

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, 22, 2023

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
David Orgaz, Vice Chair
Mayor George S. Hansel
Councilor Michael Remy
Roberta Mastrogiovanni
Armando Rangel
Ryan Clancy
Randyn Markelon, Alternate

Staff Present:

Jesse Rounds, Community Development
Director
Evan Clements, Planner
Megan Fortson, Planning Technician

Members Not Present:

Emily Lavigne-Bernier
Gail Somers, Alternate
Tammy Adams, Alternate
Kenneth Kost, Alternate

I) Call to Order – Roll Call

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

II) Minutes of Previous Meeting – April 24, 2023

A motion was made by Mayor George Hansel to approve the April 24, 2023 meeting minutes as presented. The motion was seconded by Councilor Remy and was unanimously approved.

III) Final Vote on Conditional Approvals

Chair Farrington asked whether there were any applications tonight that are ready for a final vote.

Mr. Clements stated that a Boundary Line Adjustment, S-02-23, for the properties located at 0, 59, 60 and 67 Thompson Road was the first project ready for final approval. All conditions precedent for this application have been met and staff recommend that the Board issue final approval for this application.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for S-02-23. The motion was seconded by David Orgaz carried on a unanimous vote

Mr. Clements stated that the next application ready for final approval was project number SPR-964, Modification #7 for proposed landscaping modifications at the Hampton Inn property at 120 Key Rd. All conditions precedent for this application have been met and staff recommend that the Board issue final approval for this application. Mr. Clements added that staff is recommending a subsequent condition of approval for this application specifying that the owner's signature must appear on the final plans.

A motion was made by Mayor George Hansel that the Planning Board issue final site plan approval for SPR 964, Modification #7 with the condition subsequent that the property owner sign the final plans. The motion was seconded by David Orgaz carried on a unanimous vote. Ms. Fortson noted that the project number for the boundary line adjustment that the Board issued final approval for is actually S-01-23, not S-02-23.

IV) Public Hearings

1. SPR-967, Modification #7A – Site Plan – Railroad Land Parking Lot Landscaping Modifications – 0 Cypress St - Applicant and owner Railroad Street Condominium Association proposes to remove and replace seven trees with thirty-four shrubs on the property at 0 Cypress St (TMP #574-041-000). The site is 5.54 ac and is located in the Downtown Core District.

A. Board Determination of Completeness

Ms. Megan Fortson stated the applicant has requested exemptions from submitting a grading plan, lighting plan, elevations, and all technical reports. After reviewing each request, staff recommend that the Board grant the requested exemptions as they have no bearing on the merits of the application and accept the application as “complete.”

A motion was made by Mayor George Hansel to accept Application SPR-967, Modification #7A as complete. The motion was seconded by David Orgaz and was unanimously approved.

B. Public Hearing

Mr. Keith Thibault of Southwestern Community Services (SCS), who is the managing agent for Railroad Land Condominium, presented this application to the Board. He indicated there are a number of trees in one landscaping island on the site that have started to wither. The landscape contractor has tried to get these trees to thrive, but they have not been successful. The consensus is that the soil in this area is not conducive for the sustained growth of trees, so the condo association is proposing to install Dwarf Inkberry bushes in place of the seven trees that were removed. He noted that this species of plant is thriving in other areas of the site; however, he also noted that there is a condo member who would like SCS to get a second opinion about potentially installing shade trees again instead of shrubs, which Mr. Thibault said they would.

Vice-Chair Orgaz asked how tall the Inkberry bushes will grow. Mr. Thibault stated they get to about six feet tall and provide a good barrier. Mr. Farrington asked for the timeline for the second opinion. Mr. Thibault stated they plan to have it done within 30 days.

Staff comments were next.

Ms. Fortson addressed the Board and stated this parcel of land is located directly east of Main Street, is 5.4 acres in size, and is located in the Downtown Core District. There are a variety of uses on the condominium land, including the Marriott Hotel, the Monadnock Food Coop, and various office and residential uses.

She explained that this development was originally approved by the Planning Board in June 2006 and several subsequent modifications have been made to the original site plan for various changes to the buildings and site itself. As part of this application, the Applicant is proposing to replace seven trees that have already been removed with 34 Dwarf Inkberry shrubs in two existing interior parking lot landscaping islands on the eastern portion of the site. Ms. Fortson noted that the landscaping on this portion of the site was approved as part of the original site plan application in 2006. Staff became aware that the trees had been removed in January 2023 and let the property owner know that they would either need to replace the trees in kind or come back before the Planning Board for a modification to their approved landscaping plan.

She went on to explain that Section 20.5.5 of the Land Development Codes states that minor revisions to approved landscaping plans can be approved by the Community Development Director or their designee, as long as the Applicant can demonstrate that there will be no reduction in the quantity or size (at maturity and planting) of plant material, that there will be no change to the approved location of plant materials, and that the proposed plants are of the same general category. She indicated that given that the Applicant is proposing to change the category and number of plants that are proposed to be installed in place of the trees, this project meets the threshold for review by the Planning Board.

With reference to the applicable site development standards, Ms. Fortson stated as follows:

Section 9.4.5.A – Parking lots of 10+ spaces. The Applicant has submitted an existing conditions exhibit showing that there are currently 172 parking spaces on the property and 33 remaining trees left on the site following the removal of seven trees. This plan is included as an attachment to this staff report. This number of parking spaces would require that 18 trees be planted on the site. The required ratio is that one tree is planted for every ten parking spaces. Given that the Applicant has planted more than the minimum required number of trees, this standard appears to be met.

Article 20.5 of Land Development Code - Landscaping. As indicated by Mr. Thibault, these trees never thrived and were removed because of this. He had noted that one possible reason the trees failed to thrive could potentially be that the underlying surface of the former rail yard was not conducive to the growth and development of the trees. He also stated that members of the condo association have noticed that Dwarf Inkberry shrubs have thrived in other areas of the site but noted that the members of the Condo Association have gone back and forth as to whether they would like shade trees or Inkberry shrubs in this area.

The applicant also does not believe salt or other roadside pollution played a role in the decline of the trees and believes the soil conditions under the top 12-18” of soil provided are not suitable for the sustained growth of the trees.

Section 20.5.2 of the Land Development Code Ms. Fortson explained that this section of the code outlines the landscaping installation requirements for planting and specifies that trees should be planted utilizing the best available practices to develop essential root structure; that plant materials be installed in a soil of sufficient volume, composition, and nutrient balance; that trees installed in areas of non-native or compacted soil shall be excavated to enable the placement of 300 cubic feet of native soil; and that protective measures be installed to protect the root masses of existing vegetation. She noted that the Board may want to consider making the submittal of a security a condition of approval to ensure that the landscaping will survive and will be replaced if it does not survive.

Ms. Fortson added that the applicant would have to come back before the Board, if they decide to install more shade trees versus the inkberry shrubs as was originally proposed.

Mr. Clements stated if the motion was approved indicating that inkberry shrubs will be installed instead of the shade trees, the applicant would have to come back and go through this entire process all over again if they decided to install trees instead. He felt that it would be prudent to continue this application to the next Planning Board meeting to give the applicant time to decide an a direction for his application.

Councilor Remy asked that if the Board issued a conditional approval and the applicant did not complete the conditions precedent, wouldn't the existing approval for shade trees stand and the change to the species of the trees potentially be reviewed administratively by Planning Staff? Mr. Clements stated the applicant would have to wait 180 days for the approval to expire.

Mr. Rounds suggested that the applicant could move forward with administrative approval to replace the existing trees with a different species of trees, as long as they were a similar type and size as the trees that were originally approved.

Mayor Hansel stated that if the applicant is in agreement to coming back before the Board, he would be willing to continue this application to the Board's June meeting. The applicant was in agreement.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board continue this item to the June 26, 2023 Planning Board meeting at 6:30 pm in the 2nd Floor Council Chambers of City Hall. The motion was seconded by Councilor Michael Remy and was unanimously approved.

- 2. S-03-23 – Conservation Residential Development Subdivision & SWP-CUP-02-23 – Surface Water Protection Conditional Use Permit – 19 Whitcomb's Mill Rd – Applicant and owner Sandra R. Henry Trust proposes to subdivide the 12.42 ac parcel located at**

19 Whitcomb’s Mill Rd (TMP #237- 018-000) into 9 lots, including 8 residential building lots that range in size from 0.38 to 0.77 ac and one open space lot that is 6.83 ac in size. Four lots are proposed to be developed as duplexes and four lots are proposed to be developed as single family homes. A new dead-end road is proposed to provide access to seven of the residential lots. Access to the 8th residential lot is proposed from Whitcomb’s Mill Rd. A waiver is requested from Sec. 19.3.5.A.3 of the Land Development Code regarding the requirement that all structures shall be accessed from internal streets. The site is located in the Low Density 1 District.

A. Board Determination of Completeness

Mr. Clements stated that the Applicant has requested exemptions from submitting a landscaping plan, lighting plan, building elevations, a historic evaluation, screening analysis, and an architectural and visual appearance analysis. After reviewing each request, staff recommend that the Board grant the requested exemptions as they have no bearing on the merits of the application and accept the application as “complete”.

A motion was made by Mayor George Hansel to accept applications S-03-23 & SWP-CUP-02-23 as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants stated that he was before the Board on behalf of the Sandra R. Henry Trust. He explained that on the east side of the subject parcel is Whitcombs Mill Road, to the south is the Cheshire Rail Trail, to the west there is an agricultural site, and to the north is White Brook. There is a residential property and Langdon Place across Whitcombs Mill Road from the subject parcel.

He explained that this property is 12.4 acres in size and was rezoned last year from Rural to Low Density 1. This property and the property where Langdon Place is located were both operated as a gravel pit back in the 1950’s. In the 1980’s, the operation of the gravel pit was discontinued and the site was void of vegetation. There was a pond on the site, but the berm on the north side breached at some point, which drained the pond to the size that it is today. The permanent water table remains as it is today.

Mr. Phippard explained that the site is 88% vegetated but noted that there are steep slopes where the property runs against the Rail Trail and the agricultural property and several man-made steep slopes spread around the property. The City Engineer visited the site and determined that those slopes are exempt from the Hillside Protection Ordinance.

Mr. Phippard went on to say the proposal is for a Conservation Residential Development subdivision, which would allow for up to 12 residential units. CRDs require a minimum lot size of 16,000 square feet in the Low Density 1 District and single-family homes and duplexes are permitted uses. He added that the applicant’s intent is to get the lots approved, but buildings won’t be constructed, the individual lots will be offered for sale and developed by contractors. The

applicant would like eight residential lots with the larger lots intended to accommodate duplexes. He explained that 50% of the site has to be preserved as open space and had to have a primary conservation value. Hence, the large wetland area, which is ~1.9 acres in size, would be considered a primary conservation resource and will be included within the permanent open space lot. Along with the wetland areas, there are also wetland buffers that need to be maintained. Mr. Phippard referred to the wetland buffer shown on the plan, which extends 30 feet beyond the perimeter of the wetlands, projects into Lot 1 on two sides, projects into the corner of Lot 2, projects into one side of Lot 6, and back corners of Lots 7 and 8.

In order to construct a road onto the property, there will be some impacts to the wetlands, so the applicant was required to apply for a Surface Water Protection Conditional Use Permit. As part of the review process for this application, the Applicant met with the Conservation Commission for a site visit. The Commission recommended that the Planning Board issue a conditional use permit for this project but requested that the Applicant restrict any development on lots containing a portion of the wetland buffer by creating a “no cut zone” in these areas. Along with the development, a Homeowners’ Association is being created that would own the open space land. Mr. Phippard added that he will also be petitioning the City Council to accept the layout a new City street. The City street will provide access to lots 1-7. Lot 8 will have a minimum of 40 feet of frontage on Whitcombs Mill Road in the same location where a driveway is being proposed. A waiver was required for the location of this driveway because the CRD Regulations require that the access to any new lot be from the new interior road not from an existing City street.

Mr. Phippard stated that they did conduct market research and there is interest in this type of building development. He noted that the property owner is anxious to move forward with this proposal, as they do not feel the current market will continue.

Mr. Phippard continued by stating that with reference to the wetlands, what exists on this site is an important wetland because it is located on the water table, it is forested, and it provides a habitat for many different types of animals; however, because the wetlands buffer area falls within the gravel pit, it was stripped of vegetation and the owner is only now spreading loam and bringing vegetation back. The second primary resource is an intermittent stream that runs north to south across the property.

He indicated that when he petitions the City Council for acceptance of the road layout, he will be applying for several waivers including the following: a request to not install street lights because in his opinion there is adequate light at the intersection already, not to install sidewalks (as there are no sidewalks in this area), and to create a pedestrian foot path that will run from the new road to the rail trail (although this proposal is dependent upon their application to the State for a connection request). A waiver from the requirement to install street trees will also be applied for because this area is already forested. There will also be no underground conduits for electrical and communication systems, as there will be overhead power into the site. This concluded Mr. Phippard’s testimony.

Vice-Chair Orgaz clarified whether it was Lot 8 or 9 that would have its own frontage along Whitcombs Mill Rd. Mr. Phippard stated that it was Lot 8. Mr. Rounds clarified that Sheet C-1 of the plan set includes lot 8 with the road frontage shown.

Mr. Orgaz stated he did see the site and it is quite conducive for some type of development, but he is concerned about the one lane bridge, its condition, and the weight limit that would prohibit emergency vehicles from traveling across the bridge. Mr. Phippard stated to his knowledge there is no plan to replace the bridge at this time, as it was not included in the most recent version of the Capital Improvement Plan. City staff have indicated it will remain a one lane bridge. He added that anything weighing 80,000 pounds or more would have to use Route 9 and connect onto Whitcombs Mill Road to service this site.

The Fire Chief has also confirmed that emergency vehicles will access the site via Route 9. He added that he did start the process of seeking approval to construct a fire pond, but a threatened plant species was identified within ¼ mile of this site. He noted that the botanist the property owner hired did not find this plant species on the site; however, the findings were submitted to the State past the deadline and the property owner did not want to wait another year to reevaluate this issue. Hence, the construction of a fire pond was not possible. The alternative is in-home sprinkler systems, which will be added and noted on the plan.

Mr. Clancy asked for clarification on the no cut zone. Mr. Phippard explained it will be the same as the wetland buffer, which is 30 feet from the edge of the wetlands.

Councilor Remy asked how the number of units would be regulated when these lots are developed; what would prevent them from not all being duplexes in the future. Mr. Phippard stated that the Community Development Department regulates what is being constructed and when a building permit is submitted, this aspect would be reviewed by staff. Mr. Rounds stated that when a building permit comes is submitted, the Plans Examiner looks over all planning documents and they will see the limitation for the number of units based on the approved subdivision plan.

Staff comments were next.

Mr. Clements addressed the Board and stated this is a 12.42-acre tract of land located on the west side of Whitcomb's Mill Road and north of Route 9. There are existing surface waters on the site, including a large established wetland area.

The proposal is for four single family lots and four duplex lots (12 residential dwelling units in total). A waiver is being requested from Section 19.3.5.A.3.a of the Land Development Code regarding the requirement that all structures be accessed from interior streets.

19.2.1 - Lots - Mr. Clements indicated all the proposed lots appear to meet the requirements of the zoning regulations and CRD dimensional standards and will have frontage on either an existing Class V road or a street within an approved subdivision plan. This standard appears to be met.

19.2.2 - Character of Land for Subdivision - The land proposed to be subdivided is not located in a flood hazard area. There are some man-made steep slopes present on the site that are proposed to be re-graded as part of this proposal and future development of the building lots. This standard appears to be met.

19.2.3 Scattered or Premature Development – Mr. Clements noted the proposed development is located off of an existing City street in an area of the City that is zoned for residential development. Staff have no concerns about the potential impact of this development on the capacity of the school system, adequacy of access streets, and availability of other public services. Fire access to the site is restricted due to the weight and capacity limits of the one-lane bridge and emergency access will be provided from the south via Route 9.

19.2.4 Preservation of Existing Features – All significant existing features have been identified and are discussed later with reference to the CRD design criteria.

19.2.6 Special Flood Hazard Areas – There are no special flood hazard areas.

19.2.7 Fire Protection and Water Supply – The applicant will be installing individual sprinkler systems to meet this standard.

19.2.8 Utilities – The applicant proposes to extend the existing sewer line located on the Langdon Place of Keene property to Whitcomb’s Mill Road and down the length of the proposed new road in order to provide sewer service to the new lots. The City of Keene has an easement on the Langdon Place of Keene property that allows for this extension to occur. Private wells are proposed to provide domestic water service to each individual building lot.

19.3.5 Design Criteria – The general criteria are that the development shall be located outside of primary conservation areas and shall minimize impacts to any identified secondary conservation areas. Identified primary conservation areas for this property include surface waters and their buffers (an intermittent stream, wetlands complex, and White Brook) and the floodway associated with White Brook.

Steep slopes were also identified on the topographical survey; however, after conducting a site visit on May 11, the City Engineer has determined that these areas consist of stockpiled materials left over from previous use of the site as a gravel pit and are not natural features subject to the Hillside Protection Overlay District. The applicant has submitted a Hillside Protection Conditional Use Permit and both the City Engineer and Zoning Administrator have determined that a Hillside Protection CUP is not required for this proposal. All surface waters and the floodway are located on the proposed open space lot with the exception of a small area of wetlands that is within the right-of-way of the proposed road. The applicant has submitted a Surface Water Protection CUP application for this impact. Mr. Clements noted the Board will need to act on this item in conjunction with the overall application. The 30-foot surface water buffer is located on several of the proposed lots.

Mr. Clements addressed the waiver request and stated that the Board would need to review the following as part of their evaluation of this request:

1. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations; (For the frontage/driveway off of Whitcombs Mill Road for Lot 8 as opposed to having the frontage/driveway off of the newly constructed road.)

2. Granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment.

3. Consideration will also be given as to whether strict conformity with the regulations would pose an unnecessary hardship to the applicant.

Mr. Clements reviewed the Open Space Standards next.

All land designated as open space shall not be further subdivided and shall remain as open space in perpetuity. In addition, all designated open space must be permanently protected by covenants or easements and shall be deeded to and maintained by a Homeowners Association as described by the applicant. The applicant will be required to submit written documentation of any legal instruments required for the management of the designated Open Space land, and such documents will be subject to the review and approval of the City Attorney prior to final approval and signature of the final plans by the Planning Board Chair.

With respect to Drainage & Stormwater Management - Stormwater runoff from the new road is proposed to be directed into vegetated swales that will treat runoff and allow it to infiltrate into the ground. The cul-de-sac is proposed to be curbed, and stormwater runoff from this area will be directed into a detention basin.

With respect to Sediment and Erosion Control - The applicant proposes to use perimeter controls including silt fencing and a stabilized construction entrance to prevent sedimentation and silt from leaving the site.

Snow Storage and Removal will be managed by the City.

Landscaping - No landscaping is proposed. The applicant intends to request a waiver from City Council regarding street trees.

Screening - Applicant proposes to screen the development from adjacent land uses using the existing mature forest canopy that will be preserved as a buffer in the open space lot.

Lighting - No lighting is proposed.

Sewer & Water – The site will be serviced by City sewer and private individual wells.

Traffic and Access Management – All lots will be accessed via the newly constructed road except for Lot 8, which will be accessed via Whitcombs Mill Road. Mr. Clements stated that a recommended condition of approval for this application is that all waivers be received from City Council to construct the new street as described by Mr. Phippard.

With respect to traffic generation, Mr. Clements stated the applicant has submitted a traffic analysis, which states that 4 detached single family homes and 4 attached single family homes (i.e., eight duplexes) would generate a total of 106 trips per day. This analysis concludes that the

overall development is expected to generate approximately 8 vehicle-trips (1 arrival, 7 departures) during the AM peak hour, and 10 vehicle-trips (6 arrivals, 4 departures) during the worst-case PM peak hour period. City Engineering staff did not express any concerns about this level of traffic generation, or its impact on the surrounding street network and nearby intersections and bridges. However, it should be noted that the one-way bridge on Whitcomb's Mill Road has weight limits and is not planned to be replaced. Any heavy equipment or heavy duty vehicles will be required to access the site from the south via Route 9.

Filling and Excavation – Nothing is proposed within the wetlands itself. However, there is a significant amount of material stockpiled on the site and the property owner intends to use some of it for the construction of the road. Approximately 1,200 cubic yards of material will be hauled to or from the site and because of the site's proximity to Route 9, this should not have an undue impact on traffic patterns.

With respect to Hazardous or Toxic Materials - This standard is not applicable.

Noise - The applicant states in the project narrative that no excessive noise will result from this proposal and will meet the City's Noise Ordinance.

Architecture and Visual Appearance: This standard does not apply as there is no development proposed at this time.

Vice-Chair Orgaz asked whether the Homeowners Association (HOA) would require that the fire suppression systems be inspected by individual homeowners regularly. Mr. Clements stated the HOA won't be responsible for the fire systems, but each individual property owner will be. He added that the State RSA regarding single- and two-family fire suppression system says that the Planning Board cannot require that such a system be installed as part of a subdivision. However, an applicant can offer this as a means to meet fire code. Mr. Orgaz expressed concern about the Fire Department not having site access via the bridge and noted concern regarding the distance fire trucks will have to travel to access a home on this site. Mr. Clements stated that in certain rural communities volunteer fire departments respond, and in this case this is permitted under our regulations, is permitted under State Law, and has been approved by the Fire Chief as well.

Mr. Clements reviewed the bullet points from the proposed motion, which included having the owner's signature on the final plans; the submittal of hardcopies; recording fees; inspection of lot monuments by the Public Works Director once installed; written draft documentation of any legal instruments required for this application (HOA documents, no cut zone documents) to be approved by the City Attorney; and the submittal of a revised subdivision plan showing the "No Cut Zones" and a provision granting authority to the Homeowner's Association to maintain and regulate the no cut zones. In accordance with RSA 674:36 IV, the applicant has offered to install fire suppression sprinkler systems in the proposed buildings and a note shall be added to the subdivision plan stating that the installation of individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R or another means of fire protection approved by the Keene Planning Board shall be required for each lot shown on the plan.

Mr. Clements explained what the RSA says is that if the sprinkler system is offered, the owner either has to install it or come back before the Board and explaining how they are proposing to offer fire protection.

Another proposed precedent condition of approval is that the applicant shall obtain approval from the Keene City Council for all necessary waivers for street standards; the applicant shall obtain approval for the layout of the new street and shall post adequate security for the construction of the same to be approved by the City Engineer and Community Development Director.

Mr. Clements explained that subsequent to final approval, the following conditions are recommended:

1. Prior to commencing construction of the road, the Community Development Department shall be notified when all erosion control measures have been installed and will inspect them.
2. The applicant shall obtain final acceptance of the new street.
3. Prior to the issuance of a CO for each lot, the submittal of written documentation of a restrictive covenant or other legal mechanism in the chain of title for each new proposed lot to ensure the installation of individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R or another means of fire protection approved by the Keene Planning Board shall be required. This documentation shall be subject to review and approval by the City Attorney.

This concluded staff comments.

Councilor Remy asked if the Fire Department had provided any comments regarding the “turnaround” on the site and asked if that has been addressed. Mr. Clements stated the applicant has not submitted a truck turning plan but noted that because the road is going to be constructed to City specifications, the cul-de-sac should have sufficient room for a fire truck to turn around.

The Chairman asked for public comment next.

Mr. Walter Lacey of 230 Daniels Hill Road addressed the Board. Mr. Lacey stated he would like to address the major traffic safety issue concerning this project, which is yet to be discussed. He noted this development will expose 12 households, visitors, and vendors to the hazardous intersection of Whitcombs Mill Road and Route 9, which will be the primary route of traffic to and from the City. He noted that the Base Hill Road intersection has been modified twice, most recently because of a fatal accident. Mr. Lacey stated residents who use the intersection have complained to Senator Sanders, who was the DOT District Engineer. Since then, no action has been taken; however, Mr. Lacey stated he has also communicated with Mr. Sanders’ successor, John Kallfelz in January of 2020. Mr. Kallfelz referred this item to Southwest Regional Planning Commission and to a State DOT official and it looked like a road safety audit was going to happen, but the pandemic brought traffic to a halt, so any study would have been meaningless.

In July 2020, Mr. Kallfelz emailed Mr. Lacey indicating that possibly a dedicated turning lane could be incorporated into the street design, but not until the next repaving. Last fall, repaving

occurred, but no turn turning lane was incorporated. He added that to make matters worse, new guardrails make eastbound Route 9 traffic more difficult to see for a southbound car on Whitcomb Mills Road.

Mr. Lacey stated that approving this housing development without meaningful safety improvements to the intersection will undoubtedly place residents continually in harm's way. He added that the Keene Housing Authority Director and his son were almost killed in a car accident last year when they were waiting to make the turn toward Daniel Hills Road from Route 9. Mr. Meehan, who is out of town, has conveyed that he is supportive of additional housing, but felt that improved traffic mitigation to an already busy dangerous intersection should be part of the plan.

Mr. Langley stated he was supportive of the additional housing, but not at the personal risk to its occupants or the neighbors up the hill, including his family. A dedicated turning lane, better sight lines, a speed limit change, warning lights, and significant signage, are all possible improvements. He felt that saving lives must take priority over expediency. He felt this project should not be approved without meaningful safety changes being made to the Whitcomb Mills Road and Route 9 intersection.

Mr. Terry Woodbeck of 85 Whitcombs Mill Rd was the next speaker. He indicated he just moved from Oklahoma to Keene and stated he is deathly afraid of that intersection. He indicated just in the last year, he was nearly rearended twice and the driver in the other car ended up going around him, hitting the guardrail, and damaging his vehicle quite badly. Mr. Woodbeck stated that he has come upon numerous accidents in this area and has no problem developing this site but noted that adding more vehicles to an already precarious intersection is going to be dangerous. He felt that the safety of this intersection needs to be addressed first.

Mr. Fred Burgess of 184 Daniels Hill Road stated that he would like to reiterate what has already been said. He indicated that this intersection is very dangerous when you come down Whitcombs Mill Road. He stated that he has noticed multiple accidents in this area where people have been dangerously injured. Mr. Burgess felt that the intersection needs to be addressed before 12-24 additional vehicles are added to this intersection.

Mr. Robert Gogolen of 27 Langley Road was the next speaker. Mr. Gogolen stated that in 1997 his wife was coming down Whitcombs Mill Road during winter and slid onto the road and she was nearly t-boned. He stated this that is a dangerous intersection, and the main reason is the high speeds at which vehicles travel in both directions. He stated that there have been way too many accidents and recalled at least one fatality since he has lived in the area.

Sandy Van de Kauter of 38 Felt Road agreed that Keene does need housing. She stated she has heard testimony from her neighbors and is here to talk about traffic coming from the other direction where the residents would be travelling from. Since the last accident in this area, the guardrail that was destroyed has been replaced, but it is taller, and you cannot see traffic travelling from the Brattleboro area. She felt that it is more dangerous than ever. Ms. Van de Kauter referred to photographs she had taken at this area.

She felt that the Board has the authority and can bring to bear more pressure than those who just live in the area. She stated she agrees with her neighbors that taking care of the most obvious problems with this intersection would be wise in any event, especially if more cars are going to be added to this intersection.

Ms. Russell-Slack of Keene stated that 20 years ago when Langdon Place was constructed this same discussion happened. She noted that Route 9 is not a City road, but a State highway and stated there could be a request made to the Department of Transportation to conduct a study at this intersection.

The Mayor noted that this is a State highway, and the purview of the Planning Board is somewhat limited. Even though the Board has traffic standards, this is mostly to address traffic measures within the City. He noted that he was trying to recall another application where the site location has intersected with a State highway and adding language addressing these situations in their regulations is something the Board could look at if it wanted to. He stated it is clear there is concern regarding safety at this intersection and stated he would be happy to direct a letter from the Mayor's Office to the Department of Transportation to see if this issue can be addressed, but he noted that this is not something that the Board may be able to address tonight.

Ms. Lily Swanberg of 19 Felt Road stated that she is a 17 year old who is still learning how to drive. She noted that the first time she drove from Keene and tried to make that right turn onto Whitcombs Mill Road, she was nearly in an accident with a truck coming from the opposite direction.

In response to abutter comments, Mr. Phippard stated that about a year ago when the City Council discussed rezoning the property to Low Density 1, the issue regarding the Route 9 intersection was raised. He stated that after that hearing about these concerns, he contacted the local NH DOT office about what was being proposed on Whitcombs Mill Road with the additional living units being introduced and the additional traffic that would come into this intersection. Mr. Phippard stated that he reviewed the traffic information with the DOT supervisor, but the count was under the threshold for NH DOT to require the applicant to do anything to the road; however, they noted that if the applicant wished to add any safety measures, they could always do that. He indicated the applicant unfortunately does not have funding in their budget to add improvements to this area. He stated he too would join in with the request for NH DOT to add additional safety measures in this area.

Mr. Langley addressed the Board again and stated it is within the Board's authority to address this issue and by allowing this development to happen, the City is placing 12 households at risk. He stated that he felt the Board had control over development on Whitcombs Mill Road tonight.

Mr. Gogolen asked to address the Board and stated he does not know the rules and regulations of a Planning Board but felt that the Board could perhaps close off the end of Whitcombs Mill Road from Route 9 and do the same on Daniels Hill Road, as he felt the City has some control. He urged the Board to see how this problem can be resolved.

The Mayor stated he was not saying that there is nothing that the City can do, but rather, the question is how much jurisdiction the Planning Board has in this matter. He noted that the Board is not a legislative body, but a quasi-judicial body that is tasked with taking their 13 Site Development Standards and applying them to what the applicant has presented. If the public wants to place more pressure on the State, then that needs to be done through the City Council.

With no further comments, the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 19.3.5.A.3 of the Land Development Code regarding the requirement that all structures shall be accessed from internal streets to allow access to Lot 8 from Whitcomb's Mill Road.

The motion was seconded by Councilor Michael Remy. The Councilor stated it would cause unnecessary hardship to the applicant if this lot was to be eliminated, if this waiver was not granted. He felt the applicant has shown reasons within the application why this lot would be justified. The motion to grant the waiver carried on a unanimous vote.

A motion was made by Mayor George Hansel that the Planning Board approve S-03-23 and SWP-CUP-02-23 for a 9-lot Conservation Residential Development Subdivision and Surface Water Protection Conditional Use Permit, all as presented on the plan set identified as "Whitcomb's Mill Estates, 19 Whitcombs Mill Road, Keene, New Hampshire" prepared by Huntley Survey & Design, SVE Associates, and Brickstone Land Use Consultants, dated March 12, 2023 and last revised on May 3, 2023 with the following conditions:

- A. Prior to final approval and signature by Planning Board Chair, the following conditions precedent shall be met:
 1. The owner's signature appears on the plan.
 2. Submittal of four full size paper copies, two Mylar copies, and a digital copy of the final plan.
 3. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover the cost of recording the final plan.
 4. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.
 5. Submittal of written draft documentation of any legal instruments required for this application, which shall be subject to review and approval by the City Attorney.
 6. The applicant shall revise the subdivision plan to indicate "No Cut Zones" on all land within 30 feet of designated surface waters. A provision granting authority to the Homeowner's Association to maintain and regulate the no cut zones shall be included in the HOA covenants.
 7. In accordance with RSA 674:36 IV, the applicant has offered to install fire suppression sprinkler systems in the proposed one and 2-family residences and the Planning Board

has accepted this offer. The applicant shall add a note to the subdivision plan which states that the installation of individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R or another means of fire protection approved by the Keene Planning Board shall be required for each lot shown on the plan.

8. The applicant shall obtain approval from the Keene City Council for all necessary waivers from Article 22 of the Land Development for the proposed new street design.
9. The applicant shall obtain approval from the Keene City Council for the layout of the new street and shall post adequate security for the construction of the same to be approved by the City Engineer and Community Development Director.

B. Subsequent to final approval, the following conditions shall be met:

1. Prior to commencing construction of the road, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this subdivision plan and all City of Keene regulations.
2. The applicant shall obtain final acceptance of the new street from the Keene City Council following completion of all infrastructure construction.
3. Prior to the issuance of a CO for each lot, the submittal of written documentation of a restrictive covenant or other legal mechanism in the chain of title for each new proposed lot to ensure the installation of individual residential sprinkler systems meeting the standards of NFPA 13D or NFPA 13R or another means of fire protection approved by the Keene Planning Board **shall be required**. This documentation shall be subject to review and approval by the City Attorney.

The motion was seconded by Councilor Michael Remy. The Councilor clarified that based on the different date on the drawings provided whether the final revision date of May 3, 2023 is the correct date based on the layout. Mr. Rounds agreed it was correct.

Ryan Clancy stated that he too visited the site and walked the rail trail, and his main concern is people accessing their lots by cutting in through the common area where the rail trail meets this property. Mr. Clancy made an amendment to the motion that the “no cut zone” include the ten foot buffer zone where the rail trail meets this property except for the area where the trail is located. Mr. Clements noted that one of the approved uses of the open space lot is hiking. Mr. Rounds added that the definition of the no cut zone refers to trees and added it is difficult to legislate no access via those two parcels. Mr. Clancy stated that since there will be information about the wetland area being a no cut zone on the plan, he felt that just hearing this would prevent people from blazing trails, which he feels is already happening on many of the City’s trails by mountain bikers, etc. He noted that he felt that any prevention would help and did not see the harm in including this language in the motion.

The amended motion was seconded by David Orgaz. The motion failed on a 2-6 vote with Randyn Markelon, Armando Rangel, Mayor Hansel, Chair Farrington, Councilor Remy, and Roberta Mastrogiovanni voting in opposition. The original motion made by the Mayor carried on a 7-1 vote with David Orgaz voting in opposition.

3. **SPR-06-23 – Site Plan – Roosevelt School Housing – 438 Washington St – Applicant Monadnock Affordable Housing, on behalf of owner Community College System of New Hampshire, proposes to renovate the existing ~13,507 sf, 2-story school building; construct a ~8,548 sf 2-story addition; and construct a ~12,646 sf 2-story building with associated site improvements to create a 60 unit multifamily housing development on the property at 438 Washington St. (TMP #531-054-000). A waiver is requested from Sec. 20.14.3.D of the Land Development Code regarding the requirement that all off-street parking be screened and located to the side or rear of buildings. This site is 2.4 ac and is located in the Low Density District.**

A. Board Determination of Completeness

Mr. Clements stated that the Applicant has requested an exemption from submitting a screening analysis. After reviewing the request, staff has determined that exempting the applicant from submitting this information would have no bearing on the merits of the application and recommends that the Planning Board grant this exemption and accept the application as “complete.”

A motion was made by Mayor George Hansel to accept Application SPR-967, Modification #7A as “complete.” The motion was seconded by Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Chris Nadeau of the Nobis Group and Chris Coates, Chair of the Keene Housing Board of Commissioners, presented this application. Mr. Nadeau stated that Keene Housing is proposing to create 60 new units on the property at 438 Washington Street. He explained that the site is a little under 2.5 acres in size and is the location of the former Roosevelt School. Mr. Nadeau explained that this project will be completed in two phases. Phase 1 would include the demolition of the gymnasium, the renovation of the existing school building, and the addition of approximately 8,500 square feet and 30 units. Phase 2 will include constructing a new 30-unit apartment building behind the existing building.

He went on to explain that a parking lot has been designed with 70 parking spaces. The applicant went before the Zoning Board and received two variances. The first variance was to allow multi-family housing in the Low Density District where it is not a permitted use. The second variance was to allow building lot coverage to exceed 35% of the lot area, impervious surface coverage to exceed 45% of the lot area, and to maintain less than 55% of the lot area as green/open space. There was also a special exception request from the parking requirement. The parking requirement calls for two parking spaces per unit which would mean 120 spaces and the special exception request was for a reduction to 70 total parking spaces.

Mr. Nadeau stated that with reference to stormwater drainage on site – a system will be constructed underneath the parking lot. In addition to this, snow will be hauled off site and screening is being proposed along the southern property boundary. He explained that this screening would consist of a six foot tall stockade fence and noted that the buildings will be connected to municipal water and

sewer. Mr. Nadeau stated that a traffic study was completed by Stephen Pernaw. The traffic study concluded that the peak hour trips for this use will be less than the prior use of this site as a school, but outside of peak hours this use would generate slightly more traffic. He noted that overall, the traffic engineer has concluded that there will be no adverse impact from this project with respect to traffic flow. He also supported the reduction in parking that was presented to/approved by the Zoning Board.

Mr. Coates addressed the Board next. He noted that the first phase of this project will consist of constructing 30 dwelling units, 22 of which will one-bedroom units and eight of which will be two-bedroom units. The second phase of the project will mirror the first with 22 one-bedroom units and eight two-bedroom units. The project cost is about \$11.5 million per phase for soft and hard costs and a construction manager has already been selected. The applicant is looking at different ways to fund this project, including a NH Block Grant, Low Income Tax Credit, Community Development Block Grant, Monadnock Affordable Housing, Energy Rebates, Invest NH, etc. He noted that the demand for Keene Housing stands at 3,000 households on a waiting list and stated that this is their first affordable housing development since Stone Arch Village was constructed 15 years ago.

Mr. Coates stated the individuals who will be eligible to live in these units are those who don't make more than 60% of the area's median income (\$57,000 for family of four). There is no age restriction, but based on Keene's demographics the housing is likely to fall to the elderly and disabled residents, as well as workforce housing for those without kids or small families.

Mr. Coates stated that in his role as Cheshire County Administrator, he knows that the County has a nursing home that has a third floor with 50 beds that are not in use because they can't find dietary aids, maintenance people, etc. to work at the facility because people cannot afford the high rent costs in the area.

Mr. Coates stated that this proposed site will have a resident service coordinator to organize and host resident activities, provide stabilization services, and make service referrals as needed. He went on to state that a community garden will be part of this project and felt this would be a great project for Keene.

Councilor Remy clarified that the northeast entrance will be one-way. Mr. Nadeau answered in the affirmative and went on to explain that this entrance directs vehicles into angled parking in front of the building (there is a waiver request to allow for parking in front of the building). He noted that the southerly entrance will be for two-way traffic entering/exiting the site.

Vice-Chair Orgaz felt this is a great re-purpose of an existing site. Mr. Clancy asked why the project is being done in two phases and why the buildings are not connected. Mr. Coates stated it is for financing purposes as well as for build-out purposes. Mr. Jonathan Holly, the architect for the project, agreed that it is a financing issue and noted that NH Housing is only allocated a certain amount of money to invest in these properties and noted that a two-phase project score better for financing reasons.

Mayor Hansel asked the architect to explain how the façade on the new building would relate to the existing brick building. Mr. Holly stated that they are working with a Historic Preservationist and part of the application for financing is that the applicant has to satisfy the requirements of the NH Division of Historic Resources (NH DHR) and called the Board's attention to a video showing a drive-through view of the site. He noted that Keene's Site Development Standards have requirements related to the fenestration of a building. He indicated that part of DHR's attitude towards historic preservation is that this is a historic building that has great importance to them; however, they would like the new construction on the site to look significantly different than the existing historic building.

He added that solar is being planned for the roof as well (roofs will be shed roofs to support solar).

Staff comments were next.

Mr. Clements addressed the Board. He explained that this will be a 60 unit, two phase project. Phase 1 will consist of the demolition of the gymnasium, the renovation of the remaining school building, and associated site improvements. Phase 2 will be the construction of the 30-unit freestanding building.

Drainage: The stormwater system will be an underground infiltration vault and will overflow into the existing stormwater system under Washington Street. City staff is comfortable with that, so it appears this standard has been met.

Sediment & Erosion Control: The Erosion Control Plan shows the usage of tracking pads at the construction entrances and inlet protection for the existing and proposed catch basins. Sediment control logs are proposed to be installed along the perimeter of the property. This standard appears to be met.

Snow Storage & Removal – Snow will be hauled off site as the applicant does with their other Keene properties. It appears that this standard has been met.

Landscaping - The Landscape Plan consists of the installation of 33 shade trees, 234 shrubs and bushes, and 68 perennials and annuals for a total of 525 plantings. Planting details have been submitted that appear to meet best practices. No invasive species are proposed to be installed on site. Protective fencing is shown around existing trees that will remain on the site. It appears that this standard has been met. Mr. Clements added that the existing trees along Washington Street are in serious state of decline and hence will be removed and replaced with similar shade trees (as noted on the plan)

Screening - The submitted Landscape Plan depicts the usage of flowering evergreen shrubs along Washington Street. There will also be shade trees along Woodbury Street and as the trees develop, their canopies will provide screening from Woodbury Street. A 6 foot tall stockade fence is proposed along the southern property boundary. In addition to this, a dumpster enclosure is proposed to be located to the south of the proposed new building and enclosed with a six foot tall stockade fence, which meets the Board's standards.

Lighting - The Lighting Plan shows the proposed installation of eight pole-mounted light fixtures and 23 wall-mounted light fixtures. The pole mounted fixtures will be 15 feet in height and the wall mounted fixtures will be installed between 10 and 15 feet in height. All proposed fixtures will have a color index rendering of 80 and a color temperature of 3,000K. All fixtures are full cut-off LEDs. It appears that this standard has been met.

Sewer and Water – As the applicant has stated, municipal water and sewer will be utilized with a separate line for the fire suppression system located under Washington Street. An average sewer flow calculation has been submitted to Engineering Staff for review and estimates that the redevelopment will generate 9,686 gallons per day of effluent into the City’s sewer system. An NH DES sewer connection permit will be required for this application. However, the proposal meets the Board’s sewer and water standards.

Traffic & Access Management - The proposed development intends to utilize the two existing site access points along Washington Street. The patterns in and out of the site will remain as they have been historically. There will be a slight shift in the AM and PM peak hour trips, but the overall trip generation will be less than the previous community college use. There will be about 34 AM trips and 28 PM trips. The traffic report states that a development that generates fewer than 50 vehicle trips per hour is considered to be a low-volume traffic generator. Parking is sufficient for this site and the applicant received a Special Exception from the Zoning Board of Adjustment to allow for less than one parking space per dwelling unit. A Truck Turning Exhibit was prepared to demonstrate that emergency service vehicles can navigate safely throughout the site. The exhibit utilizes the City of Concord, NH’s Tower 1 ladder truck (the biggest truck in their fleet), hence the site should be able to accommodate whatever truck the City uses. It appears that this standard has been met.

Filling & Excavation - The applicant states in their narrative that filling and excavation operations are anticipated to be consistent with other construction projects of similar size. Excavation will be required to install building foundations, utilities, and stormwater facilities. Fill material will be brought in to construct the parking lots. Given this site’s close proximity to Route 10 to the north and Route 101 to the south, there should be no issue with construction trucks entering and exiting the site and this should have no impact on the neighborhood. It appears that this standard has been met.

Surface Waters and Wetlands - There are no surface waters or wetlands on the site. This standard is not applicable.

Hazardous and Toxic Materials - The applicant states in their narrative that a Phase I Environmental Site Assessment was prepared by the Nobis Group in December 2022. The assessment revealed a Recognized Environmental Condition associated with a dry-cleaning facility located at 9 Giffin Street. A soil gas assessment was scheduled for May 17th to rule out any potential soil gas contamination from the dry-cleaning facility. A hazardous building material assessment was conducted for the existing building. The applicant has noted that all identified hazardous building materials will be abated during the demolition process by a licensed abatement contractor. No other hazardous or toxic materials are anticipated to be found or stored on site. It appears that this standard has been met.

Noise - The applicant states in their narrative that the development is expected to be a low-volume traffic generator and is unlikely to increase noise levels in the neighborhood. This site will be subject to the City's noise ordinance. The fact that this site will house mostly elderly and the handicapped means that this site is expected to be rather quiet. This standard appears to be met.

Architecture and Visual Appearance - Mr. Clements stated he has provided to the Board a couple of the Board's standards that are most relevant to this proposed building.

- *Front facades and exterior walls shall be articulated to express an identity.*
- *Structures shall have architectural features that make them visually interesting.*
- *Architectural features shall conform to accepted architectural principles of design and construction.*
- *Exterior materials, textures, and colors shall minimize visual aggressiveness and shall harmonize with the City's distinctive architectural identity.*

Mr. Clements addressed the waiver request that was submitted next, which is a request to allow for parking to be located in front of the building. He explained that the applicant has proposed screening that meets this standard but is requesting a waiver from the location of these parking areas – which is at the front if the existing and proposing buildings where the standard calls for parking to be located to the side or rear of buildings.

He explained that the Planning Board needs to determine if the following waiver criteria have been met as part of their evaluation of this request:

1. *Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or*
2. *Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.*
3. *In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.*

Chair Farrington asked if the soil gas assessment was completed and if there were any findings to report. Mr. Clements stated that a recommended condition of approval for this application is the submittal of a copy of that assessment. Mr. Nadeau stated that they have not received a copy of that report yet and will submit a copy once its received.

Mr. Clancy asked about the retaining wall and asked who will be responsible for that repair. Mr. Clements stated that his understanding is that prior to the sale of the property, the current owner would be responsible for repairing the wall.

Councilor Remy asked whether there are similar types of buildings in Keene that this design would fit in with. Mr. Clements stated he wasn't sure of any in Keene but noted that he has seen designs like this in modern-day developments and it seems to be a current architectural practice. Mr. Holly

stated that as he had mentioned earlier, in working with DHR anything constructed to look exactly like the Roosevelt School is considered to be an adverse effect. DHR has reviewed these elevations and part of satisfying their requirements is to have a visual graphic in the lobby of the building showing the history of the school. The massing of the building and the roof form is intended to maximize the potential for installing solar panels down the road. It is intentionally designed to look different than the Roosevelt School for the sake of the historic component.

Councilor Remy referred to the following language from the Board's architectural standards, which state that new construction, "*shall harmonize with the City's distinctive architectural identity and unique character.*" He stated that he is not looking for the building to look like the Roosevelt School, but rather see if the newer building and addition would fit with other architecture within the City. He agreed that the proposed design would fit in with the neighborhood but was trying to address that specific standard. Mr. Holly stated that this is affordable housing and the applicant does not have latitude in terms of articulating the floor plan and every corner costs an extra dollar.

He noted that there is a brick base at the front of the building along Washington Street to give it some tie-in with the existing school building but noted that the clapboards are similar to buildings on Washington Street.

Mayor Hansel agreed that the architectural element is always the most difficult component for the Board to resolve and stated that his thought process is looking at the massing and seeing that they are taking ideas from the existing building, as well as using ideas from the surrounding buildings in the neighborhood (brick façade of the base, mass of the buildings).

Mr. Clements summarized the recommended precedent conditions of approval, which include the following: owner's signature on the plan set; submittal of a security for sedimentation and erosion control, landscaping, and "as built" plans; submittal of 5 hardcopies of the final plan; submittal of a copy of the NHDES Sewer Connection permit shall be submitted to the Department of Public Works; submittal of a copy of the soil gas assessment shall be submitted to the Community Development Department; percolation tests for the proposed stormwater management system shall be conducted and their results submitted to the City Engineer for review and approval.

He went on to summarize the recommended subsequent conditions of approval, which included the following: prior to the commencement of site work, an Excavation Permit and Utility Connection Permit shall be obtained from the Department of Public Works and prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations.

The Chairman asked for public comment next.

Ms. Tammy Adams, an Alternate Member of the Planning Board, as well as an abutter, stated that there is no other building like this in the area and any kind of improvement to this site would be an improvement for the neighborhood. There are also houses being added which will also be a

great addition for the City. She indicated she is happy to hear the retaining wall is going to be addressed. She hoped some of the mature oak trees at the rear of the site would be retained.

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

Councilor Remy asked what will happen if the soil gas assessment fails and asked if the applicant would be required to come back to the Board. Mr. Clements referred to the applicant. Mr. Nadeau stated if there is a negative result there are different ways to address that issue, similar to radon in someone's home – an active or passive gas management system could be installed around the foundation so the vapor won't get into the building. This item will be addressed prior to the building being constructed. The Councilor asked who would regulate that – Mr. Nadeau stated it would be regulated by the State as well as the entity financing the property. Chair Farrington suggested adding this language to the conditions. Councilor Remy stated he would be fine leaving it out as long as it is being regulated by the State.

A. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board grant a waiver from Section 20.14.3.D of the Land Development Code regarding the requirement that all off-street parking be located to the side or rear of the buildings. The motion was seconded by Councilor Remy, who added that preserving the existing building and site is allowing the applicant to locate parking at the front of the building where it is currently and it would create an unnecessary hardship for the applicant not to be able place the parking in this location.

The waiver request was unanimously approved.

A motion was made by Mayor George Hansel that the Planning Board approve SPR-06-23 as shown on the plan identified as "Roosevelt School Housing 438 Washington Street Keene, NH" prepared by Nobis Group at a scale of 1 in. = 30 ft. dated April 12, 2023 and last revised May 8, 2023 and the architectural elevations prepared by Warren Street Architects at a scale of 1/8 in. = 1 ft. dated May 8, 2023 with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:
 - A. The owner's signature shall appear on the plan set.
 - B. Submittal of a security for sedimentation and erosion control, landscaping, and "as built" plans in a form and amount acceptable to the City Engineer.
 - C. Submittal of five full size paper copies and one digital copy of the final plan.
 - D. A copy of the NHDES Sewer Connection permit shall be submitted to the Department of Public Works.
 - E. A copy of the soil gas assessment shall be submitted to the Community Development Department.
 - F. Percolation tests for the proposed stormwater management system shall be conducted and their results submitted to the City Engineer for review and approval.

2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions shall be met:

A. Prior to the commencement of site work, an Excavation Permit and Utility Connection Permit shall be obtained from the Department of Public Works.

B. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures are installed and the Community Development Director, or their designee, shall inspect the erosion control measures to ensure compliance with this site plan and all City of Keene regulations.”

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

V) Staff Updates

None

VI) New Business

Chair Farrington stated he had had a discussion with planning staff regarding the materials from the NH OPD’s Spring Planning and Zoning Conference that’s available online and staff will be sending out a link of those documents for the Board review. Ms., Fortson stated the link was sent out with the Board’s packet.

VII) Upcoming Dates of Interest

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

There being no further business, the Chairman adjourned the meeting at 9:04 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Megan Fortson, Planning Technician