

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

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

**Monday, October 23, 2023**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Harold Farrington, Chair  
David Orgaz, Vice Chair  
Roberta Mastrogiovanni  
Councilor Michael Remy  
Armando Rangel  
Ryan Clancy  
Randyn Markelon, Alternate  
Kenneth Kost, Alternate

**Staff Present:**

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

**Members Not Present:**

Mayor George S. Hansel  
Gail Somers, Alternate  
Tammy Adams, Alternate  
Emily Lavigne-Bernier

**I) Call to Order – Roll Call**

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

**II) Minutes of Previous Meeting – September 25, 2023**

A motion was made by Councilor Michael Remy that the Planning Board approve the September 25, 2023 meeting minutes. The motion was seconded by David Orgaz and was unanimously approved.

**III) Final Vote on Conditional Approvals**

The Chairman stated this is a new standing agenda item in response to the recent “City of Dover” decision issued by the NH Supreme Court. As a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

Ms. Brunner stated there is one application ready for a final vote – a subdivision application, S-06-23, for a 2-lot subdivision of the property at 800 Park Avenue. There were five conditions precedent

for this application including having the owner's signature appear on the plan; the inspection of lot monuments by the Public Works Director or their designee or posting a security for the inspection of the lot monuments; submitting a copy of the draft of pass and repass easement document for the City Attorney's review; the submittal of four full size paper copies, two mylar and a digital copy of the final plan set; and the submittal of a check in the amount of \$51 to cover recording fees.

Ms. Brunner noted that all these conditions precedent have been met. A motion was made by Councilor Michael Remy that the Planning Board issue final approval for S-06-23. The motion was seconded by David Orgaz and was unanimously approved.

#### **IV) Extension Requests**

**1. S-03-23 & SWP-CUP-02-23 – Conservation Residential Development Subdivision & Surface Water Protection Conditional Use Permit – Whitcomb's Mill Estates, 19 Whitcomb's Mill Rd – Applicant and owner Sandra R. Henry Trust requests an extension to the deadline to satisfy the precedent conditions of approval for the CRD subdivision & Surface Water CUP applications, S-03-23 & SWP-CUP-02-23, for the proposed subdivision of the 12.42 ac parcel at 19 Whitcomb's Mill Rd (TMP #237-018-000) into 9 lots, including 8 residential building lots ranging in size from 0.38 to 0.77 ac and one open space lot that is 6.83 ac in size. The parcel is located in the Low Density 1 District.**

Mr. Jim Phippard addressed the Board on behalf of the property owner and stated this is a first request for an extension to the timeframe to satisfy the precedent conditions of approval for this application. He explained that there were nine conditions precedent, two of which required the applicant to go before the City Council, which is a lengthy process. He stated that almost all of the conditions of approval are completed; however, he noted that they are still waiting for a letter of credit from the bank. He indicated they hope to have everything submitted to the Community Development Department in a week. Mr. Phippard stated they are requesting a six-month extension.

A motion was made by Councilor Michael Remy that the Planning Board extend the deadline to meet the precedent conditions of approval by 180 days for S-03-23 & SWP-CUP-02-23. The motion was seconded by David Orgaz and was unanimously approved.

**2. 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, requests an extension to the deadline to satisfy the precedent conditions of approval for the Major Site Plan application, SPR-06-23, for the proposed renovations to the former Roosevelt School building and the construction of a new ~12,646 sf 2-story building with associated site improvements to create a 60 unit multi-family housing development on the property at 438 Washington St (TMP #531-054-000). The site is 2.4 ac and is located in the Low Density District.**

Ms. Sandy Clark, Facilities Director for Keene Housing, explained that they need more time to address the retaining wall issue for Woodbury Street, so they are requesting a six-month extension for this application.

A motion was made by Councilor Michael Remy that the Planning Board extend the deadline to meet the conditions of approval by 180 days for SPR-06-23. The motion was seconded by David Orgaz and was unanimously approved.

## V. Public Hearings

### **1. S-09-23 – Subdivision – 284 West Surry Rd: Applicant Huntley Survey & Design PLLC, on behalf of owners Corbet & Colline Cook, proposes to subdivide the ~9.19-ac parcel at 284 West Surry Rd (TMP #206-025-000) into three lots ranging in size from ~2 ac to ~5.16 ac. The parcel is located in the Rural District.**

#### A. Board Determination of Completeness

Evan Clements, Planner, addressed the Board and stated the Applicant has requested exemptions from providing a drainage report, traffic analysis, soil analysis, and other technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Councilor Remy to accept the subdivision application, S-09-23, as complete. The motion was seconded by David Orgaz and was unanimously approved.

#### B. Public Hearing

Mr. Russ Huntley of Huntley Survey and Design addressed the Board and explained that this property has a little over nine acres and the property owner is seeking approval for a three-lot subdivision. He explained that there is an existing house with a septic system, well, and driveway on the parcel and indicated that the property owner would like to create two more building lots. One would be north of the existing house and one west of the existing house.

The one to the north would be the minimum two-acre lot size with plenty of frontage. The existing house would also be on a two acre lot with frontage on both Darling Road and West Surry Road. The remaining five plus acres would have frontage on Darling Road. Test pits have been completed, a survey has been done, and all zoning criteria have been met and staff requirements have been addressed.

Staff comments were next. Mr. Clements stated the subject parcel is an existing 9.19-acre lot located on the corner of Route NH 12A, also known as West Surry Road and Darling Road, with Bretwood Golf Club directly to the east and the Keene/Surry town line approximately 1,300 feet to the north. There is an existing 1,152 square foot single-family residence with a detached garage on the property. The applicant proposes to subdivide the parcel to create two new residential building lots. Lot 1 will have access off of West Surry Road and will be 2.02-acres in size with 254 feet of frontage. Lot 2 will be a 2-acre corner lot with 165 feet of frontage on West Surry Road and 233 feet of frontage on Darling Road. This lot will contain the existing single-family residence. Lot 3 will be a 5.16-acre lot with 512 feet of frontage on Darling Road.

With reference to the *“Character of Land for Subdivision”* – Mr. Clements stated the subject parcel is characterized by a level open field along the roadways with a tree line deeper onto the property. Further onto the property, the land begins to slope away from the road in a northwesterly direction. A large wetland area exists at the low point of the property in the northwestern corner of the lot. There appears to be sufficient level land in this area for future residential development, if there was some tree clearing done. Test pit data has been submitted as part of this application. The data reveals that the soil composition is mostly sandy with few clumps, with an estimated seasonal high-water observed at no greater than 50 inches and no ledge observed. The site appears to be suitable for septic.

Mr. Clements went on to say that the existing development pattern of the area along Darling Road consists of two-acre residential parcels. The proposed two-acre lots appear to fit in with the existing developed parcels. The proposed Lot 3 will contain the majority of the existing wetland system and is proposed to be larger as a result. It appears that this standard has been met.

With reference to the *“Preservation of Existing Features”* - The two proposed undeveloped lots, Lots 1 & 3, contain areas of open field as well as wooded areas. Tree clearing will most likely be required for the future development of Lot 3 (Lot 1 appears to be clear already). The 75-foot wetland buffer is shown on the plan for all three lots and will provide protection for the existing wetlands system. The Board may wish to consider a subsequent condition of approval related to the wetlands buffer being flagged prior to the commencement of any site development in the future on Lots 1 and 3. It appears that this standard has been met.

*“Special Flood Hazard Areas”* - The subject parcel is not located within a special flood hazard area.

*“Fire Protection and Water Supply”* - The applicant states in the narrative that fire protection service will be consistent with the other residences constructed in the neighborhood, but did not provide specific information initially. Following staff’s conversation with the applicant, they have agreed to add a note to the plan regarding individual sprinkler systems. Mr. Clements stated staff did not recommend adding this note, but it is something the applicant has agreed to add to the plan.

He further explained the note will also state that if any future development of these lots comes forward and the applicant does not want to install a sprinkler system, they have the option to come back before the Board to discuss other fire protection options suitable to meet the intent of the Board’s regulations.

During the review of this application, it was also discovered that at the turnaround point of Darling Court (2,000 feet from the subject parcel), there is private fire cistern. Mr. Clements stated it is unlikely the Fire Department would utilize this cistern during an emergency.

*“Utilities”* - All three lots will be serviced by private well and septic systems. The subdivision plan shows sufficient room on each lot to accommodate the 75-foot wellhead protection radius and a 4k septic area. NH DES subdivision approval will be required for Lot 1 as it is less than five acres in size. It appears that this standard has been met.

Mr. Clements went over the recommended motion. This concluded staff comments.

Councilor Remy asked whether language needs to be included in the motion regarding fire protection or whether that has already been included. Mr. Clements stated the conversation he had with Mr. Huntley regarding the note was after the staff report was drafted. He explained that the legislation regarding this item has changed, hence staff is hesitant to bring it up to the Board because it is clear the Board can't require or necessarily accept it. Staff believe because it is being voluntarily offered at this time by the applicant that it should be sufficient, and it allows staff to deal with it on an individual level at this time.

Mr. Clancy clarified that the lot that has the house was a two-acre lot and not five acres. Mr. Clements agreed it was two acres and that the lot to the west was five acres.

The Chairman asked for public comment next.

Ms. Sylvie Singh-Lamay of 45 Darling Road asked what the purpose is of the 75-foot protective well radius. Mr. Clements explained this meant that a wellhead would be installed in the center of the circle shown on the plan and explained that a leech field or septic system could be installed within this 75 foot area.

With no other comments from the public, the Chair closed the public hearing.

Mr. Clements addressed regional impact as it pertains to this application. He indicated that after reviewing the application, staff has made a preliminary evaluation that the proposed subdivision does not appear to have the potential for regional impact. He added the Board would need to make a final determination about whether the proposal could have the potential for regional impact, if approved.

Councilor Remy asked whether the Board wanted to include language regarding wetlands flagging. Ms. Markelon felt it made sense to have the area flagged.

### C. Board Discussion and Action

A motion was made by Councilor Michael Remy that the Planning Board approve S-09-23 as shown on the plan set identified as "Three Lot Minor Subdivision" prepared by Huntley Survey & Design at a scale of 1 inch = 40 feet, dated August 31, 2023 and last revised on October 3, 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. Owner's signature appears on the plan.
  - B. 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.
  - C. Subdivision approval from the New Hampshire Department of Environmental Services shall be obtained.

- D. Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.
- E. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees.

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

- A. Prior to the issuance of a building permit for new residential construction, a stormwater management plan shall be submitted to the Community Development Department for review and approval by the City Engineer.
- B. At the Community Development Director's discretion, the 75-ft. wetland buffer shall be flagged and inspected by the Community Development Director or their designee prior to site development.

The motion was seconded by David Orgaz.

Councilor Remy stated he agrees with staff that there is no regional impact from this project.

The Chair felt the applicant has met the Board's development standards and was in favor of approving the application.

The motion made by Councilor Remy was unanimously approved.

**2. S-10-23 & SPR-02-22, Modification #1 – Boundary Line Adjustment & Site Plan – Aroma Joe's & Granite State Carwash, 348 & 364 West St – Applicant Brickstone Land Use Consultants, on behalf of owners, proposes a boundary 1 of 57 line adjustment that would transfer ~0.022 ac of land West Street AJ's LLC and A&B LLC from the ~0.598-ac Granite State Carwash site at 364 West St (TMP #577-026-000) to the ~0.224-ac Aroma Joe's site at 348 West St (TMP #577-025-000). Modifications to the layout of the existing queuing area on the Aroma Joe's site are also proposed. Both properties are located in the Commerce District.**

A. Board Determination of Completeness

Mr. Clements addressed the Board and stated this item consists of two separate applications (a boundary line adjustment and a site plan modification) that will be discussed concurrently, but noted that there will be two separate motions at the end.

With reference to completeness, Mr. Clements stated the applicant requests exemptions from providing a traffic analysis, soil analysis, historic evaluation, screening analysis, architectural & visual appearance analysis, lighting plan, elevations, and other technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Councilor Remy to accept S-10-23 & SPR-02-22, Modification #1 as complete. The motion was seconded by David Orgaz and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard addressed the Board on behalf of West Street AJ's LLC and A&B LLC. He addressed the boundary line adjustment first. He explained the boundary line adjustment would occur along the common boundary line between the Aroma Joe's parcel and the carwash property. The purpose of the boundary line adjustment is to add an eight foot strip of land to the entire length of the Aroma Joe's western property boundary. Mr. Phippard stated that the Aroma Joe's property is an existing non-conforming lot because it is less than the minimum lot size required in the Commerce District and noted that this adjustment will make it more conforming.

The carwash site is 0.6 acres in size and is a conforming lot. The purpose of adding this strip of land is so that the Aroma Joe's lot can be widened and a second entry lane can be added into the queuing area. Mr. Phippard talked about the success Aroma Joe's has had since its construction last April, more so than was expected. There is a single entry lane that loops around the building and there was adequate queuing around the property. Ten cars will bring you right up to the sidewalk on West Street. The applicant's traffic assessment was based on traffic at their other locations and indicated that a ten car queuing area would be sufficient for an area the size of Keene. However, that was not the case and traffic often backed on to West Street blocking traffic from both directions. The Police were called to the site on numerous occasions to move traffic along and it was requested that this problem be fixed.

Mr. Phippard went on to say the applicant provided for a temporary fix. Employees were not permitted to park in the four spaces on the site to lengthen the queuing lane and were requested to park on the carwash site. This still did not solve the problem, which is why this proposal is before the Board today. Mr. Phippard added that this boundary line adjustment does not change the site plan for the carwash site, it just changes their property line slightly. However, he did note that they had to go before the Zoning Board for two variances for these properties. The variances were to allow for a pavement setback less than eight feet along the common property line. He added that there will be a fence between the two properties to keep the line of traffic separated.

After coming to the Board last month, he asked the property owner to monitor the number of cars waiting to turn left and they have indicated that they have not seen any issues. He noted that the two traffic signals on West Street create a gap in traffic, which helps with left turns. They also simplified the traffic circulation to eliminate traffic conflicts by closing the curb cuts on the carwash site along West Street. There are now no curb cuts between Aroma Joes and the Pearl Street intersection, which provides for an excellent line of sight. Mr. Phippard stated the owner feels that prohibiting left hand turns is not necessary and would inconvenience customers. He felt that the current proposal will resolve the issues the site is currently experiencing.

Mr. Phippard went on to say that in regard to the recommended conditions of approval, he would request that 1.C. not be required, which asks for cars exiting the site to be limited to a right turn only. This concluded Mr. Phippard's presentation.

Councilor Remy asked whether the same traffic engineer completed the traffic study for the carwash site as well. Mr. Phippard answered in the affirmative.

Mr. Orgaz asked whether there would be signage at the second entrance to Aroma Joe's. Mr. Phippard stated there would be signage.

Mr. Kost asked if cars trying to make a left turn when exiting the site could be a cause of the traffic issues. Mr. Phippard stated that traffic has been able to turn left out of the site without too many issues and added that he contributes this to the gaps created by the lights at the two intersections on West Street. Mr. Phippard stated he drives on West Street every day and looks for issues with traffic making left turns out of other businesses and has not noticed any issues.

Mr. Clancy stated his concern is that there is no exit for queuing traffic to get out safely. Mr. Phippard stated when he did the site plan application for Walpole Savings Bank, he left out the turn in front of the building, but he was asked to put that back in. Aroma Joe's is not looking for this type of traffic circulation. Mr. Clancy stated he had raised this concern during the Advice & Comment session last month and wonders if there could be a connector lane to the carwash site, so traffic could exit via the carwash property. Mr. Phippard stated he would not want to encourage another car to enter a site that already has two lanes coming in and merging, which he felt could cause a safety hazard.

Ms. Mastrogiovanni asked whether any consideration could be given to a double exit lane. Mr. Phippard stated the applicant did not feel that would be necessary. Ms. Mastrogiovanni stated two exit lanes make it easier for someone who wants to turn right but is behind a car that is trying to make a left. Mr. Phippard stated there is room to add a second exit by moving the landscaping and the ramp, but noted that he did not feel this was necessary. He noted adding the second exit comes at a considerable expense. He added if the owners feel it is necessary, they will come back before the Board with a site plan modification. Ms. Mastrogiovanni felt it would make more sense to put the change in place now rather than having to come back. Mr. Phippard stated he does understand what Ms. Mastrogiovanni is saying but to change the plan now would require this process to be stopped. He would have to come up with a modification to the plan, submit it to staff, have Public Works review the plan, and hope to be back at the November meeting – which would cause the applicant to lose this construction season, so they wouldn't even be able to install the second entry lane or complete any construction until April. He stated he would like it to be left for a future consideration rather than delay this process any further.

Staff comments were next. Mr. Clements addressed the Board and stated the boundary line adjustment which consists of a land transfer of 0.022 acres from the Granite State Carwash property to the Aroma Joe's property. At the time the boundary line adjustment was submitted, a voluntary merger between 12 Pearl Street and 364 West St (the two parcels that make up the carwash site) had not been finalized. Hence, the boundary line adjustment shows that merger as part of the proposal for this application. There is a precedent condition of approval recommended to effectively eliminate that from the boundary line adjustment plan, as it has already been finalized.

As part of the site plan, Engineering Staff is looking for a Grading and Erosion Control Plan to be submitted for the proposed site work.

With respect to drainage, the applicant states in their narrative that the existing drainage patterns on the site will be maintained. Stormwater will be directed to the rear of the lot and into the existing stormwater management system and this system has sufficient capacity to collect any stormwater from this site. It appears that this standard has been met.

Sediment & Erosion Control - The applicant states in their narrative that sediment and erosion control will be achieved by utilizing silt fencing during construction. A Grading & Erosion Control Plan will be reviewed and approved by the City Engineer.

Snow Storage will be achieved by storing snow around the perimeter of the drive-thru lane and removing any excess snow from the site. This standard has been met.

Landscaping - There are seven existing arborvitaes along the west side of the property that will be relocated to the southwest corner of the lot to accommodate the expanded drive-thru isle. A six foot tall fence is being proposed along the common property line. There are also some daylilies that will be relocated to make room for the new drive-thru lane. This standard has been met.

Filling & Excavation - The applicant states in their narrative that minor filling and excavation will be necessary, and they are estimating that 50 cubic yards of material will be necessary for this project. Mr. Clements noted that they have direct access from Route 12 to the site. It appears that this standard has been met.

Traffic & Access Management – As Mr. Phippard indicated, the applicant has done some preliminary analysis, and they don't believe restricting the exit to right turn only is necessary. Staff from both Public Works and Community Development feel the site in general is very different than when it was proposed as the Aroma Joe's site. The activity at the Pearl Street intersection that is going to be generated from the carwash site is going to be significantly greater than when it was initially proposed. Staff feel restricting the exit to be a right turn only movement will increase traffic flow through the Aroma Joe's site and reduce potential future traffic impacts of cars turning from the Pearl Street intersection after utilizing the carwash as well as reducing impacts of cars turning onto Pearl Street.

Mr. Clements then outlined the recommended conditions of approval. This concluded staff comments.

Mr. Orgaz asked whether the employee parking will be brought back to the Aroma Joe's site. Mr. Phippard stated employee parking is back.

Chair Farrington asked whether the Police Department has reviewed this plan. Ms. Brunner stated that when s these applications are sent out for staff review the Fire Department, Police Department, Engineering, Public Works, Zoning and Building Staff are all included in the review process. She indicated that typically the Police Department doesn't have comments on site plan applications and no comments were received on this application. The Chair asked whether what was shared with them was the right turn only proposal. Mr. Clements stated they receive the complete submittal, but the plan was not discussed with them directly. The Chair clarified all businesses in the area are

aware of this application. Mr. Clements stated a legally complying public notice was sent to all abutters.

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

Councilor Remy stated he does not see any regional impact from this application.

**B. Board Discussion and Action**

A motion was made by Councilor Michael Remy that the Planning Board approve S-10-23 as shown on the plan set identified as “Lot Line Adjustment Plan” prepared by Huntley Survey & Design at a scale of 1 inch = 20 feet, dated September 15, 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. Owner’s signature appears on the plan.
- B. 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.
- C. Submittal of a revised BLA plan that reflects the voluntary merger of 364 West Street and 12 Pearl Street.
- D. Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.
- E. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees.

The motion was seconded by David Orgaz and was unanimously approved.

A motion was made by Councilor Michael Remy that the Planning Board approve SPR-02-22, Mod. 1, as shown on the plan identified as “Site Plan Modification Aroma Joe’s 0 West Street, Keene, New Hampshire” prepared by SVE Associates and Brickstone Land Use Consultants at a scale of 1 in =10 ft, dated September 12, 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. Owner’s signature appears on plan.
- B. Submittal of a Grading & Erosion Control Plan to the Community Development Department to be reviewed and approved by the City Engineer.
- C. Submittal of five (5) full sized paper copies and a digital copy of the final plan set.

The motion was seconded by David Orgaz.

The Councilor stated he excluded condition C: Submittal of a revised site plan that restricts the exit from the site to a “Right Turn Only” vehicle movement, but noted that he was open to an amended

motion to add the item back in. He referred to the Savings Bank of Walpole site, which can be challenging because of the two exit lanes. However, the Starbucks site seems to work fine.

The Chair stated he agrees with Councilor Remy in that there are sites on West Street that have a right turn only exit and some that exit right and left. He added that absent data he did not want to impose this restriction on the applicant. He felt the applicant has been accommodating in turning this item around and have identified the problem themselves and have addressed it accordingly.

Mr. Clancy stated he agrees with Councilor Remy's comment and added in the future when the Board looks at projects such as this, they will look more closely at safety and dual exit lanes for queueing lanes. He stated he was concerned about emergency vehicle access.

The motion made by Councilor Remy was unanimously approved.

## **VI. Advice & Comment**

### **1. Potential Conservation Residential Development (CRD) Subdivision, 0 Old Walpole Rd – Applicant and owner Monadnock Habitat for Humanity Inc., is seeking input from the Planning Board regarding a potential CRD Subdivision of the 7.1-ac parcel at 0 Old Walpole Rd (TMP #503-005-000). The parcel is located in the Rural District.**

Mr. Michal Conway, a volunteer for Monadnock Habitat Humanity, stated they acquired this property through a donation and would like to make the best use of it and provide for affordable workforce housing. He noted the property is located in the Rural Zone, is 7.1 acres in size and is eligible to be subdivided into three lots. Each lot would be in excess of two acres and would become developable lots for three single-family dwellings. He indicated what they are proposing is an alternative to that; a CRD Development with an optional bonus density incentive for owner-occupied workforce affordable housing. He stated their proposal would require a waiver from the Planning Board. He added that what they wish to construct would require two waivers.

The development would consist of two lots each in excess of 32,000 square feet each with a modest duplex on them. Each duplex would have two units of approximately 1,150 square feet each.

The first waiver is to allow this project to be reviewed as a CRD subdivision. Per the City's Land Development Code, a parcel in the Rural District must have a minimum lot size of 10 acres to be eligible for a CRD and this parcel is only 7.1 acres in size.

He added that their proposal involves a turning a portion of the parcel into a perpetual conservation area, which would set aside an excess of five acres of land and would satisfy the minimum requirements that would exist if this were a ten acre lot.

The second waiver is for the proposed construction of a shared driveway as opposed to the creation of an interior road. He explained that they are looking for Board input before they spend their limited funds on professional services.

Councilor Remy asked how the owner-occupied concept would work, given that they are proposing two lots with duplexes. Mr. Conway stated it would be a condominium and it would be a requirement outlined in the lease. The Councilor asked why it needs to be a shared driveway versus a road. Ms. Brunner stated staff would be in support of this waiver because this proposal is just for the construction of two duplexes. She explained that the construction of an entire street that would become a public right-of-way is complicated and there are maintenance issues that go along with it. The City feels a shared driveway should be encouraged when it makes sense, and this is one of those instances. Mr. Conway felt that the construction of a street would cause environmental disturbance and would encroach into the conservation area.

Councilor Remy referred to the wooded open space toward Old Walpole Road and asked whether the applicant would have an issue in leaving this as a no cut zone and leaving it as a wooded area. Mr. Conway stated they will be honoring this requirement.

Mr. Kost stated he appreciates this concept of providing more workforce housing. He stated he wanted to make sure the shared driveway would have spaces for emergency vehicle access.

Mr. Clancy stated he prefers this proposal compared to the one presented by the applicant previously. He stated his focus is also on emergency vehicle access.

Chair Farrington stated there is workforce housing and affordable housing and asked what the plan was for this proposal. Mr. Conway explained Habitat for Humanity helps construct homes. The partner families also participate in the construction of the house, so there is some sweat equity invested in the house. If they are unable to help with construction, they can have people help with construction on their behalf, but it is a requirement. When they are ready to move in, there is a mortgage so anyone who wants to purchase the home would need to have an income. What makes it affordable is that the construction of the house is done largely by volunteer labor and much of the materials are donated.

He added that Habitat for Humanity is a certified charity, and they structure a no interest mortgage. However, there are strings attached so that somebody can't sell the house and make a profit. The City's requirement to get the density bonus is to provide for workforce or affordable housing. Chair Farrington asked for other examples of homes constructed by Habitat for Humanity. Mr. Conway referred this question to the President for Habitat for Humanity, Matt Keenan. Mr. Keenan stated they have been around since 1991 and have built 16 homes in the greater Monadnock area. They have all been single-family homes until now and the challenge has been finding affordable land.

Chair Farrington clarified these properties will have well and septic. The applicants agreed and added that access to sewer is at a distance; however, City water is at close proximity, and this could still be a possibility.

Mr. Clements asked how ownership of each duplex was going to be handled. Mr. Conway stated they would be owned separately, but the underlying lot will be shared.

Chair Farrington felt this plan was much more acceptable than what was presented previously. Mr. Conway asked how the Board felt about the two waivers. Councilor Remy stated he was in support of the CRD proposal on this acreage and agreed with the shared driveway concept.

Ms. Markelon felt because this site abuts a low density area the CRD concept would make sense.

Councilor Remy stated when the plan is ready to be presented, he would like to see a view from the road of what this plan would look like. Chair Farrington encouraged that they should maintain as many trees as possible and reminded the applicant of the public's concern from last month regarding drainage. Mr. Conway stated the impervious surface being introduced to this site is way below the maximum required in the rural zone (10%). Mr. Keenan stated that a Keene State College sophomore class will be assisting with the design for this project.

Councilor Remy asked if public comment is taken for Advice & Comment. Ms. Brunner stated this would be entirely up to the Chair. The Chair asked for public comment.

Mr. David Bergeron, an abutter to this parcel, stated that he was in support of this project.

Mr. Stefan Mayhew of Elm Street stated he was happy to see Habitat for Humanity veering away from single-family homes and looking into duplexes and triplexes.

## **VII. Staff Updates**

Ms. Brunner stated with reference to a master plan, the City is currently in the process of selecting a consultant. There is an RFQ that has been sent out and a roster will be available in time for the November meeting to assign a Steering Committee. She explained that the hope is to have the process started in early 2024.

## **VIII. New Business**

None

## **IX. Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – November 13th, 6:30 PM
- Planning Board Steering Committee – November 14th, 11:00 AM
- Planning Board Site Visit – November 22nd, 8:00 AM – To Be Confirmed
- Planning Board Meeting – November 27th, 6:30 PM

There being no further business, Chair Farrington adjourned the meeting at 8:00 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Megan Fortson, Planning Technician