

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, December 21, 2020

6:30 PM

Remote Meeting via Zoom

Members Present:

Mayor George Hansel
Douglas Barrett, Chairman
Christopher Cusack, Vice-Chair
Councilor Michael Remy
David Orgaz
Gail Somers
Pamela Russell Slack

Staff Present:

Rhett Lamb, Asst. City
Manager/Community Development
Director
Tara Kessler, Senior Planner
Mari Brunner, Planner
Andy Bohannon, Director of Parks,
Recreation & Facilities

Members Not Present:

Andrew Weglinski
Tammy Adams, Alternate
Emily LaVigne Bernier, Alternate

I. Call to Order – Roll Call

Chair Barrett began the meeting by reading the following statement with respect to holding remote meetings: *“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provisions of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.*

Specifically:

- *The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);*
- *The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).*
- *Provided, however that the public body must:*
 - *Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;*
 - *Provide public notice of the necessary information for accessing the meeting;*
 - *Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and*
 - *Adjourn the meeting if the public is unable to access the meeting.*
- *All votes are to be taken by roll call.*

• *All board participants shall identify the location from where they are participating and who is present in the room with them.*

Chair Barrett said the public may access the meeting online by visiting the Zoom website, www.zoom.us/join, and entering the Meeting ID, which he stated. The Meeting ID also appeared on the Agenda for the meeting. The public can, listen, but not view, the meeting by calling the toll-free phone number (888) 475-4499 and entering the Meeting ID. He noted that if someone is unable to access the meeting, they should call 603-757-0622.

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

II. Minutes of Previous Meeting – November 23, 2020 Meeting

A motion was made by Mayor George Hansel to accept the November 23, 2020 minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III. Advice and Comment

A. Patricia Russell Park Conceptual Design – Andy Bohannon, on behalf of the City of Keene, seeks input on the proposed redesign of Patricia Russell Park (formerly Carpenter Field) located at 0 Carpenter St (TMP# 573-073-000). This property is 4.96-ac and is located in the Medium Density District.

Parks Recreation and Facilities Director Andy Bohannon addressed the Board. Mr. Bohannon stated in 2010 the Comprehensive Master Plan called for a management plan for parks and recreation. In 2012, the Active and Passive Plan was created and one of the recommendations in the plan was to look at each park and see if each should be repurposed to benefit the community. As a result of this planning effort, it was apparent that Carpenter Field, which has been renamed to Patricia Russell Park, was in need of revitalization. The Conway School of Design was brought on by the City to look at the future for the Park. They came up with a concept plan for a redesign of the park space, which was placed in the CIP for 2020.

In 2020, the City contracted with the firm Milone and Macbroom to facilitate and develop the design phase for the park. Mr. Bohannon stated a committee was put together consisting of community members and staff and the plan was to create a signature playground for the community; provide pedestrian circulation and create an athletic field. Mr. Bohannon presented two design concepts to the Board. He reviewed the array of proposed amenities and park features proposed in each design, and distinguished where they differ from each other.

Concept 1: Mr. Bohannon noted that this design extends beyond the existing city-owned park parcel. There is a walking track planned to surround the parcel, creating a multi-generational approach to recreation. He explained each of the blue dots has a specific item and explanation can be found on the website. Some of the proposed amenities in this concept include pavilion areas, unique vantage points, a recreation field for sports such as

rugby, lacrosse, and soccer, playground areas, bocce court, connections with Beaver Brook for youth and adults, a kiosk for education on the brook, stormwater infiltration areas, a parking lot (not on City property), and parking on Carpenter Street.

Mr. Bohannon noted the existing Linden Trees along Carpenter Street will be retained as they provide a lot of value to the park.

Concept 2: Mr. Bohannon reviewed the different features proposed in this design. These features include a parking on the property as well as along Carpenter Street, an area for food trucks, public restrooms, storage and gathering areas for recreation teams, playground spaces, connections to Beaver Brook for youth and adults including a path into the brook, rain garden and stormwater infiltration, an overlook, and more.

Mr. Bohannon stated these plans are available on the Parks and Recreation website. He indicated staff is requesting public input through the end of the month. This concluded Mr. Bohannon's presentation.

Chair Barrett asked when construction is slated to begin. Mr. Bohannon stated final design is set to be complete by January/February 2021 with construction to begin in September 2021.

Ms. Russell Slack reminded everyone that Patricia Russell is her mother. She commended the project and noted her family is in favor of concept 2. Ms. Russell Slack stated this would be a great project for the community.

Mr. Bohannon stated if the public is having a hard time making comments online to please email comments to him directly – abohannon@ci.keene.nh.us

Mayor Hansel stated there are elements in both concepts he likes and asked whether in the future there will be a connectivity to downtown – a pedestrian bridge over Beaver Brook. Mr. Bohannon stated there have been conversations undertaken with property owners on the west side of Beaver Brook. He stated he is hoping for some grant funding to make this happen.

Mayor Hansel referred to concept 2 and asked how slow Beaver Brook was going to be and whether there is a plan to have standing water; the Mayor felt standing water next to an athletic field could cause a mosquito issue.

Chair Barrett asked what type of lighting is being planned. Mr. Bohannon stated at the present time the plan is for lighting to happen from dawn to dusk. He indicated the city is working with the Rugby Club and Lacrosse Club to look at field lighting which is outside the scope and is something that could be considered if additional funds can be raised in the community.

III. Boundary Line Adjustment:

B. S-08-20 – Boundary Line Adjustment – 89 Main St & 0 Commercial St – Applicant and owner Colonial Theatre Group Inc. proposes a boundary line adjustment between their property located at 89 Main Street (TMP# 575-008-000) and 0 Commercial Street (TMP# 575-010-000), which is owned by the City of Keene, NH. This adjustment would result in a transfer of 0.01-acres (370.5 sf) from the 1.6-acre lot located at 0 Commercial Street to the 0.36-acre lot located at 89 Main Street. Both properties are located in the Central Business District. The applicant is requesting a waiver from Standard III.C.5.b of the Planning Board’s Site Plan and Subdivision Regulations that requires a survey plan showing all metes and bounds of the revised parcels be submitted as part of a boundary line adjustment application.

a. Board Determination of Completeness

Senior Planner, Tara Kessler addressed the Board and stated the applicant has requested exemptions from providing a separate grading plan, landscaping plan, lighting plan, and technical reports. She noted the proposal is for a boundary line adjustment and no new development is proposed with this application. The Colonial received approval from the Board in the recent past for an expansion of their building. The proposed lot line adjustment is to accommodate that addition. After reviewing this request, Staff has determined exempting the applicant from submitting this information would have no bearing on the merits of the application.

She went on to say the applicant has prepared a metes and bounds survey for the Colonial Theater property at 89 Main St and for the portions of the 0 Commercial Street that will be affected by the adjustment. The metes and bounds survey does not include all of 0 Commercial Street and the applicant is seeking a waiver from providing the full metes and bounds of the property at 0 Commercial Street. Ms. Kessler noted the Board will not be able to address that waiver until the public hearing is opened.

A motion was made by Mayor George Hansel that the Planning Board accept this application as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

b. Public Hearing

Attorney Gary Kinyon addressed the Board on behalf of the applicant. Attorney Kinyon noted with respect to the waiver request, there was a document submitted that outlines the four standards that are required to support the granting of the waiver.

a) That granting the waiver will not be contrary to the spirit and intent of these Regulations;

Attorney Kinyon noted the boundary line adjustment involves only 370.5 square feet of land, a three-foot corridor along the western edge and a portion of the northern edge of

the Colonial property. The city parcel is 1.6 acres and hence the applicant feels it would not be contrary to the spirit and intent of the regulations not to survey the entire 1.6 acres.

b) That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment; and

Attorney Kinyon stated the Colonial is going to be constructing an addition that would extend to the back to the western boundary of the Colonial Theater property pursuant to the site plan application which was approved by the Planning Board. The need for the boundary line adjustment is to locate underground foundation components for this addition in an area that is presently city-owned land. The city suggested that the applicant obtain this land from the city rather than seek an easement from the city. Hence, the reason for the boundary line adjustment. Once these components are installed underground to support the foundation, the ground will be covered and there will be no difference to the ground after the installation and will not create any adverse impacts.

c) That granting the waiver has not been shown to diminish the property values of abutting properties.

This relates to the reason for the boundary line adjustment – nothing on the ground will change before and after the adjustment.

d) Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.

The Colonial Theater would like to keep its surveying costs down with this boundary line adjustment and the Board could reasonably evaluate the boundary line adjustment without the need for a full survey.

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Standard III.C.5.b of the Planning Board's Site Plan and Subdivision Regulations that all metes and bounds be surveyed for 0 Commercial Street for TMP# 575-010-000 for the boundary line adjustment application for S-08-20. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

Attorney Kinyon went on to address the boundary line adjustment. He explained this request is pursuant to a site plan application approved by the Planning Board in September. It is for the purpose of an addition to the west end of the theater.

Attorney Kinyon noted slide 9 of the staff report shows the survey plan created by David Mann. As noted previously, 370.5 square feet is the area of the boundary line adjustment (the area going from the city to the theater). The boundary line adjustment will increase the Colonial Theater's property to approximately 0.36 acres and reduce the city property to 1.59 acres.

Attorney Kinyon referred to the comments from staff regarding the northern portion of the boundary line adjustment which would be the sidewalk between Colonial Theater and the Commercial Street parking area. Staff's recommendation is that an easement be provided to the city from the Colonial as part of the boundary line adjustment so that the sidewalk can still be used. The Colonial Theater has no objection to providing this easement. This concluded Attorney's Kinyon's remarks.

Staff comments were next. Ms. Kessler reiterated the issue with the sidewalk mentioned by Attorney Kinyon.

Mayor Hansel asked whether the issue with the easement needs to be included in the motion as this is going to be part of the negotiation between the City Manager and the Colonial Theater. Ms. Kessler stated the City Attorney had asked that this item be included as part of the condition of approval as the Colonial will now own land that will be accessed by the city as well as part of the Commercial Street lot.

The Chairman asked for public comment. With no public comment, the Chairman closed the public hearing.

c. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-08-20, as shown on the plan identified as "Boundary Line Adjustment Plan Prepared for City of Keene and Colonial Theatre Group, Inc., City of Keene, County of Cheshire, State of New Hampshire" prepared by David Mann Survey at a scale of 1" = 20' on December 1, 2020 and last revised on December 8, 2020 with the following conditions prior to signature by the Planning Board Chair:

1. Owners' signature appears on plan.
2. Documentation of any necessary easements or agreements between the City of Keene and the Colonial Theatre Group Inc. shall be submitted to the Community Development Department.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

V. Public Hearings:

- A. CONTINUED – SPR-963, Modification #3 – Site Plan – Sunoco Curb Cut Modifications, 345 Winchester St. – Applicant McFarland Johnson, Inc., on behalf of owner, RE Sandri TVE LLC, proposes to close an existing curb cut along Winchester Street and create a new curb cut along Old Key Road at the site of the Sunoco Gas Station located at 345 Winchester Street (TMP# 111-027-000). The site is 0.63 acres in size and is located in the Commerce District.**

Ms. Kessler noted this public hearing was opened at the November Planning Board meeting and was continued to this meeting. On December 16, staff received a letter from

the applicant, Eugene McCarthy of McFarland Johnson requesting the application be withdrawn. The owner Sandri Realty no longer wishes to pursue the new curb cuts on the site.

a. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board accept the withdrawal of the application for SPR 963 Mod. 3 for 345 Winchester Street without prejudice.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

B. SPR-878, Modification #1 – Site Plan – Volkswagen Addition, 18 Production Ave. – Applicant and owner 18 Production Ave LLC proposes a 3,690-sf single-story addition to the existing 11,270-sf Noyes Volkswagen building located at 18 Production Ave (TMP# 110-004-000). The site is 2.14 acres in size and is located in the Industrial District.

a. Board Determination of Completeness

Planner Mari Brunner addressed the Board and stated that the applicant requests exemptions from providing building elevations that have been prepared and stamped by an architect registered in the State of NH, a lighting plan, a drainage report, and a traffic report. Staff recommend that the board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel that the Board accept that application SPR 878, Modification #1. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

b. Public Hearing

Mr. Jim Phippard of Brickstone Landuse Consultants addressed the Board on behalf of the applicant. He referred to a plan and explained the area shaded in yellow is the current Noyes Volkswagen property. To the north is the Hyundai Dealership. To the left of the Hyundai Dealership is another motor vehicle dealership, Subaru of Keene.

The existing Noyes Volkswagen property is 11,270 square feet which includes a mezzanine area and is located on a 2.14 acre lot. The property is located in the industrial district. City water and sewer exist at this site.

The proposal before the Board is to construct an addition on the southerly side of the building. Mr. Phippard indicated Code Enforcement has asked the applicant to designate where customer and employee parking will be located – those areas have been designated and noted those areas have been shown on the plan.

Mr. Phippard explained the landscaping plan. The applicant proposes to replace five Norway maples along Production Avenue, which have died, with five Red maples. The applicant does not propose to alter the existing plants that have matured over the last 20 years. What is being proposed will comply with what is required under zoning for the number of parking spaces.

Mr. Phippard then went on to refer to the building elevations. The addition will be a metal building with a flat metal roof and will match what exists on the site today.

Two lights will be added over the egress doors and one over the overhead the building addition. They will be full cut off LED fixtures. The applicant is requesting an exemption for providing a photometric plan as these lights will have no impact on adjacent sites. This concluded Mr. Phippard's comments.

Mari Brunner addressed the Board in reference to staff comments.

Drainage: The proposed addition would be located in a paved area hence there will be no increase in impervious surfaces and no increase in runoff. This standard appears to be met.

Sedimentation and Erosion Control: The Applicant proposes to install silt fencing to the south and east of the area to be disturbed and has provided a detail for silt fencing which is included on the proposed site plan.

Landscaping: Ms. Brunner referred to the plan approved in 2000. The current proposal is to reduce the number of plantings on site. The Norway maples planted on site have since died and the applicant is proposing to replace these with five red maples along Production Avenue. The trees that are no longer on site were located either to the side or to the rear of the site. The total number of trees are being reduced from 18 to 12 and as indicated the existing plantings around the site have grown quite a bit over the last 20 years.

Ms. Brunner noted the landscape standard requires one tree for every ten parking spaces in parking lots of ten spaces or more. There will be a total of 12 trees on site. There are 75 parking spaces for employee and customer parking, and an additional 60 parking spaces for display only. Staff recommend that the display parking spaces should not count towards the total number of parking spaces for the purposes of this standard due to their intended use as display parking. Ms. Brunner noted staff feels the landscape standard has been met.

The Chairman asked for public comment next. With no comment from the public, the Chairman closed the public hearing.

c. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve SPR-878, Modification #1 for the construction of a 3,690-sf single-story addition to the existing,

11,270-sf Noyes Volkswagen building located at 18 Production Ave (TMP# 110-004-000), as depicted on the site plan identified as "Addition to Noyes Volkswagen, Inc." prepared by Brickstone Land Use Consultants at a scale of 1 inch = 40 feet, dated November 9, 2020 and last revised on December 7, 2020 with the following conditions prior to signature by Planning Board Chair:

1. Submittal of a security for landscaping in an amount acceptable to the City Engineer and Community Development Director.

The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

VI. Adoption of 2021 Meeting Schedule

A motion was made by Mayor George Hansel that the Planning Board adopt the 2021 meeting schedule. The motion was seconded by Councilor Michael Remy and was unanimously approved by roll call vote.

VII. Community Development Director Report

Mr. Lamb recognized Doug Barrett and Chris Cusack for their years of service on the Planning Board. He stated it has been a pleasure working with both these individuals and thanked them for their service.

Chair Barrett thank staff for all their assistance during his time on the Board. Vice-Chair Cusack echoed the Chairman's comments.

VIII. New Business

IX. Upcoming Dates of Interest – December 2020

- Joint PB/PLD Committee – Monday, January 11, 6:30 PM & TUESDAY, January 19, 6:30 PM
- Planning Board Steering Committee – January 12, 11:00 AM
- Planning Board Site Visits – January 20, 8:00 AM – To Be Confirmed
- Planning Board Meeting – January 25, 6:30 PM

The meeting adjourned at 8:15 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed by: Tara Kessler, Senior Planner
Additional edits by: Katie Kibler, Clerk's Office