



## City of Keene Zoning Board of Adjustment

### AGENDA

**Monday, December 2, 2024**  
**Chambers**

**6:30 p.m.**

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

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: November 4, 2024
- III. Unfinished Business:
- IV. Hearings:

**Continued ZBA-2024-27:** Petitioner, George Hansel of Tailfeather Strategies, Keene, requests a variance for property located at 7 Aliber Place, Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jared Goodell of Keene. The Petitioner requests a variance for new construction within 20' of the minimum interior setback that is required when a parcel in the Downtown Edge District is abutting a parcel in the Downtown Transition District per Article 4.4.1.E of the Zoning Regulations.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non-Public Session: (if required)
- VIII. Adjournment:

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

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5 **ZONING BOARD OF ADJUSTMENT**  
6 **MEETING MINUTES**  
7

8 **Monday, November 4, 2024**

**6:30 PM**

**Council Chamber,  
City Hall**

**Members Present:**

Jane Taylor, Vice Chair  
Richard Clough  
Edward Guyot  
Zack LeRoy

**Staff Present:**

Evan Clements, Deputy Zoning  
Administrator/Planner  
Mari Brunner, Acting Zoning  
Administrator/Senior Planner

**Members Not Present:**

Joseph Hoppock, Vice Chair

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11 **I) Introduction of Board Members**  
12

13 Vice Chair Taylor called the meeting to order at 6:30 PM. Roll call was conducted.  
14

15 **II) Minutes of the Previous Meeting – August 19, 2024 and October 7, 2024**  
16

17 Vice Chair Taylor noted a correction to the August 19 meeting minutes: line 869 states, “*Mr.*  
18 *Guyot stated that given that the other properties are primarily parking in nature, he does not see*  
19 *how this development and the parking challenge here would affect those in any way.*” She  
20 continued that she would like to clarify that to say, “*Mr. Guyot stated that given that the other*  
21 *properties to the south are primarily parking in nature [...]*”. The properties to the east and west  
22 are residential with some business.  
23

24 Mr. Clough made a motion to approve the meeting minutes of August 19, 2024, as amended, and  
25 the meeting minutes of October 7, 2024. Mr. Guyot seconded the motion, which passed by  
26 unanimous vote.  
27

28 **III) Unfinished Business**  
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30 Vice Chair Taylor asked if there was any unfinished business. Evan Clements, Planner, replied  
31 no.  
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33 **IV) Hearings**

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**A) ZBA-2024-26: Petitioner, Cathy Goodreau, of 690 Court St., requests a variance for property located at 70 Court St., Tax Map #568-041-000. This property is in the Downtown Transition District and is owned by Geno A. Ranaldi, of 75 Court St., Exeter, NH. The Petitioner requests a variance to operate an animal care business per Article 4.1.3 of the Zoning Regulations.**

Vice Chair Taylor introduced ZBA-2024-26. Mr. LeRoy stated that he would like the Board’s permission to recuse himself from ZBA-2024-26 due to a conflict of interest. He continued that the owner of the building is a current client of his. Vice Chair Taylor asked if anyone on the Board objected to Mr. LeRoy’s request for recusal. Hearing none, she asked for a vote. The Board voted unanimously to recuse Mr. LeRoy.

Mr. Clements stated that he needs to recuse himself from this application as well. He continued that his wife is an employee of the business in question. He has not been involved in this application at all.

Vice Chair Taylor asked to hear from staff.

Mari Brunner, Senior Planner, Acting Zoning Administrator, stated that 70 Court St. is an existing parcel with approximately half an acre and about 146 feet of frontage on Court St. in the Downtown Transition District. She continued that the lot is also in the Downtown Historic Overlay District, and it is the site of the historic Prentiss House, built in 1828. Two major additions were made to the original historic structure, one in the 1960s and one in the 1970s. Due to its age, architectural features, and history, the building is ranked as a Primary Resource. As such, it is subject to the strictest Historic District regulations. The site also contains a detached garage and a small shed. The applicant proposes operating an animal care facility within the basement of the main building. This use is not listed as a permitted use in the Downtown Transition District. The use definition is, *“An establishment that provides care for domestic animals, including veterinary offices for the treatment of animals where such animals may be boarded indoors during their convalescence, and pet grooming facilities. An animal care facility does not include kennels or animal training centers.”*

Ms. Brunner continued that the subject property is surrounded by the Downtown Transition District. However, it is close to residential districts to the north, both high and low density, and more intense downtown districts to the south and east, including Downtown Limited and Downtown Core. Surrounding uses include a mix of offices and multi-family residential. The property was originally utilized as a parsonage and a single-family home, and later a residence with a doctor’s office. Most recently, and for quite some time, it was used by the Keene Senior Center, which occupied the building from 1962 through earlier this year. A Variance was granted on this property in 1976 to waive the on-site parking requirements associated with one of the building expansions. The Senior Center sold the property earlier this year and the property has been vacant ever since.



77 Vice Chair Taylor asked what the parking requirements are for this particular use. She continued  
78 that her understanding is that the applicant only wants to use a portion of the building, and she is  
79 curious about what the parking requirements are, to see what will be left for the other uses, and  
80 whether there is the potential for seeing future variances in the building. Ms. Brunner stated that  
81 the parking requirement is three spaces per 1,000 square feet of gross floor area. She continued  
82 that she does not have the gross floor area of the space they want to use, but it is just the  
83 basement, not the full building.

84

85 Vice Chair Taylor asked if the Board had more questions for Ms. Brunner. Hearing none, she  
86 asked to hear from the applicant.

87

88 Cathy Goodreau of 305 Ashby Rd., New Ipswich, stated that she is the owner of Doggone  
89 Beautiful Pet Styling, of 690 Court St. She continued that she is looking for a Variance to  
90 operate the grooming business in the basement of 70 Court St. They will only use the basement  
91 and will not make changes to the building. No walls will come down; they will not add anything.  
92 Thus, they will maintain the historic nature of the building, not doing any renovations, but using  
93 it as it is. Doggone Beautiful has been in business in Keene for over 38 years. At the current  
94 location at 690 Court St., the veterinary business needs the space for expanding the veterinary  
95 business. The veterinarian has asked Doggone Beautiful to find another location by the end of  
96 December. Doggone Beautiful had struggled to find a location in Keene that would allow the  
97 business, until they found this space.

98

99 Ms. Goodreau continued that she and the owner of 70 Court St. each did a noise test from the  
100 basement. They brought her dog to the basement and had her bark, and from outside of the  
101 building, she (Ms. Goodreau) could not hear the barking. The basement is three quarters  
102 underground, with only a couple windows in the rear of the building above ground. The noise  
103 was not an issue. When the owner did the testing, he could not even hear the barking from the  
104 basement when he was on the first floor. It is a well-structured building. She does not think  
105 Doggone Beautiful would cause any more traffic to Court St. (with this move), since the business  
106 is already on Court St.

107

108 Ms. Goodreau continued that regarding the hardship, if Doggone Beautiful does not get the  
109 Variance, they would probably have to move the business outside of Keene, because they are  
110 having trouble finding a space in Keene. That would be a hardship for Doggone Beautiful and  
111 for the city of Keene, after the business has been here for 38 years. Present tonight are the  
112 previous two owners of Doggone Beautiful. Vice Chair Taylor replied that the most difficult  
113 criterion the Board always deals with is the Unnecessary Hardship, which is related to the  
114 particular use and the particular property. She continued that it is the relationship between the  
115 two, if that helps clarify it.

116

117 Vice Chair Taylor asked Ms. Goodreau what the approximate square footage is. Ms. Goodreau  
118 replied 2,000 square feet in the basement.

119

120 Vice Chair Taylor asked if the basement has all the facilities the business needs, such as water,  
121 air, and heat since basements vary. Ms. Goodreau replied yes, it has water, electricity, and  
122 everything they need. She continued that they would need to do some plumbing work, but they  
123 will not make changes other than taking out a sink to put in a couple tubs and maybe adding a  
124 couple of electrical outlets if needed. They would not make any major changes to the space other  
125 than painting.

126  
127 Vice Chair Taylor asked Ms. Goodreau to describe the entrance, the traffic flow, and how people  
128 will go in and out. Ms. Goodreau replied that the building has a side entrance with a ramp, since  
129 it was a senior center, so there is ADA access for Doggone Beautiful's older clients. People will  
130 enter via the basement door down the ramp. When you enter the building, you can either take the  
131 ramp down to Doggone Beautiful, or a ramp up to the first floor, which is currently empty.

132  
133 Vice Chair Taylor asked how many clients the business has at a time, and what happens if staff  
134 are not done with a client and animals are waiting to come in. Ms. Goodreau replied that they  
135 only have enough clients at a time for the groomers they have. She continued that they schedule  
136 clients accordingly. For example, if three groomers are working on a given day, three dogs  
137 would come in for grooming, and then the next set of dogs would come in. Doggone Beautiful  
138 will have a dedicated "10-minute drop-off" space, so people can park there, come in and drop off  
139 their dog, and leave. No people or dogs will be waiting outside. There will be no training or  
140 kennels. Everything will be done inside, in the basement.

141  
142 Vice Chair Taylor asked if there would be space on site for the dogs to take care of their needs.  
143 Ms. Goodreau replied yes. She continued that typically, it is a small space on the grass, and  
144 Doggone Beautiful will put a garbage bin there and pet waste bags for clients to use before  
145 entering the building, as needed. Doggone Beautiful staff maintain that area on a daily basis,  
146 emptying the garbage and ensuring the area is cleaned. Vice Chair Taylor asked if that is okay  
147 with the landlord. Ms. Goodreau replied yes.

148  
149 Vice Chair Taylor asked if Mr. Clough had questions. Mr. Clough replied not at this time. Vice  
150 Chair Taylor asked for public comment, beginning with anyone wishing to speak in opposition to  
151 the application. Hearing none, she asked if anyone wanted to speak in favor.

152  
153 Linda Claflin of 7 Dewey Circle, Haydenville, MA, stated that she is the founder of Doggone  
154 Beautiful, begun in 1986. She continued that many people in Keene have been clients for  
155 generations. Some are now elderly, and this ramp would be wonderful for them to access the  
156 business. The hours are 8:30 AM to 3:00 PM, with an occasional 8:00 start. Ending at 3:00 is  
157 good because they do not interfere with the school buses. Some clients come from Brattleboro  
158 and Bennington, VT and shop in Keene while their pets are being groomed. It is a fairly quiet  
159 atmosphere, with the exception of German Shepherds here and there who will bark.

160  
161 Sofia Cunha-Vasconcelos stated that she owns and resides at 21 Summer St. and shares a  
162 boundary with the property in question. She continued that she believes her living space is the

163 closest building to the property. She has been a client of Doggone Beautiful for years, and it is  
164 very convenient for her to have the business right around the corner. She has been using their  
165 services for years, and there is never any waiting, and it is very quiet next to and as you enter the  
166 building. There are no noises from the existing building, and she cannot imagine it has more  
167 insulation than the one the business is hoping to enter. She hopes to be able to use Doggone  
168 Beautiful’s services right around the corner from her own house.

169  
170 Vice Chair Taylor asked if there was any more public comment. Ms. Brunner stated that some  
171 written comments were submitted. Vice Chair Taylor replied that the Board received nine written  
172 comments prior to the meeting, which are part of the record. She continued that the Board  
173 received several more. She asked Ms. Brunner to read them into the record.

174  
175 Ms. Brunner stated that the following is from Kerry Carlisle at 111 Ridgewood Ave., Keene:

176  
177 *“Hi, I just wanted to let you know that I cannot attend the ZBA meeting on November 4, but I’m*  
178 *in favor of the variance for Doggone Beautiful at 70 Court St. I’ve lived in the Keene community*  
179 *all my life and they are a wonderful business.*

180  
181 *Thank you very much, Kerry Carlisle.”*

182  
183 Ms. Brunner continued that the following is from Gail Rose, without an address:

184  
185 *“This email is in support of Doggone Beautiful in order for them to get their variance.”*

186  
187 Ms. Brunner continued that the following is from Irene Seder Shay, no address:

188  
189 *“Good morning, I wanted to send an email to express my support of Doggone Beautiful moving*  
190 *into the 70 Court St. location. As a property owner in Keene and Swanzey, I have no objection to*  
191 *this move and fully agree with it. Personally, it would be easier for me to drive to the 70 Court*  
192 *St. location. Since customers only drop off or pick up their animals from this business, I do not*  
193 *foresee any parking issues. Please let me know if you need any additional information from me.”*

194  
195 Ms. Brunner continued that the following is from Jane P. Lane at 15 Russell St., Keene:

196  
197 *“Good afternoon, I understand that there is a hearing on Monday regarding the request by*  
198 *Doggone Beautiful, now located at 690 Court St., asking the City to adjust the personal service*  
199 *area so they have permission to operate their pet grooming business in the Downtown Transition*  
200 *area at 70 Court St. I have been a customer of many years at Doggone Beautiful, going back*  
201 *about 40 years, with many dogs over the years. As a matter of fact, the dog I currently own was*  
202 *groomed at Doggone Beautiful today. I am writing to encourage the Zoning Board to allow*  
203 *permission for this wonderful Keene business to remain in Keene and specifically on Court St. If*  
204 *noise is a concern, I can assure you that in all the years I’ve been to their business, I’ve never*

205 *heard barking carried out by the dogs there enjoying their 'spa day.' Thank you for listening,*  
206 *and again, I urge you to vote to allow Doggone Beautiful to move their business to 70 Court St."*

207  
208 Ms. Brunner continued that the last one not included in the packet is from Michael and Frances  
209 Kiser at 25 Avon St., Keene:

210  
211 *"To whom it may concern,*  
212 *We are writing this letter on behalf of Linda Claflin of Doggone Beautiful, who is having to move*  
213 *her business out of her current location at 690 Court St. She is trying to move to the vacant*  
214 *building at 70 Court St. They are requesting the Zoning Board to consider approving a Variance*  
215 *for this valuable pet grooming facility to move into the Downtown Transition Zone. We have*  
216 *been using Doggone Beautiful for our dog for the past 12 years and feel this business would be*  
217 *an asset being closer to the downtown area. As Keene business owner, we support local*  
218 *businesses and feel it would be a shame if they had to close their doors for an extended period of*  
219 *time or even permanently. Please help them continue to serve the Keene area with their*  
220 *successful business."*

221  
222 Vice Chair Taylor (closed the public hearing) and asked the Board for their thoughts.

223  
224 *1. Granting the Variance would not be contrary to the public interest.*

225  
226 Mr. Clough stated that they have heard from many people who support this (Variance request),  
227 and he does not believe anything about this location would create anything contrary. He does not  
228 think the type of use would have any negative impact, if it is even noticeable.

229  
230 Mr. Guyot stated that he agrees. He continued that the traffic counts seem low. Noise, as they  
231 heard from the applicant, should be minimal or nonexistent. The parking lot is large, so he thinks  
232 they have covered the minimum number of spots needed for the square footage. He is  
233 comfortable with the first criterion.

234  
235 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*

236  
237 Vice Chair Taylor asked for thoughts on how this fits in the Downtown Transition District. Mr.  
238 Clough replied that is exactly it – it is a transition; it is a business with a very low impact. He  
239 continued that he thinks that is the definition of what a transition would be - a business, but with  
240 a low impact, which someone in a residential area would be looking for.

241  
242 *3. Granting the Variance would do substantial justice.*

243  
244 Vice Chair Taylor stated that this is the weighing criterion, and the benefit to the applicant  
245 should not be outweighed by the harm to the general public. She continued that she does not see  
246 any harm to the general public, and certainly, there would be detriment to the applicant if this  
247 were not allowed. If anything, it goes in favor of the applicant.

248 Mr. Guyot stated that he agrees, and from a community service perspective, that it needs to be  
249 factored in as well as a positive aspect of this.

250

251 4. *If the Variance were granted, the values of the surrounding properties would not be*  
252 *diminished.*

253

254 Vice Chair Taylor stated that it is a vacant building, which does not help the value of this  
255 property or surrounding properties. She continued that even though this business is not a full use  
256 of the building, she cannot see how that could lower the value of the building or any surrounding  
257 properties. Mr. Guyot agreed.

258

259 Mr. Clough stated that the applicant's statement about taking care of the grounds means that the  
260 grounds will be observed at least daily, which is probably more than many rental properties. He  
261 continued that he would say that it is positive.

262

263 5. *Unnecessary Hardship*

264 A. *Owing to special conditions of the property that distinguish it from other*  
265 *properties in the area, denial of the variance would result in unnecessary hardship*  
266 *because*

267 i. *No fair and substantial relationship exists between the general public*  
268 *purposes of the ordinance provision and the specific application of that provision*  
269 *to the property.*

270

271 Vice Chair Taylor stated that this is always the difficult criterion for the Board. Mr. Clough  
272 stated that because the property has been used for the Senior Center and given staff's opening  
273 statements describing the property's additions and variances, (it is clear that) the building has  
274 been added to and does not conform to its original purpose. He continued that regarding 2,000  
275 square feet of a usable basement, he cannot imagine many businesses thinking that it is a great  
276 location to use. This strange niche would be great to fill with something like Doggone Beautiful,  
277 which does not need a very aesthetically pleasing location. He does not think the (canine) clients  
278 will be concerned with their surroundings while being groomed. This is a very good use for a  
279 basement. The existing ramp is great for the long-term clients who need access to the building.  
280 He thinks this business fits very well with the space, which not many people would be looking to  
281 use in other ways.

282

283 Mr. Guyot asked if the unnecessary hardship is for the applicant or the property. Vice Chair  
284 Taylor replied how the use is applied to the property and its relationship to the Ordinance. She  
285 continued that the Downtown Transition Zone, as stated in the Land Development Code (LDC),  
286 is "*intended to accommodate a variety of residential open space and other low intensity uses in a*  
287 *mixed-use environment of attached and detached structures. Development within the Downtown*  
288 *Transition District is intended to complement and transition into existing residential*  
289 *neighborhoods adjacent to downtown Keene.*" It seems to her that this is relatively low intensity  
290 use. It is probably lower intensity use than the Senior Center. As Mr. Clough said, it would truly

291 be a transitional use. For adjacent residential properties, this is not a high intensity commercial or  
292 retail use.

293  
294 Vice Chair Taylor stated that a hardship is the nature of the building and the property itself.  
295 Regarding this particular use, the strict interpretation of the Zoning Ordinance does not make  
296 much sense to her. Due to the building where it is, its historic nature, and the limitations on its  
297 use, that creates a hardship by the property itself.

298  
299 Mr. Guyot stated based on the nature of the property, the structure itself, he agrees.

300  
301 Vice Chair Taylor stated that due to the nature of the building, there are only so many things you  
302 can do with it. She continued that it would be difficult, without further variances or  
303 modifications, to change the structure itself. It does not seem that there is much relationship  
304 between the Ordinance and the proposed use.

305  
306 *and*

307 *ii. The proposed use is a reasonable one.*

308  
309 Vice Chair Taylor stated that she thinks, from the Board's comments, that they feel it is a  
310 reasonable use. Mr. Guyot and Mr. Clough agreed.

311  
312 Mr. Clough made a motion for the Zoning Board of Adjustment to approve ZBA-2024-26, a  
313 Variance for the property located at 70 Court St., Tax Map #568-041-000 in the Downtown  
314 Transition District. The Variance is to operate an animal care business per Article 4.1.3 of the  
315 Zoning Regulations. Mr. Guyot seconded the motion.

316  
317 *1. Granting the Variance would not be contrary to the public interest.*

318  
319 Met with a vote of 3-0.

320  
321 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*

322  
323 Met with a vote of 3-0.

324  
325 *3. Granting the Variance would do substantial justice.*

326  
327 Met with a vote of 3-0.

328  
329 *4. If the Variance were granted, the values of the surrounding properties would not be*  
330 *diminished.*

331  
332 Met with a vote of 3-0.

333



- 334 5. *Unnecessary Hardship*  
335 A. *Owing to special conditions of the property that distinguish it from other*  
336 *properties in the area, denial of the variance would result in unnecessary hardship*  
337 *because*  
338 i. *No fair and substantial relationship exists between the general public*  
339 *purposes of the ordinance provision and the specific application of that provision*  
340 *to the property*  
341 *and*  
342 ii. *The proposed use is a reasonable one.*  
343

344 Met with a vote of 3-0.

345  
346 The motion passed with a vote of 3-0.  
347

348 **B) ZBA-2024-27: Petitioner, George Hansel of Tailfeather Strategies, Keene,**  
349 **requests a variance for property located at 7 Aliber Place, Tax Map #590-093- 000.**  
350 **This property is in the Downtown Edge District and is owned by Jared Goodell of**  
351 **Keene. The Petitioner requests a variance for new construction within 20’ of the**  
352 **minimum interior setback that is required when a parcel in the Downtown Edge**  
353 **District is abutting a parcel in the Downtown Transition District per Article 4.4.1.E**  
354 **of the Zoning Regulations.**  
355

356 Vice Chair Taylor introduced ZBA-2024-27. She noted that Mr. LeRoy and Mr. Clements have  
357 rejoined the meeting. She asked to hear from staff.  
358

359 Mr. Clements stated that the subject property, 7 Aliber Place, is an existing .46-acre landlocked  
360 parcel with access to Marlboro St. via a private road named Aliber Place. He continued that the  
361 parcel contains an existing three-family dwelling, a single-family home, and a parking area. The  
362 parcel was recently two separate lots, commonly known as 3 Aliber Place and 15 Aliber Place,  
363 but they were merged to make way for recent development in the form of three duplex dwellings  
364 located on the western side of the parcel. The property received two Variances and a parking  
365 reduction Special Exception in August 2024 for this duplex project. Two Variances were relief  
366 from the built-to zone and the interior side yard setback requirement of 20 feet, since the  
367 property abuts the Downtown Transition District.  
368

369 Mr. Clements continued that the subject property is adjacent to the Downtown Edge District to  
370 the northwest, north, and east, Downtown Transition to the west, and Residential Preservation to  
371 the south. Surrounding uses include the Historical Society of Cheshire County, Keene State  
372 Alumni Center to the west, residential duplex to the north and east, and single-family to the  
373 south. Multi-family and the Savings Bank of Walpole are located to the north on the other side of  
374 Marlboro St.  
375

376 Vice Chair Taylor asked for confirmation that 7 Aliber Place and what the Board heard in  
377 August, titled 57 Marlboro St., are the same properties. Mr. Clements replied yes, that is correct.  
378 He continued that since the properties were combined, they received a new common address of 7  
379 Aliber Place. It used to be 57 Marlboro St. and 15 Aliber Place.

380  
381 Vice Chair Taylor asked Mr. Clements to explain or clarify why they are here tonight, since the  
382 Board has already given a Variance to modify that interior setback line to five feet. Mr. Clements  
383 replied that the applicant needs additional relief from the interior side yard setback, greater than  
384 what the Board approved in August. Vice Chair Taylor asked if it was thus a Variance from the  
385 Variance. Mr. Clements replied maybe with a modification to the existing Variance. He  
386 continued that the initial Variance set them at a five-foot setback instead of a 20-foot setback,  
387 and now they need additional relief to be closer to the property line than five feet.

388  
389 Vice Chair Taylor asked to hear from the applicant.

390  
391 George Hansel (of Tailfeather Strategies, on behalf of owner Jared Goodell) stated that he is  
392 before the Board again tonight in a rather unfortunate situation. He continued that the Board  
393 reviewed this parcel in August. It is on Marlboro St. but has no frontage, so that created a  
394 situation where they had to get special approval from the City Council to allow them to construct  
395 a new structure there, which they did. They came to the ZBA to get two Variances, one to allow  
396 them to build outside of the build-to zone, which would be Marlboro St. in this case, which is  
397 impossible because it was not on the parcel. The second Variance request was to build within the  
398 side interior setback, which the Zoning Code says must be at least 20 feet in this instance where  
399 you have the Downtown Edge District up against the district closer to Main St. They got a  
400 Special Exception for a parking reduction also. All of those were granted and they were ready to  
401 go. They went forward with building permits, which were granted. Then, they had a site survey  
402 done to confirm where everything was, and a lot of that initial information was taken in. The  
403 footings were put in for the foundations. The foundations were poured.

404  
405 Mr. Hansel continued that right after that, they discovered that the lot line was about a foot to  
406 two feet closer than they thought. Thus, there was definitely a mistake on the developer's part,  
407 which they take responsibility for. Tonight, they are here to re-set on that Variance request  
408 regarding the side interior setback and present a new case for getting that Variance approved  
409 with a three-foot requirement instead of a five-foot requirement. Ultimately, he thinks there is a  
410 good argument to be made that there is no real functional difference to the public, whether it is  
411 three feet or five feet. He looked at the meeting minutes from August, and much of the  
412 discussion around the five-foot setback was related to the Building Code and fire safety  
413 requirements. Thus, to help remedy this situation, the developer has worked with City staff to  
414 come up with some measures to upgrade the structural walls and some of the features of the  
415 structure closest to that property line. This would add additional fire resistance and take away  
416 any safety concerns related to that extra foot or two feet of proximity to the property line. They  
417 feel at this time that they can go forward and if they receive this relief. It will not really change  
418 the interaction of these two structures to the public. A long-standing chain link fence on the



419 property will still allow circulation around the buildings without any problem. They do not feel  
420 that it will interact negatively with the neighbor or inhibit their ability to do much along that  
421 property line. As soon as this error was discovered, they reached out to the University System of  
422 NH to let them know about it, trying to be as proactive as possible.

423

424 Mr. Hansel continued that other than that, the request is the same as the one he brought to the  
425 Board in August, but he would like to go through the criteria again if that is appropriate.

426

427 Vice Chair Taylor replied that she wants to say something first. She continued that the criteria  
428 are essentially the same. In the minutes, she believes the five-foot concern was the concern  
429 between the buildings, not necessarily the concern to the interior setback line. One of the Board's  
430 jobs is to determine if the right kind of application is before them, and whether it is a Variance  
431 they should be hearing. She is not sure that this is the right application. They already have the  
432 application for the five-foot setback from the interior line, and of course, they have to look at  
433 hardship. The issue is that mistake does not necessarily equal hardship. It seems to her that this is  
434 a more appropriate request for an equitable waiver of dimensional requirements. It likely meets  
435 the criteria for presenting to the Board evidence of all the four criteria. The criteria are that the  
436 non-conformity was not discovered until after the structure was substantially completed or after a  
437 lot in violation had been sold to a bona fide purchaser; that the non-conformity was not an  
438 outcome of ignorance or bad faith but was caused by good faith error in measurement or  
439 calculation; that the non-conformity does not constitute a public or private nuisance, nor  
440 diminish the value or interfere with future uses of other property in the area; and that the cost of  
441 correction would far outweigh any public benefit to be gained.

442

443 Vice Chair Taylor continued that she drove by the property and noticed that it is not just the  
444 foundation – the buildings are up. She was surprised to see that the building had continued after  
445 the error was discovered. When she read the criteria (for equitable waiver of dimensional  
446 requirements), she was struck by how well it describes the applicant's circumstances. They do  
447 not necessarily have a hardship, because a mistake usually does not justify hardship. Before this  
448 application proceeds further, she wonders if Mr. Hansel is willing to either have them continue  
449 this application so he can discuss this potential with staff, or to withdraw the application and file  
450 an application for equitable waiver. She wants to give him the best shot for the correct legal  
451 process.

452

453 Mr. Hansel replied that he appreciates Vice Chair Taylor's comments. He continued that at this  
454 point, if it looks like they will not be successful in having the new Variance application  
455 approved, they will definitely request a continuance to explore other options. Regarding the  
456 hardship criteria, he certainly cannot argue with the Board that they need this accommodation  
457 due to a mistake they made. That would not be appropriate for the Board to approve. He would  
458 rather them look at this as if it were a new Variance request, and as if he had given them the plot  
459 plan with 3.5 feet instead of 5 feet and said they were going to beef up the walls on the property  
460 side if that were a concern. They would be able to address any of those public safety concerns  
461 that were brought up at the time. Ultimately, nothing else has changed about this request. Being a

462 foot off will not make a functional difference. He is certainly not arguing that it is a hardship for  
463 them because the foundations were poured.

464

465 Vice Chair Taylor replied that the building is pretty well up; she could not see from the street if  
466 all the buildings were up, but at least some of them are. Mr. Hansel replied that when he came  
467 with the original applications, they were trying to get these weather-tight so they could do work  
468 on the inside over the winter. The decision was made to move ahead and make sure those  
469 foundations were protected from the weather.

470

471 Vice Chair Taylor stated that she would like to get a sense of what the Board thinks. She  
472 continued that she does not think this necessarily meets the criteria for a Variance because the  
473 applicant is here based on a mistake, but that is her opinion.

474

475 Mr. Guyot replied that he agrees. He continued that it seems like an error. He asked Mr. Hansel  
476 to explain the sequence of events, regarding when the lot line issue was discovered, when the  
477 foundations were in, and when the building continued beyond this photograph, at which point he  
478 thinks the applicant knew of the error.

479

480 Mr. Hansel replied that they received approval from Planning, received a building permit, and  
481 went forward and got a professional survey. He continued that regarding the original information  
482 from that survey, he thinks the posts were found with a metal detector and some initial survey  
483 results came back and said it was a certain distance away from the fence. Then they put the  
484 foundations in, a few feet inside of that. Then, when it was all torn up and the posts were actually  
485 found, it was different. That was after the foundations were poured. It is difficult to find  
486 contractors to do this kind of work in the timeline that the developer wanted to do it. Having the  
487 foundations and forms put in and the foundations poured in the same day was a decision by the  
488 developer because they wanted to get the work done and did not know if they would be able to  
489 get the contractor back to do it later.

490

491 Mr. Guyot asked if that decision was made before there was knowledge of the error. Mr. Hansel  
492 replied that the knowledge of the error came a day or two after the foundations were in. Mr.  
493 Guyot asked if the decision to move forward with the foundation work was based on the  
494 knowledge that they had at the time of where the lot line was, and as far as they knew then, they  
495 were in compliance with it. Mr. Hansel replied yes, that is correct. He continued that to Vice  
496 Chair Taylor's point, he sees this as a good faith error and they could pursue relief using that  
497 other process, but he also sees the validity of resubmitting a Variance request that meets all the  
498 same criteria as the last one that was approved.

499

500 Vice Chair Taylor replied that her concern is that a Variance runs with the land, although she is  
501 not saying she thinks they will tear the buildings down, whereas an equitable waiver is just for  
502 the particular circumstance. She continued that if, for example, other buildings on that property  
503 came down and the owner wanted to replace them, they would be governed by that same five-  
504 foot interior setback line that the Board had already approved. However, if they change it, as a

505 Variance, to three feet or three and a half feet, then the other buildings on the site would be  
506 governed by that Variance. Her concern is that this is a very particular circumstance for these  
507 duplexes, and there are other structures that would be impacted by an interior lot line Variance.  
508

509 Mr. Clough stated that because the mistake was specific to these buildings, he agrees with Vice  
510 Chair Taylor's assessment of it. He continued that he would be uncomfortable having a Variance  
511 that could be carried to other construction in the future. Although it is highly unlikely that would  
512 happen within their lifetime, the fact is that it is in perpetuity until it comes before the Board  
513 again.  
514

515 Mr. Hansel stated that his response is, right now they can (build) within five feet, based on the  
516 Variance the Board granted. He continued that what he struggles with is whether the five feet or  
517 three feet makes any difference. In this case, he does not think it does, because there are no life  
518 safety issues to contend with. He agrees that the discussion in the meeting minutes was about  
519 five feet between the buildings, which would not be impacted either way with this method. They  
520 are open to going back. They are in limbo, which is not great. If the Board is agreeable to it, they  
521 would like to see this request approved tonight.  
522

523 Vice Chair Taylor asked if it is correct that they are going forward with construction. Mr. Hansel  
524 replied not fully, he would say. He continued that they are trying to resolve this situation. Vice  
525 Chair Taylor stated that there are workers there working every day. Mr. Hansel replied to an  
526 adjacent building, which is also owned by the property owner.  
527

528 Vice Chair Taylor asked if Mr. LeRoy had any comments, although she knew this is his first  
529 meeting and everything is new. Mr. LeRoy replied not specifically, as he is trying to understand  
530 the applicant's options, before he can interject with any questions or opinions.  
531

532 Vice Chair Taylor stated that she would like to get a sense of the Board's thoughts on the  
533 Variance application before them. She cannot find a hardship, because it was a good faith  
534 mistake. She asked if the Board members think they should request the applicant [unfinished  
535 sentence].  
536

537 Mr. Hansel stated that he has one more thing to add. He continued that a change in personal  
538 circumstances cannot be grounds for approving a Variance, in the sense that a person could not  
539 say, for example, "My mother-in-law moved in with me and now I need a bigger house," but the  
540 reverse is also true. Changes in personal circumstance cannot be grounds for denial of a Variance  
541 either. His view is that the evidence of the Variance request has to stand on its own, without any  
542 consideration of the applicant's personal circumstances. He wanted to put that out there, but he  
543 understands if the Board feels strongly in the (other) direction. They would need three  
544 affirmative votes to move forward, so if the majority of the Board members present do not feel  
545 good about this, he would prefer a continuance so he could try a different avenue.  
546

547 Vice Chair Taylor replied that there is no reason why this could not be continued while Mr.  
548 Hansel explores the equitable waiver application with staff. She continued that even if the  
549 equitable waiver were to be denied, then, going down the rabbit hole of hypotheticals, he could  
550 still come back to the Board for a Variance.

551  
552 Mr. Hansel asked if it is correct that if they continue this tonight, he could bring this back and  
553 present for this Variance request again without prejudice. Vice Chair Taylor replied that that is  
554 what she would suggest to the Board if they were willing to take that motion. She continued that  
555 then if Mr. Hansel wants, after discussing with staff, to come forward with an application for an  
556 equitable waiver, he could withdraw the Variance if the equitable waiver were approved.

557  
558 Mr. Clements stated that he is finding himself in an odd position, because staff did have an initial  
559 conversation (with the applicant), and advice was given to the applicant when they received their  
560 building permit. He continued that staff always recommends not digging a foundation until you  
561 know where the property line is. Staff knew this site development would be tight. Part of the  
562 building permit process is a pre-pour inspection to make sure the forms are correct, and the  
563 depths are correct, and if the plans show re-bar, the Building Inspector checks to make sure the  
564 re-bar is in place before the concrete is poured. Those inspections never took place. The crew on  
565 the site made certain decisions to move faster than was maybe prudent. He is not trying to argue  
566 one way or against this application, but some assumptions were made about the chain link fence  
567 being the property line. Mr. Hansel's original site plan showed the property line at that chain link  
568 fence, when he did the Planning application. He asked if that is correct. Mr. Hansel replied that  
569 he does not remember exactly, but the admission of a mistake is not at issue here.

570  
571 Vice Chair Taylor replied no, and she thinks there were potentially multiple mistakes, although  
572 she is not pinning it on anyone. Mr. Clements added that he is not trying to bully the applicant in  
573 any way by saying this. He continued that in his experience, an equitable waiver is for when a  
574 truly unforeseen circumstance has led to a result. Thus, he thought a Variance application made  
575 more sense in this situation, which is why they are here tonight with a Variance and not an  
576 equitable waiver. He is happy to be wrong, if the Board feels that an equitable waiver is more  
577 appropriate in this instance. He agrees that it is a much easier test for the applicant and concluded  
578 that it is up to the Board.

579  
580 Vice Chair Taylor stated that today she read the statute, the LDC's Section 26.8 and the sections  
581 that follow, the State's ZBA handbook for local officials, and all the applicable case law. She  
582 continued that "good faith mistake" is really what governs. It seems to her that this fits the  
583 criteria, and as Mr. Clements said, it is a less onerous proof that the applicant must bring forth. In  
584 this instance, she is having trouble with the hardship portion of the Variance on the current  
585 application, which is why she suggests the equitable waiver.

586  
587 Mr. Guyot stated that he leans toward the mistake side of this equation, but it seems to him that it  
588 is also a less risky path to have this Board continue the application (so the applicant can) go after

589 that waiver. He continued that the applicant could always come back. If they have the criteria for  
590 this kind of mistake, that (equitable waiver) seems like a less risky path for the applicant.

591  
592 Vice Chair Taylor made a motion for the Zoning Board of Adjustment to continue ZBA-2024-  
593 27, for a Variance at 7 Aliber Place, to the next regular meeting on December 2, 2024, so the  
594 applicant can explore the opportunity of an application for an equitable waiver on the property.  
595 Mr. Clough seconded the motion, which passed by unanimous vote.

596  
597 Vice Chair Taylor stated that she appreciates the dialogue, because it is beneficial to both the  
598 Board and the applicant.

599  
600 **V) New Business**

601  
602 Vice Chair Taylor asked if there was any new business. Mr. Clements replied no.

603  
604 **VI) Communications and Miscellaneous**

605  
606 Vice Chair Taylor asked if there were any communications or miscellaneous items. Mr.  
607 Clements replied no.

608  
609 **VII) Non-public Session (if required)**

610  
611 **VIII) Adjournment**

612  
613 There being no further business, Vice Chair Taylor adjourned the meeting at 7:38 PM.

614  
615 Respectfully submitted by,  
616 Britta Reida, Minute Taker

617  
618 Reviewed and edited by,  
619 Corinne Marcou, Board Clerk

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# 7 ALIBER PLACE ZBA-2024-27



Petitioner requests a Variance to permit construction within 20' of the minimum interior side setback per 4.4.1.E of the Zoning Regulations.



## **NOTICE OF HEARING**

### **ZBA-2024-27**

A meeting of the Zoning Board of Adjustment will be held on **Monday, November 4, 2024, at 6:30 PM** in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

**ZBA-2024-27:** Petitioner, George Hansel of Tailfeather Strategies, Keene, requests a variance for property located at 7 Aliber Place, Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jared Goodell of Keene. The Petitioner requests a variance for new construction within 20' of the minimum interior setback that is required when a parcel in the Downtown Edge District is abutting a parcel in the Downtown Transition District per Article 4.4.1.E of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keeneh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at [keeneh.gov/zoning-board-adjustment](https://keeneh.gov/zoning-board-adjustment). If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk  
Notice issuance date October 25, 2024





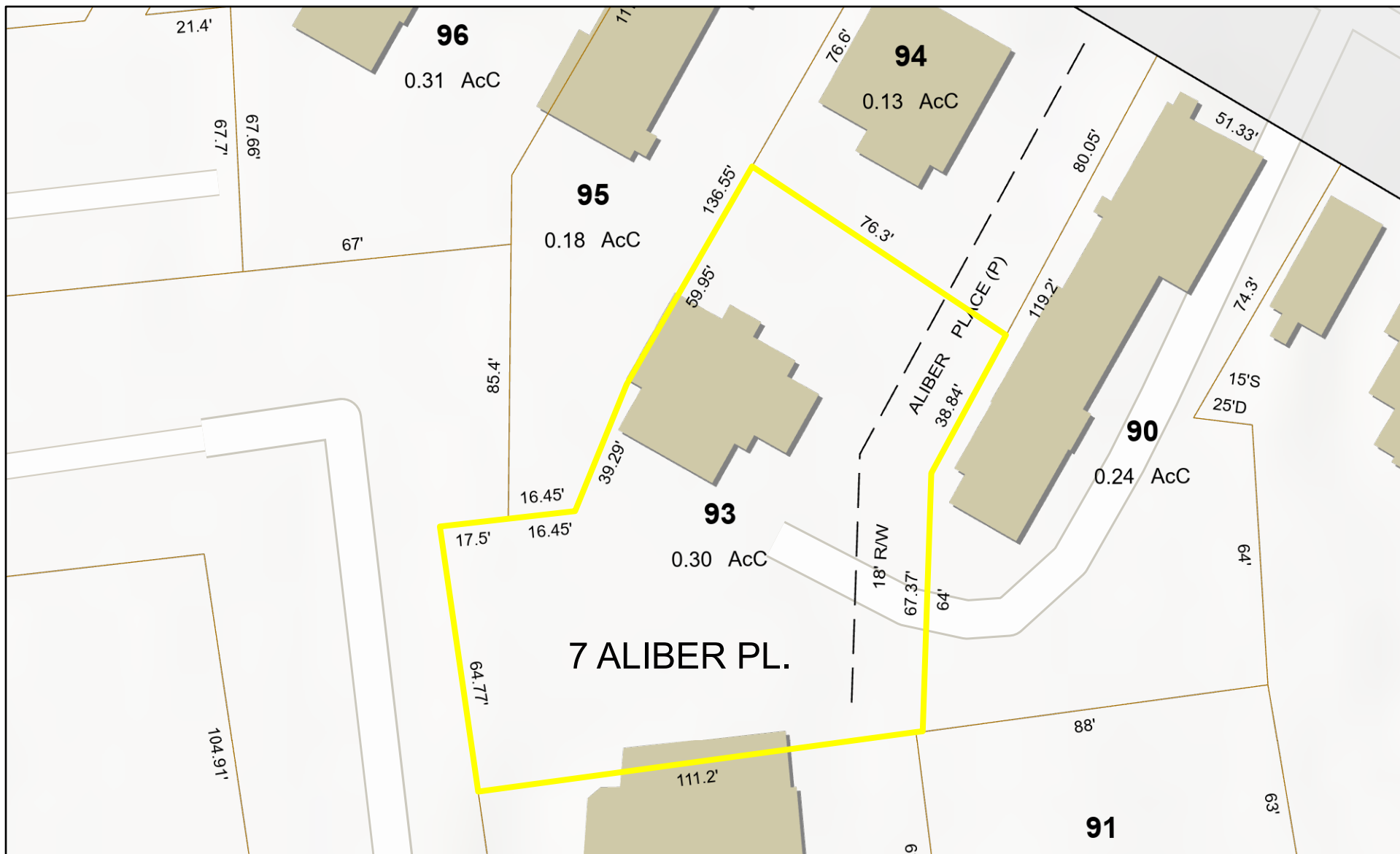
City of Keene, NH

1 inch = 35 Feet



October 24, 2024

www.cai-tech.com



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

# Zoning Board of Adjustment Variance Application



|                             |             |
|-----------------------------|-------------|
| <b>For Office Use Only:</b> |             |
| Case No.                    | ZBA-2021-27 |
| Date Filled                 | 10/18/2021  |
| Rec'd By                    | CSM         |
| Page                        | 1 of 26     |
| Rev'd by                    |             |

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

## SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

### OWNER / APPLICANT

NAME/COMPANY: Jared Goodell

MAILING ADDRESS: PO Box 305, Keene NH 03431

PHONE: (603) 762-0202

EMAIL: [jared@titonmarketing.com](mailto:jared@titonmarketing.com)

SIGNATURE:

PRINTED NAME: Jared Goodell

### APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

### AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: George Hansel/Tailfeather Strategies

MAILING ADDRESS: PO Box 283, Keene, NH 03431

PHONE: (603) 903-3677

EMAIL: [gsh@georgehansel.com](mailto:gsh@georgehansel.com)

SIGNATURE:

PRINTED NAME: George Hansel

**SECTION 2: PROPERTY INFORMATION**

Property Address: **7 Aliber Pl., Keene, NH 03431**

Tax Map Parcel Number:

Zoning District **Downtown - Edge**

Lot Dimensions: Front: **76.3'**      Rear: 111.2'      Side: 197.96'      Side: 106.21'

Lot Area: Acres: **.30**      Square Feet: 13016

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **10.44%**      Proposed: 25.19%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 11,406      Proposed: **8,245**

Present Use: Residential

Proposed Use: Residential

**SECTION 3: WRITTEN NARRATIVE**

**Article 25.5.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See attached.

## SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4.4.1.E of the Zoning Regulations to permit:

New construction within 20' of the Min Interior Side Setback that's required when a parcel in the Downtown Edge (DT-E) zoning district is abutting a parcel in the Downtown Transition (DT-T) zoning district.

*Briefly describe your responses to each criteria, using additional sheets if necessary:*

### 1. Granting the variance would not be contrary to the public interest because:

See attached.

2. If the variance were granted, the spirit of the ordinance would be observed because:

See attached.

3. Granting the variance would do substantial justice because:

See attached.

**4. If the variance were granted, the values of the surrounding properties would not be diminished because:**

See attached.

**5. Unnecessary Hardship**

**A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

**i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

See attached.



and

ii. The proposed use is a reasonable one because:

See attached.

B. Explain how, if the criterial in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

See attached.



10/14/2024

City of Keene, Community Development Department  
3 Washington St., Keene, NH 03431

Attn: Jesse Rounds, Acting Zoning Administrator

Re: 7 Aliber Place development – Narrative for Variance Request No. 3: Relief from the 20’ minimum interior side setback requirements when a parcel in the Downtown-Edge zoning district is abutting a parcel in the Downtown-Transition zoning district

Administrator Rounds,

Tailfeather Strategies, on behalf of property owner Mr. Jared Goodell, submit the following information to aid in the decision to grant a variance for a proposed development on the lot located at 7 Aliber Place (TMP#: 590-093-000-000-000), which is in the Downtown-Edge zoning district. The site currently has a three-family residential structure and no commercial uses. The property has no street frontage and is sandwiched between a single-family home to the rear and a two-family building along Marlboro Street. All residences on these three parcels are accessed using Aliber Place, a private road that connects to Marlboro Street.

At the Keene Zoning Board of Adjustment (ZBA) meeting on August 19<sup>th</sup>, 2024, this project was granted a variance (ZBA-2024-22) allowing for two of the new duplexes to be placed 5’ from the side interior property line. After receiving a building permit, the project moved forward with construction. Foundations for the three buildings were poured based on the city’s GIS data that was confirmed by preliminary site survey information to comply with the variance requirements set by the ZBA. Shortly thereafter, it was discovered that the property line was approximately 1-2 feet from where the initial survey results predicted. This will result in the overhangs for the new buildings encroaching into the ZBA’s 5’ setback requirement. For construction to move forward, we are requesting that the ZBA once again approve this variance request with a stipulation allowing the new structures to be 3’ from the side interior property line instead of 5’ [See photo on page 2].





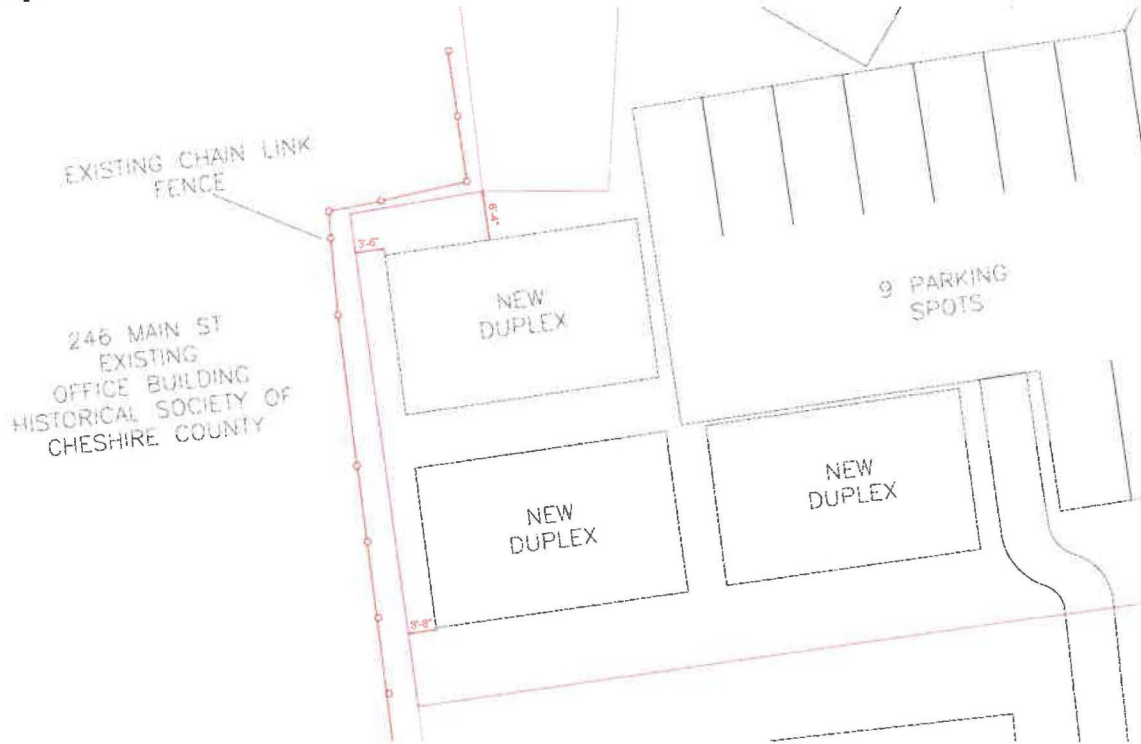
boundary line between 7 Aliber Place (owned by Mr. Jared Goodell) and 160 Main Street (owned by USNH) - photo taken 10/3/2024

- **Approx. location of property line from initial survey**
- **Approx. location of actual property line**

Despite this unfortunate error, we don't feel the difference between 5' and 3' represents a significant change to the development plan. Importantly, this change will not disadvantage the adjoining property that is owned by the University System of New Hampshire (USNH). The chainlink fence that has been in place for many years and separates the properties will remain and there will be adequate space between the edge of the foundation and the property lines for maintenance and access. Once the mistake was discovered, the developer of the 7 Aliber Place project immediately approached USNH and is working with them to execute a property line agreement that will clarify



the location of the boundary line and preserve USNH's rights to their property. [See plot detail on page 3].



Most of the information we are submitting with this application is the same as our previous request. One substantial difference is the plot plan (detailed above), which shows the new dimensions and current placement of the new building foundations.

We are thankful to the Board members for their patience and understanding with this project. We look forward to presenting this information to the Zoning Board of Adjustment for their consideration.

Thanks and best regards,

George Hansel, Tailfeather Strategies

Submitted with permission on behalf of property owner, Jared Goodell





Responses to the criteria outlined in Article 25.5.4.A of Keene's LDC:

**SECTION 3:** *Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.*

Property Location: 7 Aliber Place (TMP#: 590-093-000-000-000)

Property Owner: Jared Goodell, PO Box 305, Keene NH 03431

The subject property currently has a three-family structure and no street frontage. It is accessed using a private road (Aliber Place) that connects to Marlboro Street and acts as a shared driveway for three residential properties: 59 Marlboro Street, 7 Aliber Place and 15 Aliber Place. All three parcels are served by city water and sewer. The subject parcel is sandwiched between a lot with a single-family residence to the rear and a lot with a two-family residential property with frontage on Marlboro Street. All three properties are owned by Mr. Jared Goodell.

The proposal will add (3) two-family structures to a vacant section of 7 Marlboro Street. In total, (6) new housing units will be created. These units will be marketed as workforce housing. While unusual, development without frontage is permissible under RSA 674.41 with approval by the City Council. Mr. Goodell sought and was granted this approval.

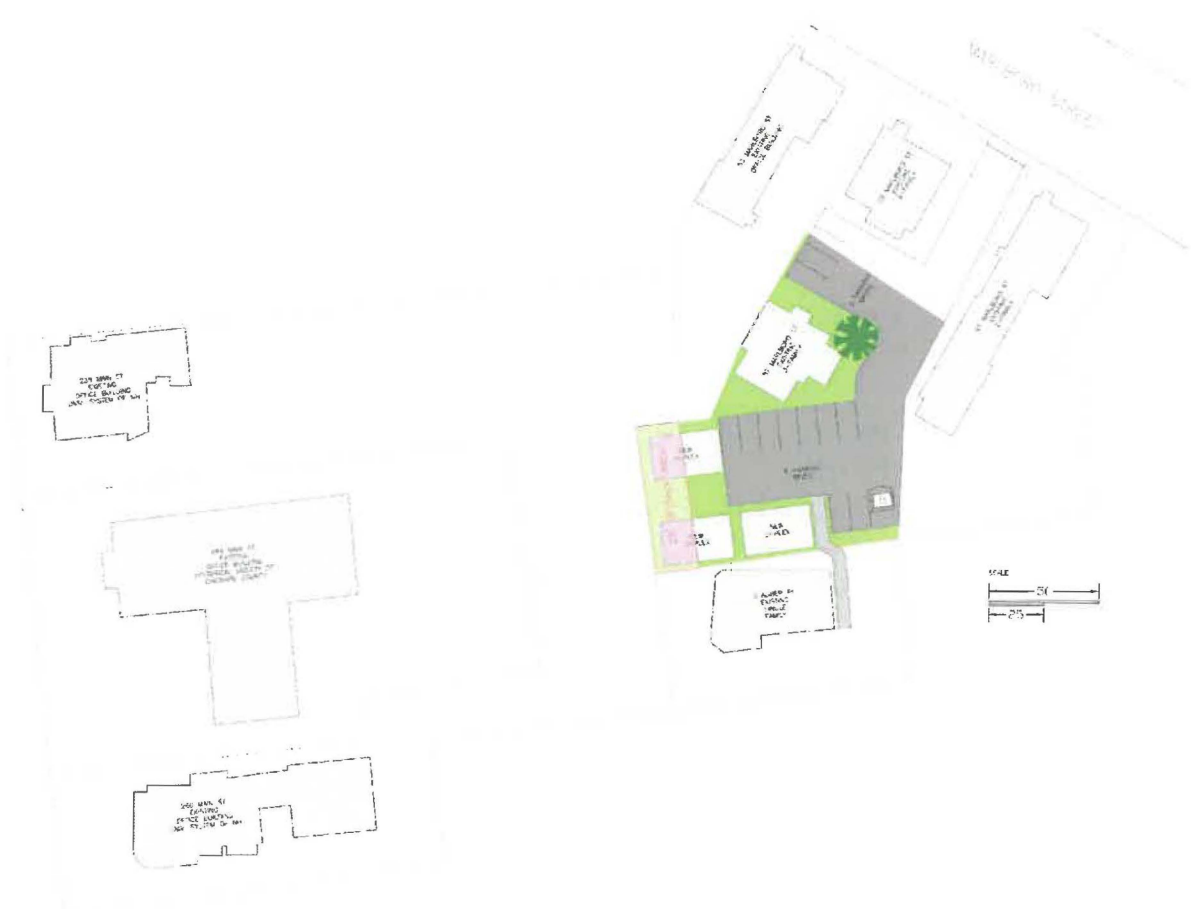
We are requesting a variance from compliance with the 20' minimum interior side setback as described on page 4-10, Article 4.4.1.E "Dimensions and Siting" of Keene's LDC. This will allow the new building to be 3' from the western-most property line that abuts a parking lot owned by the University System of New Hampshire [see the illustration on page 3].

7 Aliber Place is in the Downton-Edge zoning district, but abutting properties have various zoning designations: Downtown-Edge, Downtown-Transition, and Residential Preservation. This is somewhat unusual because three distinct zoning districts come together around this property, which has no frontage. The proposed building site is 130' from the public way on Proctor Court, 170' from the public way along Marlboro Street, and 280' from the public way along Main Street.

Keene's Land Development Code requires a 20' interior side setback when the Downtown-Edge zoning district abuts the Downtown-Transition district. We are requesting a variance to reduce the setback to 3'. This reduction will allow for the lowest impact and most economical design for this new development, adding new housing units while also creating green space. Without this variance, the plan would need to be reconfigured, negatively impacting the development in the following ways:

- Awkward and inconsistent building density
- Challenging maneuvers for vehicles accessing the site
- Increased paved area to accommodate the new development.
- Increased visibility of the new buildings from the public right of way

The abutting property most impacted by this request is owned by the University System of New Hampshire and identified as 238-260 Main Street (TMP#: 590-101-000-000-000). This area is currently used as accessory parking for their properties along Main Street. The border is currently heavily vegetated, which mostly blocks the view from nearby properties on Main Street [refer to illustration on page 5].



Siting the new buildings within 20' of the setback requirement will allow the new development to decrease impervious surface on the site by more than 3,000 SF, replacing areas that are currently paved with greenspace. The proposed building locations will also minimize the visual impact of the new development from the public rights of way on Marlboro Street and Main Street [See illustrations on Pages 4-6].



Illustration of public view of the new development from the sidewalk in front of 53 Marlboro Street.





Illustration of view of the new development from the interior parking lot of 246 Main Street (the rear entrance of the Historical Society of Cheshire County).



Illustration of public view of the new development from the sidewalk in front of 59 Marlboro Street.





SECTION 4-1: *Granting the variance would not be contrary to the public interest because:*

It will create new green space

The proposed configuration will create more than 3,000 SF of green space. Should the 20' setback need to be observed, it's likely the current amount of paved area would need to be increased.

It will facilitate the addition of (6) new workforce housing units

A recent Housing Needs Assessment and Strategy prepared by Camoin Associates and commissioned by the City found that there is a need for the creation of approximately 1,400 new housing units in Keene over the next ten years. The granting of this request will help address this housing shortage by creating new workforce housing units.

It will minimize the visual impact of the development from the public right of way

The public's view of the new buildings from Marlboro Street will be largely blocked by existing structures, mitigating the visual impact of the new development from the public right of way. If the 20' setback is observed, it would require a relocation of the proposed buildings to a more visible location, taking away privacy for the new residents and creating more visual impact for the public.

SECTION 4-2: *If the variance were granted, the spirit of the ordinance would be observed because:*

The intent of both the Downtown-Edge and Downtown-Transition districts is to facilitate a gradual transition from higher density in the downtown core, to lower density in the surrounding residential areas. Ironically, because of the unique features of this site, complying with the 20' setback requirement would do the opposite by clustering the building density to the east side of the parcel, away from the downtown and Main Street. Granting this variance request will allow for more balanced building density on the site that is more in line with the intent of both the Downtown Edge and Downtown-Transition districts. Therefore, the spirit of the ordinance will be observed.

SECTION 4-3: *Granting the variance would do substantial justice because:*

The granting of this variance will do substantial justice to the surrounding neighborhood. The placement of the new buildings will be largely out of public view, which will increase privacy for the new residents and protect the public from any visual impacts from the new development.

SECTION 4-4: *If the variance were granted, the values of the surrounding properties would not be diminished because:*

The granting of this variance and the addition of new housing units in this area will not diminish values of the surrounding properties for the following reasons:





Architectural consistency

The new buildings have been designed to be consistent with other buildings in the neighborhood. While these buildings will be the only structures in the surrounding area built in the last 30+ years, they have been designed to be visually consistent with existing residential structures.

On-site infrastructure improvements

This development presents an opportunity to replace aging water and sewer lines, asphalt, and landscaping. The new development will also add more than 3,000 SF of green space to the site. These improvements are sure to increase the surrounding property values.

Highest and best use

The addition of (6) new housing units on this site will more than double the current property value. The current lack of affordable workforce housing in Keene is limiting economic growth. The addition of new housing units creates housing opportunities for new and existing residents, which in turn supports community vitality.

Rather than diminish values of the surrounding properties, this project will likely increase values and may inspire other property owners to pursue similarly creative and low-impact solutions to add housing units to existing underutilized parcels throughout the City.

SECTION 4-5: *Unnecessary Hardship*

*A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

This site is unique because it does not have frontage. Although the parcel is located in a moderately dense part of the city, it is 130' from the nearest public street. The part of the site proposed for new development is largely out of the public view, so any adverse visual impacts to the public will be muted. Denial of this variance request will serve no public purpose and will therefore represent an unnecessary hardship for the property owner.

*i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

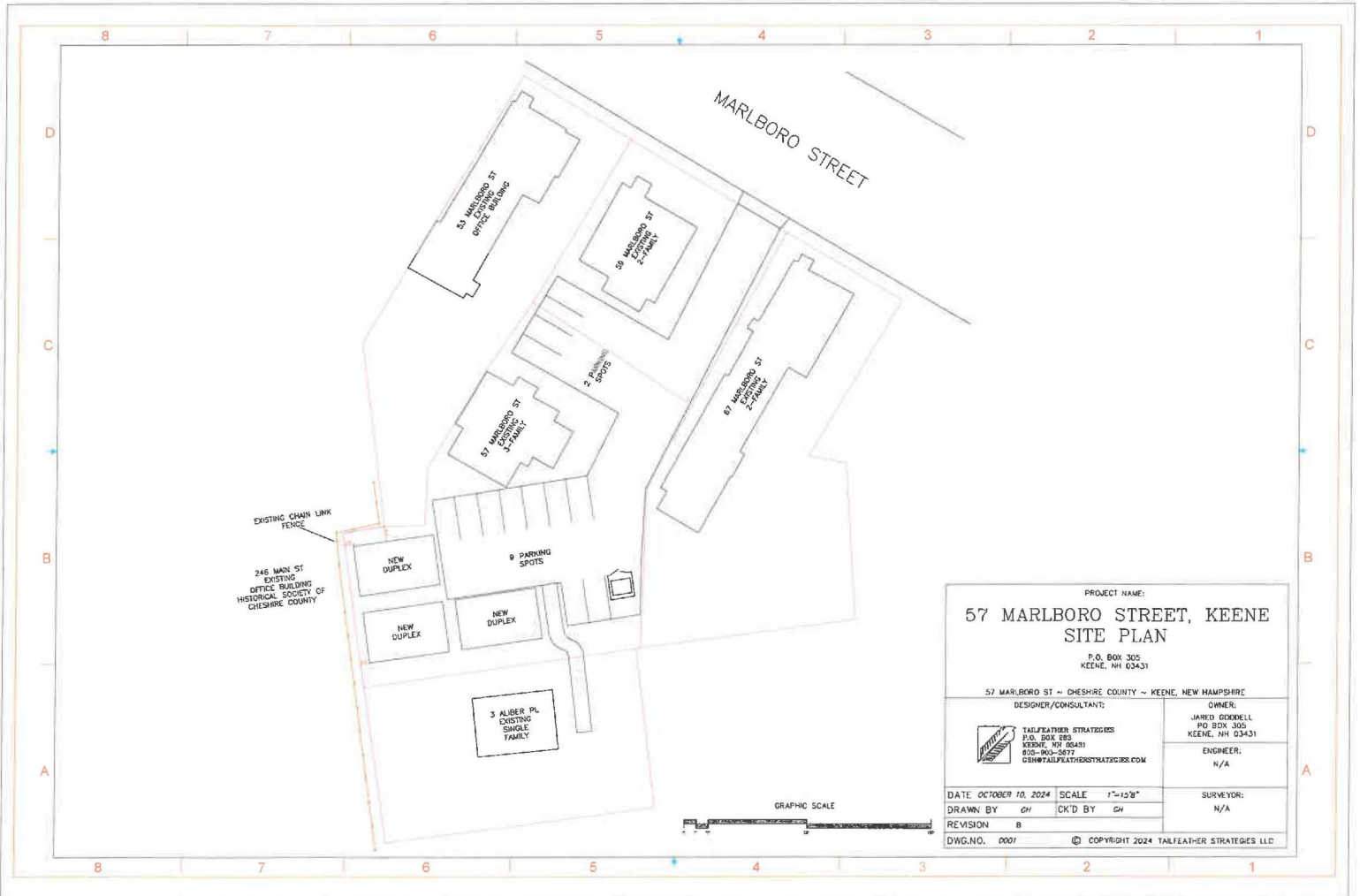
There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because enforcing the 20' setback requirement would actually be contrary to the intent of the zoning districts being regulated. The Downtown-Edge zoning district is described in the LDC as "providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area" [page 4-2, Article 4.1.1.C]. Similarly, the Downtown-Transition district is described in the LDC as, "intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene" [page 4-2, Article 4.1.1.E]. Granting this proposed variance will allow the




buildings to be well-distributed on the lot and will serve as a better, less jarring, transition between uses to the west on Main Street, and the less dense mixed uses along Marlboro Street to the east.

*ii. The proposed use is a reasonable one because:*

The proposed use is reasonable because these additional housing units are consistent with other residential uses in the neighborhood. The addition of these units should have minimal impact on the existing conditions and represents a creative use of space to create more workforce housing within walking distance of downtown.



|  |                 |  |  |
|--|-----------------|--|--|
| PROJECT NAME:  |                 | 57 MARLBORO STREET, KEENE<br>SITE PLAN                             |  |
| P.O. BOX 305<br>KEENE, NH 03431  |                 | 57 MARLBORO ST ~ CHESHIRE COUNTY ~ KEENE, NEW HAMPSHIRE            |  |
| DESIGNER/CONSULTANT:   |                 | OWNER:   |  |
|  TALFEATHER STRATEGIES<br>P.O. BOX 293<br>KEENE, NH 03431<br>603-903-2677<br>GSH@TALFEATHERSTRATEGIES.COM |                 | JAMES GOSKELL<br>PO BOX 305<br>KEENE, NH 03431<br>ENGINEER:<br>N/A |  |
| DATE: OCTOBER 10, 2024   | SCALE: 1"=15'0" | SURVEYOR:  |  |
| DRAWN BY: GH   | CK'D BY: GH     | N/A  |  |
| REVISION: B  |                 |  |  |
| DWG.NO. 0007   |                 | © COPYRIGHT 2024 TALFEATHER STRATEGIES LLC                         |  |



# 200 feet Abutters List Report

Keene, NH  
October 14, 2024

## Subject Property:

### Abutters:

|  |  |
|--|--|
| Parcel Number: 585-045-000<br>CAMA Number: 585-045-000-000-000<br>Property Address: 84 MARLBORO ST.    | Mailing Address: SAVINGS BANK OF WALPOLE<br>PO BOX 517<br>WALPOLE, NH 03608                |
| Parcel Number: 585-084-000<br>CAMA Number: 585-084-000-000-000<br>Property Address: 50-54 MARLBORO ST. | Mailing Address: TOUSLEY CHARLES D. REV. TRUST<br>PO BOX 626<br>KEENE, NH 03431            |
| Parcel Number: 585-085-000<br>CAMA Number: 585-085-000-000-000<br>Property Address: 56 MARLBORO ST.    | Mailing Address: NORCROSS ARTHUR & JOAN LIVING TRUST<br>PO BOX 10123<br>SWANZEY, NH 03446  |
| Parcel Number: 585-086-000<br>CAMA Number: 585-086-000-000-000<br>Property Address: 33 MARLBORO ST.    | Mailing Address: KEYSTONE AMERICA INC.<br>1929 ALLEN PKWY.<br>HOUSTON, TX 77019            |
| Parcel Number: 590-084-000<br>CAMA Number: 590-084-000-000-000<br>Property Address: 17 ADAMS ST.       | Mailing Address: VALLANTE EUGENE C.<br>PO BOX 2002<br>SEABROOK, NH 03874-2002              |
| Parcel Number: 590-089-000<br>CAMA Number: 590-089-000-000-000<br>Property Address: 71-81 MARLBORO ST. | Mailing Address: ELLIOT & ISAAC PROPERTIES LLC<br>184 TALBOT HILL RD.<br>SWANZEY, NH 03446 |
| Parcel Number: 590-090-000<br>CAMA Number: 590-090-000-000-000<br>Property Address: 67 MARLBORO ST.    | Mailing Address: TOUSLEY REALTY LLC<br>PO BOX 626<br>KEENE, NH 03431-0626                  |
| Parcel Number: 590-091-000<br>CAMA Number: 590-091-000-000-000<br>Property Address: 00ff MARLBORO ST.  | Mailing Address: FORTE DONNA J<br>134 DAVIS ST<br>KEENE, NH 03431                          |
| Parcel Number: 590-092-000<br>CAMA Number: 590-092-000-000-000<br>Property Address: 15 ALIBER PL.      | Mailing Address: GOODELL JARED<br>PO BOX 305<br>KEENE, NH 03431                            |
| Parcel Number: 590-093-000<br>CAMA Number: 590-093-000-000-000<br>Property Address: 7 ALIBER PL.       | Mailing Address: GOODELL JARED<br>PO BOX 305<br>KEENE, NH 03431                            |
| Parcel Number: 590-094-000<br>CAMA Number: 590-094-000-000-000<br>Property Address: 59 MARLBORO ST.    | Mailing Address: GOODELL JARED<br>PO BOX 305<br>KEENE, NH 03431                            |



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10/14/2024

Page 1 of 2





# 200 feet Abutters List Report

Keene, NH  
October 14, 2024

Parcel Number: 590-095-000  
CAMA Number: 590-095-000-000-000  
Property Address: 53 MARLBORO ST.

Mailing Address: GOODELL JARED  
PO BOX 305  
KEENE, NH 03431

Parcel Number: 590-096-000  
CAMA Number: 590-096-000-000-000  
Property Address: 47 MARLBORO ST.

Mailing Address: WOODCOCK HOLDINGS LLC  
13 MCKINLEY ST.  
KEENE, NH 03431

Parcel Number: 590-099-000  
CAMA Number: 590-099-000-000-000  
Property Address: 232 MAIN ST.

Mailing Address: UNIVERSITY SYSTEM OF NH KEENE  
STATE COLLEGE  
5 CHENELL DR #301  
CONCORD, NH 03301

Parcel Number: 590-100-000  
CAMA Number: 590-100-000-000-000  
Property Address: 246 MAIN ST.

Mailing Address: HISTORICAL SOCIETY OF CHESHIRE  
COUNTY  
246 MAIN ST.  
KEENE, NH 03431

Parcel Number: 590-101-000  
CAMA Number: 590-101-000-000-000  
Property Address: 238-260 MAIN ST.

Mailing Address: UNIVERSITY SYSTEM OF NH KEENE  
STATE COLLEGE  
5 CHENELL DR #301  
CONCORD, NH 03301

Parcel Number: 590-102-000  
CAMA Number: 590-102-000-000-000  
Property Address: 26 PROCTOR CT.

Mailing Address: KEMPF LYNN M  
26 PROCTOR CT  
KEENE, NH 03431-4172

Parcel Number: 590-103-000  
CAMA Number: 590-103-000-000-000  
Property Address: 28 PROCTOR CT.

Mailing Address: FORTE DONNA J  
134 DAVIS ST  
KEENE, NH 03431

Parcel Number: 590-104-000  
CAMA Number: 590-104-000-000-000  
Property Address: 46 PROCTOR CT.

Mailing Address: FORTE DONNA  
134 DAVIS ST  
KEENE, NH 03431

### ADDITIONAL PARTIES TO BE NOTICED:

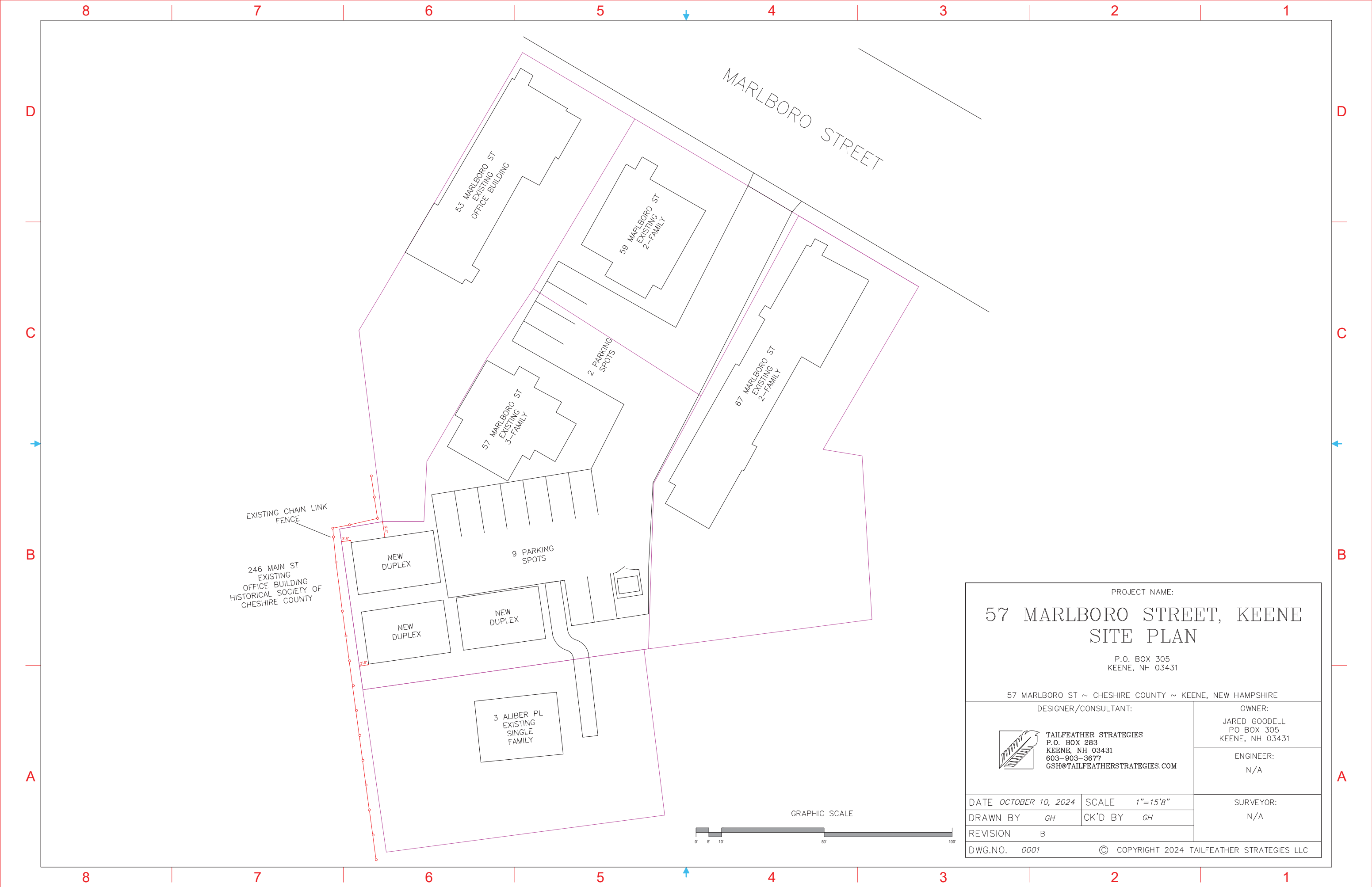
AUTHORIZED AGENT:  
GEORGE HANSEL  
TAILFEATHERSTRATEGIES  
PO BOX 283  
KEENE, NH 03431

PROJECT ARCHITECT:  
TIM SAMPSON  
SAMPSON ARCHITECTS  
11 KING COURT, SUITE 1E  
KEENE, NH 03431



www.cai-tech.com

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EXISTING CHAIN LINK FENCE

246 MAIN ST  
EXISTING OFFICE BUILDING  
HISTORICAL SOCIETY OF  
CHESHIRE COUNTY

NEW DUPLEX

NEW DUPLEX

NEW DUPLEX

9 PARKING SPOTS

3 ALIBER PL  
EXISTING SINGLE FAMILY

53 MARLBORO ST  
EXISTING OFFICE BUILDING


59 MARLBORO ST  
EXISTING 2-FAMILY

57 MARLBORO ST  
EXISTING 3-FAMILY

67 MARLBORO ST  
EXISTING 2-FAMILY

2 PARKING SPOTS

MARLBORO STREET

|   |  |                  |
|---|--|------------------|
| PROJECT NAME:   |  |                  |
| <b>57 MARLBORO STREET, KEENE<br/>SITE PLAN</b>  |  |                  |
| P.O. BOX 305<br>KEENE, NH 03431   |  |                  |
| 57 MARLBORO ST ~ CHESHIRE COUNTY ~ KEENE, NEW HAMPSHIRE   |  |                  |
| DESIGNER/CONSULTANT:  | OWNER:   |                  |
|  <b>TAILFEATHER STRATEGIES</b><br>P.O. BOX 283<br>KEENE, NH 03431<br>603-903-3677<br>GSH@TAILFEATHERSTRATEGIES.COM | JARED GOODELL<br>PO BOX 305<br>KEENE, NH 03431 |                  |
|   | ENGINEER:<br>N/A                               |                  |
| DATE <i>OCTOBER 10, 2024</i>  | SCALE <i>1"=15'8"</i>                          | SURVEYOR:<br>N/A |
| DRAWN BY <i>GH</i>  | CK'D BY <i>GH</i>                              |                  |
| REVISION <i>B</i>   |  |                  |
| DWG.NO. <i>0001</i>   | © COPYRIGHT 2024 TAILFEATHER STRATEGIES LLC    |                  |

