

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, August 22, 2022

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Pamela Russell Slack, Chair
David Orgaz, Vice Chair
Councilor Michael Remy
Emily Lavigne-Bernier
Roberta Mastrogiovanni
Armando Rangel
Harold Farrington
Randyn Markelon, Alternate
Kenneth Kost, Alternate

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner
Jesse Rounds, Community Development
Director

Members Not Present:

Mayor George S. Hansel
Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

Chair Russell Slack called the meeting to order at 6:30 PM.

II) Minutes of Previous Meeting – July 25, 2022

A motion was made by Councilor Michael Remy that the Planning Board approve the July 25, 2022 meeting minutes. The motion was seconded by David Orgaz and was unanimously approved.

III) Final Vote on Conditional Approvals

Senior Planner Mari Brunner stated there were no conditionally approved projects for the Board to vote on tonight.

IV) Public Hearings

S-07-22 – 2-lot Subdivision – 91 Sullivan St - Applicant Huntley Survey & Design PLLC, on behalf of owner Venture Residential LLC, proposes to subdivide the 0.74-ac parcel at 91 Sullivan St (TMP# 516- 013-000) into a 0.23-ac lot and a 0.5-ac lot. The property is located in the Low Density District.

A. Board Determination of Completeness

Ms. Brunner stated the Applicant requests exemptions from providing separate existing and proposed conditions plans and technical reports. Staff have determined that the requested exemptions 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 Councilor Michael Remy to recommend the Board accept Application S-07-22 as complete. The motion was seconded by David Orgaz to find the Application as complete. The motion was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board – he was filling in for Russ Huntley. Mr. Phippard stated Venture Residential are the owners of the property located at the corner of Sullivan Street and Rule Street. He referred to this property on the plan outlined in pink, 0.74 acres in size located in the low density district and is serviced for City water and sewer. The proposal is for a two lot subdivision (lot 1, 0.233 acres and lot 2, 0.502 acres). Both lots are conforming lots in the Low Density district, have adequate frontage and meet the setback requirements. There is a small non-conforming building located on the north side, which is a garage. One lot has the house, out buildings, sheds, barns and garage. The other is a vacant lot.

Mr. Phippard stated the vacant lot has a drainage easement held by the City which discharges into a wetland located at the southeast corner. However, felt there was adequate room for this to be a building lot.

Staff comments were next. Ms. Brunner stated this is a simple two lot subdivision. The lot currently has a single family home on the north end. The subdivision is so that the southern portion could become a buildable lot. After the subdivision, Lot 1 would be 10,166 sf in size and Lot 2 would be 21,858 sf in size. She referred to the drainage easement for the City to maintain drainage which is shown on the plan. The wetland referred to by Mr. Phippard is also shown on the plan. This concluded staff comments.

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

C. Board Discussion and Action

Councilor Remy stated this was a straight forward application as presented and hence made a motion that the Planning Board approve S-07-22 for a 2-lot subdivision of the parcel located at 91 Sullivan St (TMP# 516-013-000), as shown on the plan identified as “Two Lot Subdivision, Land of Venture Residential, LLC” prepared by Huntley Survey & Design, PLLC at a scale of 1 inch = 20 feet, dated July 5, 2022 and revised on August 2, 2022 with the following conditions precedent, prior to signature by Planning Board Chair:

1. Submittal of four (4) full size copies of the final plans and two (2) Mylar sheets.
2. Submittal of a check in the amount of \$51.00 made out to the Cheshire County Registry of Deeds.

The motion was seconded by David Orgaz based on the fact that it was straight forward application with no questions and all of the items addressed. The motion was unanimously approved.

V) Continued Public Hearing

EXP-01-22 & CUHP-01-22 – Earth Excavation Permit & Hillside Protection Conditional Use Permit – 0 Rt 9 – Applicant TFMoran Inc., on behalf of owner G2 Holdings LLC, proposes to operate a gravel pit on the undeveloped property located at 0 Rt 9 (TMP# 215-007-000-000-000). A Hillside Protection Conditional Use Permit is requested for impacts to steep slopes. Waivers are requested from the following sections of Article 24 of the Land Development Code: 24.3.1.A (200’ public ROW setback), 24.3.1.C (150’ access driveway setback), 24.3.1.D (surface water resource setbacks), 24.3.4 & 24.3.5 (Groundwater Quantity & Quality Baseline Measurements), 24.3.13 (Maximum Excavation Area), and 24.3.15.D (Annual Noise Monitoring). The site is 84.71 acres in size and is located in the Rural District.

A. Public Hearing

Mr. Jeff Kevan of TF Moran addressed the Board next and stated this property is located on Route 9 on the Keene/Sullivan town line. The property is 84.7 acres, but the applicant owns 334 acres in all. The property is located in the Rural District and is within the Hillside Protection area. From Route 9 to where the gravel pit is located is a 50 foot grade change.

Mr. Moran noted on the plan to soil types. Chair Russell Slack asked what important habitat is located in this area. Mr. Moran stated there is a ravine considered jurisdictional wetlands, a ditch line next to Route 9 also considered jurisdictional wetlands, there are also two types of turtles which are common for these types of soils. He added all residential houses are ½ a mile away and there is a solid buffer around this property. The closest well is at the Otter Brook Park which is about 1,800 feet away.

Mr. Kevan explained the grade and terrain where this work is taking place: you enter the property, create a platform in this five-acre area. There are hillsides on three sides as well as forested area to provide screening.

Mr. Kevan referred to two sheets which illustrate the erosion control measures and restoration of those areas. He said that an Alteration of Terrain Permit has been submitted and the applicant has been requested to adjust the application to an “after the fact” application.

Mr. Kevan next referred to the gravel pit as proposed which has not changed since the original submission. The Geo Technical Engineer installed monitoring wells to determine seasonal high water tables. The reason for this is that the City of Keene requires all grading to be six feet above seasonal high water table. He added there is no blasting being proposed. The proposal is to follow the existing grade of the driveway on the downhill side towards the highway, place a slight widening, and install a rip rap ditch which would retain the tree cover along Route 9. He referred to the ravine that runs on both sides along the northeast corner of the site; there is a ridge which causes a natural barrier. One of the waivers is to reduce that wetland setback from 250 feet to 75 feet. On the opposite side there is another wetland, the request is to reduce this setback from 250 feet to 127 feet. There is also a berm and swale being proposed for this location. The berm will be approximately three feet tall.

Most storms will be infiltrated, when it over tops it will run down to the swale and a small basin is being proposed in the southeast corner of the site. The driveway application has been filed with NHDOT. NHDOT requested an apron next to Route 9.

Mr. Kevan stated the proposal is for 30 to 40 trucks, operation hours will be 7 am to 5 pm, this work is set to last approximately two to four years. The trucks would usually stop operation around 3:30 pm and the only staff left at that time would be about three employees who would leave at the end of the day. Mr. Kevan stated because this site is over five acres it also triggers an Alteration of Terrain Permit inspection.

Mr. Farrington asked for added clarification on the timeframe of two to four years. Mr. Kevan stated this is an estimate. There is approximately 115,000 cubic yards of material and the estimate is that it will take two to four years. Mr. Farrington asked what happens after that area is exhausted. Mr. Kevan stated the site will be stabilized (loam and seed) and it will be used for some other purpose.

Councilor Remy asked whether the Alteration of Terrain Permit will ensure the work will remain within the approved footprint. Mr. Kevan answered in the affirmative but added he wasn't sure how often someone from the State would inspect the site. The Councilor referred to the channel along the back to divert water off the site – he asked whether this would divert additional water into the wetland. Mr. Kevan stated it will not.

Mr. Kevan addressed the Waivers next.

Article 24.3.1.A: 200 foot Setback to the Public Right of Way - so that they can work with the existing topography.

Article 24.3.1.C: 150 foot Access Driveway Setback - would help work with the terrain.

Article 24.3.1.D: Surface Waters – setback from the two existing wetlands.

Article 24.3.4: Ground Water Quantity Baseline Measurement – This is for public and private wells within ½ mile. Pertains to when you are excavating below the seasonal high water table. Mr. Kevan felt they did not need this waiver but would like confirmation from the Board.

Article 24.3.5: Ground Water Quality Baseline – This is for public and private wells within ½ mile. Pertains to when you are excavating into the ledge. The closest public well is at Otter Brook which is at least 1/3 of a mile or more, the rest are more than ½ mile away. The applicant is not excavating into the ledge and hence this would not pertain to them.

Article 24.3.1.13: Maximum Excavation Area of Five Acres – Mr. Kevan noted the gravel pit is five acres and the work being done along the road is about an acre and this Waiver is for the purpose of going over the five acre minimum.

Article 24.3.15.D: Annual Noise Monitoring – Mr. Kevan felt because of the forested area on three sides there is not much potential for noise. If there was noise it would be along the driveway toward Route 9. The applicant’s request is that they will perform the initial noise study when they first start the operation and if there are no issues at that time, a study will not be necessary every year.

Mr. Kevan addressed landscaping next. He stated the proposal is to leave the natural vegetation as-is. The flat areas will be loamed and seeded.

Screening – As indicated above

Lighting – N/A

Sewer and Water – N/A

Traffic Management – A report has been submitted – 74 daily trips are being estimated. AM peak will be four vehicles in and four vehicles out. PM will be three vehicles leaving during the peak hour.

Hazardous Material – Fuel will be stored in a secure shed

Noise – Has been discussed.

Visual Appearance – This is a well screened area.

This concluded Mr. Kevan’s presentation.

Councilor Remy referred to **Article 24.3.1.13: Maximum Excavation Area of Five Acres** – He indicated he could not see where this was a unique condition of the property and **Article 24.3.15.D: Annual Noise Monitoring** – he stated he can appreciate where the noise might not change that much but was trying to see what the hardship is to conduct a study annually. Mr.

Kevan stated they do not see the noise to be significant. They will submit the report to the Board and staff and if they feel one is required annually they will be willing to do one. He felt with the screening and the background noise that already exists the operation noise would not be an issue. The Councilor stated his concern would be down the hill towards Otter Brook. Mr. Kevan stated this is the area they will be testing. With respect to Five Acres the significant material is located in the area that was originally cleared. He stated he has not seen operation such as this less than five acres, the additional area is for driveway improvement and to locate the drainage (which is the extra acre and a half). Councilor Remy asked whether the driveway is calculated into the five acres. Mr. Kevan stated he wasn't sure how the City calculates it but Alteration of Terrain calculates it into the five acres.

Mr. Rangel referred to the grading and drainage plan, the sub-surface data tables – test pits 1 and 2. For test pit 1 there is a ledge notation that reads “none to 867 feet” he asked whether the test pit was tested down to 867 feet. Mr. Kevan answered in the affirmative and stated the testing was completed by a Geo Technician.

Mr. Rangel asked who the operation would report to for storm water events and Alteration of Terrain Reports. Mr. Kevan stated an engineer would have to sign the report for an operation such as this and they could utilize the applicant's office or any other site.

Chair Russell Slack asked for explanation of the blasting procedure; what equipment will be used. Mr. Kevan stated the contractor would use a machine that has a sharp edge to it and will chisel away at the boulder. He added this work would not be continuous.

Staff comments were next. Ms. Brunner stated this application was reviewed by the Board's third party consultant, Fieldstone Land Consultants, and their memo has been provided to the Board for its review. The Board's proposed motion has the items raised by the consultant. One of the conditions also came out of the Conservation Commission's review of this application. The Conservation Commission visited the site last week. The Commission did note there is a logging road that goes away from the excavation area up the slope (northwest corner) of the site. They noticed the north slope of the road is showing some erosion and they recommended slope stabilization for this area.

Ms. Brunner stated the Board may also want to consider adding a note to the plan that says no blasting shall occur on site since this application does not contemplate doing any blasting of ledge. This would make it clear to anyone who is on site, as it will be included in the design plans. In addition, the Board could also consider requiring a noise study if the City receives any complaints. In addition, if the Board is inclined to grant the Waiver for the maximum excavation area of five acres, a condition could be added to indicate that the maximum excavation area does not exceed seven acres.

Ms. Brunner went on to say the City was also notified there was work occurring on site without a permit. Since then the City issued a letter to the applicant as to certain actions they were required to take to rectify the situation. The area impacted was outside the proposed work area and the City is requiring this area be restored. Chair Russell Slack asked how this area is being restored. Ms. Brunner stated the area within 75-foot wetland buffer which was impacted is to be regraded

so it is back to the grade it was. The area will be re-seeded, 34 trees will be planted (white pine and grey birch).

The Chair with reference to the noise waiver, asked whether it should be rephrased (in the instance there was a noise complaint). Ms. Brunner stated the Board has options – it could deny the waiver and the applicant in that instance would have to do the annual noise monitoring. The second option would be to grant the waiver but add a condition that says the applicant would be required to perform noise monitoring if there was a complaint. The Chair asked for feedback from the Board in reference to this item.

Councilor Remy stated he did not see the necessity for this waiver as he did not feel it was encumbering. He stated he would be ok waiving the requirement but if there was a complaint then it would become an annual requirement but felt that could also be a trigger for someone to complain. He did not see a reason to waive this requirement.

Chair Russell Slack stated she also did not see anything mentioned regarding dust control. Mr. Kevan stated this is part of erosion control and there notes on the plan. There is a requirement to use a water truck to keep the soil moist to prevent dust.

Councilor Remy asked whether no blasting would be a “condition subsequent” or “condition precedent”. Ms. Brunner stated staff recommends it be “condition subsequent” and that it be noted on the plan.

Ms. Lavigne Bernier asked whether noise monitoring is something that is done randomly. Mr. Kevan explained this is a 20 day study, there are control points set where the study is going to be taken from, figure out the background noise, start the operation and perform the same readings again, and then produce a report. This will be done every year for as long the operation is in place. Ms. Brunner stated the City has a noise ordinance which is enforced by the Police Department. If there is a noise complaint it could be enforced by the Police Department and also if they are in violation of their permit by exceeding the noise level it could also be enforced through the excavation permit.

The Chair asked for public comment next.

Mr. Cody Gordon, owner of G2 Holdings, asked whether the no blasting would be for the entire 84 acres. He added if a solar site was added in the future, blasting would be a necessity. Ms. Brunner responded by saying no blasting would be specifically in connection with the earth excavation permit. If the applicant came back to the Board for a site plan application for a solar site and blasting was part of that application, it would need to be addressed at that time. She added as the work progresses and a few years in the future the applicant wants to blast ledge, the applicant would have to come back before the Board for approval.

Councilor Remy asked for the Board’s consensus on the noise issue. Chair Russell Slack felt the Waiver could be granted on the noise with the condition if there is a complaint a study would be triggered. Ms. Markelon asked what the cost would be for a study so an informed decision could be made. Mr. Kevan thought it would be close to \$3,000 but stated he wasn’t sure. Ms. Markelon

agreed the Waiver could be granted with the condition if there is a complaint a study would be triggered. Councilor Remy clarified with staff that cost cannot be an extenuating circumstance to grant a Waiver. Mr. Kevan suggested the Board deny the Waiver, the applicant will come back after the second year if there are no concerns they will request a modification. Mr. Gordon added they used Amshaw which is an equivalent to OSHA to look at the property, conduct noise monitoring and they were 50% less than what the number was required to be.

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

B. Board Discussion and Action

A motion was made by Councilor Michael Remy that the Planning Board grant a waiver from section 24.3.1.A of the Land Development Code (200' public ROW setback), a waiver from Section 24.3.1C of the Land Development Code (150' Access Driveway Setback), a waiver from section 24.3.1.D of the Land Development Code (Surface Water Resource Setback), a waiver from section 24.3.4 of the Land Development Code (Groundwater Quantity Baseline Measurement), a waiver from section 24.3.5 of the Land Development Code (Groundwater Quality Baseline Measurement), and a waiver from section 23.3.13 of the Land Development Code (Maximum Excavation Area).

The Councilor stated his motion is based on the fact that the Waivers are largely due to the unique nature of the property and the excavation was well explained to include the road and other items included in it.

The motion was seconded by Vice-Chair Orgaz based on what was indicated regarding the granting of the Waivers. The motion was unanimously approved.

A motion was made by Councilor Michael Remy that the Planning Board grant the waiver request from section 24.3.15.D, "Annual Noise Monitoring". The motion was seconded by Vice-Chair Orgaz. The motion failed on a 0-9 vote.

A motion was made by Councilor Michael Remy that the Planning Board deny the waiver request from section 24.3.15.D, "Annual Noise Monitoring" based partly based on the applicant not pushing back on the denial and also the Board wanting to see what this monitoring would look like over a couple of years.

The motion was seconded by Vice-Chair Orgaz based on not enough reason for granting the waiver. The motion was unanimously approved.

A motion was made by Councilor Michael Remy that the Planning Board approve EXP-01-22 & CUHP-01-22 for an earth excavation operation on the parcel located at 0 Route 9 (TMP# 215-007-000), as shown on the plan identified as "Excavation Site RTE. 9, Keene/Sullivan/ Roxbury, NH Owned and Prepared For G2 Holdings LLC" prepared by TF Moran at a scale of 1 inch = 50 feet, dated March 18, 2022 and last revised on August 1, 2022 with the following conditions:

- A. Prior to final approval and signature by the Planning Board chair, the following conditions precedent shall be met:
1. Owner's Signature shall appear on the final plan set.
 2. Submittal of five (5) full size copies of the final site plan set.
 3. Submittal of security for landscaping, sedimentation and erosion control, As-Built plans, and restoration in a form and amount acceptable to the Community Development Director and the City Engineer.
 4. All required State permits shall be added to the coversheet and copies of all permits shall be provided to the Community Development Department.
 5. The applicant/owner shall pay all outstanding third party consultant fees.
 6. The plan set shall be stamped and signed by all professionals (Wetland and Soils Scientist, Surveyor, and Engineer)
 7. The requested waivers and conditional use permits with results shall be added to the coversheet.
 8. Restoration of unpermitted impacts to wetlands and wetland buffers shall be completed and inspected to the satisfaction of the City Engineer.
 9. Hours of operation and all date and time restrictions shall be added to the plan.
 10. A note be added to the plan that states that, "The site shall operate in a manner that prevents fugitive dust emissions pursuant to New Hampshire Code of Admin. Rules Env-A 1002, Fugitive Dust."
 11. A note be added to the plan that states that there shall be no blasting of ledge on the site.
- B. Subsequent to final approval, the following conditions shall be met:
1. The area of un-reclaimed, inactive, and active excavation area shall not exceed 7.0 acres.
 2. The northern slope of the logging road located to the northwest of the excavation area shall be stabilized.

Councilor Remy stated his motion is based on the applicant addressing all the concerns the Board raised. The motion was seconded by Vice-Chair Orgaz based on the 11 conditions stated and followed by the two subsequent conditions. The motion was unanimously approved.

S-08-22 – 2-lot Subdivision – 284-288 Hurricane Rd – Applicant Cardinal Surveying & Land Planning, on behalf of owners Cory & Pamela Graves, proposes to subdivide the 13.04-ac parcel at 284-288 Hurricane Rd (TMP# 106-010-000-000-000) into a 7.94-ac lot and a 5.10-acre lot. The property is located in the Rural District.

A. Board Determination of Completeness

Planner Evan Clements stated the Applicant has requested exemptions from providing separate existing and proposed conditions plans, grading plan, a lighting plan, a landscaping plan, technical reports, and a narrative explaining how the proposal meets the 13 development standards of the Land Development Code. Staff have determined that the requested exemptions

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 Councilor Michael Remy to recommend the Board accept Application S-08-22 as complete. The motion was seconded by David Orgaz and was unanimously approved.

Ms. Wendy Pelletier of Cardinal Surveying addressed the Board. Ms. Pelletier referred to Hurricane Road on a plan and referred to two buildings located on the plan. The site is 13 acres in size. The proposal is to subdivide the property into a five-acre parcel and a 7.9 acre parcel. The lots have separate driveways, septic and wells. They meet all zoning requirements.

A. Staff comments were next. Mr. Clements stated there is no **Public Hearing** development being proposed with this application. The Zoning Administrator does not have any issues with this application. The existing 1850 home is a legal non-confirming structure as it is very close to the roadway, but there is no proposal to make either one of these two lots any more non-confirming. There are precautionary and prohibitive slopes on the property, located north and west of where the houses are located. No development is being proposed at this time but if development is proposed in the future, the applicant will have to come back before the Board for review.

Mr. Clements went on to say that both lots will be serviced by on-site well and septic. Existing access points are shown on the plan with no changes proposed. There is a note added to the plan to indicate that any future changes to site access for either of the lots shall be addressed via a Street Access Permit through Public Works. There are no surface waters or wetlands shown on the plan.

Councilor Remy asked whether this subdivision would cause the site to be more confirming. Mr. Clements agreed that it would.

The Chair asked for public comment.

Mr. Peter Hansel of 51 Bradford Road addressed the Board and stated he represents the abutters to the south closer to Hurricane Road. He stated there is currently a right of way from Hurricane Road through one of the subdivision lots and wanted to make sure there would be no impact to this right of way. He asked if the right of way could be included on the plan. Ms. Pelletier stated she would coordinate with the abutters to properly locate the right of way and it could then be shown on the plan.

Mr. Cory Graves of 284 Hurricane Road stated he too wanted to make sure all the rights of way that are currently in existence remain as is.

Councilor Remy suggested a condition be added to indicate that the right of way be added to the plan which is agreed to by the right of way holders and the applicant. Mr. Clements stated that is acceptable to staff, but recommended that when a revised plan is submitted an Affidavit also be

submitted which indicates that all parties agree that the shown location on the plan is the actual location of these rights of way.

B. Board Discussion and Action

A motion was made by Councilor Michael Remy that the Planning Board approve S-08-22 for a 2-lot subdivision of the parcel located at 284-288 Hurricane Road (TMP# 106- 010-000), as shown on the plan identified as “2-Lot Subdivision Plan, Lot 106-010-000 284 Hurricane Road Keene, NH 03431” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 50 feet, dated July 15, 2022 and revised on August 8, 2022 with the following conditions precedent, prior to signature by the Planning Board Chair:

1. Owners’ signatures appears on the plan.
2. Submittal of four (4) full sized copies of the final plans and two (2) Mylar sheets.
3. Submittal of a check in the amount of \$51.00 made out to the Cheshire County Registry of Deeds.
4. Submittal of a revised plan showing the location of all right-of-ways and an affidavit signed by the right-of-way holders and property owner to be recorded with the final subdivision plan at the Cheshire County Registry of Deeds.

The Councilor stated the proposed motion addresses the questions raised by the public and is a simple application which also makes the lots more conforming.

The motion was seconded by Vice-Chair Orgaz by agreeing to the four conditions stated. The motion was unanimously approved.

VI. Updates to the Planning Board Rules of Procedure (page 114)

Ms. Brunner addressed the Board. Ms. Brunner stated based on comments received at last month’s meeting a red-lined copy has been provided to the Board with the changes.

The first change was in reference to Terms of Officers; Regular Members versus Ex-Officio Members.

2.2.1. Regular Members the language clarifies and states *Regular members may not serve for more than two consecutive terms, either full or partial, except that partial terms shall only count toward this term limit if they are more than 18 months in duration.*

The second section that has been added states 2.2.2 *The terms of ex-officio shall correspond with and terminate with the term of the mayor that appointed them. Ex-officio members shall not be held to the limitation of two consecutive terms.*

This language is consistent with language in City Code Chapter 2.

The next change was for 4.3. Agenda – Ms. Brunner stated the following language is what was suggested by the Mayor to be removed: *although the Board shall retain the right to adjust that agenda during the course of its meeting.* However, she noted the Board will still have the ability to do but it won’t be explicitly stated in the Rules of Procedure.

4.4. Quorum – The suggestion is to remove the following language - *Unless the appointed alternate member becomes unable to continue to participate, the alternate member so appointed should continue to serve in the place of the absent regular member if a matter under consideration by the Board extends over multiple meetings, and/or until that matter has been completed.* Ms. Brunner stated this is still a best practice the Board should try to follow, but there was concern about unrealistic expectation.

4.6. Order of Business – There was one change proposed by a Board member and one change staff is proposing based on the recent Supreme Court Dover Case:
The language states as follows: *The business of all regular meetings of the Keene Planning Board shall be transacted in the following order: (1) call to order; (2) roll call of attendance; (3) acceptance of minutes of the preceding meeting; (4) non-binding consultations, (staff added) final votes on conditionally approved applications, application reviews, public hearings, discussions, and decisions; (5) reports and other business, including requests for advice and consideration; (6) new business; and (7) adjournment.*

4.7. Presiding Officer – change the word *presiding officer* to *Chair or Vice Chair*.

Ms. Brunner stated she also followed up on the question regarding recordings and how long it should be kept. Previously, the Rules of Procedure stated the recordings of the meeting shall be kept for three years. The current Rules of Procedure don't specify a timeframe; she indicated she did follow up with the City Attorney who did not get back to her until after the packet was already sent. He stated the Board could request the recordings be retained for 60 days. She indicated that it is up to the Board how they wanted to handle this item. The Chair did not feel it was necessary. Councilor Remy asked if there was a time limit indicated at the present time. Ms. Brunner stated there is no time limit outlined, it just specifies the recordings are for convenience and the official minutes are those that are written and approved by the Board. Councilor Remy stated he was in agreement to this as well.

A motion was made by Councilor Michael Remy that the Planning Board adopt the Rules of Procedure for the Keene Planning Board last revised on August 8, 2022. The motion was seconded by Vice-Chair Orgaz to adopt the Rules of Procedure which motion was unanimously approved.

It was indicated staff will bring this document back for the next meeting with signature lines for the Board to sign.

VII. Staff Updates

None

VIII. New Business

None

IX. Upcoming Dates of Interest – August 2022

- Joint Committee of the Planning Board and PLD – September 12, 6:30 PM
- Planning Board Steering Committee – September 13, 11:00 AM
- Planning Board Site Visit – September 21, 8:00 AM – To Be Confirmed
- Planning Board Meeting – September 26, 6:30 PM

There being no further business, Chair Russell Slack adjourned the meeting at 8:09 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner