

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, January 24, 2022

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Pamela Russell Slack, Chair
David Orgaz, Vice Chair
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Harold Farrington
Armando Rangel, Alternate

Staff Present:

Mari Brunner, Senior Planner
John Rogers, Interim Community
Development Director

Members Not Present:

Mayor George S. Hansel
Councilor Michael Remy
Gail Somers
Tammy Adams, Alternate

I) Call to Order

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

II) Election of Planning Board Chair, Vice Chair, and Steering Committee

A motion was made by Vice-Chair Orgaz to nominate Pamela Russell Slack as Planning Board Chair. The motion was seconded by Harold Farrington and was unanimously approved.

A motion was made by Harold Farrington to nominate David Orgaz as Vice-Chair of the Planning Board. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

A motion was made by Roberta Mastrogiovanni to nominate Harold Farrington as the third member of the Steering Committee. The motion was seconded by Emily Lavigne Bernier and was unanimously approved.

III) Minutes of Previous Meeting – December 20, 2021

Senior Planner Mari Brunner offered the following correction: To indicate Tammy Adams as being in attendance at the meeting.

A motion was made by Vice-Chair Orgaz to approve the December 20, 2021 meeting minutes as amended. The motion was seconded Roberta Mastrogiovanni and was unanimously approved.

IV) Extension Request

SPR-04-21 – Site Plan – Hundred Nights Homeless Shelter – 122 & 124 Water St – Applicant Hundred Nights Inc., on behalf of owner Green Diamond Group LLC, proposes to construct a 15,000-sf building for use as a homeless shelter and other associated site improvements on the properties located at 122 Water St (TMP# 585-027-000) and 124 Water St (TMP# 585-028-000). The 122 Water St site is 0.33-ac in size. The 124 Water St site is 0.29-ac in size and is located in the Downtown Historic District. Both properties are located in the Business Growth and Reuse District, Sustainable Energy Efficient Development Overlay, and Downtown Railroad Property Redevelopment Districts.

A. Public Hearing

Jim Phippard of Brickstone Land Use Consultants addressed the Board and stated 100 Nights recently closed on the property. The request before the Board is for an extension of the site plan application approved in August 2021 which is set to expire on February 20, 2022. Due to the various complications with grants, an extension is being requested. He stated the applicant is at 82% of its fundraising efforts – the applicant is looking for a six-month extension.

Mr. Phippard went on to say phase 2 of the environmental site assessment has been complete; activities and use restrictions have been put place in place so that the property could be safely developed.

A motion was made by Vice-Chair Orgaz to grant the request for a six month extension to meet the deadline for conditions of approval for 100 Nights Shelter. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

V) SPR-423, Modification #4 – Site Plan – Corning Specialty Materials, 69 & 0 Island St – Applicant Leighton A. White Inc., on behalf of owner Island Mill Realty Group, proposes to install electrical equipment and modify the parking on the properties located at 69 Island St (TMP# 583-010-000-000-000) and 0 Island St (TMP# 582-048-000-000-000). These combined parcels are 9.2-ac in size and are located in the Commerce District.

A. Board Determination of Completeness

Senior Planner Mari Brunner stated the Applicant has requested exemptions from providing a grading plan, lighting plan, landscaping plan, architectural elevations, and technical reports. Staff recommends the Board grant the requested exemptions and accept the application as complete.

A motion was made by Vice-Chair Orgaz to recommend the Board accept Application SPR-423, Modification #4 as complete. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

B. Public Hearing

Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of the applicant. He indicated this request is for electrical improvements to the Corning site. Mr. Noonan stated the applicant's proposal is to install a generator so they are guaranteed uninterrupted power supply to help with their manufacturing.

The proposal is to install a generator, run underground electricity to the 29' x 42' pad which has a switch gear and a transformer. The pad is at grade. With this improvement, there were changes to 11 parking spaces which is the reason this application is before the Board for its review. The applicant was able to create three new spaces; the other spaces were created by striping only. The new spaces will have wheel stops in front of them. To offset the small impervious area being created, some pavement is being removed.

With reference to parking, he noted there is no change to parking at the area closer to the Rail Trail. The pavement does go into the Trail but there is a lease on the deed dated back to 1990 and 1991 but there is a question as to whether it was paid for or not.

Mr. Noonan then went over the Development Standards as it pertains to this application:

Drainage – The electrical improvements will only create 1,236 square feet of impervious surface and the proposal is to remove 1,239 square feet of impervious surface. Therefore, there is not much change with respect to drainage.

Sediment & Erosion Control – There is a catch basin close to where the pavement is being removed. The construction of the new concrete pad will require a silt sack around the catch basin, and at the lower edge of the excavation there will be silt fencing.

Snow Storage – Currently snow is plowed to the edges of the pavement and during large storms it is hauled off site.

Flooding – A portion of the property is in the 100 year flood plain but this area is nowhere close to the area where the improvements are being proposed.

Landscaping – None is being proposed.

Noise – The proposed improvements are being proposed to the rear of the property, away from neighboring properties.

Screening – No screening is being proposed, there is sufficient screening at the present time.

Air Quality – The proposed project is away from any neighboring properties and there is minimum impact to air quality.

Lighting – None proposed.

Water and Sewer – No changes are being proposed, the site currently has municipal water and sewer coming off Island Street.

Traffic – There will be no impact to traffic.

Driveways – The minimum driveway width to keep with the current land development code would be adhered to.

Hazardous or Toxic Material – There are no proposed Hazardous or Toxic Material associated with this project.

Filling and Excavation - There will be no filling or excavation as part of this project, the proposed concrete pad would be poured at existing grade.

Wetlands - There are no proposed impact to wetlands.

Surface Waters – Ashuelot River abuts the property and there is no impact to Ashuelot River.

Architecture and Visual Appearance – None are provided; what is being proposed is a generator.

Staff comments were next. Ms. Brunner stated there were two departmental comments received. The applicant needs to be aware that a Building Permit will be required for this project. The next is that there are existing parking spaces that are located within the City right-of-way – the applicant needs to make sure they have an appropriate lease in place for these parking spaces.

Ms. Brunner went on to say with reference to sediment and erosion control, the applicant has proposed to use silt fencing along the work areas and also install a silt sack along the existing catch basin. With respect to screening, none is being proposed around the generator because of its location, which is not visible from the public right of way or adjacent properties. Staff is requesting as a condition of approval, the applicant provide documentation of a valid lease for the parking lot encroachment on City land. This concluded staff comments.

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

C. Board Discussion and Action

A motion was made by Vice-Chair Orgaz that the Planning Board approve SPR-423, Modification #4 for the installation of electrical equipment and parking lot modifications, as presented on the plan identified as “Overall Site Plan, Tax Map Lots 583-010-000 & 582-048-000 (69 Island Street) Keene, New Hampshire” prepared by Fieldstone Land Consultants at a scale of 1 inch = 40 feet on

December 14, 2021 and last revised on January 7, 2022 with the following conditions prior to signature by Planning Board Chair:

1. Submittal of documentation of a valid lease for the parking lot encroachment on City land.
2. Owner's signature appears on the plan.

The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

VI) S-09-21 – Boundary Line Adjustment –90-92 & 0 Off Victoria St – Applicant Fieldstone Land Consultants PLLC, on behalf of owners James & Beverly Ells, proposes a boundary line adjustment between the properties located at 90-92 Victoria St (TMP# 589-022-000-000-0+00) and 0 Off Victoria St (TMP# 589-023-000-000-000). This adjustment would result in a transfer of 0.85-ac from the 1.58-ac parcel at 90-92 Victoria St to the 0.57-ac parcel at 0 Victoria St. Both properties are located in the Business Growth & Re-Use District.

A. Board Determination of Completeness

Ms. Brunner stated the applicant has requested exemptions from providing a separate grading plan, landscaping plan, lighting plan, and technical reports. After reviewing this request, staff has determined exempting the applicant from submitting this information would have no bearing on the merits of the application, and recommend that the Board accept the application as complete.

A motion was made by Vice-Chair Orgaz to recommend the Board accept Application SPR-423, Modification #4 as complete. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

B. Public Hearing

Mr. John Noonan addressed the Board on behalf of the applicant. Mr. Noonan stated this item is a boundary line adjustment for James and Beverly Ells. He indicated the applicants went before the Zoning Board of Adjustment in September based on frontage for these lots. He referred to a plan and referred to the existing lots. The blue lot currently has Ells Electric and a residence at the rear. There is a back lot with no frontage. Access to the residential lot is through a right of way easement at the end of Victoria Street. The existing frontage is less than the requirement of 50 feet. The proposal is to split the frontage between the two new lots (the business and the residence). The existing frontage for the residential lot will remain.

Mr. Noonan stated with respect to the development standards they are asking for exemptions from all of them as there are no structures being proposed, this is just a boundary line adjustment.

Staff comments were next. Ms. Brunner stated the request tonight is to transfer 0.851 acres from 90-92 Victoria Street to 0 Off Victoria Street. The purpose of this boundary line adjustment is to provide access for 0 Off Victoria Street and to create separate lots for the commercial and residential buildings. Both properties are in the Business Growth & Reuse District which has a minimum lot size of 8,000 square feet. This boundary line adjustment will make 0 Off Victoria

Street more conforming with the minimum road frontage requirement. Ms. Brunner stated this proposal has received a variance from the Zoning Board of Adjustment to permit a 19 foot road frontage where 50 feet of frontage is required and the other is to permit a single family residence in the BGR district. There were no departmental comments received on this application. The two standards referred to in this application are regarding traffic and access management. The residential property is accessed via a driveway which would be on a separate lot after the adjustment, hence, staff is recommending documentation of an access easement as a condition of approval.

She added 0 Victoria Street has wetlands on it, those have been delineated by a wetlands scientist and no development is being proposed at this time.

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

C. Board Discussion and Action

A motion was made by Vice-Chair Orgaz that the Planning Board approve S-09-21, as shown on the plan entitled “Lot Line Adjustment Prepared for James L. Ellis and Beverly A. Ellis, 90-92 Victoria St, City of Keene, County of Cheshire, State of New Hampshire” prepared by Fieldstone Land Consultants, PLLC at a scale of 1 inch = 30 feet on December 14, 2021, with the following condition prior to signature by Planning Board Chair:

1. Submittal of documentation for an access easement for the 0 Off Victoria Street property granting the right to pass and repass on the 90-92 Victoria Street property.
2. Owners’ signatures appear on the plan.

The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

VII) CLSS-CUP-01-21 – Congregate Living & Social Service Conditional Use Permit – Monadnock Area Peer Support Agency, 32-34 Washington St #Rear – Applicant and owner Monadnock Area Peer Support Agency proposes to operate a Large Group Home as a second principal use on the property located at 32- 34 Washington St #Rear (TMP 568-058-000-000-000). The site is 0.28-ac in size and is located in the Downtown Core District.

A. Board Determination of Completeness

Ms. Brunner stated the applicant has requested exemptions from providing grading, landscaping, and lighting plans, building elevations, and technical reports. Staff recommend the Planning Board grant the requested exemptions and accept the application as complete.

A motion was made by Vice-Chair Orgaz to recommend the Board accept Application SPR-423, Modification #4 as complete. The motion was seconded by Roberta Mastrogiovanni and was unanimously approved.

B. Public Hearing

Lisa Steadman, Director for Agency Relations Monadnock Area Peer Support addressed the Board next. Ms. Steadman stated this Conditional Use Permit is to add six bedrooms (five residents and one staff) to the interior of the building which causes moving around of walls resulting in an increase to the square footage for their principal use. In total there will be ten rooms in all (Group Home Large).

She said as indicated in the staff report they are concerned about the lighting, but their issue is that they only own the westerly wall of the alleyway which is the far end of the alley and Keene Housing or Kristin's Bakery has to provide approval to locate a light on their building.

Chair Russell Slack indicated she is on the Board of Keene Housing Authority and agreed it is dark in that area.

Staff comments were next. Ms. Brunner explained Monadnock Area Peer Support is a member based organization that provides a variety of mental health needs through a variety of programs. They also provide short term residential program which is accessory to their principal use; principal use is a clinic. They have been at their current facility for less than a year and the property is in the Downtown Core District. Vehicle access to this site is via Vernon Street but there is pedestrian access via Washington Street.

Ms. Brunner stated with the five additional rooms being proposed it brings the accessory use up to the scale of a second principal use on the lot. According to Article 8, Section 8.3.4 this use is classified as a Large Group Home and per Article 15 this use requires a Congregate Living & Social Service Conditional Use Permit from the Planning Board. The only departmental comments are from Code Enforcement that a building permit will be required and the Fire Department noted fire alarms will need to be upgraded in order to add additional beds to the site.

Ms. Brunner then went over the conditional use criteria and noted this is the first of its kind – congregate living and social service conditional use permit is a new item under land development code.

A. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all the applicable standards in this LDC for the particular use in Section 8.3.4.

This property is located in the Downtown Core District which is one of 6 form-based zoning districts in the downtown. The intent of this district is to accommodate the highest intensity of development in the City and promote a mix of uses. The Applicant proposes to create a large group home as the second principal use on the lot, which is allowed within this district. This site is also within the Downtown Historic District; however, no changes are proposed to the exterior of the building or site and hence did not have to go before historic district commission.

Under Section 8.3.4 of the LDC includes the following use standards for Large Group Home:

a. Only 1 large group home shall be permitted per lot.

- b. No large group home shall be constructed or operate without first having obtained a congregate living and social services conditional use permit from the Planning Board – which is why the applicant is here tonight.
- c. Annually, a large group home shall obtain a congregate living and social service licenses from the City Council as set forth in Chapter 46 of the City Code of Ordinances – applicant is aware of this.
- d. If located within a residential zoning district, large group homes shall maintain the appearance of a residential structure and the design and operation of the facility shall not alter the residential character of the structure - Downtown Core District is not considered a residential district, hence this requirement does not apply.

B. The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.

The applicant did address this item in their narrative and did indicate all activities associated with the proposed use will occur inside the existing building. There will be a staff person on site at all times, including overnight. In addition, a full-time residential case manager will visit the center daily. Residents, members, and staff will access the site from either the Washington Street entrance, which is a pedestrian entrance and this entrance has ADA access. Ms. Steadman added the Vernon Street access is used more often and the Washington Street access which is only used two or three times per day. Ms. Brunner went on to say both entrances would have motion-activated security cameras and will be locked from 7:00 pm to 9:00 am each day. Existing lighting includes a flood light and a porch light on the Vernon Street side of the building, and a flood light and porch light on the Washington Street side of the building. In response to staff comments, the applicant will address the inadequate lighting issue. The Applicant notes that this site is within easy distance (100 feet) of the Fire Station.

C. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property. In addition, any parking lots, outdoor activity area, or waiting areas associated with the use shall be adequately screened from adjacent properties and from public rights-of-way.

This site is located in a densely populated area of the downtown. Adjacent uses include a mix of commercial, multi-family, office, institutional, and social service uses. The proposed group home will be operated entirely within the existing building – no outdoor activity areas or waiting areas are proposed with this use. There are 11 parking spaces available onsite. One parking space is currently leased to Keene Housing, and the remaining 10 parking spaces will be utilized by staff, members, residents, and visitors. The applicant did state on an average day, staff uses no more than six spaces, which leaves four spaces for residents, members, and visitors. In addition, both metered and non-metered on-street parking as well as metered off-street parking is located within easy walking distance of the site. Ms. Brunner added Downtown Core District does not have a minimum parking requirement.

D. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

Ms. Brunner noted due to the fact that the proposed use will be located entirely inside the existing building, staff does not expect this to be an issue. Chair Russell Slack asked whether smoking is permitted and if so where on the site this will be permitted. Ms. Steadman stated smoking is only permitted at the rear of the building and it is not permitted in the alley. She added they are willing to add another camera in the alley to address any issues.

E. The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.

No changes to the existing water and sewer access for the building are proposed, and City engineering staff did not express any concerns related to utilities or traffic. The Applicant did submit a traffic generation estimate to show the increase in traffic will be minimal compared to existing traffic volumes on Washington Street.

F. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.

Ms. Brunner stated staff did not identify any features of natural or scenic importance on this site. This existing building is located in the Downtown Historic District; however, no modifications are currently proposed to the exterior of the building.

G. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

The Applicant submitted a trip generation analysis prepared by Stephen G. Pernaw & Company, Inc. This analysis concludes that the proposed use would generate an additional 10 additional vehicle trips per day (5 arrivals and 5 departures). When compared to the existing traffic volume on Washington Street, the traffic impact is expected to be *de minimis*.

H. The proposed use will be located in proximity to pedestrian facilities, public transportation, or offer transportation options to its client population.

This site is located in an area that is easily accessed by foot, bike and public transit. In addition, MPS operates a van that provides rides to members to arrive at 9:00 am and depart at 7:00 pm each weekday. MPS also provides a shopping trip each Wednesday. This van is not used for on-demand rides.

This concluded staff comments.

The Chair asked for public comment next. Mr. Philip Wyzik, CEO of Monadnock Family Services (MFS), extended his appreciation for this project. He stated this project will help MFS clients in desperate need of housing and it meets the contract obligation MFS has with the State to provide six new beds this year. He added he is in support of this project.

Dante Diffendale, Group Facilitator and Respite Coordinator for Monadnock Peer Support Agency addressed the Board next. Mr. Diffendale stated residents of this facility are grateful for the

support they receive and indicated that this agency is member focused. He indicated a person's mental health issues affect the community at large and felt places like Monadnock Peer Support relieve the burden on a community. He stated this agency supports people who can be often forgotten.

Mr. Farrington asked how medications are dispensed by the agency. Ms. Steadman in response stated, individuals who use this site might be on medication but this is a non-clinical setting and the individuals are responsible for their own medication.

Ms. Lavigne Bernier asked about the lighting concern. Ms. Steadman stated they will comply with anything the City requests. If however, they were to install a flood light and shine it down the alley there could be the issue of light trespass.

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

C. Board Discussion and Action

A motion was made by Vice-Chair Orgaz that the Planning Board approve Conditional Use Permit CLSS-CUP-01-21 for a large group home, as shown on the plan set identified as "Interior Fit Up, 32A Washington Street, Keene NH 03431" prepared by Timothy Sampson Architects at varying scales and dated January 5, 2022, with the following conditions:

A. The Applicant shall obtain a Congregate Living and Social Services License, which shall be renewed annually in accordance with Chapter 46 of the City Code of Ordinances.

The motion was seconded by Roberta Mastrogiovanni.

Mr. Farrington asked whether there should be a condition included regarding lighting. Chair Russell Slack referred this question to Mr. Rogers who indicated installation of a light would require a building permit and it would need to meet light the standards. Ms. Brunner stated a condition with reference to requiring lighting could be challenging because the applicant does not own the building they would need to mount the light on. The Chair stated she is comfortable leaving the motion as is.

The motion made by Vice-Chair Orgaz was unanimously approved.

Ms. Steadman commended staff for their help with this application.

VIII) Staff Updates

A) Overview of Administrative & Minor Project Approvals Issued in 2021

Ms. Brunner began by stating that the Planning Board has delegated some of its authority to staff to approve certain minor modifications to a site plan. She indicated these projects have to meet Board standards; otherwise, staff cannot act on them. She indicated the threshold for administrative approval is outlined in the Land Development Code (LDC) that went into effect in September. With the adoption of the LDC, a Minor Project Review Committee was formed

consisting entirely of staff. She added there could be a project that doesn't quite meet the administrative process but also does not need to come before the Planning Board and such projects would go before this Review Committee.

Ms. Brunner stated there have only been two projects that have had to go through the minor project review since September; these are included in the Board packet. As far as administrative approval there were 23 projects that were approved by staff in 2021. Ms. Brunner stated there are project folders for each of these items should any Board member like to review same.

Mr. Farrington referred to Item 17 which also came before the Board, he felt it might be prudent to combine such items. Ms. Brunner stated ordinarily that would be the process and staff thought they would be able to approve the item administratively but it was realized it could not be processed in that manner.

Mr. Farrington asked whether staff has a list of projects that were not approved. Ms. Brunner stated staff often have inquiries but don't have any that were not approved. In a case like that, a project would be referred to the Planning Board, perhaps for a waiver.

IX) New Business

Ms. Brunner said that the Board will hear a presentation on the Capital Improvement Program (CIP) at the February meeting, She explained the CIP process as it pertains to the Planning Board. She indicated under State Statute, which is geared toward a town format, it contemplates much of the work of putting together the CIP being done by the Planning Board. In the City of Keene the CIP is put together by staff with input received from the City Council. The Planning Board reviews the CIP and votes on it and then sends it to Council for its final approval. The Board will be asked to vote on the CIP at the next meeting, which is why the Board was invited to the CIP presentation and why members were provided with a CIP book.

X) Upcoming Dates of Interest – February 2022

- Joint Committee of the Planning Board and PLD – February 14, 6:30 PM
- Planning Board Steering Committee – February 15, 11:00 AM
- Planning Board Site Visit – February 23, 8:00 AM – To Be Confirmed
- Planning Board Meeting – February 28, 6:30 PM

There being no further business, Chair Russell Slack adjourned the meeting at 7:40 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner