

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

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

**Monday, April 25, 2022**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Pamela Russell Slack, Chair  
David Orgaz, Vice Chair  
Mayor George S. Hansel  
Councilor Michael Remy  
Roberta Mastrogiovanni  
Armando Rangel, Alternate

**Staff Present:**

John Rogers, Acting Community  
Development Director  
Mari Brunner, Senior Planner  
Evan Clements, Planner

**Members Not Present:**

Gail Somers  
Tammy Adams, Alternate  
Harold Farrington, Alternate  
Emily Lavigne-Bernier

**I) Call to Order**

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

**II) Minutes of Previous Meeting – March 28, 2022**

A motion was made by Mayor George Hansel that the Planning Board approve the March 28, 2022 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

**III. Public Hearings**

**S-05-22 – Subdivision – 2-lot Subdivision – 63 Meadow Rd – Applicant Russ Huntley, on behalf of owners Travis & Whitney Fafard, proposes to subdivide the 0.33-acre parcel at 63 Meadow Rd (TMP #109-015-000-000-000) into a 0.168-acre lot and 0.162-acre lot. The site is located in the High Density District.**

**A. Board Determination of Completeness**

Senior Planner Mari Brunner stated the Applicant requests exemptions from providing separate existing and proposed conditions plans, a grading plan, a lighting plan, a landscaping plan and

technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application, and recommend the Board accept the application as complete.

A motion was made by Mayor George Hansel that the Board accept the application as complete. The motion was seconded by Councilor Remy and was unanimously approved.

B. Public Hearing

Mr. Russ Huntley of Temple NH addressed the Board on behalf of the applicants. Mr. Huntley stated this was a simple subdivision which meets all zoning criteria. There is an existing house on one lot and the new lot will be a residential building lot.. Both lots have a little over 59.5 feet of frontage. Both lots will be approximately 7,000 square feet in size. This concluded Mr. Huntley's comments.

Staff comments were next. Ms. Brunner stated as Mr. Huntley indicated this is a two-lot subdivision. The existing lot has one single family home on it. This site is located at 63 Meadow Road and is 0.33-acres in size. The proposal is to subdivide the site into two lots and create a buildable lot for another residential property. The parcel is in the High Density District, and both lots would be conforming with this District's dimensional standards if subdivided as proposed. Ms. Brunner noted there is no development being proposed at this time and many of the Board's development standards don't relate to this application.

However, she went over some of the pertinent standards:

Sewer and Water - This site has access to City sewer and water, so if new development was to occur they could connect to City water and sewer.

Traffic & Access Management - The proposed subdivision would not affect traffic generation to the site at this time, no new driveway is being proposed at this time.

Surface Waters & Wetlands - There are no wetland areas or surface waters located on or within 30 feet of this site. The site also lies outside of the floodplain. This concluded staff comments.

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

The Mayor felt this was a straightforward application and might allow for some density in the area.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-05-22 for a 2-lot subdivision of the parcel located at 63 Meadow Rd (TMP# 109-015-000), as shown on the plan identified as "2 Lot Subdivision, Land of Travis D. & Whitney P. Fafard located at Tax Map 109 Lot 015, 63 Meadow Road, Cheshire County, New Hampshire" prepared by Huntley Survey & Design, PLLC at a scale of 1 inch = 10 feet, dated March 2, 2022 and revised on April 1, 2022 with no conditions

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

**SPR-02-22 – Site Plan – Aroma Joe’s – 0 West St – Applicant Brickstone Land Use Consultants, on behalf of owner Judy L. Williams, proposes to construct an 800 sf, drive-thru only Aroma Joe’s coffee shop and install a second curb cut on the property located at 0 West St (TMP# 577-025- 000-000-000). A waiver is requested from Sec. 20.6.2.C.1.a of the Land Development Code regarding screening standards for roof-mounted equipment. The site is 0.22 ac in size and is located in the Commerce District.**

A. Board Determination of Completeness

Planner Evan Clements stated the applicant requests exemptions from submitting a soils analysis and an historic evaluation. After reviewing each request, staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of the application and recommends that the Planning Board grant these exemptions and accept the application as complete.

A motion was made by Mayor George Hansel to recommend the Board accept Application SPR-02-22 as complete. The motion was seconded by Councilor Harold Farrington and was unanimously approved.

B. Public Hearing

Mr. Phippard addressed the Board representing the applicant. He indicated this site is currently a non-conforming lot located on the south side of West Street. The lot is zoned commerce. During the initial zoning in the 1920’s, 4,000 square feet was what was required to be a legal lot size. This lot is approximately 9,738 square feet in size and in the commerce district the current minimum size requirement is 15,000 square feet. The applicant applied for a variance from the Zoning Board which was approved by the Zoning Board for this lot to be a building lot.

This site is proposed to be an Aroma Joe’s Coffee Shop. The site will be utilizing the existing curb cut on the west side of the site and make it a one way enter only. The curb cut width will be narrowed down to 12 feet. A second curb cut will be added to allow circulating traffic to exit the property. Mr. Phippard stated this building fits perfectly on the lot and meets all the dimensional requirements for a commercial zone.

Drainage – A couple of test pits were done on site. There will be an infiltration system constructed at the rear portion of the site. There are two catch basins to treat the runoff before it is fed into the infiltration system. This plan prevents runoff from getting onto adjacent properties. The pavement will also be surrounded with granite curbing so that all run off will be captured and directed to the catch basins and into infiltration system. The system is designed for a 25 year storm event.

Sedimentation and Erosion Control – Mr. Phippard stated because of the shape of the lot it is very easy to control with silt fencing around the perimeter of the lot to keep everything on site.

Snow Storage – There is adequate room for snow storage. Because the site meets the pavement setback, snow can be plowed to the sides and temporarily stored at the rear and then trucked off site.

Parking – The site meets the minimum requirements for parking (4 spaces per 1,000 square feet). One space is handicapped accessible. Mr. Phippard also noted that there is a handicap accessible route to the rear area of the building. Mr. Phippard stated this is an unusual building as the only access in and out of the building is at the rear and this is because there is no public entry; there is no public seating inside the building. If someone wants to walk up to the window and place an order there is a walk up window. The crosswalk from City sidewalk to the site also meets handicap access requirements.

Landscaping – The residential areas that abut the site will be screened with six foot solid fencing on three sides of the property. Evergreens will be used on the west and east sides. There will be additional shrubs and ornamental grass used on the front of the property. There will be a bike rack located next to the walk up window. Staff requested curbing around the landscape areas at the front. There is an existing concrete wall along the front of the property next to the sidewalk which the applicant will retain and landscape located behind that wall. A new sign will also be located in that area.

Lighting – The applicant will only be using 12 foot light poles (full cut off fixtures) in the parking lot. In the commercial lot 30 foot poles are permitted. Mr. Phippard indicated the reduced height is to reduce impact on adjacent properties and with the six foot fencing that completely cuts off light trespass on to adjacent properties. There will also be two wall packs to light the area

Mr. Phippard stated there were questions about circulation on the lot. He indicated this was a challenge because of the size of the lot. A traditional rubbish truck will not be able to fit on this site. Hence, the applicant is contracting with a private trash hauler who will use a pickup truck to pick up trash from the site. With respect to fire trucks, they don't like to get 50 feet from a building and would end up having to park on West Street. There was a concern raised by the Fire Department and the applicant recognizes that concern that this will be the only way to fight a fire.

Mr. Phippard noted passenger vehicles, pickup trucks can be adequately handled on this site. There was a question from staff regarding the internal turn around lane in front of the building. Mr. Phippard stated this is something that is in place at other sites and used the Savings Bank of Walpole on West Street as an example. He indicated he has seen cars go through a drive up but circulate back to the site and in this case did not want to force cars onto West Street to make that turn.

Screening – Mr. Phippard felt the site has been adequately screened with the evergreens and the six foot fence. The plan is to save the existing large trees that exist on the south and east side of the properties; Cherry and Maple. There is Japanese Knotweed that is growing on the site which is going to be removed and properly disposed of.

Mr. Phippard addressed lighting again. He noted the lights will be turned off by 9 pm. The two wall mounted lights will stay on for security purposes but they are at a much lower height so this should not be an issue to the neighbors. The overall light levels are going to be less than two foot candles and when the lights are reduced they will be at 0.4 foot candles. Mr. Phippard indicated the concerns raised by an abutter who sent a letter to the Planning Board that were related to the Japanese Knotweed, Lighting, Drainage, and Trees and those concerned have all been addressed.

This site is on City water and sewer. The plan is to upgrade the existing water and sewer lines to a new 1-inch water service and a new 4 inch sewer service.

Traffic – Mr. Phippard felt the numbers in the ITE Manual were too low. An actual traffic count of an existing Aroma Joe's was used to supplement the ITE Manual. Mr. Phippard noted this type of use relies on pass by traffic (90%), on West Street. Only a few new trips will be added to West Street by this use. The new trips are estimated by the traffic report are eight trips in the morning peak hour and two in the afternoon peak hour. Mr. Phippard felt these were not a significant increase in the number of trips.

Mr. Phippard next referred to architectural elevations. The building is only 18 feet wide, the HVAC units (two) are being located in the center of the building but will only be eight feet from the edge. According to development standards it is required to be 10 feet, hence a waiver is being requested. There is a two story elevation in front of the building which will adequately screen anything on the roof behind them. There will be painted lattice along the east, west and south to provide additional screening.

Mr. Phippard stated there was a question about deliveries. Mr. Phippard stated the other Aroma Joe facilities work with Sysco who have smaller vehicles and are willing to schedule their deliveries during specific time periods. Wednesday afternoons at 2 pm is the slowest time based on other stores and this would be the time scheduled for deliveries. The truck will come down West Street, back into the exit lane and at that time there will be a barrier placed indicating the site is closed for delivery for 20 minutes.

Surface Waters and Wetlands – There are no wetlands on site and the site will have no impact on Ashuelot River which is located about 300 feet east of this site. The site is also not located in the flood plain.

The site will not generate a lot of noise. There is an order menu board customers can use to look at but customers place an order face to face at the order window and will have no need to yell into an automated box.

Mr. Phippard went back to building elevation. This building will have clap board siding, with brick veneer treatment at the bottom of the building. The site will also have shingled roof. Mr. Phippard stated the only unusual element for Keene would be the blue trim.

Mr. Phippard felt a left turn can be safely accommodated at this location. The reason for that is there are still traffic lights east of the site at the Island Street intersection and west of the site at

the Shopping Plaza which will create gaps in traffic. He stated he does not see the need for right turn only. This concluded Mr. Phippard's comments.

Mayor Hansel referred to the interior sidewalk closest to West Street and asked whether it was going to be stripped. Mr. Phippard answered in the affirmative. The Mayor asked what the size limit would be for vehicles to be able to make the turn. Mr. Phippard stated 30 feet be the limit which is most passenger cars and pickup trucks. Any other vehicle could also make the turn by driving in, backing up and driving forward etc.

Ms. Mastrogiovanni clarified only nine vehicles could fit on this site and noted Dunkin Donuts has an area where cars can back up and asked what the plan was if there were more than nine cars on site. Mr. Phippard stated he had asked the traffic engineer to address this issue; they looked at what is called the 95<sup>th</sup> percentile it relates to how long it takes to process an order. Relying on existing Aroma Joe sites, they have changed the menu and the goal is always a minute. Mr. Phippard stated when he visited one of these sites he was on the property for two minutes. The 95<sup>th</sup> percentile is nine cars and this can be accommodated on the site.

Councilor Remy asked whether there was a way to estimate traffic if this was to be right and left turn and asked if it would be 50% each way. Mr. Phippard stated he had discussed this with the traffic engineer. In the morning, there is heavy traffic, cars turn right in and right out as they are continuing towards downtown. In the afternoon, it is busy in the outbound direction so vehicles would be turning left into the site and left out of the site. Mr. Phippard stated the fast turnaround is the secret to Aroma Joe's success.

Vice-Chair Orgaz asked when a vehicle is exiting the site and is turning left whether there was room for a vehicle to also go right. Mr. Phippard stated the width of the exit is 17 feet and how it is exited would depend on the driver whether they want to move father to the left when going left so someone can also exit to the right. He added it is not purposely designed for two exit lanes.

Chair Russell Slack stated she uses this road a lot; she uses Starbucks, Dunkin Donuts and Savings Bank of Walpole and all these businesses can go right and left and felt this was because of the lights as was mentioned, there is the break in traffic. The Chair added there is a plan by the City to upgrade West Street and stated she agrees to what Mr. Phippard has stated.

The Chair asked for staff comments. Planner Evan Clements addressed the Board. Mr. Clements stated that the proposal before the Board is to construct an approximately 42 foot by 18 foot, single story building with various site improvements to accommodate a walk-up / drive-thru coffee shop with no indoor or outdoor seating. He indicated the property was recently the subject of a variance request to permit a building lot consisting of 9,738 square feet in the Commerce District where 15,000 square feet is required. This variance was approved.

Mr. Clements went on to state that Mr. Phippard had adequately described the drainage on the site with the proposed infiltration system and two catch basins to be able to handle a 25-year storm event with an estimated total rainfall of 4.92 inches of rain in a 24 hour period.

The grading and drainage plan shows siltation control in the form of silt fencing to be installed along the perimeter and downslope portion of the site. Matting and a temporary construction entrance is also being proposed for the site.

Snow Storage and Removal – There is plenty of room around the perimeter of the site for temporary storage and any excess snow will be removed from the site.

Landscaping includes 16 arborvitaes to be located along the east and west of the property and a six foot fence around the southern, eastern and western borders along the residential properties. There is also a selection of approximately 43 perennial, shrubs and grasses to be installed as well. Temporary construction fencing is to be used to protect the root system of the existing trees during construction.

With reference to the Waiver, Mr. Clements stated the building is 18 feet wide and the requirement is that rooftop equipment will be installed ten feet from the edge of the building and this is a challenge for the applicant to meet. Mr. Clements went over the waiver criteria the Board will need to consider. They are as follows:

1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or,*
2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.*
3. *In granting a waiver the Planning Board may require any mitigation that is reasonable and necessary.”*

Lighting – The Lighting Plan shows the installation of three, 12 foot tall pole mounted lights and two wall mounted fixtures. Mr. Clements indicated one minor issue with the lighting plan is that full cut sheets for the fixtures were not provided so temperature could not be evaluated, hence a condition of approval on this item will be required.

Water and Sewer – As mentioned a new 1” water service line and 4” sewer service line is being proposed for this development.

With reference to delivery operations, Mr. Clements noted even though it made real world sense considering the constraints of the site, however, Section 20.9. 2.B does say “*Wherever possible, the number of curb cuts or driveways on public streets shall be limited to ensure safe navigation around the site*”

Filling and Excavation – Mr. Clements indicated as Mr. Phippard had stated there is no significant plan for regrading work but estimate 200 cubic yard of material to be removed or brought to the site during site development which assumes 20 trips in a ten yard truck. Trucks will haul material from NH Rt. 12 to West Street to the building site. Mr. Clements noted this does not trigger the threshold for additional review and it appears that this standard has been met.

Noise - The applicant states that no excessive noise will result from this proposal.

Hazardous or Toxic Materials - The applicant states they are not aware of any hazardous or toxic materials located on site.

Surface Waters & Wetlands – There are no wetlands on the property and the site is sufficiently away from the Ashuelot River, hence this standard appears have been met.

This concluded staff comments.

Councilor Remy asked whether there was handicap accessible parking on site. Community Development Director John Rogers stated the Building Code allowed for instances such as this and the accessibility standard has been met. The Councilor referred to the lattice screening that was discussed for the three sides was discussed but is not included in the plans and asked whether this needs to be included in the plan. Ms. Brunner stated how staff will handle this is when there are detail for screening it would be saved with the project folder and reviewed after construction. If the standard is not meant, the applicant would be required to come before the Board for a waiver. She indicated it could also be included as a condition of approval, in that case the applicant would need to submit the screening requirements within the 180 days for when they need to get the plan signed.

Mayor Hansel asked whether the lighting temperature needs to be included as a condition of approval. Mr. Clements stated it is recommended as a condition of approval. Mr. Clements referred to the letter that was submitted by an abutter and Mr. Phippard did address those concerns. The Board has a copy of that letter. The Chair stated she was satisfied with the concerns addressed by Mr. Phippard in reference to the letter.

The Chair asked for public comments next. Ms. Bardis of 21 Richardson Court addressed the Board. Ms. Bardis stated her only concern is the bus stop located on Pearl Street where the bus makes stops twice a day and was concerned about the added traffic in this area. Mr. Phippard was invited to address this concern. Mr. Phippard stated the bus pulls off West Street onto Pearl Street and students discharge the bus at that time. He indicated as long as the students are on the sidewalk they should be ok. Mayor Hansel added to this comment and asked how tall the planting in this area was, as the height of the plants may block line of sight for vehicles exiting the site. Mr. Phippard stated on purpose they are proposing smaller plantings so as not to obscure the sign of the business. The Mayor asked whether same would be true for the perimeter of the site. Mr. Phippard agreed – 16 inches would be the mature height for Junipers proposed for this location and this is mostly a year round cover. Councilor Remy stated he was more concerned about the overlap between the peak AM hours and people walking from Richardson Court to Pearl Street and drivers turning left into the lot driving in quickly trying to make the gap in traffic and was inclined to make it right turn only even if it was just for the morning.

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

The Chair felt it did not need to be right turn only as she has traveled this route a lot and there are many businesses along West Street that do not have this restriction. Vice-Chair Orgaz agreed there were several businesses who do not have a forced right turn exit. Mayor Hansel stated for him it is whether this site is different to other sites in the area who are allowed to make a left and



right turn. With respect to the concern raised by the member of the public, he felt this site was going to be set back far enough where visibility will not be an issue.

Councilor Remy felt a restriction for right turn only during the morning peak hour would be his preference. The Chair stated she hesitates placing such a burden just on one business. The Councilor noted the CVS Plaza has a right turn only restriction.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 20.6.2.C.1.a of the Land Development Code and approve SPR-02-22, as shown on the plan identified as “Aroma Joe’s 0 West Street, Keene, New Hampshire” prepared by SVE Associates and Brickstone Land Use Consultants at a scale of 1 in =10 ft, dated March 18, 2022 and last revised April 5, 2022, and on the architectural elevations received on March 18, 2022 and prepared by Reprise Architecture, Inc. of Burnsville, MN at a scale of 1/4in = 1 ft, with the following conditions prior to signature of Planning Board Chair:

1. Owner’s signature appears on plan.
2. Submittal of full cut sheets for the proposed light fixtures.
3. Submittal of security for landscaping, sedimentation and erosion control, and “as built” plans in a form and amount acceptable to the City Engineer.
4. Submittal of a revised building elevation sheet that includes the following information:
  - a. Name of the firm that created the elevations.
  - b. All relevant dates, including all revision dates.
  - c. All measurements should be from grade and not an elevation set at 100 feet.

The motion was seconded by Councilor Remy.

Councilor Remy amended the motion to include the following item:

Submittal of a revised site plan that displays the exit from the site restricted to a “Right Turn Only” from 7 am to 9 am.

The amended motion was seconded by Mayor George Hansel.

The motion failed on a 2-4 vote with Mayor Hansel, Chair Russell Slack, Vice-Chair Orgaz and Armando Rangel voting in opposition.

The original motion carried on a unanimous vote.

**IV. Staff Updates**

Ms. Brunner stated staff is working on updating Rules of Procedure which they will bring to Board at the next meeting. At this time staff is unsure if the Board will need to meet in May

except to review the Rules of Procedure. The Chair asked whether staff anticipates many changes to the Rules of Procedure. Ms. Brunner stated because Rules of Procedure date back to 1990 there are some items that need to be addressed specifically; how Alternates are able to vote. The Chair asked if this item is long the agenda be split.

**V. New Business**

None

**VI. Upcoming Dates of Interest – April 2022**

- Joint Committee of the Planning Board and PLD – May 9, 6:30 PM
- Planning Board Steering Committee – May 10, 11:00 AM
- Planning Board Site Visit – May 18, 8:00 AM – To Be Confirmed
- Planning Board Meeting – May 23, 6:30 PM

There being no further business, Chair Russell Slack adjourned the meeting at 7:42 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Evan J. Clements, Planner