



## **Planning Board – Monday, May 24, 2021, 6:30PM**

### **AGENDA**

**NOTE:** This meeting will be conducted using the online meeting platform, Zoom.\* The public may view the meeting online by visiting [www.zoom.us/join](http://www.zoom.us/join) and enter the **Meeting ID: 857 8338 6440**. If you are unable to attend the meeting online, you may call the toll-free # (888) 475-4499 and enter the Meeting ID to listen to the meeting. More info on how to access this meeting is available at [ci.keene.nh.us/planning-board](http://ci.keene.nh.us/planning-board). If you encounter any issues accessing this meeting, please call 603-209-4697 during the scheduled meeting time.

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – April 26, 2021
- III. **Extension Request:**

**SPR-01-18, Modification #1 – Site Plan – 809 Court St** – Owner and Applicant, Hillsborough Capital LLC, is requesting a one-year extension of the timeframe for achieving active and substantial development of the site plan for 809 Court Street for the demolition of the existing 19,943 sf building and the construction of a 28,800 square foot (sf) indoor athletic facility in its place. This is the second extension request for this site plan. The applicant is also requesting to continue to occupy the existing building as an athletic facility until the new building is constructed. The parcel is TMP# 219-005-000-000-000 and is located in the Commerce District.

- IV. **Boundary Line Adjustment**

**S-03-21 – Boundary Line Adjustment – 510 Washington St & 0 Fox Ave** – Applicant and owner Toby Tousley of 510 Washington St (TMP# 532-003-000), on behalf of owner Fox Trail Farm LLC of 0 Fox Ave (TMP# 519-037-000), proposes a boundary line adjustment between their two properties. The adjustment would result in a transfer of 2.4 ac from the 3.2 ac parcel located at 510 Washington St to the 15.8 ac parcel located at 0 Fox Ave. A waiver is requested from Sec. III.C.5.b of the Planning Board Regulations regarding the requirement to submit a survey showing all metes and bounds of the revised parcels. The 510 Washington St property is located in the Commerce and Low Density Districts and the 0 Fox Ave property is located in the Rural District.

- V. **Community Development Director Report**

- VI. **New Business**

- VII. **Upcoming Dates of Interest – May 2021**

- Planning Board Steering Committee – June 15, 11:00 AM
- Planning Board Site Visit – June 23, 8:00 AM – **To Be Confirmed**
- Planning Board Meeting – June 28, 6:30 PM

*\*In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.*

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

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

8 **Monday, April 26, 2021**

**6:30 PM**

**Remote Meeting**

**Members Present:**

Pamela Russell Slack, Chair  
David Orgaz, Vice Chair  
George S. Hansel, Mayor  
Michael J. Remy, Councilor  
Gail Somers  
Harold Farrington, Alternate

**Staff Present:**

Asst. City Manager/Community Development  
Director, Rhett Lamb  
Senior Planner, Tara Kessler  
Planner, Mari Brunner

**Members Not Present:**

Emily Lavigne-Bernier  
Andrew Weglinski  
Roberta Mastrogiovanni  
Tammy Adams, Alternate

9  
10 **I) Call to Order – Roll Call**

11 Chair Russell Slack called the meeting to order at 6:30 PM and a roll call was taken.  
12 Harold Farrington was recognized as a voting member.

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14 **II) Minutes of Previous Meeting – March 22, 2021**

15 Mr. Farrington offered the following correction to line 713 to add the words “for the first time”  
16 after the sentence “seen by staff tonight”

17 A motion was made by Mayor George Hansel to accept the March 22, 2021 meeting minutes as  
18 amended. The motion was seconded by Councilor Michael Remy and was unanimously  
19 approved by roll call vote.

20 **III) Boundary Line Adjustment**

21  
22 **S-02-21 – Boundary Line Adjustment – 62 & 74 Sullivan Rd** – Applicant Cardinal  
23 Surveying & Land Planning, on behalf of owners Gregory J. Precourt of 62 Sullivan Rd  
24 (TMP# 214-016-000) and David & Lorraine Newell of 74 Sullivan Rd (TMP# 214-017-  
25 000), proposes a boundary line adjustment between their two properties. This adjustment  
26 would result in a transfer of 0.74 acres from the 9.22-acre parcel located at 74 Sullivan Rd

27 to the 0.97-acre parcel located at 62 Sullivan Rd. Both properties are located in the Rural  
28 District.

29 A. Board Determination of Completeness

30 Planner Mari Brunner stated the applicant has requested exemptions from providing a grading  
31 plan, landscaping plan, lighting plan, and technical reports as there is not development proposed  
32 at this time. Staff recommends the Board accept the application as complete.

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

36 B. Public Hearing

37 Ms. Wendy Pelletier of Cardinal Surveying addressed the Board. Ms. Pelletier noted lot 16  
38 owned by the Precourts is an existing non-conforming lot, 0.97 acres in size. The boundary line  
39 on the northeast side of the lot would be straightened out and on the southwest side, 0.7 acres  
40 will be added. Lot area calculations were completed and wetland areas were taken out and the lot  
41 still stays within the five acre minimum requirement of the Rural District. This concluded Ms.  
42 Pelletier's comments.

43 Staff comments were next. Ms. Brunner noted this is a boundary line adjustment where 0.74  
44 acres are proposed to be transferred from the 74 Sullivan Road property to the 62 Sullivan Road  
45 property. Both parcels are located in the Rural District where the minimum lot size is five acres.  
46 62 Sullivan Road is a legally non-conforming lot and this proposal will make it less non-  
47 conforming. 74 Sullivan Road property after excluding wetlands would have 0.37 acres.

48 Ms. Brunner noted the applicant has indicated to some steep slopes present on the parcels but per  
49 Section III.B.6.b of the Planning Board Site Plan and Subdivision Regulations, the requirement  
50 to exclude steep slope areas in the calculation of minimum lot size for each lot only applies to  
51 lots that are 15-acres in size or greater. As no development is proposed on either lot, this  
52 standard does not apply. Both lots currently have single family homes located on them.

53 The Chair asked for public comment, with no comment from the public Chair Russell Slack  
54 closed the public hearing.

55 Board Discussion and Action

56 A motion was made by Mayor George Hansel that the Planning Board approve S-02-21, as  
57 shown on the plan entitled "Boundary Line Adjustment Plan, MAP 214-016-000 & MAP 214-  
58 017-000, 62 & 74 Sullivan Road, Keene, NH 03431" prepared by Cardinal Surveying & Land  
59 Planning at a scale of 1 inch = 50 feet on February 10, 2020 and last revised on April 5, 2021  
60 with the following condition prior to signature by Planning Board Chair:

61 1. Owners' signatures appear on plan.

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

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**IV) Continued Public Hearings:**

**SPR-01-21 – Site Plan Review – Methadone Clinic, 152 Davis Street** – Applicant Civil & Environmental Consultants, Inc., on behalf of owner Metro Treatment of New Hampshire LP, proposes to renovate the existing 4,510 sf building located at 152 Davis St. (TMP# 583-023-000) for use as a methadone clinic and modify the existing parking lot and traffic circulation, landscaping, and exterior lighting. A waiver is requested from Development Standard 10, Lighting. The site is 0.45 acres and is located in the Commerce District.

The Applicant has submitted a letter stating that they are withdrawing this site plan application.

A motion was made by Mayor George Hansel that the Planning Board accept the withdrawal of the site plan application SPR-01-21 for the property located at 152 Davis Street (TMP# 583-023-000). The motion was seconded by Councilor Remy and was unanimously approved by roll call vote.

**Change to Planning Board Application Fee Schedule:** The City of Keene Community Development Department proposes to amend the Planning Board Legal Notice Fee, which was last revised in May of 2017, from \$25 to \$62 to account for 1) additional costs related to noticing of remote meetings due to the COVID-19 state of Emergency and 2) to reflect increases in the per-line cost of legal advertisements.

Senior Planner Tara Kessler stated the last time the Planning Board increased its fees for legal notice was in 2017 at that time the fee went from \$9.00 to \$25.00. Ms. Kessler explained every site plan and subdivision application that requires a public hearing requires the city to post a legal notice in The Keene Sentinel. The Sentinel charges per line for these notices – currently the charge is \$1.50. This rate will be increasing to \$1.60 in the coming week. Ms. Kessler noted that this per line charge has increased since 2017 but the fee charged to applicants has not increased in tandem.

Ms. Kessler noted that when meetings started taking place remotely due to the COVID-19 state of emergency, additional language was added to the legal notices to ensure the public had the information needed to access these meeting. This additional language led to significant increases in the costs for legal notices. Ms. Kessler stated this proposed fee increase is to accommodate for the increase to lines for remote meetings, which she noted is likely to continue for a few more months, and also to account for not adding this fee increase for the past few years. Based on an average, staff has arrived at \$62 as a cost. This concluded staff comment.

The Chair asked for public comment.

Mr. Farrington asked whether the price will decrease after remote meetings end, Ms. Kessler stated staff anticipates coming back with a lower fee, which is anticipated to be \$46. This fee is based on the average number of lines required for legal notices.

111  
112 Mr. Orgaz noted this is just for legal notice and asked if postage is taken into consideration. Ms.  
113 Kessler stated postage is a separate application fee. The fee schedule states that postage is  
114 charged at the current USPS certified mailing rate, which gives the City the flexibility to change  
115 the rates as needed.

116  
117 The Chair asked for public comment. With no comment from public, the Chair closed the public  
118 hearing

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120 A motion was made by Mayor George Hansel that the Planning Board approve the amended  
121 Planning Board Fee Schedule to increase the legal notice fee from \$25 to \$62. The motion was  
122 seconded by Councilor Remy and was unanimously approved by roll call vote.

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125 **V) Community Development Director Report**

126 Mr. Lamb stated a special meeting was scheduled for the Board to meet on May 10 to  
127 accommodate a hearing scheduled for April. The applicant however, did not receive their  
128 variance and hence the meeting does not need to take place. Ms. Kessler added the Joint  
129 Committee meeting is also canceled for May 10<sup>th</sup>.

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131 Mr. Lamb stated the Office of Strategic Initiative for the Planning Board/Municipal Board  
132 training still has time for individuals sign up. This training is scheduled for May 15.

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135 **VI) New Business**

136 None at this time.

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138 **VIII) Upcoming Dates of Interest – May 2021**

- 139
- 140 • Planning Board Steering Committee – May 11, 11:00 AM
  - 141 • Planning Board Site Visit – May 19, 8:00 AM – To Be Confirmed
  - 142 • Planning Board Meeting – May 24, 6:30 PM

143 There being no further business, Chair Russell Slack adjourned the meeting at 7:00 PM.

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145 Respectfully submitted by,  
146 Krishni Pahl, Minute Taker

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148 Reviewed and edited by,  
149 Tara Kessler, Senior Planner

May 14, 2021

Mr. Rhett Lamb  
Community Development, City of Keene  
3 Washington Street  
Keene, NH 03431

Re: SPR-01-18 The Summit Athletic Center Site Plan Approval Extension Request

Dear Rhett,

Hillsborough Capital, LLC dba The Summit Athletic Center is requesting an extension for the Site Plan Approval for the project located at 809 Court St, Keene, NH which was approved by the Planning Board on April 23, 2018 and required substantial completion of the project within twenty-four (24) months of the signed approval. The rationale for this extension request is outlined below.

The Summit Athletic Center was required to shut-down operations for over 2 months from March 18<sup>th</sup>, 2020 to June 1, 2020 due to the COVID-19 Pandemic. Once the business re-opened, we adhered to all applicable guidelines and mandates for capacity control, cleaning protocols, and social distancing. The impact of the shut-down, increased expenses, and reduced capacity has substantially limited our ability to scale the business profitability per our original projections. We are experiencing a significant increase in demand and are currently reprojecting our growth, revenue, and capital plans. This includes re-assessing the overall building expansion plans and site approvals as contemplated in the approved Site Plan. Given the unforeseen circumstances that the COVID-19 situation created, we are working diligently to meet timelines, but it will take longer than originally expected. This extension is requested to ensure the conditional Site Plan approval:

1. Does not lapse while the plans are finalized;
2. We can continue occupying and operating the facility temporarily as approved during the Planning Board meeting on December 18, 2018; and
3. We still have the authorization to commence execution of the Site Plans approved on April 23, 2018.

We appreciate your consideration of our extension request. Please do not hesitate to reach out to me if you have any questions, or need additional information.

Sincerely,



Stephen L. Holland  
[steveh@reachmysummit.com](mailto:steveh@reachmysummit.com)  
603-785-5488

cc: Tara Kessler- City of Keene  
Mari Brunner- City of Keene  
Megan Fortson- City of Keene  
Tim Sampson- Sampson Architects  
Chad Branon- Fieldstone Land Consultants, PLLC



# STAFF REPORT

## S-03-21 – BOUNDARY LINE ADJUSTMENT – 510 Washington St. & 0 Fox Ave.

**Request:**

Applicant and owner Toby Tousley of 510 Washington St (TMP# 532-003-000), on behalf of owner Fox Trail Farm LLC of 0 Fox Ave (TMP# 519-037-000), proposes a boundary line adjustment between their two properties. The adjustment would result in a transfer of 2.4 ac from the 3.2 ac parcel located at 510 Washington St to the 15.8 ac parcel located at 0 Fox Ave. A waiver is requested from Sec. III.C.5.b of the Planning Board Regulations regarding the requirement to submit a survey showing all metes and bounds of the revised parcels. The 510 Washington St property is located in the Commerce and Low Density Districts and the 0 Fox Ave property is located in the Rural District.

**Background:**

The property located at 510 Washington Street is 3.18 acres in size and is the site of Dinkbee’s Convenience Store. The developed portion of the lot adjacent to Washington Street is in the Commerce District, and the rear portion of the lot is in the Low Density District. The adjacent property located at 0 Fox Avenue is 15.8 acres in size and is located entirely within the Rural District. This lot is undeveloped forested land that is in Current Use.

The request is to transfer 2.435 acres from the 510 Washington Street parcel to the 0 Fox Avenue parcel. No development or site changes are proposed at this time. The table below provides the area of each lot prior to and after the adjustment. The minimum lot size in the Commerce District is 15,000 square feet, and the minimum lot size in the Rural District is 5 acres.



Figure 1. Aerial image of the parcels located at 510 Washington St. and 0 Fox Ave., highlighted in yellow.

<i>Table 1. Area of Land Affected by Proposed Boundary Line Adjustment</i>		
	<b>510 Washington Street (Commerce District)</b>	<b>0 Fox Avenue (Rural District)</b>
<b>Prior to Adjustment</b>	3.179 ac / 138,482 sf	15.8 ac
<b>After Adjustment</b>	0.744 ac / 32,406 sf	18.2 ac

## STAFF REPORT

### Completeness:

The Applicant requests a waiver from Standard III.C.5.b of the Planning Board's Site Plan and Subdivision Regulations regarding the requirement to submit a survey plan that shows all metes and bounds of the revised parcels. Specifically, the Applicant is seeking a waiver from providing the full metes and bounds of the 15.8-acre property at 0 Fox Ave. The portion of the parcel at 0 Fox Ave impacted by the proposed adjustment is displayed on the submitted plans, along with the full metes and bounds for the property at 510 Washington Street.

The Applicant has requested exemptions from providing a separate grading plan, landscaping plan, lighting plan, and technical reports. Staff recommend that the Board grant the requested exemptions and accept the application as "complete."

### Departmental Comments:

- Engineering: Access to the parcel located at 0 Fox Avenue (TMP #519-037-000) is unclear. If development is proposed on this parcel in the future, the owner will need to demonstrate legal access to a Class V road.

Application Analysis: As no new development is proposed as part of this application, the analysis provided below is focused on the Planning Board's development standards most relevant to this application.

3. Hillsides: It appears as though some precautionary slopes (15 percent up to 25 percent) may be present on the back portion of the 510 Washington Street parcel within the area of land that is proposed to be conveyed to 0 Fox Avenue; however, no steep slopes are present on the portion of this lot that would remain after the adjustment. In addition, both precautionary and prohibitive (greater than 25 percent) slopes appear to be present on the 0 Fox Avenue parcel. Since the size of the 0 Fox Avenue parcel would increase as a result of this proposal, the boundary line adjustment would not make the 0 Fox Avenue parcel non-conforming with respect to lot size. In addition, no development or site work is currently proposed on either parcel. This standard appears to be met.
5. Flooding: Neither parcel is located in the 100-year floodplain or the floodway. This standard does not apply.
13. Comprehensive Access Management: There are no changes proposed to the access for either parcel. The Applicant notes in the project narrative that the 0 Fox Avenue parcel has access from June Street; however, staff were unable to verify whether or not this parcel has access to June Street. If development is proposed on the 0 Fox Avenue in the future, the owner or developer would need to demonstrate legal access to a Class V road.
16. Wetlands & 17. Surface Waters: There are 17,757 sf of wetlands located on the back portion of the 510 Washington Street parcel within the area of land that is proposed to be transferred to 0 Fox Avenue; however, only a very small area of wetlands (147 sf) would be present on the portion of this lot that would remain after the adjustment. It is possible that some wetlands are located on the 0 Fox Avenue parcel as well. Because the size of the 0 Fox Avenue parcel



## STAFF REPORT

would increase as a result of this proposal, the boundary line adjustment would not make the 0 Fox Avenue parcel non-conforming with respect to lot size. In addition, no development or site work is currently proposed on either parcel. This standard appears to be met.

### **Recommended Motion:**

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

**Approve S-03-21, as shown on the plan entitled "Boundary Line Adjustment Plan Between Lands of Toby Tousley, Tax Map Parcel No. 532-003, 510 Washington St., Keene, New Hampshire & Fox Trail Farm LLC, Tax Map Parcel No. 519-037, 0 Fox Ave., Keene, New Hampshire" prepared by Huntley Survey and Design, PLLC at a scale of 1 inch = 40 feet on April 22, 2021 with the following condition prior to signature by Planning Board Chair:**

- 1. Owners' signatures appear on plan.**

# CITY OF KEENE | PLANNING BOARD

## BOUNDARY LINE ADJUSTMENT APPLICATION



*This form must be filled out in its entirety. If a box is not checked, staff will assume that the information is not provided and the application is, therefore, not complete. Incomplete applications will not be accepted for review.*

A	<b>Project Name</b> Fox Trail Farm	Date Received/Date of Submission:
	<b>Tax Map Parcel number(s)</b> 519-037-000-000-000 532-003-000-000-000 -----	Community Development Dept File #:

<b>Project Address:</b> 0 Fox Ave 510 Washington St	A P P L I C A N T	<b>Contact Name/Company: PLEASE PRINT:</b> Toby Towsley
<b>Acres/S.F. of Parcel:</b> 16 1 3-2		<b>Address:</b> PO Box 626, Keene
<b>Zoning District:</b> Commerce / Low Dens Rural		<b>Telephone:</b> 352 9071 <b>E-mail:</b> towsley11@earthlink.net
<b>Name/Company: PLEASE PRINT:</b> Fox Trail Farm, LLC		<b>Signature:</b> [Signature] <b>Printed Name:</b> Toby Towsley

O W N E R # 1	<b>Name/Company: PLEASE PRINT:</b> Fox Trail Farm, LLC	O W N E R # 2	<b>Name/Company: PLEASE PRINT:</b> Toby Towsley
	<b>Address:</b> PO Box 626 Keene		<b>Address:</b> PO Box 626, Keene
	<b>Telephone:</b> 352 9071 <b>E-mail:</b> towsley11@earthlink.net		<b>Telephone:</b> 352 - 9071 <b>E-mail:</b> towsley11@earthlink.net
	<b>Signature:</b> [Signature], member <b>Printed Name:</b> Toby Towsley		<b>Signature:</b> [Signature] <b>Printed Name:</b> Toby Towsley

**B Descriptive Narrative Including**

<input checked="" type="checkbox"/> Type of development	<input type="checkbox"/> Sedimentation Control	<input type="checkbox"/> Scope/scale of development
<input checked="" type="checkbox"/> Proposed uses	<input type="checkbox"/> Vegetation	<input type="checkbox"/> Parcel size
<input checked="" type="checkbox"/> Location of access points	<input type="checkbox"/> Debris management	<input type="checkbox"/> Proposed stormwater, drainage & erosion plan
<input type="checkbox"/> Any other descriptive information	<input type="checkbox"/> Disposal proposals for boulders, stumps & debris	

**C A complete application must include the following**

<input type="checkbox"/> Two (2) copies of completed application forms signed and dated	<input type="checkbox"/> Three (3) copies of "D" size architectural elevations (24" x 36")
<input type="checkbox"/> Two (2) copies of descriptive narrative	<input type="checkbox"/> Plans stamped/signed by reg. professional
<input type="checkbox"/> Notarized list of all owners of property within 200' - include owner and applicant	<input type="checkbox"/> Two (2) copies on
<input type="checkbox"/> Two (2) sets of mailing labels, per abutter	<input type="checkbox"/> Three (3) copies of all technical reports
<input type="checkbox"/> Seven (7) copies on "D" size paper of plans (24" x 36")	<input type="checkbox"/> Two (2) color architectural elevations on 11" x 17"
	<input type="checkbox"/> A check to cover the costs of legal notice to advertise the public hearing and mailing notices out to abutters

## BOUNDARY LINE ADJUSTMENT APPLICATION PTIVE NARRATIVE

Toby Tousley and Fox Trail Farm, LLC, seek in this Boundary Line Adjustment Application a boundary line adjustment between their abutting parcels.

Toby Tousley's property is located at 510 Washington St with 3.2 acres and consists of a retail convenience store and fuel station with canopy. The property is in the Commerce zone and Low Density zone. The Commerce zone is located in the front of the property along Washington St. The Low Density zone is located in the rear abutting 0 Fox Ave.

Fox Trail Farm, LLC's property is located at 0 Fox Ave and consists of 16 acres of undeveloped wooded land. The property is in the Rural zone. There are no improvements to the property and the property is in Current Use. Access to the property is from the end of June ST. June St legally goes all the way to Fox Trail Farm, LLC's property. There is no access from Fox Ave. It would appear that, many years ago, the intent was Fox Ave would continue to Fox Trail Farm, LLC's property. However the piece of property at the end of Fox Ave was never deeded to the City.

Toby Tousley and Fox Trail Farm, LLC wish to merge 2.4 acres from 510 Washington St with the 16 acre parcel at 0 Fox Ave. There is no building or improvements Planned.

510 Washington St will be left with .8 acre, entirely within the Commerce zone. There is no building or improvements planned.

Applicant requests the Planning Director exempt this Application from the following submission requirements associated with plan sets and technical reports because of the narrow and limited nature of this Application, and because such requirements are not necessary for the Planning Board's reasonable evaluation of the Application and not necessary for property documentation of the project.

- "Proposed Conditions Plan"
- "Grading Plans"
- "Landscaping Plans"
- "Lighting Plans"
- "Technical Reports "
- "Additional Technical Reports"
- "Development Standards 1-19"

ADDENDUM TO BOUNDARY LINE ADJUSTMENT APPLICATION DESCRIPTIVE  
NARRATIVE

WAIVER REQUEST

A WAIVER IS REQUESTED UNDER Section X.1 of the Planning Board Regulations from Section III, C. 5-b of the Planning Board Site Plan and Subdivision Regulations which requires a survey plan showing all metes and bounds of the revised parcels be submitted as part of a boundary line adjustment application. Applicant seeks a waiver from this standard relative to providing a full survey of the 16 acre parcel at 0 Fox Ave.

**a) Granting the waiver will not be contrary to the spirit and intent of these regulations.**

An updated survey of the properties would be necessary if the lots involved were small and there was danger of one of the lots becoming non-conforming due to lot size or setbacks as a result of the boundary line adjustment. In this case the land at 0 Fox Ave is 16 acres and has no improvements. Given the large cost involved with surveying the parcel, granting the waiver would not be contrary to the spirit and intent of these regulations.

**b) Granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment.**

The area of the proposed boundary line adjustment will severely limit the ability of further development. Access from Washington St will be limited to the existing retail use. There would be no additional change in conditions and no further development. Thus, granting the waiver will not increase the potential for creating adverse impacts.

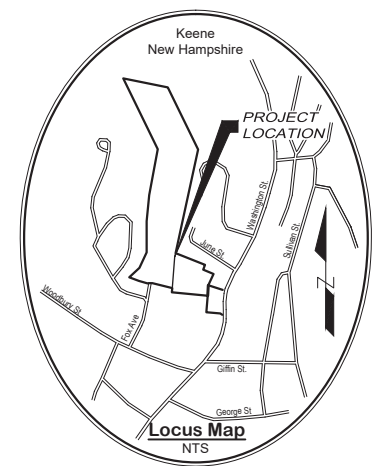
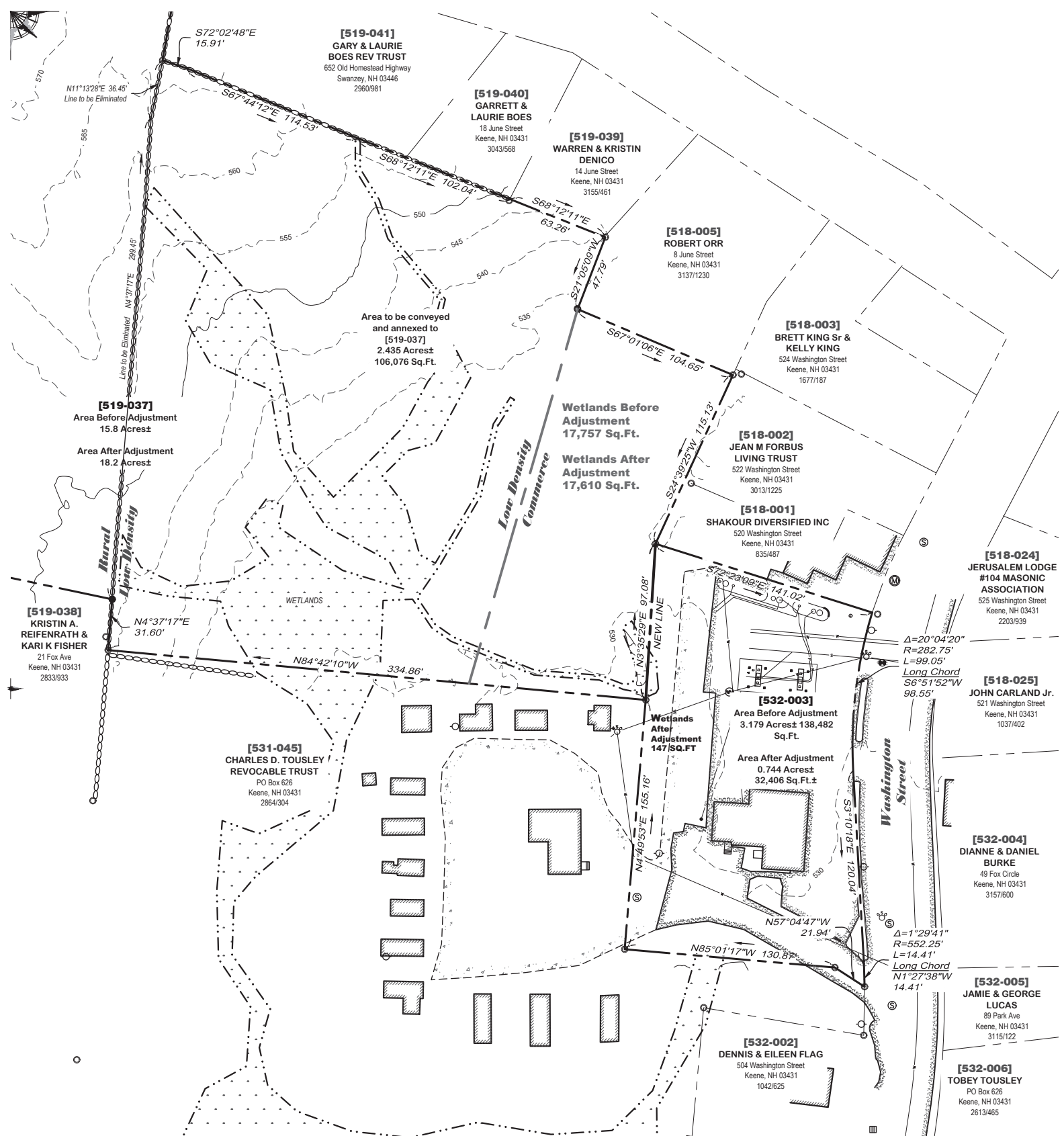
**c) Granting the waiver has not been shown to diminish the property values of abutting properties.**

The area of the proposed boundary line adjustment will severely limit the ability of further development. Access from Washington St will be limited to the existing retail use. There would be no additional change in conditions and no further development. Thus, granting the waiver will not diminish property values of abutting properties.

**d) Strict conformity with the regulations would pose an unnecessary hardship to the applicant.**

Given the large cost involved with surveying the 16 acre parcel at 0 Fox Ave for this boundary line adjustment and that such survey is not necessary to the Board's reasonable evaluation of the application, strict conformity with the regulations would pose an unnecessary hardship the applicant.





**Plan References**

- REFERENCES INCLUDE ALL INFORMATION REFERRED TO ON ANY OF THE FOLLOWING PLANS
- EXISTING CONDITIONS SURVEY, LAND OF TOBY D. TOUSLEY & DORIS C. TOUSLEY REVOCABLE TRUST, DATED NOVEMBER 12, 2010; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES. (On File at SVE Associates)
  - FOXWOOD AVENUE SUBDIVISION, PROPERTY OF P & R ASSOCIATES, DATED JULY 3, 1973; BY AURELIUS DIBERNARDO, DIBERNARDO ASSOCIATES (Cab.6 Dr.00 Nos.142-144 CCRD)
  - P & R ASSOC. - TISDALE SUBDIVISION, DATED OCTOBER 4, 1985; BY AURELIUS DIBERNARDO, DIBERNARDO ASSOCIATES (Cab.6 Dr.00 Nos.163 CCRD)
  - PRELIMINARY P.U.D. PREPARED FOR P & R ASSOCIATES, DATED MAY 1986; BY WILLIAM DRUDE, C.T. MALE ASSOCIATES, INC (On File at KED)
  - CITY OF KEENE GIS MAPPING AT <https://www.axisgis.com/keenenh>
  - LAUNDROMAT, CONVENIENCE & GAS, 510 WASHINGTON STREET, KEENE, NH, PREPARED FOR TOBY TOUSLEY, BY SVE ASSOCIATES, LAST REVISED MARCH 24, 2015 (On file at SVE Associates)

**Notes**

- THE BEARINGS SHOWN ON THIS PLAN ARE REFERENCED TO NAD83 NH STATE PLANE GRID, BASED ON THE GPS SURVEY PERFORMED FOR PLAN REFERENCE No.1
- THE BOUNDARY LINES SHOWN ON THIS PLAN WERE CALCULATED FROM PLAN REFERENCE NOS. 1 FOR PARCEL 532-003. PARCEL 519-037 IS SHOWN FROM A COMPILATION OF PLAN REFERENCE NOS. 2 & 3 AND DEED 3102/4772. NO ADDITIONAL FIELD SURVEY WAS PERFORMED.
- TOPOGRAPHY SHOWN ON THIS PLAN IS FROM A LIDAR SURVEY AND MAPPING OBTAINED FROM <http://lidar.unh.edu/map>. THE VERTICAL DATUM IS NAVD 88 OBTAINED BY THE GPS SURVEY DESCRIBED IN NOTE No.1. CONTOUR INTERVAL IS FIVE (5) FEET.
- WETLANDS SHOWN ON PARCEL 532-003 ARE SHOWN PER PLAN REFERENCE No.1. WETLANDS WERE NOT DELINEATED ON PARCEL 519-037.
- THE PARCELS SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA PANEL 3305C0259E EFFECTIVELY DATED MAY 23, 2006.

**Owners of Record**

- [532-003]**  
Toby Tousley  
PO Box 626  
Keene, NH 03431  
2603/552
- [532-003]**  
Fox Trail Farm, LLC  
PO Box 626  
Keene, NH 03431  
3102/477

**Zoning Districts**  
**ZONE:COM (Commerce)**  
REQUIREMENTS

MAX HEIGHT	2/35'
LOT SIZE	15,000 sf
FRONTAGE	50'
BUILDING SETBACKS	
FRONT	20'
SIDE	20'
REAR	20'
PAVEMENT SETBACKS	
FRONT	15'
SIDE & REAR	10'
MAX BUILDING COVERAGE	80%
MAX IMPERMEABLE COVERAGE	80%

**ZONE:R (Rural)**  
REQUIREMENTS

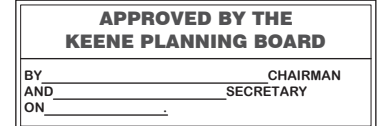
MAX HEIGHT	2 STORIES/35'
LOT SIZE	5 Acres
FRONTAGE	50'
BUILDING SETBACKS	
FRONT	50'
SIDE	50'
REAR	50'
PAVEMENT SETBACKS	
FRONT	00'
SIDE & REAR	00'
MAX BUILDING COVERAGE	10%
MAX IMPERMEABLE COVERAGE	20%

SEE CITY OF KEENE CODE CONCERNING ANY ADDITIONAL REQUIREMENTS PERTAINING TO PARCEL

**Owner's Certification**

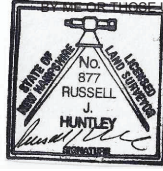
I CERTIFY THAT I AM THE CURRENT OWNER OF THE TRACTS SHOWN HEREON AND THAT I APPROVE OF THE SUBDIVISION.

TOBY TOUSLEY      DATE \_\_\_\_\_      FOX TRAIL FARM, LLC      DATE \_\_\_\_\_



**Surveyor's Certification**

PURSUANT TO RSA 676: 18 III AND RSA 672: 14, I CERTIFY THAT THIS SURVEY AND PLAT WERE PRODUCED BY ME OR UNDER MY DIRECT SUPERVISION.



**Boundary Line Adjustment Plan**

BETWEEN LANDS OF  
**Toby Tousley**  
Tax Map Parcel No. 532-003  
510 Washington St., Keene, New Hampshire  
&  
**Fox Trail Farm LLC**  
Tax Map Parcel No. 519-037  
0 Fox Ave., Keene, New Hampshire

Scale 1"= 40'

Sheet 1 of 2

Surveyed: See Note 1      Plan prepared 04/22/2021  
Project No. H21-014      Cad File No. H21-014BLADJ.dwg

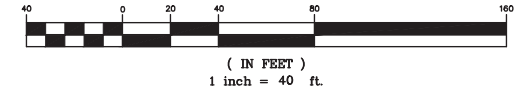
**Huntley Survey & Design, PLLC**

NH & VT Land Surveying, Wetlands & NH Septic System Design  
659 West Road, Temple, NH 03084      (603) 924-1669      [www.huntleysurvey.com](http://www.huntleysurvey.com)

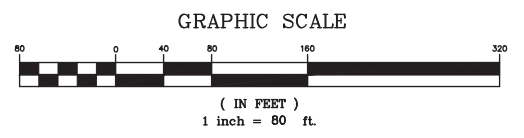
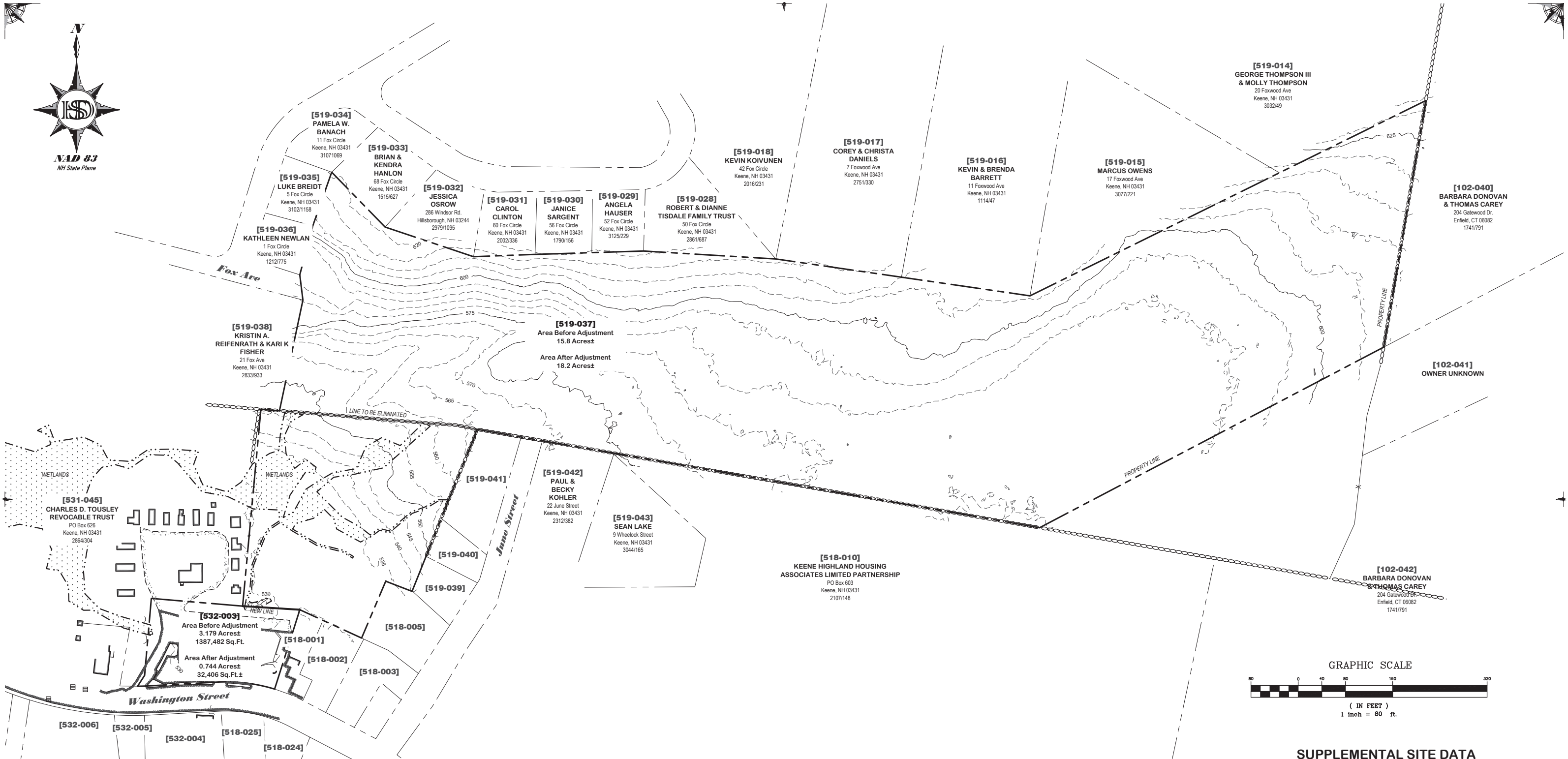
**Symbol Legend**

	MONITORING WELL		STONE WALL
	CATCH BASIN		CHAIN LINK FENCE
	WATER MANHOLE		BARBED WIRE FENCE
	STORM SEWER LINE		EDGE OF PAVEMENT
	HYDRANT		IRON PIN/PIPE
	WATER VALVE		STONE/CONCRETE BOUND
	CURB STOP		5/8" REBAR WITH CAP (SET)
	WATER LINE		KEENE ENGINEERING DEPARTMENT
	SEWER MANHOLE		CHESHIRE COUNTY REGISTRY OF DEEDS
	SANITARY SEWER LINE		TAX MAP PARCEL NUMBER
	UTILITY POLE W/GUY WIRES, OVERHEAD LINES AND NUMBERS		DEED VOLUME & PAGE
	PROPANE GAS LINE		
	SIGN		
	POST/BOLLARD		

**GRAPHIC SCALE**



NO.	DATE	REVISION	BY



- Plan References**
- REFERENCES INCLUDE ALL INFORMATION REFERRED TO ON ANY OF THE FOLLOWING PLANS
- EXISTING CONDITIONS SURVEY, LAND OF TOBY D. TOUSLEY & DORIS C. TOUSLEY REVOCABLE TRUST, DATED NOVEMBER 12, 2010; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES. (On File at SVE Associates)
  - FOXWOOD AVENUE SUBDIVISION, PROPERTY OF P & R ASSOCIATES, DATED JULY 3, 1973; BY AURELIUS DIBERNARDO, DIBERNARDO ASSOCIATES (Cab.6 Dr.00 Nos.142-144 CCRD)
  - P & R ASSOC. - TISDALE SUBDIVISION, DATED OCTOBER 4, 1985; BY AURELIUS DIBERNARDO, DIBERNARDO ASSOCIATES (Cab.6 Dr.00 Nos.163 CCRD)
  - PRELIMINARY P.U.D. PREPARED FOR P & R ASSOCIATES, DATED MAY 1986; BY WILLIAM DRUDE, C.T. MALE ASSOCIATES, INC (On File at KED)
  - CITY OF KEENE GIS MAPPING AT <https://www.axisgis.com/keenenh>
  - LAUNDROMAT, CONVENIENCE & GAS, 510 WASHINGTON STREET, KEENE, NH, PREPARED FOR TOBY TOUSLEY, BY SVE ASSOCIATES, LAST REVISED MARCH 24, 2015 (On file at SVE Associates)

- Notes**
- THE BEARINGS SHOWN ON THIS PLAN ARE REFERENCED TO NAD83 NH STATE PLANE GRID, BASED ON THE GPS SURVEY PERFORMED FOR PLAN REFERENCE No.1
  - THE BOUNDARY LINES SHOWN ON THIS PLAN WERE CALCULATED FROM PLAN REFERENCE NOS. 1 FOR PARCEL 532-003. PARCEL 519-037 IS SHOWN FROM A COMPILATION OF PLAN REFERENCE NOS. 2 & 3 AND DEED 3102/4772. NO ADDITIONAL FIELD SURVEY WAS PERFORMED.
  - TOPOGRAPHY SHOWN ON THIS PLAN IS FROM A LIDAR SURVEY AND MAPPING OBTAINED FROM <http://lidar.unh.edu/map>. THE VERTICAL DATUM IS NAVD 88 OBTAINED BY THE GPS SURVEY DESCRIBED IN NOTE No.1. CONTOUR INTERVAL IS FIVE (5) FEET.
  - WETLANDS SHOWN ON PARCEL 532-003 ARE SHOWN PER PLAN REFERENCE No.1. WETLANDS WERE NOT DELINEATED ON PARCEL 519-037.
  - THE PARCELS SHOWN ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA PANEL 3305C0259E EFFECTIVELY DATED MAY 23, 2006.

**Surveyor's Certification**  
 PURSUANT TO RSA 676: 18 III AND RSA 672: 14, I CERTIFY THAT THIS SURVEY AND PLAT WERE PRODUCED BY ME OR UNDER MY DIRECT SUPERVISION.

**SUPPLEMENTAL SITE DATA & ABUTTER KEY**  
**Boundary Line Adjustment Plan**

BETWEEN LANDS OF  
**Toby Tousley**  
 Tax Map Parcel No. 532-003  
 510 Washington St., Keene, New Hampshire  
 &  
**Fox Trail Farm LLC**  
 Tax Map Parcel No. 519-037  
 0 Fox Ave., Keene, New Hampshire

Scale 1"= 80'  
 Sheet 2 of 2  
 Surveyed: See Note 1 Plan prepared 04/22/2021  
 Project No. H21-014 Cad File No. H21-014BLADJ.dwg

**Huntley Survey & Design, PLLC**  
 NH & VT Land Surveying, Wetlands & NH Septic System Design  
 659 West Road, Temple, NH 03084 (603) 924-1669 [www.huntleysurvey.com](http://www.huntleysurvey.com)

NO.	DATE	REVISION	BY