

**City of Keene**  
**New Hampshire**

**PLANNING BOARD**  
**MEETING MINUTES**

**Monday, September 27, 2021**

**6:30 PM**

**Council Chambers**

**Members Present:**

David Orgaz, Vice Chair  
Mayor George S. Hansel  
Councilor Michael Remy  
Andrew Weglinski  
Roberta Mastrogiovanni  
Harold Farrington, Alternate

**Staff Present:**

Rhett Lamb, Community Development  
Director/Assistant City Manager  
Tara Kessler, Senior Planner

**Members Not Present:**

Pamela Russell Slack, Chair  
Emily Lavigne-Bernier  
Gail Somers

**I) Roll Call**

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

**II) Minutes of Previous Meeting – August 23, 2021**

A motion was made by Mayor George Hansel to approve the August 23, 2021 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**III) Boundary Line Adjustments S-07-21 – Boundary Line Adjustment – 56 & 0 Chapman Rd – Applicants and owners Edward and Kathleen Burke propose a boundary line adjustment between their property at 56 Chapman Rd (TMP# 241-019-000) and 0 Chapman Rd (TMP# 241-018-000), which is owned by the City of Keene, NH. This adjustment would result in a transfer of 0.59-acres from the 27-acre parcel at 0 Chapman Rd to the 2.53-acre parcel at 56 Chapman Rd. Both properties are in the Rural District. The applicant is requesting a waiver from Subsections B.2.b.3 and B.2.c.2 of Section 25.10.5 of the Keene Land Development Code, which require the boundaries of all parcels subject to review be displayed on an existing conditions and a proposed conditions plan.**

**A. Board Determination of Completeness**

Senior Planner Tara Kessler recommended accepting this application as complete. Ms. Kessler explained to the Board that the Applicant has submitted a request for a waiver from having to submit the full metes and bounds of the parcel at 0 Chapman Rd, a 26 acre parcel. She noted the applicant has submitted a metes and bounds plan for 56 Chapman Road and for the city owned parcel at 0 Chapman Road which is affected by this adjustment.

A motion was made by Mayor George Hansel to recommend the Board accept Application S-07-21 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**B. Public Hearing**

Mr. Edward Burke and Ms. Kathleen Kennedy Burke addressed the Board. Mr. Burke explained this application is for a boundary line adjustment between the 2.5 acre property where their home is located on, which is off Chapman Road, and the 26 acre lot the city owns. He indicated these lots were part of a four lot subdivision that happened in the eighties by Bob Beauregard. All four lots are served by a common driveway known as Lilac Lane. The driveway starts about third of a mile from the dead end of Chapman Road. The first lot is a 2.5 acre lot, the next lot is that of the applicants', then there is 50 feet wide strip of land owned by the City that provides access to a larger 26 acre parcel and next to that is the five acre parcel. Mr. Burke indicated what they are proposing is to move their side property line that currently abuts the City owned parcel (the 50' wide area of land) to become directly adjacent to the property to the north at 48 Chapman Rd. This adjustment would remove the 50' wide strip of land from the City owned parcel at 0 Chapman Rd, making this a land-locked parcel.

Mr. Burke went on to say they purchased their house in 1990, the prior owners had a pool located on their property which violated the side setback; it was only 10 feet from the side setback where 50 feet was required. He indicated granting of this adjustment would bring this area into compliance.

Mr. Burke went on to say the fence on their property is located on the property line, which means if someone was standing on their side of the fence area they could talk to someone on the city land. He stated that the entire time the Beauregards owned the land there was no activity on this land. However, there were concerns when the city became owners of the land. The first concern is Lilac Lane is in disrepair and access is difficult. He indicated the use of the road might become more intense if the city was to put it to use. He noted the three lots have responsibility for maintenance of Lilac Lane but the deed the city owns is not encumbered by that responsibility. Hence, the city could use that driveway and not be responsible for its maintenance. Mr. Burke added the process for this adjustment began two years ago with the city. He added, one item he just noticed today is that there are two oak trees that overlook the pool and if this item was approved, they would like to trim down those two trees, which the city wouldn't have to do. This concluded the applicant's comments.

Staff comments were next. Ms. Kessler with respect to Access Management stated if this boundary line adjustment is approved the area of land conveyed from the City to the Burkes comprises the road frontage to the 26 acre City owned lot at 0 Chapman Rd. After the adjustment, the road frontage won't exist and the parcel will become a land locked parcel. A voluntary merger would need to happen with the adjacent City owned parcel off Chapman Rd to ensure that parcel has adequate road frontage. Staff has included language in the recommended motion to outline this condition.

Councilor Remy asked for the history of this land. Mr. Burke explained there is an earlier plan that refers to an S shaped driveway that went through his property into the Murray lot which was intended to provide access to the main lot. Mr. Lamb noted the city purchased this land several years ago and when the Burkes proposed to purchase the lot the question remained as to where frontage would be located. Mr. Lamb noted this is a 50 foot strip of land on Chapman Road which no one was ever going to use and hence the Manager agreed to this transfer recognizing the city could attach it to the Beech Hill property behind it, as this was purchased for conservation purposes and there is conservation land on Beech Hill. He added the city did reach out to the Murrays at 48 Chapman Rd, who have indicated they had no interest in the property. Mr. Lamb went on to say the condition mentioned by Ms. Kessler is because the city does not want to create land locked parcels and the city does not have precedence for land locked parcels.

The Vice-Chair asked for public comment. With no comment, from the public the Vice-Chair closed the public hearing.

### **C. Board Discussion and Action**

A motion was made by Mayor George Hansel to grant the request for a waiver from Subsections B.2.b.3 and B.2.c.2 of Section 25.10.5 of the Keene Land Development Code for the boundary line adjustment application for S-07-21.

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

A motion was made by Mayor George Hansel that the Planning Board approve S-07-21, as shown on the plan entitled "Boundary Line Adjustment Prepared for Edward J. Burke and Kathleen K. Burke and the City of Keene, 56 Chapman Road, City of Keene, County of Cheshire, State of New Hampshire" prepared by David A. Mann at a scale of 1 inch = 40 feet on October 30, 2020, with the following conditions:

1. Prior to signature by Planning Board Chair, owners' signatures appear on plan.
2. Prior to recording at the Registry of Deeds, the parcel at 0 Chapman Rd (TMP#241-018-000) will be merged with the adjacent 105- acre parcel (TMP# 239-007-000) owned by the City of Keene.

The motion was seconded by Councilor Remy and was unanimously approved.

### **IV. Public Hearing**

**S-05-21 – Subdivision – 152 Wyman Rd – Applicant Russell Huntley of Huntley Survey and Design PLLC, on behalf of owners Tom and Tracy Borden, proposes to subdivide the existing 74.82-acre parcel at 152 Wyman Rd (TMP# 210-011-000) into a 5.77-acre lot and a 69.05-acre lot. The site is located in the Rural District.**

**A. Board Determination of Completeness**

Senior Planner Tara Kessler recommended accepting this application as complete.

A motion was made by Mayor George Hansel to recommend the Board accept Application S-05-21 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**B. Public Hearing**

Mr. Russ Huntley of Huntley Survey and Design addressed the Board next. Mr. Huntley stated this item is in reference to subdividing a residential lot to separate the uses (farm area from the residential use). He indicated the residential use is located on the southerly end of the lot and the rest of the remaining parcel is used as a sugar maple orchard, used for maple sugaring. Both lots have existing driveways and meet the zoning criteria and dimensional requirement.

Staff comments were next. Ms. Kessler stated what is unique about this proposal is prior to the Land Development Code, the Board would have exempted wetlands and steep slopes from minimum lot calculations. The newly effective Land Development Code no longer requires that these features be exempted from minimum lot size calculations. No new development is proposed with this application. Each of the proposed lots will be serviced an existing driveway. One lot will be a little more than five acres, which is in keeping with the requirement for the rural district and the other lot is 69.5 acres and would have a driveway to access the sugar shack. The five acre lot would have a residential dwelling located on it.

The Vice-Chair asked for public comment, with no public comment he closed the public hearing.

**C. Board Discussion and Action**

A motion was made by Mayor George Hansel that the Planning Board approve S-05-21 for a 2-lot subdivision of the parcel located at 152 Wyman Rd (TMP# 210-011-000), as shown on the plan identified as “2 Lot Subdivision, Land of Thomas D. & Tracy J. Borden located at Tax Map Parcel No. 210-011, 152 Wyman Road, Cheshire County, New Hampshire” prepared by Huntley Survey & Design, PLLC at a scale of 1 inch = 20 feet, dated August 11, 2021 with the following condition prior to signature by Planning Board Chair: Owner’s signature appear on plan.

The motion was seconded by Councilor Michael Remy and was unanimously approved

**V. Community Development Director Report**

Mr. Lamb addressed the Board next. Mr. Lamb stated when the Land Development Code was adopted there was also put in place a Minor Project Review Committee. This means that the Planning Board would review proposals that for Major Site Plans. This would include new construction over 5,000 sf in gross floor area. The Minor Project Review Committee consisting of city staff would review projects between 1000 square feet and 5000 square feet. Staff will be reporting back on a regular basis on the actions of the Minor Project Review Committee. The first meeting of this committee was well received. This new process now makes it possible for a three week turnaround on certain projects as opposed to the five week turnaround for Planning Board applications.

Mr. Lamb reminded the Board of the public hearing for the amendments to LDC scheduled for October 7. This item won't come back to the Board but will be referred to the PLD Committee for final consideration.

Councilor Remy asked for a recap of the minor projects that were approved. Mr. Lamb stated his plan is to provide an update at every other meeting. He added the two that were approved were the former Rhymes property which is going to be turned into a physical therapy site. The other was installation a fabric structure by Eversource for vehicle storage to be located at the rear of their site.

**VI. New Business**

None at this time.

**VII. Upcoming Dates of Interest –October 2021**

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

**IV) Adjournment**

There being no further business, the Vice-Chair adjourned the meeting at 7:05 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Tara Kessler, Senior Planner