

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

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**

**Monday, December 5, 2022**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Joshua Gorman, Chair  
Joseph Hoppock, Vice Chair  
Jane Taylor  
Richard Clough

**Staff Present:**

John Rogers, Zoning Administrator  
Corinne Marcou, Zoning Clerk  
Michael Hagan, Plans Examiner

**Members Not Present:**

Michael Welsh

**I) Introduction of Board Members**

Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the meeting. Roll call was conducted. Chair Gorman stated that Michael Welsh is absent, and it is his understanding that all of the applicants have agreed to proceed with a four-member Board. John Rogers, Zoning Administrator, confirmed that is correct.

**II) Minutes of the Previous Meeting: November 7, 2022**

Mr. Hoppock requested tabling the meeting minutes of November 7, 2022 because he has not had a chance to review all of instances where the draft minutes say “[inaudible].” Others agreed.

**III) Unfinished Business**

Chair Gorman asked staff is there is unfinished business. Mr. Rogers replied no.

**IV) Hearings**

- A) **ZBA 22-19: Petitioner, Hans Porschitz, requests a Variance for property located at 196 South Lincoln St., Tax Map #587-001-000-000-000 that is in the Medium Density District and owned by Jennifer Whitehead. The Petitioner requests a Variance to permit a structure outside the building setbacks on the side & rear of the property, the side setback from 20’ – 0’ to 14.2’ and the rear setback from 15’ to 12’ per Chapter 100, Articles 1.3.3.A.3 and 3.5.2 the Zoning Regulations.**

Chair Gorman asked to hear from staff. Michael Hagan, Plans Examiner, stated that 196 South Lincoln St. was built in 1925 as a single-family residence. He continued that it is on a .11 acre lot, about 4,791 square feet. It is a corner lot, and non-conforming due to lot size and setbacks. There are no Variances on record.

Mr. Clough asked what the second non-conforming piece was that Mr. Hagan said. Mr. Hagan replied that the rear garage did not meet setback requirements.

Chair Gorman asked if there were other questions for staff. Hearing none, he asked to hear from the Petitioner.

Ms. Taylor stated that she has a question about the process. She continued that she wants it to be clear for the record – are they going by the Ordinance as it appeared before the most recent amendments? Because these applications were filed prior to the amendments. What is on the screen says “November 2022” and that would be the updated version. Mr. Hagan replied that there would be no change, regarding the Variance they are requesting.

Hans Porschitz and Jennifer Whitehead, both of 196 South Lincoln St., introduced themselves. Mr. Porschitz stated that the packet shared has the overview of their request. He continued that the size of the lot is not conforming to the Medium Density District, and the setbacks of the corner lot requirements makes it even harder for a small lot to have anything added to it. They have made upgrades to the property to include electrical systems and would like to add a solar system to the roof to offset the cost and use of the electrical system. With the panels on the south side of the building, there is a danger of snow sliding off the panels in the winter. It is a danger to the access to the building. The door on the Water St. side is primarily used because it is closest to the driveway and the garage. They want to protect that area. The awning structure that was considered is not feasible structurally for the requirements, and there is a need to expand into a porch structure to support it. Those porch posts and the resurface would encroach into the setback beyond what the current Land Development Code (LDC) allows. Therefore, they request a Variance to place that structure in that area.

Ms. Taylor asked Mr. Porschitz to clarify what they are asking for, because some references are to a “porch” and other references are to the “supported extension of an awning.” She continued that porches have floors and could potentially be used as living space. She asked if their intention is a porch just for cover prevention of snow slide, or a porch to use as extended living space. Mr. Porschitz replied that they do not intend the porch to be enclosed; it is just a protection for people walking by the building.

Mr. Rogers stated that on page 5, figure 8 is a rendition of what is being proposed, and that might answer Ms. Taylor’s question. Ms. Taylor replied that she was seeking clarity on the proposed use, not the actual structure.

Mr. Hoppock asked if it is correct that only the roof of the porch/awning will extend into the setback. Mr. Porschitz replied the roof and the posts supporting it. Mr. Hoppock replied that he sees that on page 5.

Chair Gorman replied that he sees it on page 4 and 5 as well and asked what the size is proposed. Mr. Porschitz replied 7x18 feet overall. Chair Gorman asked what Mr. Porschitz's explanation is for not making it a bit smaller. He asked if they would be able to comply with the setback requirements if it were, say, four feet. Mr. Porschitz replied that it would be more conforming. He continued that the building itself, as shown on the plot plan, is already on that side outside the setback requirements. Chair Gorman replied that he realizes they cannot make it completely conforming, but it would be less non-conforming if it could be smaller. He asked why it needs to be seven feet and whether that is just aesthetics or preference. Mr. Porschitz replied aesthetics.

Ms. Whitehead stated that it (being seven feet) would also support the additional solar panels. She continued that it would also look more like a porch, which fits with the other homes in the neighborhood. There is the only house that does not have a porch aesthetic, so this would help it conform with the neighborhood.

Chair Gorman asked if the Board had any more questions. Hearing none, he asked if the Petitioners wanted to go through the five criteria, or if they feel this is a rather straightforward request to build this structure in the setback to accomplish snow movement away from the entry, support some solar panels, and fit in aesthetically. He asked if that is the basis of their request. Mr. Porschitz replied yes.

Ms. Taylor stated that she tends to get confused about what is the "side" and what is the "rear" of a corner lot. She continued that she thinks of them as having two sides and two rears, as opposed to having a front. Mr. Rogers replied that the Zoning Code looks at the front as being the narrowest portion, which is the South Lincoln St. side on this property. He continued that the side setback in this district is 10 feet, but since this is a corner lot, a section of the Zoning Code requires an additional 10 feet added to whatever the side setback is. One reason for that is visibility. If this were to be an open structure, it would not necessarily create that hazard.

Ms. Taylor asked if it is correct that the side setback is 74'3". Mr. Rogers replied yes. Ms. Taylor asked if it is correct that the rear setback would be the one that says 65 feet. Mr. Rogers replied yes. Ms. Taylor asked if the corner of the house is within the 15 feet of that. Mr. Rogers replied that he would have to look, but the Applicant provided a plot plan showing the setbacks. The southwest corner of the building might be within that setback. He continued that it looks like the front corner of the building is 14'7". Regarding the rear setback, part of the building is at 10'9". This addition will not go quite as close as that corner of the house; it looks like the Petitioner is asking for 12 feet.

Chair Gorman asked if there were any more questions from the Board. Hearing none, he asked if the Petitioners had anything else to add. Hearing none, he asked if members of the public

wanted to speak in favor of or in opposition to this application. Hearing none, he closed the public hearing and asked for a motion.

Mr. Hoppock made a motion to approve ZBA 22-19 without condition.

Chair Gorman asked if the Board wanted to contemplate the condition that the porch structure remain open. Mr. Hoppock replied that the Applicant said it would not be enclosed. Mr. Rogers replied that if the Board's desire is to make sure it remains unenclosed, he recommends that be a condition. He continued that if that condition is not included in the motion, there is nothing to preclude the homeowner from enclosing the space.

Ms. Taylor stated that she thinks it is a good suggestion for a condition. Mr. Clough stated that it does not appear that the corner affects the sightline very much, because the corner of the actual building juts out so much and the structure will not go down the full length of the building. He continued that probably his biggest issue was the ability to enclose the structure, because that becomes a different type of space, but he does not see it as a sightline issue and does not think that (not enclosing it) needs to be a requirement.

Ms. Taylor stated that she agrees with Mr. Clough's assessment, and that was the reason for her questions at the beginning about what kind of structure it was, because even if the current owners do not plan to enclose it, subsequent owners could. Subsequent owners could make it a screened-in porch. Thus, she thinks it would be wise for the Board to condition approval upon it not being enclosed.

Chair Gorman re-opened the public hearing and asked the Applicants if they wish to proceed with this as a stipulation, or if they want to speak more about why they do not think the stipulation should be put into place. Mr. Porschitz replied that the use that they have intended for this structure is an open space. He continued that they have no plans to enclose it but he cannot speak to the intentions of future owners. Chair Gorman asked if he wants to make any statement in support of the ability to close it off. Mr. Porschitz replied that it is fine either way the Board wants to do it. He continued that the corner of the building already has an enclosed porch, so any future owner would probably use that instead of enclosing this (proposed) space.

Mr. Rogers stated that to Mr. Clough's point, the current front of the house is 14'7" from the property line next to the intersection, and this new addition's front will be 14'2". Thus, this roofline will be five inches closer in the front corner. That very well could give the idea if there was any sort of obstruction created by this, whether enclosed or unenclosed.

Chair Gorman stated that he is fine proceeding without the condition. Ms. Taylor replied that a Variance runs with the land and regardless of the intentions of the current owners, others might think this is a perfect site to have an enclosed area. Chair Gorman asked if she thinks it would impact line of sight. Ms. Taylor replied that she is not concerned about the line of sight, but approving something that is going to be an overhang meant to protect people from falling snow is very different from the future potential for additional living space.

Mr. Hoppock withdrew his motion.

Mr. Hoppock made a motion to approve ZBA 22-19 subject to condition that the porch structure not be enclosed in any fashion. Ms. Taylor seconded the motion.

1. *Granting the Variance would not be contrary to the public interest.*

Mr. Clough stated that since the Board is including the condition, the two things they are concerned with - line of sight and whether it would be utilized as another living space - would be addressed. He continued that there would not be an issue with it.

Mr. Hoppock stated that he does not see the proposed use in the application as any way risking an increase of density in the area, and it will not encroach on/block the light or air in the neighborhood. He does not see those two factors being in play. The Applicants' purpose of the structure is a good one, with solar panels. He does not see any Zoning issue with that.

2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

Ms. Taylor stated that she thinks it would be observed, continuing that it is not an additional living space, so it does not impact issues that the Board frequently discusses about density. In addition, she thinks there is a safety issue for the homeowners and visitors. Chair Gorman agreed.

3. *Granting the Variance would do substantial justice.*

Chair Gorman stated that the benefit to the property owner clearly outweighs any potential injury to the public. He continued that he does not see any potential injury to the public, but he does see gain for the public through the usage of solar panels, updating and upgrading the building, at a point where we are trying to have more sustainable energy initiatives. He sees benefit to both the public and the Applicant.

Mr. Hoppock stated that the flipside is that the loss to the individual if it were denied would not be significantly outweighed by any public gain. He thinks the third criterion is met.

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

Mr. Hoppock stated that he sees no impact whatsoever on the values of surrounding properties. Chair Gorman agreed. He continued that if anything, this might raise the value of surrounding properties. Mr. Clough agreed.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.\*

*and*

ii. *The proposed use is a reasonable one.*

Mr. Hoppock stated that keeping in mind the lot size and the configuration of the home on it, and the purpose of the setbacks – reduced density, improvement of sightline distances, maintaining light and air – none of those factors apply to or justify the restrictions of the setbacks in this case. Regarding this application, they are not trying to prevent any of those dangers. He continued that by virtue of the configuration of the limited area the Applicants are proposing, he thinks those are special conditions. The Applicant does identify some of those in the application – the location of the driveway, the allowable building area, the fact that it is a corner lot, and the way the home is placed on the lot. He thinks all of those are special conditions, and they make the application of this Ordinance unfair to this lot, under this proposal.

Ms. Taylor stated that she echoes what Mr. Hoppock said. She continued that she drove around this neighborhood and saw some larger lots and some smaller lots, but this particular one is unique in its setting because of the corner lot and the placement of the house. One of the interesting things about this is that on the sideline, the corner of the extended roof is actually going to be less of an encroachment than part of the house. She does not feel that the ability to put solar panels on adds to the hardship. Putting solar panels on may be a great personal preference, but it is a personal preference. Other than that, she does think that the lot creates a hardship and a safety issue.

Chair Gorman stated that he agrees, and would add that the proposed use is reasonable, for many reasons just explained for 5. A) i.

1. *Granting the Variance would not be contrary to the public interest.*

Granted with a vote of 4-0.

2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

Granted with a vote of 4-0.

3. *Granting the Variance would do substantial justice.*

Granted with a vote of 4-0.

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

Granted with a vote of 4-0.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:  
and*

ii. *The proposed use is a reasonable one.*

B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Granted with a vote of 4-0.

The motion to approve ZBA 22-19 with the condition passed with a vote of 4-0.

**B) ZBA 22-20: Petitioner, Hilary Harris, requests a Variance for property located at 365 Main St., Tax Map #112-038-000-000-000 that is in the Low Density District. The Petitioner requests a Variance to permit a one additional dwelling unit in an existing barn totaling three units on the property, per Chapter 100, Article 3.3.5 of the Zoning Regulations.**

Chair Gorman asked to hear from staff.

Mr. Hagan stated that 365 Main St. was built in 1880 and is in the Low Density District. It currently is a two-family house, which is a non-conforming use for the District. The proposed area is 720 square feet. The lot size is approximately one acre, which is approximately 43,560 square feet. There are no Variances on record for this property.

Ms. Taylor asked if it is correct that if it were already a non-conforming use, adding a third dwelling unit would make it more non-conforming. Mr. Hagan replied that is correct.

Chair Gorman asked to hear from the Petitioner.

Hilary Harris stated that she owns and lives at 365 Main St. She continued that she is a local architect and the Board probably recognizes her from the 310 Marlboro St. project, which is her primary job – she returned to the area to work on that project. When she decided to take on that

job, she needed a place to live, and started looking for a property. Being an architect, she was interested in finding a property that was in need of TLC, because she likes projects. She came across 365 Main St., which was a duplex, and had been formerly managed as student housing. There had been eight unrelated female students there for the past few years as it has been student housing for quite some time. There was a lot of deferred maintenance, and squirrels living in the attic. She hit the ground running, got a building permit, and started doing improvements on the property. She was able to rent the upstairs unit relatively quickly, now occupied by Keene's Postmaster and his family. The lower unit was in need of more work and that is where she resides with three construction workers. The units are identical, but the upper unit was in better shape. They both have four bedrooms and one bathroom with the bath in the lower unit being extremely small. Part of the building permit she got was to add another bathroom toward the back of the building where there is a more private bedroom, which is where she lives. That is not the focus of this Variance request; she just wanted to give a bit of background about the property.

Ms. Harris continued that the focus of this Variance request is the beautiful barn shown in the slides. It has been moved three times since this property was built in 1910. It is an authentic timber frame, which she has a great interest in as she used to work at Benson Woodworking. This is a beautiful building in great condition, and is famous/infamous in the city. A neighbor gave her a "365 the Raging Barn" T-shirt since the property is known as the "raging barn" of Keene State College (KSC). When she bought the property it had a bar in it, and she hears there were many parties there, that was contrary to the public interest with neighbors stating it was disruptive on many occasions. Her intention is for it to not be the party barn anymore and the bar has been ripped out already.

Ms. Harris continued that regarding this building's future, she does not want it to be "the party barn," nor does she want it to continue to house squirrels. She continued that it could remain as is, as cold storage since there is not much else to do with this barn. Her proposal is to build an apartment in the barn, which she would live in. She showed a picture of the property as seen from KSC's campus. She continued that the picture gives a sense of scale of the surrounding area. The large building shown on the left is KSC's Pondsides dorm, which abuts the backside of this property. It is also in the Low Density District and houses 154 students. Her property is dwarfed by this dorm, which is right next door. Other properties nearby include 351 Main St., a sorority house that houses 13 people, and another large dormitory which she believes has 11 different communities within it. A KSC parking lot is also adjacent to the property.

Ms. Harris continued that her property is on Main St., which is a very busy street. The speed limit is 25 mph but not many people drive that (slow). There is on-street parking, so it is a very wide street and is the gateway to Keene. She is sensitive to that, and believes that this property can be upgraded and can give a facelift to the neighborhood as you enter Keene. In another slide, you can see that many of the abutters of this property are actually KSC. The next slide zooms into that area, and she wants to highlight all the non-conforming properties in this immediate area. One of her points is that while she is in the Low Density District, she is



surrounded by high intensity or non-conforming uses. On this part of Main St., her property is a full acre. Only one other property on Main St. is one acre – the one across the street, which is conforming. The rest are significantly smaller.

Ms. Harris showed another image of the property, looking to the south. She continued that the point is to show the expanse of the property and its green space, which she has no intention of building on the green space, focusing only on the barn. There will be a slight increase in impervious area. The proposed barn renderings show a shed roof on the east side with a screen, because currently there is no way to screen the trash on the property and she would like to put a little bit of impervious surface there for the trash and screen it. On the other side is where she would like to put the entrance to the barn. A deck would protect the entrance and there would be impervious surface, like a sidewalk, going to the entrance. However, because the property is so large, the amount of impervious surface that will be added is negligible. The property feels very exposed, and the neighbors to the south do not have any privacy. She would like to put some landscaping in between the properties to respect that privacy and make it a little nicer.

Ms. Harris continued that she believes that if she were granted the Variance to build this apartment, it would foster better stewardship of the property than what has been happening, and it would lend itself far more to having an owner-occupied unit, as opposed to it just being rented to students. Her intention is to make this a high performance, net zero project. That is her line of work and her passion, and she believes we need to be building buildings like this. This existing building is being underutilized, in a walkable community, and it would be a great addition to Keene and is in line with the City's sustainable energy goals.

Mr. Hoppock asked if it is correct that there are two living units in the main house. Ms. Harris replied yes. Mr. Hoppock asked what the square footage is for those. Ms. Harris replied that the total square footage of that living space is 3,396, divided by two. Mr. Hoppock asked if her proposal is to add one unit to the barn. Ms. Harris replied yes.

Mr. Hoppock stated that other than the lot size and the comparison Ms. Harris is making to the neighborhood properties, he is unclear whether there are any other special conditions of Ms. Harris's property that she wanted to point out. Ms. Harris replied that other special conditions are that almost 50% of the property abuts KSC, and 12% is on Main St., which is a very busy street; and it has a barn that, in its present state, is essentially only usable for cold storage. It is essentially an overbuilt garage that cannot be used to its full potential. It is being neglected and it is not in the public interest for it to be in the state that it is in. The hardship is that there is this building that needs something to happen to it, whether it be taken down or turned into a party barn or something else. She thinks the best use of it would be to put an apartment in there. The property is significantly larger than the majority of the properties in the area. It is four times the size of a property she would need for a single-family dwelling. Even if she were to add this (apartment), she still has excessive amount of property for the amount of dwellings that are proposed.

Mr. Hoppock asked what the parking capacity is. Ms. Harris replied that currently, you can get about eight cars in there, stating that it is on the site plan. You can fit about six cars in front of the barn and two or three cars in the overflow parking area. She has heard that there were 14 cars parked there before, but she is sure that was not legal. She would be happy to delineate the parking more formally, if this Variance were granted, if they wanted her to put stripes there. Chair Gorman replied that he thinks the Code Department would handle that. He continued that she would be required to have at least six parking spaces. He asked Mr. Rogers if that is correct. Mr. Rogers replied yes. He continued that if the barn were to still have a garage, the spaces in the garage would count as well. Ms. Harris replied that there are three spaces in the garage.

Chair Gorman asked staff if the existing use is conforming. Mr. Rogers replied no, it is a legal non-conforming use. He continued that City records indicate it being a two-unit for as far back as their records go. It is a pre-existing non-conforming use.

Chair Gorman asked if there were any further questions from the Board. Hearing none, he asked for public comment.

Andrew Oram of 390 Main St. stated that a generally accepted adage is “actions speak louder than words,” and there are three actions involved with Ms. Harris buying this property that have been significant to him. First, he and his wife have not been woken up by loud parties since Ms. Harris took it over. Second, the fact that she lives there changes the character of the property to conform more to its long-term Low Density definition, because that was a relatively peaceful neighborhood and the house in question had become problematic from time to time due to noise. (Homeowners) are disinclined to live like that. They may rent to people to live like that, but they do not want to live with them, so the fact that the owner is on the property is significant to him and it represents her investment in the neighborhood. Third, he appreciates the degree to which Ms. Harris reached out to him and his wife and the neighborhood. He was given a grand tour of the property and shown the materials. Ms. Harris clearly has the experience and skills to do a good job with the barn. Now, while the barn is not substantially deteriorated, it is certainly showing wear. He can tell from the work Ms. Harris is done that she cares about the work. She is talking about building a space that she would live in, and probably a subsequent owner would as well. He thinks that establishes a better chance of the building being owner-occupied, which means that the tenor of the building will be more in line with how the neighborhood traditionally has been.

Mr. Oram continued that regarding the five criteria in the application, he understands that the Board’s job is not in any way to change Zoning, but he observes, as someone who lives in the middle of this neighborhood, that between Rt. 101 and the Applicant’s house, there are more non-conforming structures than conforming ones. Perhaps the designation for the neighborhood is out of date. That makes it difficult for properties when they change hands. It is difficult to afford a single-family home on Main St. and keep it up; they are all houses that require a lot of maintenance. Stuff gets pushed into a Variance, and if over 50% of that section (of properties) have Variances, to him that calls into question the designation (of Zoning). That is particularly

true, as Ms. Harris pointed out, in comparing to what is going on at KSC. He understands that is off the books; however, Ms. Harris's property is 100 yards from a building that has more people in it than live in all of the structures of Ms. Harris's side of the street between there and Rt. 101. Thus, one has to ask – when we look at being fair to someone using a property in that area, how is (her property) non-conforming? (Her property) is actually more conforming than most of the structures around it. Further, the house two below (from Ms. Harris') has almost the same situation, though those (homeowners) do not have multiple living quarters in their house, they do have one in the barn behind, which is essentially what Ms. Harris is asking to do. To him it would feel unfair if she were not able to do that, given such close comparison. For all of those reasons, he support's Ms. Harris's application and hopes the Board gives her the Variance.

Chair Gorman asked if there was anyone else from the public wishing to speak. Hearing none, he closed the public hearing and asked the Board for a motion.

Mr. Hoppock made a motion to approve ZBA 22-20. He continued that he cannot think of a condition, but could be persuaded if other Board members had one.

Chair Gorman replied that what comes to his mind is that the premise of this application was based on the owner element of it, and Mr. Oram's commentary added to that. He continued that of course the concern is that they could end up with 12 bedrooms right next to a college. The Applicant's intent is clearly great, and if the situation stays that way there is no harm there, but if the building turns into a three-unit with college students, there is nothing to prevent that from happening. He does not know if an owner occupant stipulation could or would be entertained.

Ms. Taylor replied that it would be difficult to support that as a condition. She continued that the Board cannot really say who lives where. They have to address the use of the property, not the people.

Ms. Harris asked to speak. Chair Gorman opened the public hearing. Ms. Harris stated that she does not think there would be 12 occupants, because the barn will just have a one-bedroom apartment. Chair Gorman replied that he understands that, but it is a unit, and if a (future) property owner were to take it over as a college rental, s/he would not be renting it as a one-bedroom. Ms. Harris replied that the amount of investment she is putting into this would mean such that she hopes that no one who bought this property would turn around and rent it to students, but no one knows what people will do.

Chair Gorman closed the public hearing.

Chair Gorman stated that he is inclined to agree with what Ms. Taylor said, but it was just a thought, because that is the one underlying potential issue down the road.

Mr. Rogers stated that if the Board were so inclined, Section 8.4.2 of the Zoning Code, which speaks to Accessory Dwelling Units (ADUs), has some regulation about owner occupancy.

There is a whole structure in place as the property needs to be deeded as such. There is a condition that goes somewhat down the path the Board is talking about, if they were so inclined to apply that. He agrees that it could be quite difficult to enforce at times. He just wanted the Board to be aware that the Zoning Code does have some stipulation in a similar setting where owner occupancy is required.

Chair Gorman stated that he realizes it would be difficult in terms of scope of enforcement, and hopefully it would not need to be enforced, but it would at least give City staff the opportunity to have some scope of enforcement. If it became a problem house 20 or 30 years from now, staff would at least have a leg to stand on, whereas currently they would not. Mr. Rogers replied that is correct. Chair Gorman asked if ADU's need to be attached. Mr. Rogers replied that this (structure in question) would not be considered an ADU in any sort of way; he is just putting forth that there is some language that they could incorporate into a condition that this be owner occupied, if the Board desired to do that.

Ms. Taylor stated that to consider this an ADU would be a whole different ballgame, and it is not in the application before the Board. She continued that she does not necessarily think they should include that as a condition. Chair Gorman asked if it is her stance that the Applicant would have to meet the requirements for an ADU and come before the Board under that premise, or the Planning Board. Ms. Taylor replied that she thinks it would be the Planning Board.

Mr. Hagan stated that this property would not be able to have an ADU, because it is already non-conforming. He continued that any single-family home is allowed to have an ADU as long as it meets the criteria in that section. Regarding applying these requirements, he thinks what Mr. Rogers was trying to do was to show the Board that Zoning does regulate owner occupancy in buildings, not in this particular one, but in an ADU use. Thus, if the Board needed language to go along with that, there is already set criteria for owner occupancy.

Ms. Taylor stated that she disagrees with that analysis, because ADU's are a creature of statute that, as opposed to the Board making some sort of condition that it be owner occupied as part of a Variance, which is a whole different ballgame.

Chair Gorman stated that Mr. Hoppock's motion is on the floor. Mr. Clough seconded the motion.

1. *Granting the Variance would not be contrary to the public interest.*
2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

Mr. Hoppock stated that as he sees this, there are two living units in the main house, with one more being added to the barn; it is a one-acre lot, one of the larger lots in this Low Density District and therefore in a high intensity use, which is the background. He continued that he

does not see this proposed use being contrary to the public interest. The design plans do not factor into his analysis of that.

Mr. Hoppock stated that, in viewing the first two criteria together, he does not see this use as contributing, causing, or in any way impacting the essential character of the neighborhood in terms of public health, safety, or welfare. He thinks that is an important part of the spirit of the Ordinance question, and the Supreme Court says they can look at those together.

Ms. Taylor stated that she thinks it is a close call. She continued that regarding the first criterion, they have been talking for a long time about how it is in the public interest to have more residential units. The second criteria is more difficult, and she does not think this meets the spirit of the Ordinance. The Ordinance is clearly low density, and if the Ordinance needs to be changed, that is beyond the Board's scope. She continued that the property is already non-conforming. If the Board were to look at this solely as an expansion of a non-conforming use, as opposed to a Variance, they would not allow it because it would so change the footprint of the non-conforming use that it would totally be beyond what the scope would be. Thus, while she thinks it may be a close call regarding whether it is in the public interest, she definitely thinks it is not within the spirit of the Ordinance. Maybe the Ordinance needs to be changed.

3. *Granting the Variance would do substantial justice.*

Chair Gorman stated that he thinks there is some injustice to the property owner, without being afforded a reasonable use of the structure. He continued that having a big structure that you effectively cannot use causes the property owner some degree of harm, and he does not think it being developed hurts the public. His only real hang-up on this is the worst case potential. The project is great, probably does substantial justice, and appears to be in the spirit of the Ordinance based on the size of the lot and the intent of preventing overcrowding. It is not contrary to the public interest to have this structure in need of repair get some life put into it and used reasonably. These are all good things. It is just the potential worst-case scenario that he is struggling with.

Mr. Hoppock stated that when he looks at issues of parking and traffic, he does not see the proposed use at all harming the public. He continued that he does not think there will be a density issue, nor an overcrowding issue as there will not be too many cars. What could happen years from now, regarding the noise from the college, he does not know; that piece is open. There are enforcement mechanisms available, and he thinks denying the Variance would create more harm to the property owner than it would result in gain to the public. This is a close call for him, but he leans on the side of the property owner on this criterion.

Chair Gorman stated that his discomforts could be eased significantly if the Board put a bedroom limit on this unit. Ms. Taylor asked how many bedrooms are in the house. Chair Gorman replied eight. Ms. Taylor replied that nine bedrooms is still a lot. Chair Gorman replied yes, but it is not as many as twelve. He continued that a two-bedroom, well-renovated barn would

probably end up, just by virtue of what it is, limiting the likelihood of it becoming a college rental, as the Applicant alluded to. As opposed to (not adding a condition) and having it end up ten years from now being a four-bedroom college barn. Mr. Hoppock replied or having one bedroom with four people in it. Ms. Taylor replied that she does not think it makes a difference. If some future owner wants to make it into college housing, they are going to do it, whether it is a one-bedroom or two-bedroom barn. They will still have eight bedrooms in the house, so they will put sixteen students in the house and four in the barn. Chair Gorman replied that there is a Zoning Ordinance relative to that, which City officials enforce. He continued that if the Board (does not condition this Variance) in the beginning, they cannot ask City staff to (do anything). The Board cannot just say, "We shouldn't do anything because it's not enforceable." The effort can still be there, and the intent. Down the road, it would give staff something to stand on, if they visit the house and see that it is overcrowded or being used as a four-bedroom as opposed to the two that the Variance allowed.

Mr. Hoppock asked if they should ask the homeowner about that. Chair Gorman replied that he will open the public hearing and asked Ms. Harris what her stance would be regarding limiting the number of bedrooms in the barn, as a condition to this Variance. Ms. Harris replied that she would be fine with that. She continued that as she said, her intention is to live in it. She does not have any control over what happens to it if the property were ever sold. Her only assurance is that maybe if she makes it nice enough, maybe it could be faculty housing.

Mr. Clough stated that he agrees that having some sort of teeth in it, even if they are small, is better than none at all. He continued that that is the only thing the Board has that would be available to restrict anything in the future, thus, he agrees with it.

Mr. Hoppock asked if Mr. Clough would agree to withdraw his second on the motion so Mr. Hoppock could withdraw the motion and start anew. Mr. Clough agreed and withdrew his second. Mr. Hoppock withdrew his motion.

Chair Gorman stated that the public hearing is closed.

Mr. Hoppock made a motion to approve ZBA 22-20 on the condition that only one bedroom is permitted in the unit that the applicant proposes to add. Mr. Clough seconded the motion.

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

Chair Gorman stated that he does not think the values of surrounding properties would be diminished in any way. He continued that he thinks this will add to the value of the entire street. It is a great project. He feels bad about his hang-up about the potential ramifications down the road, because he thinks this is a great project for the community, for property values, and so on and so forth.

Ms. Taylor stated that she agrees. She continued that she thinks this will increase the value of the property in question as well as those of surrounding properties.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property and*

ii. *The proposed use is a reasonable one.*

Ms. Taylor stated that this is difficult for her in answering what is the special condition of the property. Is it the fact that it is an acre, in an area where there are no other 1-acre properties and is that offset by the fact that they are basically being asked to expand a non-conforming use already? She has mixed feelings as she does not think it is an issue, necessarily, from what the Board has heard, the financial plight of the owner. It is not that the property is not going to be used if nothing is done. Whether the barn needs renovating or not, she is not sure that by itself creates the hardship.

Chair Gorman stated that his opinion is that size is a special condition, yes, but that is a much smaller one than the other ones that weigh on him. He continued that the big one is having all the college dormitories behind it. That is different from many other properties. It alters whether or not that is likely to be a single-family home. The college was nowhere near (what it is today) when the home was constructed. Having an old, timber frame barn is nice, but the Applicant does not have horses, she has a car. Just through time, the hardship becomes figuring out what to do with the barn. Finding a good repurpose for it is applicable here. The barn being there is a hardship, and he thinks the house and barn being a victim of change through generations now finds itself needing to be repurposed.

Mr. Hoppock stated that the barn could be considered a special condition of the land. He is not sure any other property has a barn like this on it, so Chair Gorman's great observation helps him, as he was focusing more on the lot size and location.

Mr. Clough stated that the house was built 29 years before KSC was created, before the concept of KSC was even on the horizon. He continued that as has been stated, the area around the property has changed significantly, whereas the property has remained the same. At some point, adaptability has to play a part in this. He sees it in that respect, too – it would be an improvement for this sort of work to be done on the barn.

Mr. Hoppock stated that the only thing he would add is that the general purpose of the Ordinance is to regulate density and to make sure that lots are not overpopulated. In light of location, the structure, the size of the lot, and the limitation on the bedrooms, the risk of overpopulating this lot is minimal. He continued that therefore, he would say that the overall purpose of the

Ordinance does not have a specific application to this property, which creates an unnecessary hardship.

Ms. Taylor stated that her only concern with that line of thought is that because of its size and the amount of frontage, the lot has potential for subdivision. She continued that that is not an issue before the Board. Mr. Rogers replied that he and the Applicant looked at that, and this property would require a Variance to be subdivided. There is not enough frontage to create two lots, and the location of the house on the lot is a little wonky. This would require a Variance to be subdivided. Ms. Taylor replied that she did not know if the back of it was too close to the pond and if it would create a water issue. Mr. Rogers replied no, there is not enough frontage on Main St. to subdivide. He continued that there certainly is enough square footage, but not enough frontage, unless there was a Variance.

1. *Granting the Variance would not be contrary to the public interest.*

Granted with a vote of 4-0.

2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

Granted with a vote of 3-1. Ms. Taylor was opposed.

3. *Granting the Variance would do substantial justice.*

Granted with a vote of 4-0.

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

Granted with a vote of 4-0.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property and*

ii. *The proposed use is a reasonable one.*

Granted with a vote of 3-1. Ms. Taylor was opposed.

The motion to approve ZBA 22-20 with the condition passed with a vote of 3-1. Ms. Taylor was opposed.



**C) ZBA 22-21: Petitioner, Timothy St. Pierre of B.U.R. Construction, LLC of 940 John Stark Hwy, Newport, NH, requests a Variance for property located at 363 Pearl St., Tax Map #593-004-000-000-000 and owned by Adam Wright. The Petitioner requests a Variance to permit the temporary use of a vacant lot for staging of an adjacent construction project per Chapter 100, Article 3.3 of the Zoning Regulations.**

Chair Gorman asked to hear from staff.

Mr. Hagan stated that 363 Pearl St. is currently a vacant lot. He continued that there are many (potential) uses for it but it currently is unused. It is a .6-acre lot, about 26,136 square feet. There are currently no Variances on file.

Ms. Taylor asked if this has frontage on Winchester St. Mr. Hagan replied no.

Mr. Hagan stated that one more thing to add is that the proposed use of “outdoor storage yard” is allowed in the Commerce District and the Commerce Limited District.

Ms. Taylor asked where the Zoning line is that runs along Winchester St. Mr. Hagan replied that the property directly south, in the image, the building to the vacant lot, is located in the Commerce Zone. The rectangular building is another apartment building. There are two apartment buildings to the right, and just below that is the McDonald’s Restaurant. Thus, there is one buffer lot in between the Commerce Zone.

Chair Gorman asked if there were further questions for staff. Hearing none, he asked to hear from the Applicant.

Tim St. Pierre, owner of B.U.R. Construction, stated that he is not sure if the Board is familiar with the construction project that B.U.R. Construction is undertaking in town. He continued that they are contracted to build two new roundabouts, one at the Key Rd./Riverside Plaza intersection, and one at the Island St. intersection. They are removing a temporary bridge that has been there for approximately 45 years, and simultaneously upgrading water infrastructure, sewer infrastructure, and significant drainage work. It is a two-year, phased project, and it is an incredibly intensive use that B.U.R. Construction is here to perform.

Mr. St. Pierre continued that one challenge of construction projects is the staging of construction materials. This is his 30<sup>th</sup> year owning a construction company, having done work all up and down the I-91 corridor, on both sides of the river, mostly for the NH Department of Transportation (NHDOT) and Vermont Agency of Transportation. They work with municipalities in both states as well, including the City of Keene; having done about \$13 million worth of infrastructure in Keene. Never before has this use been determined to require a Variance. This is something new for B.U.R. Construction, and from his understanding,

something new to the City. It is not in the contract, and him saying that does not mean he does not think B.U.R. Construction needs to be before the Board, but this is something new.

Mr. St. Pierre continued that in order for B.U.R. Construction to be able to do this project, they absolutely need to be able to stage construction materials. When they do that, they look to prevent “construction sprawl.” Just as the City creates districts out of the city so there is not sprawl, his company does the same. They do not want to have construction materials stored across town, so that every day they are running trucks back and forth through town and creating excess traffic, noise, dust, and so on and so forth, to be able to bring the materials they need for that to put into the ground. They always look for areas adjacent to the project, to try to use as staging areas for the materials. They have used the area on Pearl St. as it is a vacant, unimproved lot, which is probably the most important defined factor of the lot. He understands that outside storage is allowed in the Commerce District, but he assures the Board that people who are taking commerce in do not want the distraction and the truck traffic interfering with their commerce. Those options for B.U.R. Construction are not an option, because these establishments will not allow them to stage there. Thus, they have to find adjacent areas, usually unimproved, which are hard to find, or they have to stage in traffic, which would be the alternative here. If they have to relocate and move their construction materials, they have to take a lane of Pearl St. and close it during the day, and take two lanes of Winchester St. and close it during the day. That would create major traffic problems in the city, not to mention the additional truck trips B.U.R. Construction would have to run through town, if they can find a place where they can stage in town at all. That would create problems.

Mr. St. Pierre continued that he is not sure if the Board is familiar with the details of the project, but the least intrusive part of the project has passed, and the most intrusive and difficult project is coming. They will be closing Island St. for 35 weeks to replace the temporary bridge with poles being relocated. He continued that if they have to take a lane of Pearl St. and two lanes of Winchester St., he is not sure what will become of traffic, but he knows that there are issues with the Rt. 9/12/101 roundabout experiencing gridlock. He stated that the Riverside Plaza is going to be a roundabout in early spring, but then comes the next phase where there will be major gridlock. Inside the contract, the only thing that deals with traffic is that B.U.R. Construction cannot back up into that Rt. 9/12/101 roundabout. When they do, they have to bring in Uniformed Traffic Officers (UTOs) to be able to clear that queue. The only way to clear that queue is to let traffic run up and down Winchester St., and hold everything at Key Rd. at the plaza, and at Pearl St. That is the only way to solve it, so not having the Variance that allows them to stage materials on the property (on Pearl St.) would create tremendous problems with the flow of vehicular traffic as this project continues to go forward.

Mr. Hoppock stated that that is a good public interest argument so far.

Ms. Taylor stated that she sees the temporary access on Pearl St. She asked what kind of traffic control Mr. St. Pierre envisions when B.U.R. Construction needs to move equipment and materials out onto Island St. or Winchester St. Mr. St. Pierre replied that right now the job

comes with flaggers, built into the project, and UTOs as needed. Those are line items within the contract. Ms. Taylor asked if it is correct that they have already accounted for that. Mr. St. Pierre replied yes, if there is a need. He continued that generally, coming out of the lot and onto Pearl St., the traffic is not heavy enough to require flagging. The flagging comes when you get down to that tricky 4- or 5-way intersection down below.

Ms. Taylor stated that this area for storage is rather level. She continued that her question for staff is whether anything in the Code addresses outdoor storage runoff, or how close they have to be to the lot line as she is thinking about the abutters. Mr. Rogers replied there certainly would be. He continued that best standard practices would be in play. This use, if the company were to receive a Variance, would also go before the Planning Board to address many of those type of reviews, including reviews by the Public Works Department, making sure proper fences are put up, and so on and so forth.

Mr. St. Pierre stated that this project is governed by a Stormwater Pollution Prevention Plan (SWPPP), and the staging area has to be accounted in that SWPPP. It also deals with the construction general permit, which is required at the federal level. All of those are in place and functioning. The stormwater professionals come out weekly or after each rain event of more than a quarter of an inch, and inspect the entire site and file a report. Those reports are on file with the City; there are about 40 so far.

Mr. Hoppock asked if it is correct that this would be a temporary use and a temporary Variance. Mr. Rogers replied that is the way the Applicant is presenting this. He continued that he spoke with City Attorney Tom Mullins in regards to that, and the City Attorney feels that the Board would be able to condition this with a time limit.

Mr. St. Pierre stated that the application was put in to run concurrent with the timeframe of the project. He continued that it would be completely finished at the end of 2023. As per arrangement with the landowner, it will be returned to the same (condition) as it was prior to the start. That will be hydro seeded in late October. Mr. Hoppock asked if it is correct that that is B.U.R. Construction's arrangement with the owner of the land they are trying to use. Mr. St. Pierre replied that full disclosure; they are already using the land.

Mr. Hoppock asked if the correct date is 12/21/23. Mr. St. Pierre replied that the contract's "drop dead" date is 11/15/23, and that is when everything is done, but that part of the project (with the staging in the Pearl St. lot) will certainly be done by the end of October or early November. Mr. Hoppock asked what date Mr. St. Pierre would prefer to see for the Variance, were the Board to approve it. Mr. St. Pierre replied 11/15/23.

Chair Gorman asked if Mr. St. Pierre would take exception to a stipulation such as screening on the site, to benefit the neighbors. Mr. St. Pierre asked what type of screening. Chair Gorman replied visibility screening, such as hedges or a fence for the temporary use. Mr. St. Pierre replied that he thinks screening would probably be more of a visual detriment. He continued that

he cannot speak for everyone when it comes to that. He does not have the means to commit to that, because he does not own the property. It could not be hedges, which are long-term.

Chair Gorman asked if there were more questions from the Board. Hearing none, he asked if the Applicant had anything further to say. Mr. St. Pierre stated that regarding the diminishing value criterion, the fact that it will be returned at the end of the season services that. There will be no diminishing of property values because it will be returned to the same vacant lot that it was prior to B.U.R. Construction doing the construction work.

Chair Gorman asked if anyone from the public wanted to speak in favor of this Variance. Hearing none, he asked if anyone wanted to speak in opposition.

James W. Wright Jr. of 344 Pearl St. introduced himself and his wife, Patricia A. Wright. Mr. Wright stated that Mr. St. Pierre painted a nice picture, but his question is why he is here for a Variance now, and why there was not a Variance eight months ago when B.U.R. Construction started their work. He continued that this is the Low Density District, and this construction has changed the environment. He and his wife used to have a barrier so they could not see Winchester St., but the construction took the trees out. He was born in Keene, raised in West Swanzey, and has been at 344 Pearl St. for 57 years. He has been through many changes in the city and has never had a problem. He does not have a problem with roads or roundabouts, but he has a problem with this construction company renting a piece of property in the Low Density District without coming (to the Zoning Board) first. They cut 35 to 40 feet of the sidewalk out, so they can drive large trucks in. He has not been able to sleep in the morning as construction sometimes started at 6:00 AM. He asked (the Community Development Department) how the construction company was able to do that. Staff there told him they had no involvement in the project, and referred him to the Public Works Department. He talked with someone there who told him there is nothing the Public Works Department can do about it. He did not know they (his neighbor, Adam Wright, no relation) rented the property to the construction company without the neighbors having any say. His house faces the property. He has not been able to open his windows all summer.

Mr. Wright continued that he is here to complain and he does not want B.U.R. Construction to have a Variance. The construction wrecked what used to be a beautiful park. He knows that will be part of the roundabout, but the company could put the staging materials there. They have not even finished the roundabout on Winchester St. and he was told they would be cleaned out by Thanksgiving, and they were not. It is a mess and it is all he sees out his windows. He thinks it is an injustice that this could be allowed without him and his neighbors being informed earlier. Why did he not get a letter six months ago to come to this Board, but he got one now? He has not had a decent night's sleep in a long time. He lived through the (installation) of the Island St. bridge, and the Winchester St. bridge, and the park there has now been ruined. This is across the street from him. He was interested to hear Ms. Taylor bring up the topic of being able to see out on the street. It is unfortunate that there are only two houses that live across from there; everything else is all rentals. (Homeowners) do not live there; they rent it to the college. The

Wrights across the street have a rental and they run a great ship, but that does not include that. This is the property that he has rented. Hearsay is that when this is all said and done, Adam Wright wants to split this piece of property, for two apartment buildings on Pearl St. The consensus is that B.U.R. Construction, when they leave this property, will have the under footing. They will put a pristine lawn there like it was always there, and the barrier on Winchester St. He could be dead in three years, de does not care what Mr. St. Pierre says. He himself has never seen a construction project end on time. The roundabout is not even done.

Ms. Wright stated that B.U.R. Construction is already behind schedule with the roundabout, so she does not know how they are going to get the roundabout done, and the bridge, by next November.

Mr. Wright stated that there was another couple here tonight (who wanted to speak about this), who live straight across from this, but he assumes they felt the wait was too long and left. He continued that their windows rattle, too, when the trucks go through. Ms. Wright added that their house shakes when B.U.R. Construction drops materials. She continued that it should not be in a Low Density District and it is very upsetting for people who have lived there for 57 years. They planned their retirement here. They do not live high and they wanted and expected it to be a nice, quiet neighborhood. Mr. Wright stated that he does not think anyone on the Board would like to get up in the morning, look across the street, and see (construction like this). He continued that there are 157 spaces available in the KSC parking lot right back at Mrs. Sheehan's house. KSC has that house and can never rip it down because there is a 100-year lease on it. B.U.R. Construction could have put their materials there, or behind Walmart.

Chair Gorman stated that he understands Mr. Wright's sentiment and his level of frustration, but they need to start wrapping this up. He continued that what is happening on other properties is not relevant tonight. The Board is specifically focused on the property in question. If Mr. Wright has specific remarks as to why this application does not meet the criteria for a temporary Variance, he wants to hear those.

Ms. Wright replied that she and her husband have some papers they have put together. She asked if it is okay to pass them out to the Board members. Chair Gorman replied that he will look at it and read it into the meeting minutes. He continued that it appears to be an email from attorney Sam Bradley to Kürt Blomquist, Public Works Director. He read:

*"Dear Kurt: my client is James Wright, 344 Pearl St. He is upset that the contractors working on the new roundabout on Winchester St. are using land at 347 Pearl St. belonging to Adam Wright for parking trucks and other construction vehicles and equipment. The resulting noise and dust is a major nuisance to the Pearl St. neighborhood, and a particular annoyance to Mr. James Wright. The trucks and other construction equipment wake him the morning, and the dust prevents him from opening his windows in hot weather. He is concerned that it may continue for two or three years – he believes the same area will be used by the contractors who will be working on the Island St. bridge.*

*Mr. James [sic] and I believe that this use in this area (low density residential) is a zoning violation, and we wonder why it was not submitted to the ZBA and neighbors notified and given a chance to comment? There should be some reasonable alternative. I hope it will not be necessary to resort to the courts for relief.*

*Sam Bradley (Homer S. Bradley, Jr.)  
Bradley & Falkner, PC  
50 Washington St”*

Chair Gorman also read into the record:

**“A Refutation to ZBA 22-21 Petitioner Timothy St. Pierre B.U.R. Construction, LLC**

*We ask the board to consider what is presented in the following pages has already occurred as a direct result of this construction staging project breaking ground prior to approval.*

**A. Granting the Variance would be contrary to the public interest because:**

- *It has created noise pollution with work beginning before 7:00 AM.*
- *It has trucks delivering inventory, cutting trees down, preparing the property for construction staging purposes daily.*
- *It has created large dust clouds daily.*
- *It has created light pollution nightly.*
- *It cut the curb to the sidewalk presenting danger to pedestrians.*
- *The large equipment is causing vibrations to the abutters’ property which will result in damage to the structural integrity of the properties.*
- *Cosmetic damage is already a concern with the consistent rattling of windows.*

**B. If the Variance were granted, the spirit of the Ordinance would not be observed because:**

- *It has completely altered the character of the locality.*
- *They have already removed trees which expose Winchester St.*
- *[They have] disturbed the sidewalks.*
- *[They have] radically altered the landscape.*
- *Mounds of dirt have been trucked in.*
- *Large storage containers have been placed for inventory.*
- *A pod for an office has been placed.*

**C. It has threatened public health, safety, and welfare in these ways:**

- *Abutters are losing sleep.*
- *They are experiencing mental anguish due to the constant noise and light pollution.*

*D. Quality of life has been diminished. Abutters are unable to enjoy their “Bundle of Rights” legally given to them as property owners. They are as follows:*

- *The right of possession*
- *The right of control*
- *The right of exclusion*
- *The right of enjoyment*
- *The right of disposition*
- *Examples of this would be: they are unable to enjoy their outdoor seating areas such as decks.*
- *They no longer have a view from their east and south sides of their house as it is now obstructed by construction equipment.*
- *They have lost their view from their front porch. Currently they have a view of a burned home, a second damaged home from the fire and now a construction staging area.*

*E. Granting the Variance would continue to do substantial injustice because:*

- *This is a ‘LOW DENSITY’ zone and the project should not have begun without City approval.*
- *It has been a detriment to the safety, health, and wellness of all its abutters, some of whom have resided in their perspective homes for decades. These are their golden years and the current location for this construction staging project impedes their enjoyment of their property.*

*F. If the Variance were granted the values of the surrounding properties would be diminished.*

- *The location of this staging project, the noise pollution, the light pollution along with the unsightly view, all negatively and directly impact the market value of all properties within 200 feet of the staging project. This negative impact can create financial hardship for those wanting to sell their properties in this seller’s market.*

*G. Unnecessary Hardship*

- *There are other properties that could be identified for the purpose of staging without such a severe impact on the abutters.*
- *The Variance does injure the private rights of the identified abutters.*

- *The staging of this project broke ground in early spring of 2022 without approval of the City or notification to abutters.*
- *The proposed use is not a reasonable use of the property, zoned 'Low Density.'*
- *It has long term impacts on this 'low density' neighborhood such as:*
  - *Affecting property owners' 'Bundle of Rights'*
  - *Causing mental anguish*
  - *Destruction of real estate*
  - *Diminishing property values*

*In closing, we as the abutters understand the full scope of the construction project and how it relates to the betterment of the City of Keene. Our refutation is with the procedural defect relating to the property chosen for the staging of the project, and the direct negative impact the placement of this project has on our private residences. The City of Keene has grown in the many years we have resided here and we fully understand the scale of these projects to improve its infrastructure. However, to grant this Variance would harm all of us in ways perhaps people did not consider when looking at the master plan. We have worked diligently our entire lives to have a piece of the American Dream and we chose it here on Pearl St. We have contributed to this community on a multitude of levels and have chosen to live out our golden years in our home on Pearl St. We ask for consideration in regards to this Variance, in the hopes that a revised location be considered which would have less impact on the longtime citizens of Keene. Also, [we ask] that we be allowed to live out the remaining years of our lives in 'quiet enjoyment' of our property for which we worked our whole lives to afford.*

*Sincerely and warmest regards,  
Mr. and Mrs. James W. Wright Jr. "*

Chair Gorman thanked the Wrights and asked if they had anything else to add. Mr. Wright replied that he wants to know how they could make a deal without someone knowing. Can you just rent your property in the City of Keene, for that type of activity? They would not be here, if that had not happened. Ms. Wright added that it sounded to them like it was going to be an area where they were going to be having *some* of their vehicles and equipment, not all the large trucks and diggers. She should have taken photos this summer, but kept thinking it would not get any worse, but it did. Mr. Wright stated that the Board needs to understand what he and his wife are going through.

Chair Gorman stated that he understands but asks that the Wrights not present redundant information. He continued that if they have something new to state, the Board is here to listen. They understand the Wrights' frustration and that they do not want the construction project there and that it has affected their quality of life.

Ms. Wright stated that she does not agree with the comments about traffic, because Pearl St. is heavily trafficked. Cars going by, in a 25 or 30 mph zone, actually go 50 mph and that is an issue. Chair Gorman replied that they need to focus on the issue before the Board. Ms. Wright



replied that Mr. St. Pierre said that traffic would not be an issue because they have flaggers. Chair Gorman replied that he thinks what Mr. St. Pierre was alluding to was the fact that if he could not store his construction equipment in close proximity to his work site, he would actually be creating more of a traffic issue, for folks on Pearl St. as well as folks throughout the entire city.

Ms. Taylor stated that she asked specifically about the traffic and Mr. St. Pierre said there would be flaggers when necessary to get the trucks in and out of the lot. Chair Gorman added that that is true regardless (of whether he receives the Variance), because B.U.R. Construction's contract requires flaggers. Ms. Taylor replied that she thought Chair Gorman just said they would not be. Chair Gorman replied no, he did not; he thought that Mr. Wright was alluding to what the Applicant was stating about the traffic not being a problem on Pearl St. currently, but if this site was not able to be used for storage, it was going to create traffic flow problems. Mr. Wright replied that he did not go there.

Mr. Hoppock stated that it might be useful to hear what Mr. St. Pierre can tell them, and about how these problems might be alleviated.

Ms. Wright stated that she also had a question about how the Applicant said that if the (staging materials) cannot be in the (vacant lot); it will still be on Pearl St. She does not understand what that means. Chair Gorman replied that Mr. St. Pierre could explain that during his rebuttal. He asked if the Wrights had any more questions for him.

Mr. Wright stated that he and Ms. Wright are not complaining about the traffic on Pearl St. He wants them to understand that, but what they are complaining about is the staging area across the street. Chair Gorman replied that the Board understands that.

Chair Gorman asked if there were any other members of the public wishing to speak. Hearing none, he gave Mr. St. Pierre the opportunity for rebuttal.

Mr. St. Pierre stated that he is not sure how he painted a "pretty and rosy picture" of anything, because there is nothing pretty and rosy about this level of construction. He continued that the task in front of B.U.R. Construction, and the contract they have to do, is very invasive work. He did not and will not say that it is not. In fact, he wanted to forewarn everyone that the "easy" part is done, for that particular neighborhood and area. The majority of the work was up on the main roundabout for this past year. Island St. was going to be closed in January, but that is being delayed because of this, so it might be a little later. Once Island St. is closed, there is water, sewer, and drainage work up Pearl St., through the intersection, and beyond. If B.U.R. Construction has to move the materials that currently exist in that staging area (on Pearl St.), the materials will go into one of the travel lanes on Pearl St. on a day to day basis and take up two of the travel lanes on Winchester St., which will shrink back to one-way traffic each way. Pearl St. would have alternating one-way traffic, with that bridge closed. B.U.R. Construction does not have any other choice for staging materials that they can put in the ground. They would have to

bring the materials to the project on a daily basis. The impacts there (on Pearl St.) are impacts he will not dispute, and the impacts will remain, whether B.U.R. Construction is on this parcel, or on the main road.

Mr. Hoppock asked if he is saying the impacts he is talking about on Pearl St. and Winchester St. are definite impacts. Mr. St. Pierre replied yes, they need to have pipe, the concrete structures, and other materials available to put in the ground on the day that they are doing the tasks. He continued that that also includes trench boxes, excavators, trucks, rollers, and more. There is a magnitude of stuff and there is no location to place it. The only way is to take one of the sidewalks and three travel lanes. Mr. Hoppock asked if the City has approved the lane on Pearl St. and the two on Winchester St. Mr. St. Pierre replied that those are in the contract limits. The contract gives them permission to do whatever they want, following the limits of the contract. The limits of the contract come up into Pearl St.

Mr. St. Pierre stated that he is not sure what Mr. Wright is referring to when he mentions the “park.” He asked if Mr. Wright means the grassy area next to the bridge that lays down over. Ms. Wright replied that they mean the park on Island St. and Pearl St., by the river. Mr. St. Pierre replied that is where the structural steel [unfinished sentence]. He continued that when the bridge comes, that entire area is set aside for the bridge project, because that is going on concurrently. That means enormous structural beams, reinforcing steel, re-bar, cranes, and pile driving, which will mean even more vibration than what the Wrights have experienced so far. They will be driving piles that the bridge will be seated on, and one of the piles will be driven within seven feet of a building on the other side of Island St. B.U.R. Construction does not do the design; they are not designers. They are installers and follow the blueprints. The impacts that are coming will be far worse than the impacts that have been seen.

Chair Gorman stated that it seems to boil down to the fact that “you need to break a few eggs to make an omelet.” He asked if there is anything B.U.R. Construction could do to mitigate any of this. He continued that Mr. St. Pierre has a lot of experience, more than anyone else in this room. Is there anything he can think of to mitigate the impacts for these concerned citizens as he understands that this is highly invasive work. Mr. St. Pierre replied that it is hard to try to mitigate problems when he is unaware of the problems. He continued that (the Wrights’ complaints) are all news to him; none of these issues has ever been relayed to the B.U.R. Construction office. They have heard nothing about what the Wrights’ particular complaints are. They will investigate, try to remedy, try to mitigate everything under the sun that they can, but it is hard to do that when they do not know what the problems are.

Chair Gorman asked if anyone else had questions for the Applicant.

Ms. Wright stated that Mr. St. Pierre said he was unaware of these impacts. She asked who is accountable, from the City, to relay that information (to B.U.R. Construction). She continued that she and her husband have been talking with people in the City. How did the staging area get in place before tonight’s meeting, without some kind of a Variance? Nobody ever advised her

and her husband that the staging would go there. They would have been able to give input, and they would have known what was coming. She and her husband had never talked with or heard of Mr. St. Pierre. The person they spoke to on that staging area said that it would be “minimal.” People seem to have different definitions of “minimal.”

Chair Gorman closed the public hearing and asked the Board to deliberate.

Mr. Hoppock stated that he has a question for staff. Why is this (Variance request) here? What took so long? Mr. Rogers replied that his office was just made aware of this construction staging area. As soon as they were made aware of it, he sent a letter to B.U.R. Construction and Adam Wright, making them aware of the need, if they wish to proceed with this type of use on this property, to get a Variance from the ZBA. They immediately came in and applied for the Variance.

Mr. Hoppock asked if it is correct that B.U.R. Construction is contracted with the City of Keene. Mr. Rogers replied yes. Mr. Hoppock asked why B.U.R. Construction is even subject to Zoning, in that case. Mr. Rogers replied that under RSA 674:54 there is Governmental Use Exemption, a process laid out that would require the City to take the action so that, in this situation, B.U.R. Construction was an agent of the City. The City has not taken that stance. It is a possibility, yes, but currently it would not apply to this situation. Mr. Hoppock replied that if that process were undertaken, the Wrights would have learned about this when it was still warm out. Mr. Rogers replied that under the Governmental Use Exemption, there is the ability, and the process would require notification to the Planning Board. The Planning Board then has the ability to require a public hearing and any comments that the Planning Board would have would be non-binding in that situation. At this point in time, he feels that if this were to be granted a Variance, it would go to the Planning Board and it would be binding conditions placed on this site, as opposed to if there was a Governmental Use Exemption applying, there would be no binding comments from the Planning Board.

Mr. Hoppock stated that the problem is that this Board is hearing about this for the first time tonight. He continued that it is a huge project, and the Board has no plans in front of them, no details about progress of construction, no schedule, nothing. He is prepared to deny this tonight, not caring what happens. Mr. Rogers replied that that is up to the Board’s discretion. He continued that the Board can also continue this, if they so desire, if they feel they need more information before making a decision.

Chair Gorman stated that he wonders if the Board can look at potential advantages to allowing this, in contrast to potential advantages to disallowing it, especially given that it is already there, and what may come of it if the use is disallowed abruptly.

Ms. Taylor stated that they have an application before them, and their choices are to table it until a time certain for more information, deny it, approve it, or approve it with conditions. She continued that she does not think it is the Board’s job to figure out what will happen if it is

denied or approved with conditions. They need to look at hardship, public interest, and so on and so forth, but the impact of what happens in either direction, they can determine within the constraints of the criteria.

Mr. Hoppock made a motion to approve ZBA 22-21 with the condition that no work begins before 7:00 AM.

Chair Gorman asked if the Board wants to table this. Mr. Hoppock replied that he does not know; he was just putting a motion on the table so they can have a conversation.

Ms. Taylor seconded the motion.

Chair Gorman asked if it is correct that this would go before the Planning Board. Mr. Rogers replied yes.

*1. Granting the Variance would not be contrary to the public interest.*

Chair Gorman stated that it could be said that they divide the pros and cons. Ms. Taylor replied that she agrees, and based on the information presented to the Board, there is definitely evidence that it would be in the public interest because it might save the rest of the city from some of the travails of a major construction project. She continued that on the other hand, it looks to be against the public interest when you consider the needs of the residential neighborhood. Those are the pros and cons she sees.

Mr. Rogers stated that the Board might want to include a condition regarding the dates of the Variance. Chair Gorman agreed and asked for a new motion.

Ms. Taylor and Mr. Hoppock withdrew their motion and second.

Mr. Hoppock made a motion to approve ZBA 22-21, with any approval expiring on November 15, 2023, and subject to the further condition that no work begin before 7:00 AM. Ms. Taylor seconded the motion.

Chair Gorman stated that he thinks the public interest certainly is satisfied by the completion of this construction project that is likely less than a third of the way complete. It is replacing the bridge that was temporary many decades ago, which is, as Ms. Taylor said, something that has great benefit to the community and the public as a whole, including people outside of this community who use Keene as the center of activity. Then he looks at the harm to the residents of that street, and while he thinks it is unfortunate that they have been impacted by this – temporarily, he might add – he also sees that it is going to be difficult to alleviate them of any impact. Their whole street will be dug up. There will be pile driving. Realistically and unfortunately, for all the folks living there, this happens whenever there is a construction project, anywhere in the city. It does adversely impact the residents; that is undeniable. However, the

intent is for the greater good – not just the greater good for everyone else, but also the people the project is impacting, because they get a new street and infrastructure updates. It is almost impossible to find a solution that is non-disruptive, unless you just let the infrastructure decay, which is not a solution. That is actually a bigger problem than what they are trying to solve. Thus, he thinks that easily the public interest part of this is satisfied.

Mr. Hoppock stated that he agrees that the public interest is satisfied overall, at the level of 50,000 feet looking down, for the reasons others have stated.

2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

Mr. Hoppock stated that this is where he diverges. He continued that whether the (Variance) would alter the essential character of the neighborhood is what the second test looks for, and the answer to that question is yes, it will. It will affect public health, it will affect safety, and it will affect welfare, however temporary it may be. That is evident from both the Applicant and the abutters. He does not see how it would be possible to have a project like this and not have it be that way. Does the fact that it will only be for a year or less ameliorate that? He does not know what legal term that would be; “temporary alteration of the essential character of the neighborhood.” There was the comment that B.U.R. Construction would restore the property to its original condition upon conclusion of the project, but that does not change the fact that for now and for the next year or so, the essential character of the neighborhood is changed.

Chair Gorman stated that he agrees with Mr. Hoppock in that it is undeniable that the character of the neighborhood will be changed. He continued that he also thinks that neighborhood has been dealt a bad hand right now because a house burned down, which he is sure is frustrating to see out the windows of your home. The question he has is whether it is this use (that the Variance is requested for) that is causing these health and life safety issues, or if it is the construction project. If it is the construction project, the Board cannot make decisions about that. If it is the fact that materials are being parked in this empty lot, then the Board can alter that tonight. The Board is not going to alter the negative impact to that neighborhood. The only people who could do that would be the Public Works Department.

Ms. Taylor stated that she is looking at it from the perspective that they propose to limit the Variance to a time period, so she is applying the criteria to that time period. She continued that from her perspective, for the next year or so, the essential character of the neighborhood is going to be altered by this use, and yes, by this construction project, but as Chair Gorman says, that is a different issue. The Board cannot address the construction project as a whole.

Chair Gorman replied no, but the Board could perhaps exacerbate it by disallowing the use. If they disallow the use, would they be negating the impact, or adding to it? They have heard from the Applicant that B.U.R. Construction will have to stage the materials in the street. They have heard from the Applicant that all of the same things will happen, just not neatly placed on a lot. He knows the word “neatly” does not exactly apply, but it will not be any *neater* if there is no

place to put the materials, and it will not be less invasive if the place to put the materials is somewhere far away.

Ms. Taylor replied that she agrees, but the question before the Board is the use of this lot. Chair Gorman replied right, and whether it is in the spirit of the Ordinance. Ms. Taylor stated that she thinks what Chair Gorman is addressing is substantial justice, as opposed to the spirit of the Ordinance in the context of the time limited Variance on a particular piece of property.

3. *Granting the Variance would do substantial justice.*

Mr. Hoppock stated that under this criterion, they are looking at what the gain or loss to the owner is versus the gain or loss to the public. He continued that the abutters do not factor into this criterion, the way he reads it under case law. The gain to the public for this (use of staging of materials) to continue is significant. This is similar to the first criteria, not contrary to the public interest. For the same reason that allowing this use to continue for a year, within the timeframe of the day, 7:00 AM to whenever, protects the public at large but also protects the consequences of it not being permitted there, such as materials being all over the road. He would say that this criterion is satisfied. The Board is not looking at abutters' concerns under this criterion, just the gain or loss to the owner and the gain or loss to the public.

Ms. Taylor stated that she generally agrees, except for the fact that the abutters would be considered part of the public. Chair Gorman replied that he agrees, and a question he needs help answering is whether the Board would be helping the abutters by not allowing this use. If yes, how so? They (the abutters) will have (the impacts of) the same equipment, same noise, same amount of material, same amount of trucks, and same amount of everything, whether it is on that lot or in their street. It is unfortunate, but it is reality. How does the Board disallowing this use make life better for anyone?

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

Mr. Hoppock stated that (the question is) whether they mean the values today or the values a year from now. He continued that to him the answer does not matter, because this project goes forward, and will be completed within a year. Chair Gorman stated that it could be adding to the values. Mr. Hoppock agreed.

Ms. Taylor stated that again, she thinks they have to look at it in the context of it being limited in time and limited to this property. She continued that her question is whether the values would be impacted during the time period that this Variance is in effect, because when the Variance is no longer in effect, the values are not an issue.

Chair Gorman replied that in that case, he does not think it will be impacted, because there will be construction vehicles everywhere, trucks everywhere, dust everywhere, and noise everywhere,

if the (use) is not here. All of those things will be present if the use is here, except the (materials) will be parked on one lot. If he were trying to sell his house, he would at least like people to be able to get to his front door without having to navigate around piles of construction equipment and dirt up and down the street. He thinks that it does not diminish property values. He is not arguing that it raises them, but it does not have to as that is not the standard. The standard is that it does not lower them. He thinks that during any construction project an argument could be made that there is an adverse impact on values, but he does not think it is because the equipment is being parked on a storage lot, it is because the neighborhood is being disheveled. That is going to happen regardless (of whether this Variance is granted), which is actually the premise for most of these criteria, in his opinion. You cannot take the construction out of the construction. If this Board could, they would, to placate the rights of the folks who live in the neighborhood, but they would find themselves not able to do construction. He does not think it is relative to this lot being there, it just relative to the construction project occurring.

Ms. Taylor stated that she is looking at it more narrowly in the context of the property itself. She continued that in the context of the property itself, use of the property does diminish values. She is not disagreeing that the construction project as a whole, during the project, has an impact.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*  
*and*

ii. *The proposed use is a reasonable one.*

B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

Mr. Clough stated that this is a vacant lot. There are not a lot of vacant lots. They heard in the presentation that other lots that were potentially going to be used are being used for other things. Thus, the possibilities are limited. There are no other lots available, close by or even half a mile away. That creates a special circumstance, because this is a vacant lot, and for what this purpose is, that is what you are looking for.

Chair Gorman stated that looking at the provisions of the Ordinance, he thinks the Ordinance is in the LDC for the purpose of not having this use exist permanently. He continued that situationally, this hardship criterion becomes difficult, and when you look at it as a situation, Mr. Clough's point is valid. There is a vacant lot, and a need for a vacant lot, and you put it to good use. The impact is undeniable and it is going to be undeniable whether they use the lot or not. There will be impact in that area for everyone, worse for the people who live there, admittedly.

Taking all of that into context, he does not think that is why the Ordinance was written, to keep construction sites from being well kept and well managed. He also thinks unnecessary hardship would result in not allowing this. B.U.R. Construction would still have to do the work. The work will still take place. It will just make everything more difficult, for the people in the neighborhood as well as for B.U.R. Construction.

Ms. Taylor stated that she does not disagree with a single thing Chair Gorman said, except it has nothing to do with hardship. She continued that there are at least three cases that say special conditions are found in the property itself and not in the individual plight of the Applicant. She thinks they have a classic “plight of the Applicant,” where B.U.R. Construction is looking for a place to store its materials. She does not see any special condition of this property as it is a level lot in a residential neighborhood. The only thing that distinguishes it from other properties around it is that it is vacant, and she does not see that as enough to qualify for a Variance. Certainly, she does not think that the plight of the Applicant or the construction project by itself creates a hardship.

Chair Gorman asked Ms. Taylor if she thinks the proposed use is a reasonable one. Ms. Taylor replied that she is not certain if it is reasonable or not, but she is not sure she gets there, because this is a condition of the Applicant, not a condition of the property.

Chair Gorman asked if Ms. Taylor thinks this type of use is needed in a project of this scale. Ms. Taylor replied that she does not think that has anything to do with the application or the criteria. Chair Gorman replied that he disagrees. He continued that to him, if this is needed for this project [unfinished sentence]. He asked Mr. Rogers how many vacant lots are in the area. Mr. Rogers replied that right in that area there are not any other vacant lots. He continued that within Key Rd. there is a vacant lot, but it is in the floodplain, so this type of activity could be prohibited. He could not find any other vacant lots within a reasonable distance. Chair Gorman replied that to him, that would be what separates this property from other properties: it is the only vacant lot. He continued that if they can agree that a project of this size and scale typically would have a use like this; this property is unique because it is the only one that can accommodate this use. Ms. Taylor replied that she thinks that is a real stretch.

Chair Gorman asked if the Board had anything further to say. Hearing none, he stated that the abutters’ have a hand raised and he could re-open the public hearing. Ms. Taylor she has a problem with re-opening the public hearing once the Board has entered the motion and voting process. Chair Gorman replied that that is a valid point and he is inclined to agree. Mr. Hoppock stated that he agrees that it would not be appropriate.

1. *Granting the Variance would not be contrary to the public interest.*

Granted with a vote of 4-0.

2. *If the Variance were granted, the spirit of the Ordinance would be observed.*



The vote was 2-2. Mr. Clough and Mr. Hoppock were opposed.

3. *Granting the Variance would do substantial justice.*

Granted with a vote of 3-1. Ms. Taylor was opposed.

4. *If the Variance were granted, the values of the surrounding properties would not be diminished.*

The vote was 2-2. Ms. Taylor and Mr. Clough were opposed.

5. *Unnecessary Hardship*

A. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*

i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*  
*and*

ii. *The proposed use is a reasonable one.*

The vote was 2-2. Ms. Taylor and Mr. Hoppock were opposed.

The motion to approve ZBA 22-21 failed with a vote of 1-3. Mr. Hoppock, Mr. Clough, and Ms. Taylor were opposed.

Mr. Hoppock made a motion to oppose ZBA 22-21. Ms. Taylor seconded the motion, which passed with a vote of 3-1. Chair Gorman was opposed.

**V) New Business**

**A) Rules of Procedure Updates**

Mr. Rogers stated that the agenda packet contains two pages from the Board's rules of procedure, and proposed changes staff made to them to reflect the changes to the RSA. He continued that the one on page 5 is regarding the change for how soon the public hearing has to be heard (changed from 45 days to 90 days). The second change is a sentence regarding the findings of fact and how those need to be part of the written decisions. Staff asks that these proposed changes be put to a vote for adoption.

Ms. Taylor stated that she thinks the changes make sense and are appropriate.

Ms. Taylor made a motion to adopt the proposed changes to the Rules of Procedure. Mr. Hoppock seconded the motion, which passed by unanimous vote.

Chair Gorman asked if there was any more new business. Mr. Rogers replied no.

**VI) Communications and Miscellaneous**

**VII) Non-public Session (if required)**

**VIII) Adjournment**

There being no further business, Chair Gorman adjourned the meeting at 9:23 PM.

Respectfully submitted by,  
Britta Reida, Minute Taker

Reviewed and edited by,  
Corinne Marcou, Zoning Clerk