0"



1 EXISTING FIRST FLOOR PLAN  
3/16" = 1'-0"

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**CONDITIONAL USE PERMIT**

REV.	ISSUE	DESCRIPTION	DATE
1		CONDITIONAL USE PERMIT	11/07/2024
2		REVISION 1	12/02/2024

PROJECT NUMBER: 20240042

DRAWN BY: HODAVIS

**FIRST FLOOR PLANS**



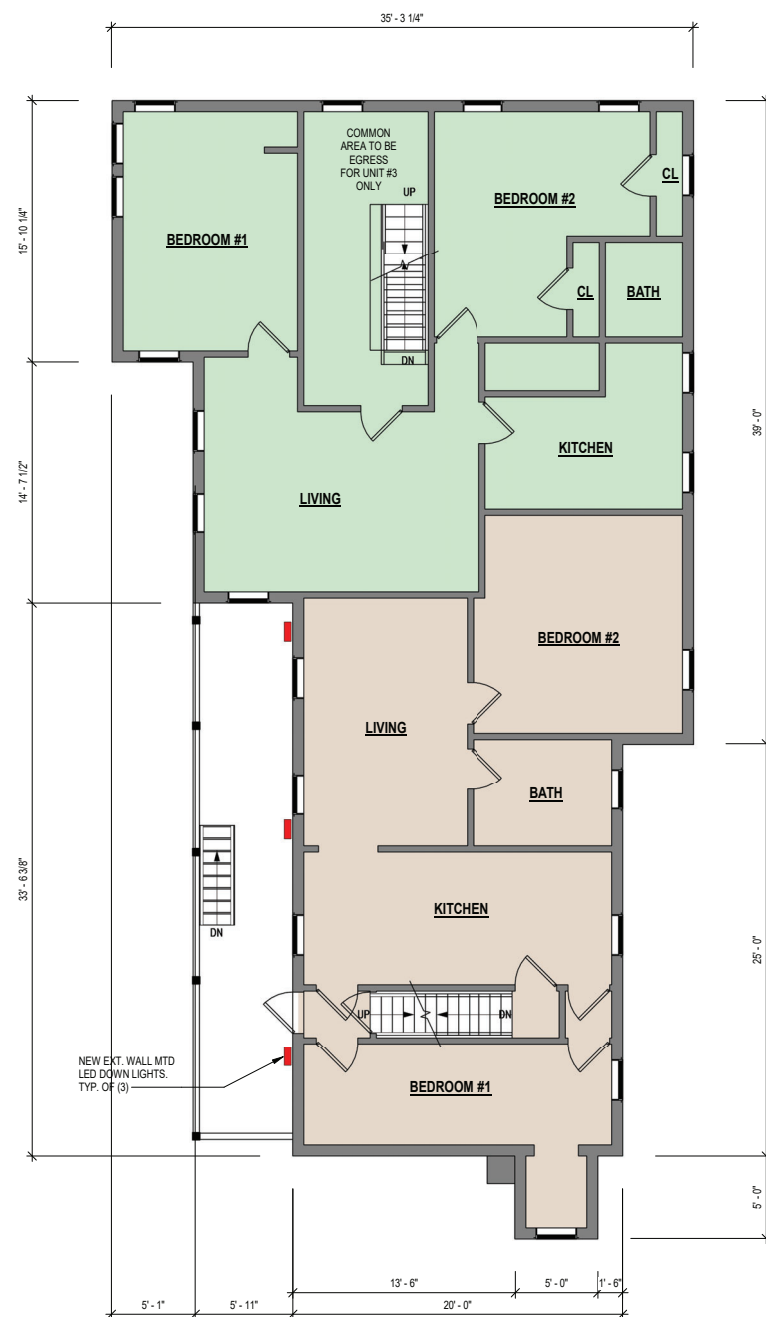
PROPOSED FIRST FLOOR PLAN LEGEND & SF

COLOR	UNIT	UNIT SF	# OF BR
Light Green	UNIT #3	808 SF	2 BR
Light Brown	UNIT #4	702 SF	2 BR

UNIT #3 GROSS SF ON THREE FLOORS = 1,620 SF & 3 BEDROOMS IN TOTAL

UNIT #4 GROSS SF ON TWO FLOORS = 744 SF

AVERAGE GROSS SF OF THE PROPOSED UNITS = 900.25 SF

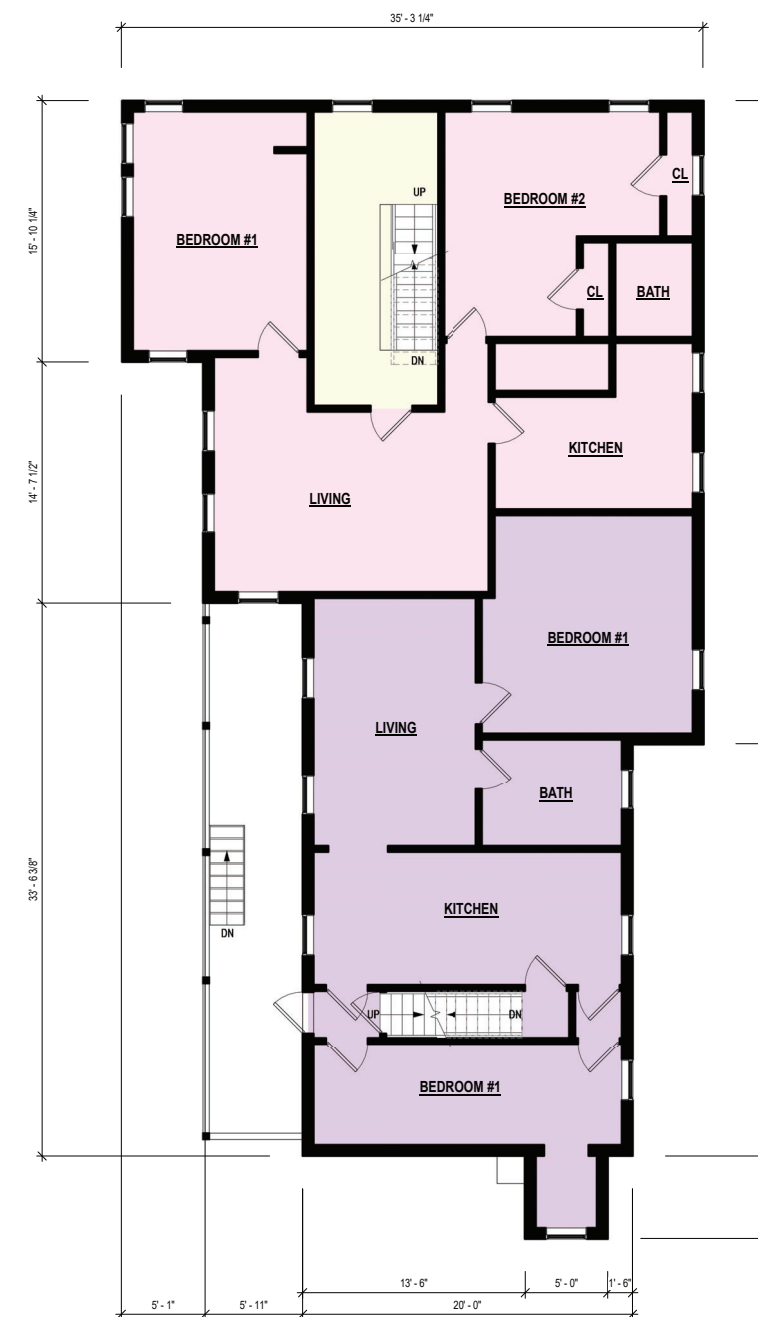


NEW EXT. WALL MTD LED DOWN LIGHTS.  
TYP. OF (3)

2 PROPOSED SECOND FLOOR PLAN  
3/16" = 1'-0"

EXISTING FIRST FLOOR PLAN LEGEND

COLOR	UNIT
Yellow	COMMON AREA
Pink	UNIT #5
Purple	UNIT #6



1 EXISTING SECOND FLOOR PLAN  
3/16" = 1'-0"

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REV.	ISSUE	DESCRIPTION	DATE
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2	REVISION 1		12/02/2024

PROJECT NUMBER: 20240042

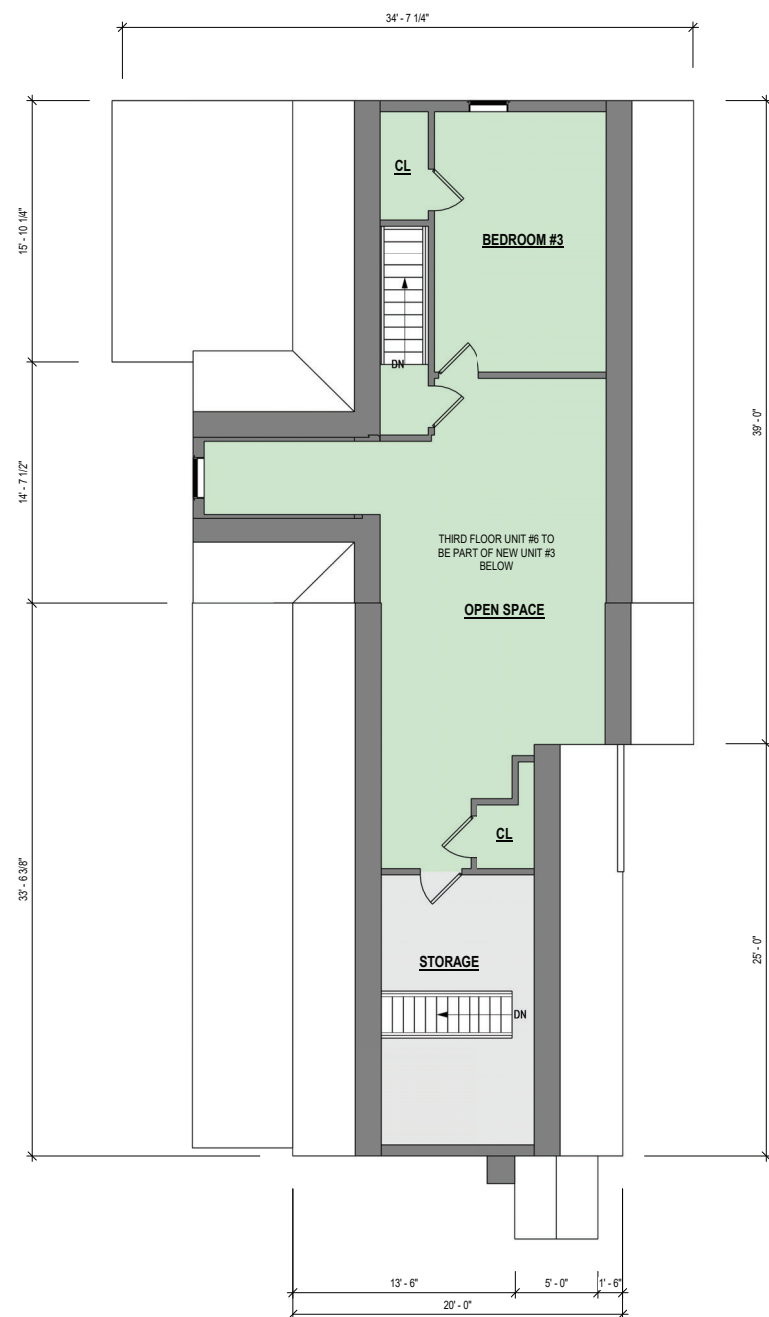
DRAWN BY: HODAVIS

**SECOND FLOOR PLANS**

**PROPOSED THIRD FLOOR PLAN LEGEND & SF**

COLOR	UNIT	UNIT SF	# OF BR
	UNIT #3	712 SF	1 BR
	STORAGE	364 SF	N/A

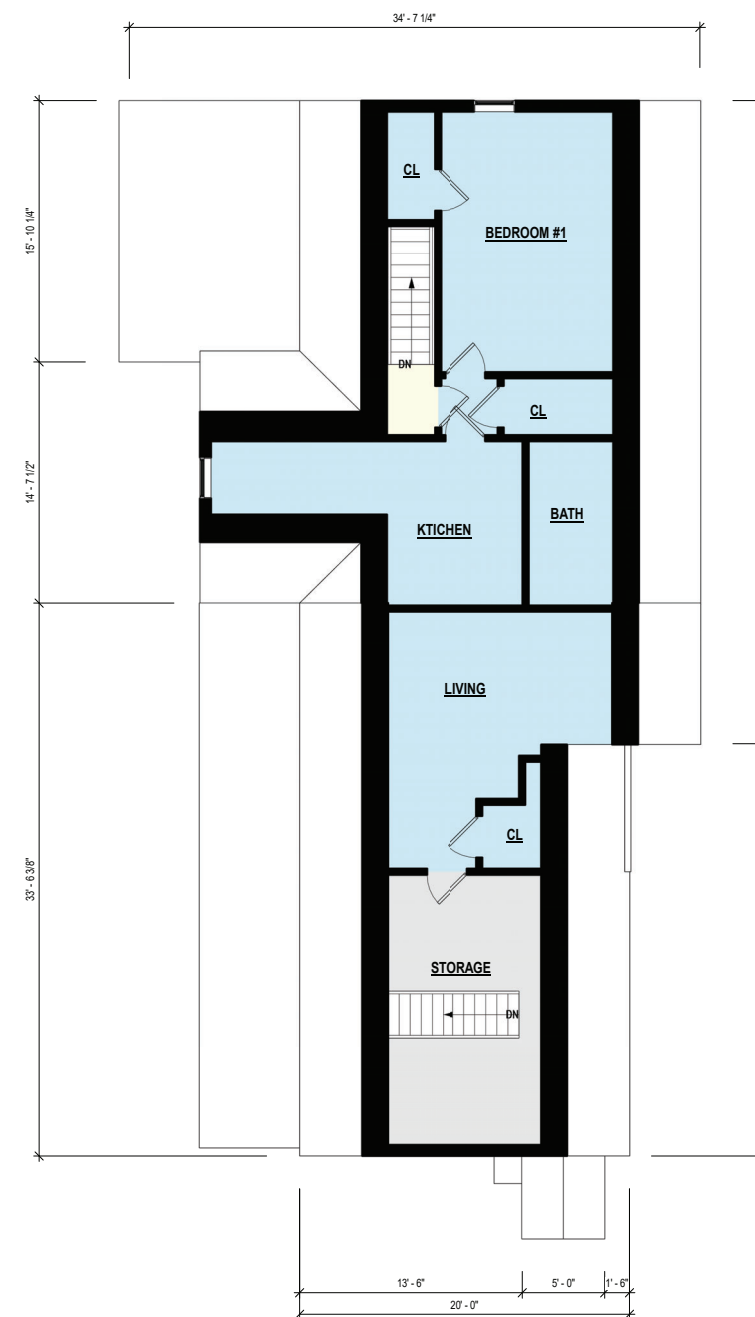
UNIT #3 GROSS SF ON THREE FLOORS = 1,620 SF & 3 BEDROOMS IN TOTAL  
AVERAGE GROSS SF OF THE PROPOSED UNITS = 900.25 SF



② PROPOSED THIRD FLOOR PLAN  
3/16" = 1'-0"

EXISTING THIRD FLOOR PLAN LEGEND

COLOR	UNIT
	STORAGE
	UNIT #7



① EXISTING THIRD FLOOR PLAN  
3/16" = 1'-0"

**OWNER:**  
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**CONDITIONAL USE PERMIT**

REV.	ISSUE	DESCRIPTION	DATE
1	CONDITIONAL USE PERMIT		11/07/2024
2	REVISION 1		12/02/2024

PROJECT NUMBER: 20240042

DRAWN BY: HODAVIS

**THIRD FLOOR PLANS**



**EXTERIOR ELEVATION NOTES:**  
 1. THE EXTERIOR OF THE BUILDING IS BE PAINTED/SIDED TO MATCH THE EXISTING COLOR.

**OWNER:**  
 MAHANTDRASHTI REAL ESTATE, LLC  
 342 TREBLE COVE ROAD  
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PROJECT NUMBER: 20240042

DRAWN BY: HODAVIS

**EXTERIOR PHOTOS**

Project		Catalog #		Type	
Prepared by		Notes		Date	



# Lumark

## Axcent

### Wall Mount Luminaire

#### Product Features



#### Product Certifications



#### Interactive Menu

- Ordering Information [page 2](#)
- Mounting Details [page 3](#)
- Product Specifications [page 4](#)
- Energy and Performance Data [page 4](#)
- Control Options [page 6](#)

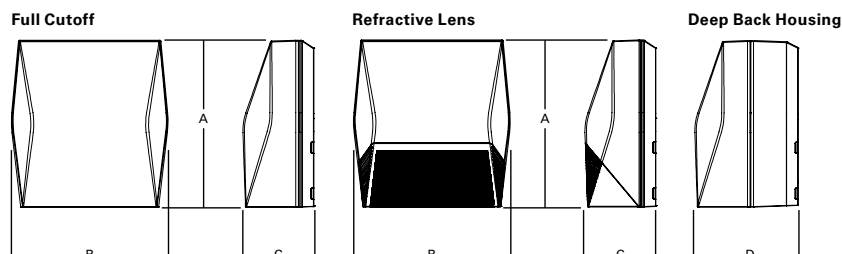
#### Quick Facts

- Available in 14W - 123W (1,800 - 17,000 lumens) models
- Full cutoff and refractive lens models available
- Energy and maintenance savings up to 95% compared to HID
- Energy efficient illumination results in up to 144 LPW
- Replaces 70W up to 450W HID equivalents

#### Connected Systems

- WaveLinX Lite
- Enlighted

#### Dimensional Details



#### Dimensional Data

	AXCS Small	AXCL Large
A	8" [202mm]	11-1/2" [292mm]
B	7-1/2" [190mm]	10-3/4" [273mm]
C	3-5/8" [94mm]	4-7/8" [124mm]
D	6-1/8" [155mm]	7-1/8" [181mm]

**From:** [Mari Brunner](#)  
**To:** [Justin Daigneault](#)  
**Cc:** "[Cody Gordon](#)"; "[Brenton Cole](#)"; "[Jeffrey Merritt](#)"; [Megan Fortson](#); [Evan Clements](#); [Emily Duseau](#)  
**Subject:** RE: Route 9 Gravel Pit, G2 Holdings, LLC, Earth Excavation Application  
**Date:** Wednesday, December 11, 2024 3:38:35 PM

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Hi Justin,

This is to confirm your email was received. We will add you to the agenda for the December 16 Planning Board meeting.

Thank you!  
Mari

---

**From:** Justin Daigneault  
**Sent:** Wednesday, December 11, 2024 3:10 PM  
**To:** Mari Brunner  
**Cc:** 'Cody Gordon'; 'Brenton Cole'; 'Jeffrey Merritt'  
**Subject:** Route 9 Gravel Pit, G2 Holdings, LLC, Earth Excavation Application

Mari,

Thank you for taking my phone call this afternoon. We are preparing to submit our application for the Keene gravel pit by December 20<sup>th</sup>, for the January 27<sup>th</sup> meeting.

We understand we need to meet with the Planning Board on December 16<sup>th</sup> to discuss the potential of this project having a regional impact with work crossing into the town of Sullivan.

We ask that you put us on the agenda, someone from our office will be there to present the project to the Planning Board.

Thank you, and if you have any questions, please let me know.

Justin

--

Justin Daigneault  
*Project Manager*

d: 603.565.2311

**Granite Engineering, LLC**  
civil - planning - municipal  
150 Dow Street, Tower 2, Suite 421  
Manchester, New Hampshire 03101  
o: 603.518.8030 | [www.GraniteEng.com](http://www.GraniteEng.com)



**Planning Board**

**2025 Meeting Schedule**

All meetings are generally held on the 4<sup>th</sup> Monday of each month at 6:30 PM in the 2<sup>nd</sup> Floor Council Chambers of City Hall, unless otherwise noted with an \*

January 27, 2025

February 24, 2025

March 24, 2025

April 28, 2025

\*May 27, 2025 (4<sup>th</sup> Tuesday)

June 23, 2025

July 28, 2025

August 25, 2025

September 22, 2025

October 27, 2025

November 24, 2025

December 22, 2025

January 26, 2026