



## City of Keene Planning Board

### AGENDA

**Monday, March 25, 2024**

**6:30 PM**

**City Hall, 2<sup>nd</sup> Floor Council Chambers**

- I. **Call to Order** – Roll Call
- II. **Minutes of Previous Meeting** – February 26, 2024
- III. **Final Vote on Conditional Approvals**
- IV. **Extension Request**
  1. **SPR-06-23 – Site Plan – Roosevelt School Housing, 438 Washington St** – Applicant Monadnock Affordable Housing, on behalf of owner the Community College System of NH, requests a second extension to the deadline to satisfy the precedent conditions of approval for the 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.
- V. **Continued Public Hearings**
  1. **PB-2024-01 – Surface Water Protection Conditional Use Permit – 186 Gunn Rd** - Applicants and owners Ashley & Peter Greene request a reduction in the Surface Water Protection buffer from 75' to 30' to allow for the future subdivision and development of the parcel at 186 Gunn Rd (TMP #205-013-000). The parcel is 11 ac and is located in the Rural District.
  2. **SPR-01-13, Modification #3 – Site Plan – Cheshire County Shooting Sports Education Foundation, 19 Ferry Brook Rd** - Applicant SVE Associates, on behalf of owner the Cheshire County Shooting Sports Education Foundation, proposes several site modifications, including the relocation of the previously approved stormwater management system, on the property at 19 Ferry Brook Rd (TMP #214-021-000). The parcel is 55 ac and is located in the Rural District.
- VI. **Boundary Line Adjustments**

1. **PB-2024-02 – Boundary Line Adjustment – 194 & 216 Marlboro St** - Applicant Brickstone Land Use Consultants, on behalf of owners Noah & Michael Crawford Bange & 216 Marlboro Street LLC, proposes a boundary line adjustment that would transfer ~4,131-sf of land from the ~0.28-ac lot at 194 Marlboro St (TMP #589-015-000) to the ~0.94-ac lot at 216 Marlboro St (TMP #589-016-000). Both parcels are located in the Neighborhood Business District.
2. **PB-2024-03 – Boundary Line Adjustment – 2 & 12 Gilbo Ave** - Applicant Huntley Survey & Design PLLC, on behalf of owner the City of Keene, proposes a boundary line adjustment that would result in the transfer of ~216-sf of land from the City-owned right-of-way known as 12 Gilbo Ave (TMP #575-014-000) to the ~1,204-sf parcel at 2 Gilbo Ave (TMP#575-013-000) and transfer ~434-sf of land to the Main St & Gilbo Ave public right-of-way. All land is located in the Downtown Core District.

VII. **Changes to Planning Board Application Fee Schedule:** The City of Keene Community Development Department proposes to amend sections of Article 25, “Application Procedures” of the Land Development Code and Chapter 100 of Appendix B of the City Code of Ordinances to change the certified mailing requirement to a “Certificate of Mailing”; create a fee for Cottage Court Overlay Conditional Use Permit applications; and establish fees for Earth Excavation Permit applications.

VIII. **Master Plan Update**  
a. Project Updates

IX. **Staff Updates**

X. **New Business**

XI. **Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – April 8<sup>th</sup>, 6:30 PM
- Planning Board Steering Committee – April 9<sup>th</sup>, 11:00 AM
- Planning Board Site Visit – April 17<sup>th</sup>, 8:00 AM – To Be Confirmed
- Planning Board Meeting – April 22<sup>nd</sup>; 6:30 PM

1 **City of Keene**  
2 **New Hampshire**

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5 **PLANNING BOARD**  
6 **MEETING MINUTES**  
7

8 **Monday, February 26, 2024**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice Chair  
Armando Rangel  
Ryan Clancy  
Kenneth Kost

**Staff Present:**

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

**Members Not Present:**

Mayor Jay V. Kahn  
Sarah Vezzani  
Councilor Michael Remy  
Randyn Markelon, Alternate  
Gail Somers, Alternate  
Tammy Adams, Alternate  
Michael Hoefler, Alternate

9  
10 **I) Call to Order: Roll Call**

11  
12 Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken.  
13

14 **II) Minutes of Previous Meeting – January 22, 2024**

15  
16 Chair Farrington offered the following corrections:

17 Line 54 – delete the word “that”

18 Line 82 – replace the word “this” with the words “the third”

19 Lines 193 and 194 – delete the words “was” and add the words “and”

20 Line 754 – correct the word “abutter”  
21

22 A motion was made by Roberta Mastrogiovanni that the Planning Board approve the January 22,  
23 2024 meeting minutes as amended. The motion was seconded by Kenneth Kost and was  
24 unanimously approved.  
25

26 **III) Final Vote on Conditional Approvals**

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28 The Chair stated that as a matter of practice, the Board will now issue a final vote on all  
29 conditionally approved plans after all of the conditions precedent have been met. This final vote

30 will be the final approval and will start the 30-day appeal clock. He asked whether there were any  
31 applications that were ready for a final vote.

32  
33 Mr. Clements stated that there are two applications ready for final approval this evening. The first  
34 one is SPR 02-22 Modification #1, which was a site plan modification for Aroma Joe's at 348  
35 West Street. Applicant, Brickstone Land Use Consultants, on behalf of owners West Street AJ's  
36 LLC and A&B LLC have proposed a boundary line adjustment that would transfer ~0.022 acres  
37 of land from the Granite State Car wash site at 364 West Street to the Aroma Joes site at 384 West  
38 Street. Modifications to the layout of the existing queuing area on the Aroma Joe's site were also  
39 included as part of this application. All precedent conditions of approval for this application have  
40 been met and staff recommends the board issue final approval.

41  
42 A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan  
43 approval for SPR 02-22, Modification #1. The motion was seconded by Mr. Kost and carried on a  
44 unanimous vote.

45  
46 Mr. Clements stated that the second application ready for final approval is SPR 03-19 Modification  
47 #3, which was a site plan modification for the construction of a new building on the Keene Mini  
48 Storage site at 678 Marlboro Road. Applicant SVE Associates, on behalf of owner Keene Mini  
49 Storage LLC, proposed to construct a ~5,200 square foot climate-controlled storage building on  
50 the property. Parcel is ~9.5 acres in size and it is located in the Industrial District. All precedent  
51 conditions of approval for this application have been met and staff recommends the board issue  
52 final approval.

53  
54 A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan  
55 approval for SPR 03-19, Modification #3. The motion was seconded by Kenneth Kost and carried  
56 on a unanimous vote.

57  
58 **IV) Extension Request**

- 59  
60 **1. S-08-23 – Subdivision – Markem, 150 Congress St – Applicant and owner Markem**  
61 **Corporation, requests a first extension to the deadline to achieve active and**  
62 **substantial development for the subdivision application, S-08-23, for the subdivision**  
63 **of the parcel at 150 Congress St (TMP #598-002-000) into two lots and the removal of**  
64 **pavement and portions of an existing tunnel structure. The parcel is 31 ac and is**  
65 **located in the Industrial Park District.**

66  
67 Mr. Mike Gokey, representing Markem, addressed the Board and stated that they have experienced  
68 several delays with this project, most notably the removal of the tunnel that connects the two  
69 buildings. He explained that their fiber optic lines run through this tunnel and they have had some  
70 issues working with Consolidated Communications and Eversource to get these issues resolved.  
71 In addition to this, there is another section of the pavement to the west of the tunnel which that still  
72 needs to be removed.

73

74 A motion was made by Roberta Mastrogiovanni that the Planning Board grant a 180-day extension  
75 to the timeframe to satisfy the precedent conditions of approval for the subdivision application, S-  
76 08-23. The motion was seconded by Kenneth Kost and was unanimously approved.  
77

78 **V) Continued Public Hearing**  
79

- 80 **1. PB-2024-01 – Surface Water Protection Conditional Use Permit – 186 Gunn Rd -**  
81 **Applicants and owners Ashley & Peter Greene request a reduction in the Surface**  
82 **Water Protection buffer from 75’ to 30’ to allow for the future subdivision and**  
83 **development of the parcel at 186 Gunn Rd (TMP #205-013-000). The parcel is 11 ac**  
84 **and is located in the Rural District.**  
85

86 Mr. Clements stated the Board heard this application in January, but due to inclement weather, the  
87 Conservation Commission was not able to go out and walk the site. As a result of this, the public  
88 hearing was continued to this meeting. He stated that the Conservation Commission has had an  
89 opportunity to visit the site and make a recommendation, as is required by the Conditional Use  
90 Permit standards. The Vice Chair of the Commission has since submitted a letter to the Board. Mr.  
91 Clements then read the letter into the record.  
92

93 Andrew Madison, Vice Chair of the Keene Conservation Commission and City Councilor from  
94 Ward 3: *For the members of the Planning Board, the Conservation Commission conducted a site*  
95 *visit at 186 Gunn Road on Tuesday, February 13th. The Commission then discussed the*  
96 *application, PB-2024-01, at the property owners’ request, to reduce the surface water protection*  
97 *buffer during our February 20th meeting. The two votes in favor and five votes against [the*  
98 *proposal means that] the Commission did not pass a recommendation that the surface water buffer*  
99 *be reduced from 75 feet to 30 feet.*  
100

101 *The Commission expressed concerns regarding the presence of wildlife noted during the site visit,*  
102 *specifically the abundance of hemlock and presence of deer scat suggested that this land may be*  
103 *an important area for white tailed deer and that wetlands present in the subject area are likely to*  
104 *be an important habitat for amphibians, such as the spotted salamander. The subject area is also*  
105 *identified as a supporting landscape in the New Hampshire Fish and Game Department’s 2020*  
106 *Wildlife Action Plan, identifying it within the top 50% of its habitat type, including hemlock,*  
107 *hardwood, pine forest, and marsh shrub. The Commission is also concerned about the potential*  
108 *for flooding and the loss of stormwater storage.*  
109

110 *Specifically, the Commission is concerned that the driveway associated with this project may*  
111 *exacerbate impacts from heavy precipitation events. The steep asphalt driveway in that location*  
112 *will likely provide a conduit for fast moving runoff. This could have a negative effect on water*  
113 *quality and cause increased flooding and erosion risk downstream. The Commission reminds the*  
114 *Planning Board that heavy precipitation events are becoming more common and more severe as*  
115 *a result of climate change.*  
116

117 *Furthermore, the Commission is concerned with the effectiveness of the proposed infiltration*  
118 *trenches and septic leach fields. Test pits dug at the site indicate bedrock at a depth of 29 to 49*  
119 *inches with unconsolidated till present at depths of 20 inches or less. Although these are well*

120 *drained soils, they may develop seasonally high water tables that may inhibit infiltration from*  
121 *septic leach fields or the stormwater infiltration trenches. Moreover, stormwater infiltration*  
122 *trenches are at a risk of siltation that could result in a failure of the drainage system if it is not*  
123 *regularly maintained.*

124  
125 *In addition to this, the Conservation Commission wishes to be cautious about setting a precedent*  
126 *for development within the surface water protection buffer. Although zoning changes in the Rural*  
127 *District have the potential to alleviate the region’s housing crisis, it is appropriate that*  
128 *development be balanced with the needs of flood mitigation and the protection of our delicate local*  
129 *ecosystems. The Conservation Commission would like to acknowledge and express its*  
130 *appreciation for the property owners’ willingness to meet with us, facilitate a site visit, as well as*  
131 *their efforts to address our concerns.*

132  
133 *In the event that the Planning Board approves this application, the Conservation Commission*  
134 *requests that the applicant be required to implement the mitigation actions recommended by their*  
135 *consultant, including the installation of infiltration trenches around dwellings and native plantings*  
136 *along the driveway. We also request that the applicant be required to implement best management*  
137 *practices, including erosion control measures. Finally, the Conservation Commission*  
138 *recommends that a percolation test be performed during winter and spring to evaluate soil*  
139 *drainage during wet months. Respectfully submitted.*

140  
141 Mr. Clements stated that in preparation for tonight’s meeting, he reviewed the Board’s January  
142 minutes and there are four areas in which the Board did not get responses from the applicant:  
143

144 The first is related to the standard that, *“the proposed use and activity cannot be located in a*  
145 *manner to avoid encroachment into the surface water protection overlay district.”* He noted that  
146 during the discussion of this application in January, general comments were made by the property  
147 owner that the proposed location is the only suitable building site and noted that the entire property  
148 has not been surveyed. In addition to this, it was noted that a wetland delineation of the entire 11  
149 acres has not yet been conducted. He added comments indicating that this is the only viable site in  
150 staff’s opinion are not sufficient, especially when some of the concerns raised by the property  
151 owner for why other locations are not suitable were related to existing easements on the property  
152 for Public Service of New Hampshire and their personal views of their property and the  
153 surrounding area. Mr. Clements indicated staff would recommend that the Board discuss this issue  
154 further to attempt to get more information about the best location for development on this site.  
155

156 The second standard that he recommended discussing states that, *“The encroachment into the*  
157 *buffer area has been minimized to the maximum extent possible, including reasonable modification*  
158 *of the scale or design of the proposed use.”* Mr. Clements stated that when the application was  
159 initially submitted, the consultant had indicated that there was only going to be buffer impact from  
160 the reduced buffer for the driveway. In further discussion with the consultant, it was revealed that  
161 there is proposed to be over 10,000 square feet of buffer impact, including impacts to the buffer  
162 for both site development and the siting of a house. He noted that the site plan that was submitted  
163 to the Board does not depict that additional buffer impact. Mr. Clements recommended the Board  
164 request an updated site plan showing the additional buffer impact.  
165

166 The third standard mentioned by Mr. Clements states that, “*The nature, design, siting and scale of*  
167 *the proposed use and characteristics of the site, including but not limited to topography, soils,*  
168 *vegetation, and habitat are such that when taken as a whole, will avoid the potential for adverse*  
169 *impacts to the surface water resource.*” Mr. Clements stated the proposed house site is a shelf on  
170 the side of a hill and is very small. The proposed driveway with the infiltration trenches places this  
171 development at the edge of the wetlands. Given these two factors, there is no room for any outdoor  
172 utility. He indicated that staff has concern about the potential for slow encroachment into the buffer  
173 just through the use of the property over time. He added that because of the location of this  
174 property, enforcement to ensure that this does not occur will be difficult.

175  
176 The final standard that he wanted to bring to the attention of the Board states that, “*The intent of*  
177 *the wetland buffer reduction is to provide flexibility for a parcel that is encumbered by the buffer.*”  
178 Mr. Clements noted it is not really designed to be an option to create a non-viable parcel and make  
179 it viable. He added that the language for buffer reduction requests is specific and uses the term  
180 “extraordinary.” It refers to extraordinary mitigation, including the replication and restoration of  
181 the wetland resource. He asked that the Board deliberate if whether they feel this application is  
182 proposing “extraordinary” mitigation. This concluded staff comments.

183  
184 The Chairman asked for the applicant’s comments next. Ms. Ashley Greene, one of the property  
185 owners, addressed the Board and stated that she and her husband were discouraged by the outcome  
186 of the Conservation Commission’s decision. She stated they were hopeful when several members  
187 spoke in favor of the project and encouraged by the compliments they provided to the consultant  
188 regarding his mitigation plan. She also stated that she felt they were able to address the remaining  
189 areas of concern with the extra mitigation provided for the driveway and approval received from  
190 the City Engineer. She noted that the Surface Water Protection standards exempt new driveways  
191 from the buffer zone and felt the development of those additional plans was a gesture of good faith.

192  
193 Mrs. Greene went on to say that another committee member of the Conservation Commission  
194 questioned how effective the septic system would be 100 years from now. The consultant, in  
195 response to that concern, had stated that annual maintenance would alleviate any potential issues.  
196 She added that they were also discouraged when the conversation turned away from their  
197 application to what might happen to the lot in the future. There was another committee member  
198 who kept reiterating that this application could be precedent-setting. She stated they appreciate the  
199 work of the Conservation Commission, but felt that no amount of mitigation could have overcome  
200 the Commission’s discomfort with the Surface Water Protection CUP standards. She added that  
201 the care they have put into this application and the high standards they have tried to meet should  
202 be a high precedent they have set. She hoped the Board feels this application has met what the  
203 standards require from them. She hoped that they won’t be penalized for being the first to utilize  
204 this new regulation, which could not only benefit them, but also help another family to create a  
205 home.

206  
207 Mr. Jason Bolduc of Meridian Land Surveying addressed the Board next. Mr. Bolduc stated that  
208 he did complete a wetlands delineation of the entire parcel; however, the focus of the application  
209 was just on this section of the parcel because this is the area the property owners are hoping to  
210 develop. He added that it would cost a lot more to survey the entire parcel as opposed to the two  
211 acres that have currently been surveyed.



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With reference to potential impacts to the wetlands buffer, he noted this is clearly depicted on the plan that was submitted. With respect to mitigation, nothing more has been added; however, the driveway design was approved by the engineer. As far as restoration of the wetlands, there is no impact proposed to the wetlands, so this would not be necessary. Ms. Greene noted that one of the things that makes Gunn Road so beautiful is that the area behind the road to the north is over a mile of woods that is undeveloped. The area being developed is a very small portion of this entire area.

Mr. Bolduc pointed out that the Wildlife Action Plan shows that this area does not fall into the category of being the highest ranked type of habitat; however, the area across the street and the areas up the hill and behind the stream are considered to be high ranking wildlife habitat areas. This concluded the applicant's comments.

Mr. Kost stated he appreciates that the applicants want to develop their property, but the City has excellent Planning Staff who provide advice to the Board. He asked whether there were any other options to relocate this home anywhere else on this 11-acre site. Mr. Bolduc stated they have not surveyed the rest of the area of the parcel yet. Ms. Greene stated they chose this location because it is far removed from their home and would have privacy both for them and the prospective owners. The area where the pole barn is currently located was looked at, but this location would be more problematic with reference to potential impacts to the wetlands. The other possible site that was suggested is west of their home, which would provide less privacy to their family. This location has two rights-of-way and is used by the public. If this was the only potential location they are left with, then they would choose not to move forward with the subdivision.

Chair Farrington clarified whether the reduced buffer in the original application was only for the driveway because staff had indicated that in order to develop the site and construct the house, there would be additional impacts on the buffer. Mr. Bolduc agreed there would be about 7,500 sf of impact. The Chair asked whether this additional impact was documented for staff and Board review. Mr. Bolduc stated it is shown on the plan that was submitted on December 14, 2023 and is noted as a total buffer impact of 10,870 square feet.

Mr. Clements stated his concern is that the applicant is indicating there will be 7,500 sf of additional impacts to the buffer and noted that they are proposing to install spruce trees at the very edge of the buffer. He explained that you can see the spruce trees not interacting well with the proposed use of the site, given that they are on the edge of where the site is proposed to be developed. He questioned how in that case the spruce trees be located on the edge of the buffer if the property owners would need to infringe into the buffer to make room for the development. Mr. Bolduc stated that there is the 75 foot setback, and then there is the proposed 30 foot setback. The spruce trees would be on the edge of the 30 feet setback.

Mr. Clements clarified that the applicant is asking for two things: a buffer reduction from 75 feet to 30 feet and an additional encroachment into the new 30 foot buffer for the driveway. Mr. Clements added that this would be a new driveway for a new lot and, therefore, will not be exempt from the surface water protection buffer requirements. Ms. Greene stated someone from the Conservation Commission had indicated that they understood new driveways to be exempt from



258 this requirement. Mr. Clements stated this would be for an existing lot that predated the adoption  
259 of the Surface Water Protection Ordinance. For these undeveloped lots, new driveways are exempt  
260 from the surface water requirements. Because this is going to be a new lot it is not exempt, which  
261 is why they need the conditional use permit for both the buffer reduction and the driveway's  
262 encroachment into the buffer. Mr. Bolduc stated that the building, well, and leech field are all  
263 beyond the 30' buffer, but the proposed driveway is closer to the buffer on both sides.  
264

265 Ms. Mastrogiovanni stated that Planning Staff do a thorough job of making sure the Board has a  
266 clear picture of all items that come before them. She indicated this plan might work for the  
267 applicant, but her concern is for the future development on Gunn Road. She added there is already  
268 a lot of runoff from Gunn Road and indicated that she lives on East Surry Road and noted they get  
269 a lot of runoff from Gunn Road all the way down to the golf course. She agreed Keene needs more  
270 housing, but it has to be done with careful planning.  
271

272 The Chair asked for public comment. A member of the public asked whether the applicant plans  
273 to address those mitigation recommendations offered by the Conservation Commission if the  
274 Planning Board was going to approve the plan. Ms. Greene stated they are open to any conditions  
275 built into the plan. One of the applicant's solutions was to perform annual maintenance of the  
276 swales that run along the driveway and any other conditions the Board may propose. Mr. Bolduc  
277 stated his suggestion would be to outline conditions of approval to be reviewed by staff before a  
278 building permit is issued.  
279

280 With no further public comment, the Chair closed the public hearing.  
281

282 Mr. Clements indicated when staff and the Planning Board decided to reduce the minimum lot size  
283 in the Rural District from 5 acres to 2 acres, a large part of the discussion was that there are existing  
284 regulations in place that would protect the environmental resources of the community, and so this  
285 Surface Water Protection Overlay is that in action. He encourages the members of the Board to  
286 seriously consider this issue as they deliberate on the merits of this application as it is presented.  
287

288 Mr. Rangel asked if this item was continued to the next Planning Board meeting, what other  
289 information the Board would need from the applicant in order to make a decision. Chair Farrington  
290 noted staff had outlined certain items they would be looking for.  
291

292 Mr. Clancy stated one of staff's concerns is that if this plan is approved, the current and future  
293 landowners could break the law by unintentionally encroaching into the surface water buffer. He  
294 noted that he felt both City Staff and the Board should not assume this will happen. In terms of the  
295 Conservation Commission's letter, there was a reference to the environment and animals around  
296 the area. He asked whether deer scat and hemlocks are a concern when approving these types of  
297 applications and asked whether hemlock was a rare tree species. Mr. Clements stated he did not  
298 believe a wildlife and endangered species analysis has been conducted on this property, and the  
299 Board has the right to ask for one if they think it is appropriate.  
300

301 Mr. Clancy further inquired as to how big the zones are in this area that are referred to in the New  
302 Hampshire Fish & Game Department's Wildlife Action Plan. Mr. Clements stated that if Mr.  
303 Clancy was referring to the entirety of the Gunn Road area, he does not have that information. Mr.

304 Clancy clarified that this concern could come up in any proposed development in the Rural District.  
305 Mr. Clements stated the Conservation Commission is asked to weigh in, because this application  
306 requires a Surface Water Protection Conditional Use Permit (CUP). For a proposed development  
307 in the Rural District that does not require a Surface Water CUP, the Conservation Commission  
308 would not be asked to weigh in.

309  
310 Mr. Clancy stated it is indicated that there are two members of the Commission who voted in favor  
311 of the application and asked why those two members voted in favor of this application. Mr.  
312 Clements stated that the draft minutes of the meeting were just released, but noted that he has not  
313 had the opportunity to review them yet. Mr. Clancy referred to the concerns about runoff and  
314 noted this property is sloped away from Gunn Road and clarified that any runoff would continue  
315 onto the applicant's property. Mr. Clements stated it would continue into the existing surface water  
316 resource and if left unmitigated, would ultimately damage that resource.

317  
318 Chair Farrington asked whether the steep driveway slopes up to Gunn Road. Mr. Clements stated  
319 it is sloped away from Gunn Road and noted that it is at the limit of what is allowed by the Board's  
320 regulations. It has areas of 15% slope, drops down to 11% and is designed as a descending  
321 driveway sloping away from Gunn Road.

322  
323 Mr. Kost stated he understands what the owner said about not locating the potential build area  
324 anywhere else on the site where it will infringe on their privacy. However, on the other hand,  
325 locating the house in the currently proposed location will infringe on environmental regulations.  
326 He felt there could be options to develop the property while still mitigating some of the personal  
327 concerns and avoiding any potential impacts to the surface water buffer

328  
329 Ms. Mastrogiovanni stated she agrees with Mr. Kost and added that the Board does have to  
330 consider staff's recommendations and protect the greater good of the City. She indicated she  
331 understands privacy is important, but it is also important to protect the environment on Gunn Road.

332  
333 Mr. Rangel stated the concerns raised are considerable and he agrees that there needs to be a  
334 balance. He felt that there might not be a way to do that in in this case.

335  
336 Mr. Clancy noted that in addition to the concerns raised by the Conservation Commission, they  
337 also provided some recommendations if the Board decides to approve this application. He felt the  
338 Board might not have another applicant who comes before them who would be so willing to work  
339 with them. Mr. Clancy felt instead of looking at this application as a precedent, they should instead  
340 look at it as a pilot. He noted this area already has a lot of conservation land that is not likely going  
341 to be developed. Mr. Clancy felt this could be an opportunity to balance the housing needs of the  
342 City and while still protecting conservation land.

343  
344 Mr. Kost referred to the recommendations offered by the Conservation Commission and  
345 questioned if those recommendations would solve the issues that are being identified.

346  
347 Chair Farrington stated he did not feel that he had the expertise the Conservation Commission has  
348 and would defer to them regarding their concerns: wildlife habitat, potential for flooding, and the  
349 effectiveness of the proposed infiltration trenches and septic. He indicated these conditions are

350 addressed to a certain degree and if this item was continued to next month, the Board and the  
351 Commission would like to see more attention paid to those items.

352  
353 Mr. Clements explained that the word “*precedent*” can be challenging when it comes to land use  
354 deliberations. The Board’s decision does not set precedent for future applications, as each situation  
355 is unique. He stated that he would encourage the Board to discuss the buffer reduction request and  
356 whether or not the mitigation measures proposed fit the definition of “*extraordinary*” measures.  
357 If the Board decides tonight that the spruce trees meet the test of extraordinary measures, then they  
358 may find future decisions to be challenging if a future development scenario requires further  
359 mitigation measures than the application before them tonight. While this does not set precedent on  
360 any specific item, the body of work around buffer reduction and extraordinary measures will  
361 eventually set an expectation.

362  
363 Mr. Kost stated if the applicant is encroaching into the buffer, but then a line of trees are installed,  
364 then he does not understand how that is not considered encroaching on the buffer. He felt more  
365 clarity should be required in the letter from the Conservation Commission, otherwise a decision  
366 should be made today.

367  
368 Mr. Clements stated that if the Board is deciding to either deny or continue this application, then  
369 they should clearly articulate to the applicant what they are looking for, so that the applicant can  
370 come back in March and hopefully prove to the Board that this is the only location that is viable  
371 for development. This will give the applicant to demonstrate to the Board that they meet the test  
372 of extraordinary measures for mitigation enough to warrant the proposed buffer reduction. He  
373 stated staff’s recommendation would be to continue this item to the March meeting to give the  
374 applicant another chance to provide that additional information, while also giving the Board more  
375 time to read the Conservation Commission minutes before making a final decision.

376  
377 Chair Farrington stated his personal opinion would be that if there are other suitable locations for  
378 development from the Board’s perspective, but the applicants do not want to agree to that location,  
379 then that would be the applicant’s prerogative. He did not feel it was the Board’s prerogative to  
380 look at the rest of the property to choose another location.

381  
382 Mr. Kost stated that for him, the questions are more for the Conservation Commission to clarify  
383 the meaning behind the last paragraph of the letter to provide a higher level of comfort to the Board  
384 when making a decision. The Chair asked whether it would be appropriate for the Planning Board  
385 to ask the Commission what they perceive to be extraordinary mitigation for wetlands. Mr.  
386 Clements stated that the Surface Water CUP is under the Planning Board’s purview and they are  
387 ultimately the deciding Body. The decision should be based on what the Board believes meets that  
388 test.

389  
390 He advised that the Board needs to indicate to the applicant whether their proposed mitigation does  
391 or does not meet the threshold for extraordinary mitigation. Proving that there is no other viable  
392 location on the property to develop is part of the Surface Water CUP regulations. The applicant  
393 has to prove that they have to encroach into the buffer because there is no other suitable location  
394 that meet the regulations. Mr. Clancy noted that if this property was already subdivided whether  
395 this would be the only viable location for development and asked for staff clarification. Mr.

396 Clements stated the Board could not approve a subdivision for this two acre lot under the current  
397 zoning ordinance; it is not buildable without the buffer reduction.

398  
399 Chair Farrington stated he would need to understand more why the applicant considers the spruce  
400 trees to be enough extraordinary mitigation to protect the wetlands at the 30 foot level. Mr. Bolduc  
401 stated his intent for that proposal was for soil stabilization. Hemlocks are the main tree species  
402 present on the property, but are not an endangered species. He explained that they are proposing  
403 to install the trees for soil stabilization and to act as a natural indicator of where the edge of the  
404 usable land is for this proposed lot. He felt it would be unnecessary to put up a fence or any kind  
405 of permanent structure. He added the reason he chose spruce is because of the already prevalent  
406 hemlock, which tend to thrive in more acidic soils and spruces typically grow in more acidic soils  
407 as well. Mr. Bolduc went on to say that in regards to concerns about runoff it will be directed off  
408 the back of the leech field because this area is going to be lawn.

409  
410 Mr. Clancy stated he would not mind adding the recommendations of the Conservation  
411 Commission as conditions of approval. Mr. Bolduc stated he glanced over the minutes of the  
412 Conservation Commission meeting and did notice they had concerns regarding the drywells  
413 collecting silt. Mr. Bolduc stated he looks at these similarly to what a City would have to do with  
414 catch basins. They would need to be cleaned out every spring and this would be his  
415 recommendation for the applicant. In addition to this, he would recommend that the septic be  
416 pumped out every three years.

417  
418 Ms. Greene stated they were willing to work with the Board and asked if because they are the first  
419 applicant if there was anyone from the City they could work with to provide them with some  
420 guidance on this issue. Mr. Bolduc stated he would look at the intent of the buffer and that is to  
421 protect the wetlands from siltation and erosion. He explained that the intent of the plan they  
422 submitted is geared towards that. He also added that the septic is designed to state standards to  
423 protect the wetlands.

424  
425 A motion was made by Roberta Mastrogiovanni that the Planning Board continue the public  
426 hearing for PB-2024-01 to the March 25, 2024 meeting at 6:30 pm in the Council Chambers 2<sup>nd</sup>  
427 floor of City Hall. The Board would request that the applicant be required to implement the  
428 mitigation actions recommended by their consultant, including the installation of infiltration  
429 trenches around the dwellings and native plantings along the driveway. The Board also requested  
430 that the applicant be required to implement best management practices, including erosion control  
431 measures and finally, the Conservation Commission had recommended that percolation test be  
432 performed during winter and spring to evaluate soil drainage and any other recommendations staff  
433 has presented.

434  
435 Mr. Kost stated there was a request for a definition of the term “extraordinary”.

436  
437 Mr. Bolduc questioned the requirement for completing a percolation test in the winter and noted  
438 the end of winter is coming fairly soon. He stated he would like to see a more defined timeline for  
439 those types of requirements. Mr. Bolduc went on to say that when he does test pits, he is looking  
440 for the seasonal high water table with read off features that are persistent throughout the year. He  
441 noted that he is not necessarily looking for water in the test pit. He stated he was happy to reopen

442 the test pits, but noted that no water was noticed and they went down to 30 and 50 inches, and the  
443 water table was called out of 22 and 27 inches.

444

445 The motion was seconded by Kenneth Kost and was unanimously approved.

446

447 **VI) Public Hearings**

448

449 1. **SPR-01-13, Modification #3 – Site Plan – Cheshire County Shooting Sports Education**  
450 **Foundation, 19 Ferry Brook Rd - Applicant SVE Associates, on behalf of owner the**  
451 **Cheshire County Shooting Sports Education Foundation, proposes several site**  
452 **modifications, including the relocation of the previously approved stormwater**  
453 **management system, on the property at 19 Ferry Brook Rd (TMP #214-021-000). The**  
454 **parcel is 55 ac and is located in the Rural District.**

455

456 A. **Board Determination of Completeness**

457

458 Planning Technician, Megan Forston, stated that the Applicant has requested exemptions from  
459 submitting a landscaping plan, lighting plan, elevations, a traffic analysis, soil analysis, historic  
460 evaluation, screening analysis, and architectural and visual appearance analysis. After reviewing  
461 each request, staff recommend that the Board grant the requested exemptions and accept the  
462 application as “complete.”

463

464 The Chair stated he is a member of this organization and would like to recuse himself. Community  
465 Development Director, Jesse Rounds, stated that if the Chairman was to be recused, the Board will  
466 not be able to render a decision tonight, but noted that the applicant could request a continuance  
467 and Chair Farrington could participate in this procedural vote.

468

469 A motion was made by Roberta Mastrogiovanni to continue the site plan application, SPR-01-13  
470 Modification #3, for the Cheshire County Shooting Sports Education Foundation, 19 Ferry Brook  
471 Road to the March 25, 2024 Planning Board meeting at 6:30 pm in the Council Chambers on the  
472 2<sup>nd</sup> Floor of City Hall. The motion was seconded by Kenneth Kost and was unanimously approved.

473

474 2. **SPR-04-21, Modification #3 – Site Plan – Hundred Nights, 122 Water St - Applicant**  
475 **BCM Environmental & Land Law PLLC, on behalf of owners the Hundred Nights**  
476 **Foundation Inc, the Railroad Street Condominium Association, and the City of**  
477 **Keene, proposes to install 1 of 70 security lighting around the perimeter of the**  
478 **Hundred Nights site at 122 Water St (TMP #585-027-000). Waivers are requested**  
479 **from Section 20.7.3.C & Section 20.7.3.F.1.c of the LDC regarding light trespass onto**  
480 **the adjacent properties at 0 Water St & 0 Cypress St (TMP#s 574-041-000 & 585-026-**  
481 **000) and lighting hours of operation. The Hundred Nights site is 0.62 ac and is located**  
482 **in the Downtown Growth District.**

483

484 A. **Board Determination of Completeness**

485

486 Planning Technician, Megan Forston, stated that the Applicant has requested exemptions from  
487 submitting a grading plan, landscaping plan, elevations, drainage report, traffic analysis, soil



488 analysis, historic evaluation, screening analysis, and architectural & visual appearance analysis.  
489 After reviewing each request, staff recommend that the Board grant the requested exemptions and  
490 accept the application as “complete.”

491  
492 A motion was made by Roberta Mastrogiovanni to accept application, SPR-04-21 Modification  
493 #3, as “complete.” The motion was seconded by Kenneth Kost and was unanimously approved.  
494

495 B. Public Hearing

496  
497 Ms. Tara Kessler of BCM Environmental Land Law stated she is before the Board tonight  
498 representing Hundred Nights. Ms. Kessler stated the proposal before the Board is to install  
499 perimeter lighting around the Hundred Nights Shelter site at 122 Water Street. The purpose of this  
500 lighting is to enhance security and pedestrian safety and also to deter undesirable activity in the  
501 area surrounding Hundred Nights.  
502

503 Ms. Kessler stated the proposal is to install a total of 10 fully-shielded LED light fixtures: eight of  
504 which would be mounted on the existing fence, which goes around the outer perimeter of the  
505 parcel. The lights would be mounted at a height of 10 feet above grade and they would be installed  
506 facing out towards the abutting properties, including the Railroad Street Condominium land and  
507 land owned by the City of Keene. Ms. Kessler noted The Railroad Street Condominium  
508 Association and the East Side Neighborhood Group have both requested the installation of this  
509 lighting. They are concerned about activity around the site and they feel this lighting will be a big  
510 step in improving security throughout the night. Ms. Kessler pointed out that the abutting  
511 landowner has also done a lot in the way of clearing vegetation around the exterior of the fence,  
512 and this will just be another way to enhance that security measure.  
513

514 Ms. Kessler went on to say that they are also proposing to install two lights at the southwest corner  
515 of the existing building to improve the lighting at the corner of Water Street and Community Way,  
516 which is fairly dim currently. She explained that there is only one streetlight in that area and one  
517 building-mounted light. She also noted there is no lighting on the exterior of the fence today.  
518

519 Ms. Kessler that part of this proposal are two waiver requests. One from the Site Development  
520 Standards regarding light trespass levels onto adjacent properties. The first waiver request is from  
521 Section 20.7.3.C of the Land Development Code (LDC), which states that, *“the maximum light  
522 level of any light fixture cannot exceed 0.1 foot candles as measured at the property line and  
523 cannot exceed one foot candle as measured at the right-of-way line of a street”*  
524

525 Ms. Kessler addressed the waiver standards next:  
526

527 The first standard states that, *“strict conformity would propose an unnecessary hardship to the  
528 applicant and a waiver would not be contrary to the spirit and intent to the regulations.”* Ms.  
529 Kessler noted that due to the location of the fence, which is very close to the parcel’s boundary  
530 line, it wouldn’t possible to meet the request of the neighborhood group and the abutting landowner  
531 for increased security without light trespassing onto their property. She indicated that they feel the  
532 request meets the intent of the Site Development Standards, one of which addresses pedestrian  
533 safety, and noted that she felt this proposal is aligned with that purpose.

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The second waiver is related to lighting hours of operation. She stated that a waiver is requested from Section 20.7.3. F.1.C of the LDC. This Standard states that, “*For 24-hour businesses, lighting levels shall be reduced by a minimum of 50% between the hours of 10:00 PM and 6:00 AM.*” The applicant feels strict conformity with this standard would be difficult to achieve. Hundred Nights is a 24-hour business. They intake guests between the hours of 2:30 PM and 9:30 PM, but the goal is to deter activity throughout the entirety of the night. She also noted that the site is located in a downtown area and the applicant would still be meeting the standards by installing light fixtures are fully shielded. Ms. Kessler stated there was discussion regarding a motion sensor at one point, but in order to deter people from hanging out and congregating in that area, having the lighting on all night would be the best solution. This is the reason the applicant is seeking a waiver from the standard. The concluded Ms. Kessler’s comments.

Mr. Clancy asked for added explanation for not having motion sensor lighting. Ms. Kessler stated this is an option the applicant is willing to pursue, but they feel having lights on shows that it is a space lit and can deter unwanted activity from the standpoint of public safety. With motion sensors, it comes on when someone approaches the area as opposed to having it on all the time, which they feel is a more secure measure. She went on to state that if installing motion lights are the route the Board wishes to take, the applicant is open to that as well.

Mr. Kost asked for clarification of the term “fully shielded” – Ms. Kessler stated this means that no portion of the bulb inside the fixture would be visible. All of the light is directed downward and there won’t be glare onto roadways or abutting properties. Ms. Kessler went on to say the reason the City of Keene is a signatory on the application is because the western portion of Community Way is actually a standalone parcel. Both the Railroad Street Condominium Association and the City of Keene have signed the application.

Staff comments were next. Ms. Forston stated the subject parcel is located in east Keene at the intersection of Community Way to the west and Water Street to the south. The site serves as the new home of the new Hundred Nights Shelter, which occupies the southwestern corner of the parcel. The parking area occupies the northern section of the lot and the southeastern portion of the lot serves as outdoor space for the shelter. As Ms. Kessler mentioned, the purpose of this application is to install eight new full cut-off light fixtures along the northern and northeastern sections of the fence and two new building-mounted full cut-off light fixtures at the southwestern corner of the building. As was mentioned, they have requested two waivers from the Board’s lighting standards related to lighting hours of operation and light trespass onto the City-owned parcel to the west and the Railroad Condominium parcel to the north and east.

In terms of regional impact, staff have made a preliminary evaluation that the proposed site plan does not appear to have the potential for regional impact, but noted that the Board will need to make a final determination.

Ms. Forston went on to say the only site development standard that is applicable to this application is the lighting standard outlined under Article 20.7 of the LDC. Section 20.7.2 of the states that, “*1. Floodlighting is prohibited, unless: a. The Community Development Director, or their designee, determines that there will be no negative impact upon motorists and neighboring*



580 *properties; and b. The lights are directed toward the rear of a lot away from the road and*  
581 *neighboring properties, and are placed on heat or motion sensors. 2. Uplighting is prohibited.”*  
582 She noted that The Applicant is not proposing to install floodlights or uplight the property in any  
583 way. This standard appears to be met.

584  
585 The next section, Sect. 20.7.3.A states that, *“All outdoor lights, including freestanding and wall*  
586 *mounted, shall be fully shielded and/or dark skies fixtures with no portion of the bulb visible.”*  
587 Section 20.7.3.B refers to Glare and states that, *“Lighting shall be installed and directed in such a*  
588 *manner as to prevent glare at any location, on or off the property.”* The Applicant is not proposing  
589 to install the new light fixtures in such a way that glare will be created; they have submitted a  
590 request for a waiver which has to do with the next section of the code (Section 20.7.3.C), which  
591 states that, *“The maximum light level of any light fixture cannot exceed 0.1-footcandle measured*  
592 *at the property line and cannot exceed 1-footcandle measured at the right-of-way line of a street.”*  
593

594 Ms. Forston stated that this waiver is being requested because the lighting levels at the boundary  
595 lines between Hundred Nights, the Community Way parcel, and the Railroad Condominium parcel  
596 are going to be well above the 0.1 foot candle requirements. The two fixtures that are going to be  
597 installed near the southwest corner of the building are also going to cause light trespass onto Water  
598 Street and that will be above the one-foot candle requirement at the public right-of-way. She added  
599 that the Board will need to review the waiver criteria, as was mentioned by Ms. Kessler, in deciding  
600 if the waivers should be granted.

601  
602 Ms. Forston went on to say the illumination section of the lighting standards (Section 20.7.3.D)  
603 states that, *“All illumination shall be of a white light and shall have a color rendering index (CRI)*  
604 *greater than 70. The color-temperature or correlated color temperature (CCT) of lighting shall*  
605 *not exceed 3,500 Kelvins.”* She noted that the light fixture that the Applicant is proposing to install  
606 has a color temperature of 3,000K, so this standard appears to be met.

607  
608 Section 20.7.3E of the LDC addresses the height at which light fixtures can be installed and states  
609 that, *“The mounting height of fixtures, as measured from the finished grade to the top of the fixture*  
610 *or pole (inclusive of fixture) shall not exceed the maximum height as determined by the zoning*  
611 *district.”* Ms. Forston stated the applicant is proposing to install the fixtures at height of 10 feet  
612 above grade on the existing fence posts and noted that in the Downtown Growth District, where  
613 the Hundred Nights parcel is located, it allows for a 20 foot maximum height. The applicant is in  
614 compliance with that standard.

615  
616 The last section Ms. Forston referred to was in reference to Hours of Operation, Section 20.7.3.F  
617 of the LDC, which states that:

- 618  
619 1. *“Outdoor lighting shall not be illuminated between the hours of 10:00 pm and 6:00 am*  
620 *with the following exceptions:*  
621 *a. Security lighting, provided the average illumination on the ground or on any vertical*  
622 *surface does not exceed 1-footcandle.*  
623 *b. If the use is being operated, normal illumination shall be allowed during the activity*  
624 *and for not more than 1-hour before or after the activity occurs.*

625           c. *For 24-hour businesses, lighting levels shall be reduced by a minimum of 50% between*  
626           *the hours of 10:00 pm and 6:00 am”.*

627  
628 Ms. Forston stated that she had initially included a proposed motion in the staff report for this  
629 application; however, Ms. Kessler has addressed both items that were included in the motion. She  
630 noted that an owners’ signatures for all three parcels are on the final plan and five paper copies  
631 were submitted prior to tonight’s Planning Board. Staff’s recommendation is for the Board to issue  
632 final approval for the application with no conditions. This concluded staff comments.

633  
634 Mr. Clancy asked how the lighting is handled on the other side of the trail where the basketball  
635 court is located. Mr. Rounds stated staff is not aware of any lights at the basketball courts. Ms.  
636 Kessler stated there are motion activated lights on the basketball court, but explained that she was  
637 not sure how long they stay on and added there is no lighting further south on the trail.

638  
639 Ms. Mastrogiovanni stated the Board did attend a site visit and the abutters are encouraging the  
640 installation of this lighting, so she feels that this is a good idea.

641  
642 The Chair asked for public comment. With no public comment, the Chair closed the public hearing.

643

644 C.     Board Discussion and Action

645  
646 A motion was made by Roberta Mastrogiovanni that the Planning Board issue final approval for  
647 SPR-04-21 Modification #3, as shown the photometric plans identified as “Hundred Nights  
648 Security Lighting” prepared by Charron Inc. on January 7, 2024 and last revised on January 18,  
649 2024 with no conditions. The motion was seconded by Kenneth Kost.

650  
651 The Chair asked the Board if they felt this application has any regional impact. Mr. Rangel stated  
652 he does not believe the project has any regional impact. Chair Farrington stated this is something  
653 the neighbors, property owners, and abutters are looking for and felt there is legitimate reason for  
654 the waiver request and felt it met all Board standards.

655  
656 A motion was made by Roberta Mastrogiovanni to table the original motion. The motion was  
657 seconded by Kenneth Kost and was unanimously approved.

658  
659 A motion was made by Roberta Mastrogiovanni that the Planning Board approve the Waiver  
660 request from Section 20.7.3.C of the LDC for the installation of security lighting around the  
661 perimeter of the site at 122 Water Street. The motion was seconded by Kenneth Kost and was  
662 unanimously approved.

663  
664 Following this, a motion was made by Roberta Mastrogiovanni that the Planning Board approve  
665 the waiver request from Section 20.7.3.F.1.C of the LDC to allow for increased levels of trespass  
666 onto the adjacent properties at 0 Cypress St & 0 Water St. The motion was seconded by Kenneth  
667 Kost and was unanimously approved.

668  
669 A motion was made by Roberta Mastrogiovanni that the Planning Board issue final approval for  
670 SPR-04-21 Modification #3, as shown the photometric plans identified as “Hundred Nights

671 Security Lighting” prepared by Charron Inc. on January 7, 2024 and last revised on January 18,  
672 2024 with the following no conditions. The motion was seconded by Kenneth Kost and was  
673 unanimously approved.  
674

675 **VII) Capital Improvement Program FY 2025-2031 – Presentation by Merri Howe, City of**  
676 **Keene Finance Director and Jesse Rounds, Community Development Director.**  
677

678 Senior Staff Accountant, Karen Grey, and Community Development Director, Jesse Rounds,  
679 addressed the Board. Ms. Grey stated she was before the Board to address the 2025 to 2031 City  
680 of Keene Capital Improvement Program. She noted this document is available for review on the  
681 City’s website. She explained that the Capital Improvement Program (CIP) is comprehensive plan  
682 that covers a seven-year period (2025 to 2031). It outlines the cost of programs, projects, and  
683 equipment that are funded by capital reserves or that have an estimated cost of at least \$35,000  
684 and a useful life of over five years. The CIP is presented bi-annually and reviewed annually during  
685 the operating budget process. This is the bi-annual document and the first year of the CIP will be  
686 included in the 2025 operating budget, which is now in progress and will be presented to City  
687 Council in May.  
688

689 Ms. Grey explained that the CIP is just a tool that the city uses for planning its future. It is guided  
690 by fiscal policy, for which goals are set by City Council and are outlined in the City's  
691 Comprehensive Master Plan. The City's Master Plan is a tool that guides the City's vision and the  
692 CIP projects presented in this book. Each project in this book, if applicable, is tied to a Master Plan  
693 focus area. The CIP process has been long and has had many reviews. It began with the  
694 departments compiling all the requested projects last summer.  
695

696 Once their projects were submitted, they are then compiled by finance. Finance Staff performs  
697 multiple administrative and financial reviews to balance the needs of the CIP with the financial  
698 impact on the taxpayers. Ms. Grey indicated that the City cannot afford to place \$200 million  
699 dollars’ worth of CIP projects in one fiscal year. Some of the projects are very large and they are  
700 multifaceted. Hence, it needs to be balanced to hopefully have a flatter impact on the taxpayers,  
701 versus lots of peaks and valleys.  
702

703 The seven year CIP totals slightly over \$200 million dollars. 15.5% of that is being funded from  
704 grants; 41% is being funded by debt; 16.7% is being funded from capital reserves that the City has  
705 already set aside; and the remaining 26% is being funded by current revenues, the City’s fund  
706 balance, which has been accumulated over time, and new capital reserve appropriations to fund  
707 future projects.  
708

709 She went on to state that a department overview was already provided on Saturday, January 20th.  
710 There were also two FOP meetings where each department presented every project in the CIP. Ms.  
711 Grey stated that after this evening, the next step in the process will be a public hearing on March  
712 7<sup>th</sup>. The final FOP recommendation to City Council will be on March 14<sup>th</sup> and then City Council  
713 adoption will be on March 21<sup>st</sup>.  
714

715 Mr. Rounds addressed the Board and stated the Planning Board’s role here is to recommend to  
716 City Council (should they choose to do so), that they find the Capital Improvement Plan in  
717 compliance with the current Master Plan.

718  
719 Mr. Kost referred to the Westside Downtown Parking Structure, and asked whether what is  
720 included in the CIP for a site is set or if that could change over time. Mr. Rounds stated that if  
721 projects are still out a number of years, then they could still potentially change. With reference to  
722 the parking garage, the City is ready to fund a study to look at the feasibility of a garage and a  
723 potential location.

724  
725 Mr. Clancy asked if there are any projects that have been removed from the CIP book. Ms. Grey  
726 answered in the negative, but stated that if the City was to receive a grant for one of the projects  
727 before the budget adoption process in May, there would be adjustments made to the funding before  
728 the budget is approved.

729  
730 Mr. Clancy referred to page 119 of the CIP book and noted that the revenue for the parking fund  
731 seems to be increasing every year. He asked if when those calculations are done, whether there is  
732 a way to factor in other variables, such as the future Main Street Downtown reconstruction, etc.  
733 Ms. Grey stated parking, water, and sewer are standalone funds and the only items that can be  
734 charged to the parking fund are parking related items.

735  
736 Mr. Clancy referred pages 115 and page 124 of the document. He stated that the sections about  
737 EV Charging stations don’t address anything about subsidizing a particular vehicle. He stated he  
738 sees public transportation and parking addressed. He noted the charging stations caters to the  
739 individual and not to the City as a whole. Chair Farrington stated there was definitely a high theme  
740 of sustainability in the 2010 Master Plan that went into detail with respect to electric vehicles. He  
741 added that because it is outside of the two year budget, he did not feel it was of too much concern.

742  
743 He went on to state that by the time anything would be required for this project, the new Master  
744 Plan will be in place. Mr. Clancy stated the 2010 Master Plan is the one being referenced today  
745 and noted that he felt some of the items outlined in the existing Master Plan don’t correlate with  
746 the people in the City, the business community, or the wants and needs of the actual city. He added  
747 that he understands as a Planning Board member, their role is to approve the CIP and recommend  
748 that it is consistent with the Master Plan. Chair Farrington agreed the Board’s role is to either  
749 approve or not approve the recommendation and noted that there is no opportunity to veto any one  
750 particular item.

751  
752 Mr. Kost noted that for each project, it does outline goals, a vision, and includes a nice write up to  
753 go along with each project, so maybe this could answer the question Mr. Clancy was raising.

754  
755 Mr. Clancy stated that at times, especially during the Joint PB-PLD Committee meeting sessions,  
756 the Board is voting on items that don’t relate to the Master Plan. The Board is given pieces of the  
757 Master Plan that relate to that particular project, but then within the Master Plan itself, there are  
758 other things that contradict one another or don’t correlate to that project. Mr. Rounds stated that  
759 he agreed with Mr. Kost’s assessment that the goals of the Master Plan Vision section do reference  
760 sections of the master plan, and noted that does agree there are times when the Master Plan

761 contradicts itself. He stated that's often what Master Plans tend to do because they have to cover  
762 an entire vision for a community, and at times can say two things that contradict each other. He  
763 added the that the installation of EV Charging Stations was one of the one of the goals of the  
764 Strategic Energy Plan, which was a goal of the 2010 Master Plan.

765  
766 Ms. Mastrogiovanni noted that the City is has recently out together a Master Plan Steering  
767 Committee and that will work on the updated Master Plan that will eventually correspond with the  
768 new CIP Program. The Chair explained that the updated Master Plan will be produced in 2025 and  
769 note that in theory it will be good through 2035. Ms. Mastrogiovanni stated she would assume that  
770 the Master Plan Steering Committee will work in coordination with those who create the CIP. The  
771 Chair stated the Master Plan is created first and the CIP follows.

772  
773 A motion was made by Roberta Mastrogiovanni that the Planning Board find the CIP for 2025-  
774 2031 consistent with the Comprehensive Master Plan. The motion was seconded by Kenneth Kost  
775 and was unanimously approved.

776  
777 **VIII. Fee Schedule Updates**

778  
779 Mr. Clements stated staff has come up with a fee for the proposed Cottage Court Overlay  
780 Conditional Use Permit application process that is going to be coming before the Joint Committee  
781 soon. This item needs to be added to the Board's fee schedule. Staff is also looking to change how  
782 they send abutter notices. At the present time, this is done via certified mail; however, there is  
783 another product offered by the Post Office called a "Certificate of Mailing." This option provides  
784 a verification that the letters have been received by the Post Office, which meets the statutory  
785 requirement for verified mail.

786  
787 This product is much cheaper for the applicant than paying the current certified mailing rate for  
788 each abutter letter that is sent. Staff will be proposing this change to all Land Use Board fee  
789 schedules that require verified mail under State Statute. Ms. Forston noted staff is also adding  
790 additional fees for Earth Excavation Permits applications. Mr. Clements agreed and explained that  
791 the regulations for gravel pits and earth excavation were written a long time ago and have different  
792 requirements compared to the other applications that come before the Board. For instance, the City  
793 cannot charge more than \$50.00 for an Earth Excavation "permit fee," but there is nothing in the  
794 statute that says the City cannot charge an "application fee." He went on to explain that considering  
795 the amount of effort for staff to review these applications, they are hoping to adjust those numbers  
796 to offset costs.

797  
798  
799 **IX. Master Plan Update**

800  
801 **a. Master Plan Steering Committee Membership Update & Nomination of Pamela**  
802 **Russell-Slack**

803  
804 A motion was made by Roberta Mastrogiovanni to accept the resignation of Armando Rangel from  
805 the Master Plan Steering Committee and elect Pamela Russell-Slack to serve in his place. The  
806 motion was seconded by Kenneth Kost and was unanimously approved.



807

808 **a. Project Updates**

809

810 Chair Farrington stated that the Master Plan Steering Committee had its first meeting on February  
811 6<sup>th</sup> and stated that 16 out of 17 total members attended the meeting. The Committee was introduced  
812 to the project consultant, Future IQ. He went on to state that they spent a lot of time flushing out  
813 the expectations of various members and reviewed information that the Committee would like to  
814 see going forward. The next meeting is scheduled for March 12<sup>th</sup>.

815

816 Mr. Clancy referred to Mr. Rangel's letter where he indicates that the City Attorney had requested  
817 a Planning Board member leave the committee and asked for clarification about this. Chair  
818 Farrington explained that the City Attorney advised them that if five Planning Board members  
819 were present at a Master Plan Steering Committee session, then that would be considered a quorum  
820 of the Board and the session would be considered a Planning Board meeting. This would require  
821 that the meeting be noticed, etc. He stated that keeping the membership to only four Planning  
822 Board members, which is what it is right now, would prevent this from happening.

823

824 **X. Staff Updates**

825

826 Mr. Clements stated that at the last meeting, there was a request from the Board to get more  
827 information regarding the potential storage of hazardous and toxic materials in self-storage units.  
828 He indicated that he did not have a chance to review leasing documents; however, he did some  
829 preliminary research on a few different self-storage vendors in Cheshire County and all of them  
830 are very clear that they do not permit a flammable, hazardous, and toxic materials on site and they  
831 reserve the right to inspect belongings as they enter the site to ensure those materials are not stored  
832 at their facility. Chair Farrington asked what happens if someone stores a boat, motorcycle or a  
833 car. Mr. Clements stated most facilities also do not permit the garaging of vehicles.

834

835 **XI. New Business**

836

837 None

838

839 **XII. Upcoming Dates of Interest**

840

- 841 • Joint Committee of the Planning Board and PLD – March 11th, 6:30 PM
- 842 • Planning Board Steering Committee – March 12th, 11:00 AM
- 843 • Planning Board Site Visit – March 20th, 8:00 AM – To Be Confirmed
- 844 • Planning Board Meeting – March 25th, 6:30 PM

844

845 There being no further business, Chair adjourned the meeting at 8:52 PM.

846

847 Respectfully submitted by,  
848 Krishni Pahl, Minute Taker

849

850 Reviewed and edited by,  
851 Megan Fortson, Planning Technician



**BRAGDON, BARON &  
KOSSAYDA, P.C.**

Located at The Holbrook House

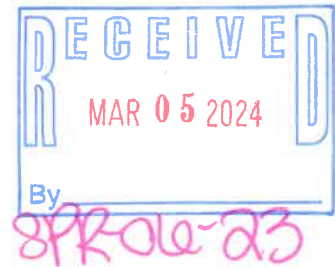
82 Court Street  
P.O. Box 465  
Keene, NH 03431  
Telephone: 603-357-4800  
Fax: 603-357-4825  
[akossayda@bragdonlaw.com](mailto:akossayda@bragdonlaw.com)

Stephen B. Bragdon  
Adam P. Kossayda  
Elana S. Baron

Peter W. Heed, *Of Counsel*

February 28, 2023

Planning Board  
City of Keene  
3 Washington Street  
Keene, NH 03431



**Re: SPR-06-23 – Site Plan – Roosevelt School Housing – 438 Washington St.  
Request for Extension of Conditional Approval**

Dear Planning Board Members:

Please be advised that this office represents Monadnock Affordable Housing Corporation with regard to development of the property at 438 Washington Street, currently owned by the Community College Systems of New Hampshire (“CCSNH”) and known commonly as the Roosevelt School (“Premises”).

On or about May 23, 2023, the Planning Board issued a Notification of Conditional Approval of the proposed site plan to develop the Premises for multifamily housing and by decision dated October 24, 2023, granted an extension which expires May 17, 2024. The Board’s conditional approval expires May 17, 2024, and is contingent on completion of several conditions such as percolation tests and erosion control measures.

Unfortunately, my client’s purchase of the Premises has again been delayed because of the need to repair a retaining wall at the rear of the Premises which supports a portion of Woodbury Street and a city sidewalk adjacent thereto. Engineers for the City of Keene and CCSNH have not yet completed design plans to repair the retaining wall. Additionally, the Premises recently suffered water damage due to frozen pipe.

My client is not prepared to expend resources to complete the conditions precedent in the Planning Board Approval until it owns the Premises. While it is likely my client will be able to



acquire the Premises prior to expiration of the Conditional Approval (May 17, 2024), but it is unlikely the conditions precedent to approval will be complete. **Therefore, we respectfully ask this Board to extend the conditional approval for an additional six (6) months, ending November 19, 2024.**

For convenience, I have enclosed a copy of the May 23, 2023 Notification of Conditional Planning Board Approval and the October 24, 2023 Extension Decision. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal line that ends in a small loop.

Adam P. Kossayda

Enclosures

cc: Joshua Meehan (via email)  
Jonathan Halle, Warren St. Architects (via email)  
Chris Nadeau, Nobis Group (via email)

## STAFF REPORT – ADDENDUM #2

### PB-2024-01 – SURFACE WATER CONDITIONAL USE PERMIT – SURFACE WATER BUFFER REDUCTION – 186 GUNN ROAD

#### **Request:**

Applicants and owners Ashley & Peter Greene request a reduction in the Surface Water Protection buffer from 75' to 30' to allow for the future subdivision and development of the parcel at 186 Gunn Rd (TMP #205-013-000). The parcel is 11 ac and is located in the Rural District.

#### **Background:**

The public hearing for PB-2024-01 was opened at the January 22, 2024 Planning Board meeting. During this meeting, the Planning Board expressed concern about the fact that the Conservation Commission was not able to perform a site visit due to inclement weather prior to this meeting. After discussing the proposed development of the site, potential impacts to wetlands, and the potential of looking into other areas of the parcel that could be subdivided and developed with the Applicant/property owner, the Board members decided to continue the application to their next meeting on February 26, 2024. The reason for this continuation was to provide more time for the Keene Conservation Commission to conduct a site visit and provide a recommendation on this application in accordance with Section 11.6.3, subsection A of the Land Development Code.

The public hearing and discussion for this application were continued at the subsequent Planning Board meeting on February 26<sup>th</sup>. The Board discussed the recommendation letters provided by the Conservation Commission and whether or not the proposal as presented met the threshold to be considered “extraordinary mitigation” as is required by the Surface Water Protection standards outlined in Article 11 of the City’s Land Development Code. After much deliberation, the Board decided to again continue the application to their next meeting on March 25, 2024 to give the property owner and their consultant additional time to address the Board’s concerns.

The proposed scope of work has not changed since the February 24<sup>th</sup> Planning Board meeting and no additional application materials have been submitted by the property owner or their consultant. Included as attachments to this staff report are two letters addressed to the Planning Board from the Conservation Commission as well as the minutes from the February 20, 2024 Conservation Commission meeting.

Materials related to the review of this application can be found in the January 22<sup>nd</sup> and February 26<sup>th</sup> Planning Board agenda packets, which are available for review at <https://keeneh.gov/planning-board>.

#### **Determination of Regional Impact:**

After reviewing the application, staff have made a preliminary evaluation that the proposed subdivision does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

#### **Completeness:**

The Applicant requested exemptions from submitting a landscaping plan, lighting plan, building elevations, drainage, historic evaluation, screening analysis, and an architectural and visual

## STAFF REPORT – ADDENDUM #2

appearance analysis. The Board accepted the application as complete at the January 22, 2024 meeting.

**Departmental Comments:**

None

**Application Analysis:** A review of the standards relevant to this application can be found in the staff report that as included in the agenda packet for the January 22, 2024 Planning Board meeting.

**Recommended Motion:**

A recommended motion will be provided by staff at the meeting.

**From:** [Evan Clements](#)  
**To:** [Councilor Andrew Madison](#)  
**Cc:** [Sparky Von Plinsky](#); [Megan Fortson](#)  
**Subject:** RE: Memo from Conservation Commission to Planning Board  
**Date:** Thursday, March 14, 2024 9:48:35 AM

---

Good morning Councilor Madison,

Thank you very much for clarifying. I will make sure that this gets forwarded to the Planning Board.

Be well,

Evan

---

**From:** Councilor Andrew Madison  
**Sent:** Thursday, March 14, 2024 9:46 AM  
**To:** Evan Clements  
**Cc:** Sparky Von Plinsky  
**Subject:** Memo from Conservation Commission to Planning Board

Good Morning Evan,

Below is a brief memo from the Conservation Commission to the Planning Board regarding the Gunn Rd application. If you could forward it along, I would appreciate it.

From the Conservation Commission to the members of the Planning Board:

Its been brought to my attention that the last paragraph of our letter of 22 February may have caused some confusion, which I would like to clarify.

The Conservation Commission does not recommend that this application be approved for the reasons stated in the letter. This was our decision by a vote of 5-2.

However, should the Planning Board vote to approve the application, we request that the Planning Board require the applicant be required to implement the mitigation actions recommended by their consultant, as well as stormwater best management practices. Furthermore, should the Planning Board approve this application, we request additional percolation tests be performed during winter and spring, prior to the installation of any septic systems.

Thank you for your time and consideration.  
-Andrew Madison  
Vice-Chair, Keene Conservation Commission

February 22, 2024

City of Keene, NH  
Planning Board  
3 Washington St.  
Keene NH, 03431

**Re: Application PB-2024-01, 186 Gunn Rd (TMP# 205-013-000)**

To the members of the Planning Board,

The Conservation Commission conducted a site visit at 186 Gunn Road on Tuesday February 13<sup>th</sup>. The Commission then discussed application PB-2024-01, and the property owner's request to reduce the Surface Water Protection Buffer during our February 20<sup>th</sup> meeting. With two votes in favor and five votes against, the commission did not pass a recommendation that the Surface Water Protection Buffer be reduced from 75-feet to 30-feet.

The Commission expressed concerns regarding the presence of wildlife noted during the site visit. Specifically, the abundance of hemlock and presence of deer scat suggested that this area may be an important bedding area for White Tail Deer, and that wetlands present in the subject area are likely an important habitat for amphibians such as the Spotted Salamander. The subject area is also identified as a supporting landscape in the NH Fish and Game Department's 2020 Wildlife Action Plan, identifying it as within the top 50% of its habitat type including Hemlock-Hardwood-Pine Forest, and Marsh-Shrub Wetland.

The Commission is also concerned about the potential for flooding, and the loss of storm water storage. Specifically, the Commission is concerned that the driveway associated with this project may exacerbate impacts from heavy precipitation events. A steep asphalt driveway in that location will likely provide a conduit for fast-moving runoff. This could have a negative effect on water quality and increase flooding and erosion risks downstream. The Commission reminds the Planning Board that heavy precipitation events are becoming more common, and more severe as a result of climate change.

Furthermore, the Commission is concerned about the effectiveness of the proposed infiltration trenches and septic leachfields. Test pits dug at the site indicate bedrock is at a depth of 29-49 inches, with unconsolidated till present at depths of 20 inches or less. Though these are well-drained soils, they may develop seasonally high water tables that may inhibit infiltration from septic leach fields or the storm water infiltration trenches. Moreover, the storm water infiltration trenches are at risk of siltation that could result in a failure of the drainage system if it is not regularly maintained.

Finally, the Conservation Commission wishes to be cautious about setting a precedent for development within the Surface Water Protection buffer. Although zoning changes in the Rural District have the potential to alleviate the region's housing crisis, it is appropriate that development to be balanced with the needs of flood mitigation and the protection of our delicate local ecosystems.

The Conservation Commission would like to acknowledge and express its appreciation for the property owner's willingness to meet with us, facilitate a site visit, as well as their efforts to address our concerns. In the event the Planning Board approves this application, the Conservation Commission requests that the applicant be required to implement the mitigation actions recommended by their consultant, including the installation of infiltration trenches around dwellings, and native plantings along the driveway. We also request that the applicant be required to implement Best Management Practices including erosion control measures. Finally, the Conservation Commission recommends that a percolation test be performed during winter and spring to evaluate soil drainage during wet months.

Respectfully Submitted,

*Andrew Madison*

Andrew M. Madison, M.S.  
Vice Chair, Keene Conservation Commission  
City Councilor, Ward 3

1 **City of Keene**  
2 **New Hampshire**

3  
4  
5 **CONSERVATION COMMISSION**  
6 **MEETING MINUTES**  
7

**Monday, February 20, 2024**

**4:30 PM**

**Room 22,  
Recreation Center**

**Members Present:**

Councilor Andrew Madison, Vice Chair  
Councilor Robert Williams  
Art Walker  
Steven Bill  
Barbara Richter  
Eloise Clark, Alternate  
Thomas Haynes, Alternate (Voting)  
John Therriault, Alternate (Voting)  
Lee Stanish, Alternate (arrived at 4:54 PM)

**Staff Present:**

Corinne Marcou, Administrative Assistant

**Members Not Present:**

Alexander Von Plinsky, IV, Chair  
Ken Bergman  
Brian Reilly, Alternate  
Deborah LeBlanc, Alternate

8  
9  
10 **1) Call to Order**

11  
12 Vice Chair Madison called the meeting to order at 4:31 PM.

13  
14 **2) Approval of Meeting Minutes – January 16, 2024**

15  
16 A motion by Mr. Therriault to adopt the January 16, 2024 meeting minutes was duly seconded  
17 by Mr. Walker. The motion carried unanimously.

18  
19 **3) Planning Board Referral: Surface Water Conditional Use Permit Application, 186**  
20 **Gunn Road Applicants/owners Ashley & Peter Greene request a reduction in the**  
21 **Surface Water Protection buffer from 75' to 30' to allow for the future subdivision**  
22 **and development of the parcel at 186 Gunn Rd (TMP #205-013-000). The parcel is 11**  
23 **ac and is located in the Rural District.**

24  
25 The Commission welcomed Ashley Greene, the applicant, and her representative, Jason Bolduc,  
26 of Meridian Land Services, Inc. The Greene's were seeking a Conditional Use Permit from the



27 Planning Board to reduce the wetland buffer from 75' to 30' for a subdivision of their property.  
28 The Planning Board relies on the Conservation Commission for advice on these applications.  
29 There was a site visit on February 12 and the Commission was able to converse with the owners  
30 and ask questions. Commissioners shared their thoughts.

31  
32 Mr. Therriault said the parcel is on the left side of the road going uphill. There is a small wetland  
33 on the right side of the road that, in essence, drains through a culvert under the road and into one  
34 of the wetland areas on the parcel. There is another wetland area (varies 40'–120' to the north  
35 side of the property) that slopes downhill. There is also a wetland near the bottom of the hill and  
36 a streambed. Mr. Bolduc confirmed that the stream mentioned is year-round, not ephemeral. Mr.  
37 Therriault felt that granting the waiver for the buffer reduction was reasonable given that the  
38 wetlands on site are not as high value as some. So, given that the reduction is allowable by law,  
39 Mr. Therriault maintained his position that the waiver should be granted, especially given that  
40 mitigation (dry wells and swales) was proposed for the driveway runoff.

41  
42 Mr. Bolduc added that he received an email from Evan Clements, City Planner, on February 13,  
43 and Mr. Clements stated that the City Engineer reviewed the driveway profile Mr. Bolduc  
44 submitted and confirmed that the plans meet the driveway regulations, with no further comment.  
45 Otherwise, Mr. Bolduc had nothing new to share; everything was covered on the site visit.

46  
47 Ms. Richter said the site visit was helpful. Because of how the wetlands onsite drain, she did not  
48 think the wetland in question would not be particularly helpful for flood retention or filtration of  
49 any excess nutrients. The wetland is pretty far from the Sturtevant stream, so she did not think it  
50 was an issue. Ms. Richter did notice that the location of the storage buildings on site would be  
51 one of the best locations for the new subdivision. She thought it would be helpful if the  
52 landowners looked into that possibility (e.g., ask a realtor how easy it would be to develop),  
53 because it is right off the road, and high and dry. Mr. Bolduc said the problem with that location  
54 is that there is another large culvert to the left of the storage buildings (between the barn and the  
55 house) that has more stream characteristics because it is channelized; another larger culvert  
56 drains directly into this stream. So, Mr. Bolduc thought there would be the same issues of  
57 impacting the wetland buffer if the driveway was constructed at that location. Ms. Richter  
58 countered that the alternate site would not require such a long driveway and associated  
59 mitigation. Mr. Bolduc agreed.

60  
61 Ms. Greene explained that the alternate site Ms. Richter mentioned is their pole barn, which they  
62 share with a neighbor. The barn is in the Greene's yard, where the children play, so she was  
63 nervous about developing the subdivision where the barn is located.

64  
65 Councilor Williams was not comfortable with the idea of such a long driveway in between the  
66 two wetlands and the exceptional adjustment of the buffer from 75' to 30'. He thought this  
67 would be pushing the envelope. He recalled that when the Surface Water Protection Ordinance  
68 was enacted, the City considered 100' buffers in rural areas to preserve wildlife. He understood  
69 that the reduction to a 30' buffer would be necessary sometimes, but to do so with two wetlands

70 so close together would interrupt wildlife moving between the wetlands. Councilor Williams was  
71 also concerned with how steep the driveway would be, which would require more salt in the  
72 winter that would drain into the wetlands downstream, affecting water quality. He added that it  
73 appeared as though the driveway would create a lot of runoff, and the wetland in question has the  
74 role of absorbing that runoff, which was concerning. While the dry wells would be a good  
75 solution for the next 10–15 years, Councilor Williams said they would eventually be silted, and  
76 he questioned what would happen then, when the dry wells stop providing services. Given what  
77 he saw during the site visit, Councilor Williams thought that there was a better place for the  
78 driveway—adjacent to the pole barn and cut across the slope below the first wetland, rather than  
79 going across or between the wetlands. While the site of the pole barn would be a better home  
80 site, the site picked downhill could work, but he did not recommend the proposed driveway  
81 configuration to make that happen.

82

83 Ms. Clark reviewed the Surface Water Protection Overlay District’s exemptions for new  
84 driveways, which are allowed if the driveway serves to access the uplands. She asked if the  
85 proposed driveway access is in an upland area. Mr. Bolduc said yes, noting that the stipple  
86 pattern on the plans reflected the actual wetland delineations. The area the group walked on the  
87 site visit was nearly entirely within the upland. The flags seen on site marked the wetland area.  
88 Where the group stood on top of the test pits was the highest point of the upland. Mr. Bolduc  
89 reiterated that the proposal was to impact the wetland buffer, but no actual direct impacts to the  
90 wetland were proposed. Ms. Clark asked if they would need a Wetlands Permit from the State of  
91 NH and Mr. Bolduc explained that the permit was not needed unless crossing a jurisdictional  
92 line.

93

94 Ms. Clark was also concerned about high rain events with the driveway some distance from  
95 where the rivulet comes out of the culvert. Mr. Bolduc replied that the runoff would come out of  
96 the culvert and down the slightly depressed scoured area. Then, because of the vegetation, it  
97 would not meet the hydraulic vegetation indicator. Therefore, it is not a jurisdictional wetland  
98 and no direct impacts to the wetland were proposed. Mr. Bolduc added that—regarding  
99 comments on the swales—a culvert would also be needed below the other in order to put the  
100 driveway between the pole barn and the other culvert. Alternatively, the proposed building site  
101 would not require another culvert; the dry wells should be sufficient.

102

103 Ms. Clark also commented on the fact that on site, in the scoured area, there was an exceptional  
104 amount of deer droppings. Given the characteristics of the site, she felt confident that it was  
105 likely a heavily used wintering deer yard, which she wanted on the record. Lastly, Ms. Clark said  
106 that if the Planning Board approves this application, they should ensure the landowner follows  
107 the mitigation plans Mr. Bolduc included, which accounted very well for the roof runoff, called  
108 for the wetland to remain forested, and suggested the red spruce fence. Her primary concern  
109 aligned with Councilor Williams’ comments on the steepness of the driveway and sending  
110 sediment further down slope. Otherwise, she thought Mr. Bolduc’s plans were well done.

111

112 Ms. Richter said this was the plan the current landowner was presenting, but whoever purchases  
113 the subdivided parcel might seek a Wetland Fill Permit for a larger lawn. Mr. Bolduc said he had  
114 never encountered that situation. For Wetlands Permits, he said avoidance and minimization are  
115 required. He thought that would only be allowed for a wetland running parallel to a right-of-way,  
116 meaning the only way to access the property's upland is to cross the wetland. In such a situation,  
117 he thought it was likely that the State would grant a waiver. Given that this was for approval to  
118 reduce the wetland buffer from 75' to 30', the new owner would not be able to do anything  
119 closer than 30' away from the wetland without the City's approval.

120

121 Ms. Stanish arrived.

122

123 Mr. Bill noticed that the west side of Gunn Road is largely undeveloped and abuts Surry  
124 Mountain, a wide tract of territory that probably has high ecological value. His concern was for  
125 the septic system and trenches collecting water. He wondered how effective those would be 100  
126 years from now, for example, and how they might impact the surrounding area. Mr. Bolduc said  
127 he could add maintenance to the plans for the sediment concerns. The only way to mitigate  
128 future use is to include a maintenance schedule on the plans. He recommended cleaning the dry  
129 wells every spring, which benefits the homeowner by keeping the wells working. He would  
130 include this on the plans.

131

132 Ms. Greene thanked the Commission for their time, attention, and visit to her property.

133

134 Vice Chair Madison accepted public comment. Thomas Lacy of Daniels Hill Road said he was  
135 present because the 2-acre zoning was new, and he believed this application had the potential to  
136 set a precedent. He trusted the Commission's opinions since they had reviewed the application in  
137 greater detail.

138

139 Ms. Clark said there was a lot of conversation at the previous meeting about setting a precedent  
140 in this regard. She thought the site was marginal for development and she did not feel good about  
141 approving it. Still, if approved, she recommended that the Planning Board scrupulously follow  
142 Mr. Bolduc's plans and disallow any vegetation cutting anywhere near the wetland.

143

144 Vice Chair Madison said he would draft the letter of recommendation to the Planning Board.

145

146 Mr. Therriault motioned to recommend that the Planning Board approve the exemption to the 75'  
147 Surface Water Protection Buffer, with the stipulation that all mitigations in Mr. Bolduc's plans  
148 are followed and that maintenance is instituted for the dry wells on the property annually. Mr.  
149 Walker seconded the motion.

150

151 Vice Chair Madison recalled that this application was specifically about reducing the wetland  
152 buffer from 75' to 30', which limited the Commission's scope to comment on other concerns  
153 about the site.

154

155 Councilor Williams reiterated that he would vote in opposition because he was uncomfortable  
156 with the shortened buffer on both sides of the driveway.

157  
158 On a vote of 2 in favor and 5 opposed, the motion to recommend that the Planning Board  
159 approve the exemption failed. Mr. Therriault and Mr. Walker voted in the minority.  
160

161 The Commission's letter of decision would be forwarded to the Planning Board for their hearing  
162 on February 26, along with the draft minutes.  
163

164 Ms. Greene asked the Commission to explain in their letter what the applicants failed to adhere  
165 to in accordance with the law, which would be helpful to understand moving forward given that  
166 driveways are exempt.  
167

168 Ms. Clark noted that the Planning Board could still approve the application if they feel it fits  
169 within their standards. Ms. Richter wanted the letter to mention that the property is a supporting  
170 landscape in the NH Wildlife Action Plan (available online), which helped her make her  
171 decision. This is not the highest ranked habitat, but it is a supporting landscape.  
172

173 Respectfully submitted by,  
174 Katryna Kibler, Minute Taker  
175 February 23, 2024

## STAFF REPORT

### SPR-01-13, MODIFICATION #3 – SITE PLAN – CHESHIRE COUNTY SHOOTING SPORTS EDUCATION FOUNDATION, 19 FERRY BROOK RD

#### **Request:**

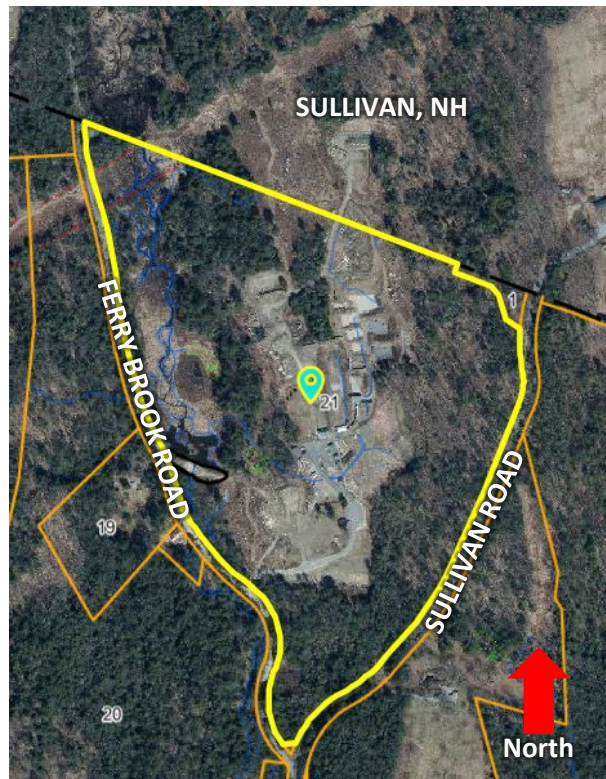
Applicant SVE Associates, on behalf of owner the Cheshire County Shooting Sports Education Foundation, proposes several site modifications, including the relocation of the previously approved stormwater management system, on the property at 19 Ferry Brook Rd (TMP #214-021-000). The parcel is 55 ac and is located in the Rural District.

#### **Background:**

The subject parcel is an existing 55-acre lot located between the intersection of Ferry Brook Rd to the west and Sullivan Rd to the east and shares a northern property boundary with the town of Sullivan. Residential properties and undeveloped lots abut this parcel in all directions. The property is the site of the Cheshire County Shooting Sports Education Foundation (CCSSEF) and includes several different features on the lot related to the operation of the club, including outdoor and indoor shooting ranges and a clubhouse.

This parcel has undergone site plan review previously, including an initial Major Site Plan application, SPR-01-13, that was submitted to the Planning Board for review in 2013 for the expansion of their recreational operation to include an ~26,000-sf indoor shooting range. This application was conditionally approved in February 2014, but subsequently amended as part of another Site Plan application, SPR-01-13 Modification #1, which expired prior to the commencement of any work. An updated Site Plan application, SPR-01-13 Modification #2, was conditionally approved by the Board in August 2020 for the construction of an ~3,300-sf indoor shooting range and the construction was subsequently completed.

During site visits from January-November 2022, City Staff noted that there were several deviations from the most recently approved site plan. These changes included the addition of a trailer to the rear of the club house/indoor shooting range that was serving as classroom space, the improper installation of the stormwater management system, and a change to the approved exterior finish materials for the clubhouse and indoor shooting range. Staff also noted that there was a large, engineered gravel/sand berm to the northwest of the clubhouse that was being used as an unapproved outdoor shooting range and was within close proximity of the surface water buffer.



*Figure 1. Aerial imagery of the CCSSEF site at 19 Ferry Brook Rd from 2020.*



## STAFF REPORT

In December 2022, Planning Staff started the enforcement process with the CCSSEF due to a lack of response regarding the above-mentioned site plan compliance issues. This application is being submitted to seek approval for the changes to their approved site plan, to include the gravel berm on the existing and proposed conditions plans, for the installation of a new stormwater management system, to address the changes to the exterior finish materials for the clubhouse/indoor shooting range, and to include the trailer that is utilized as classroom space on the proposed site plan.

### **Determination of Regional Impact:**

After reviewing the application, staff have made a preliminary evaluation that the proposed site plan does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

### **Completeness:**

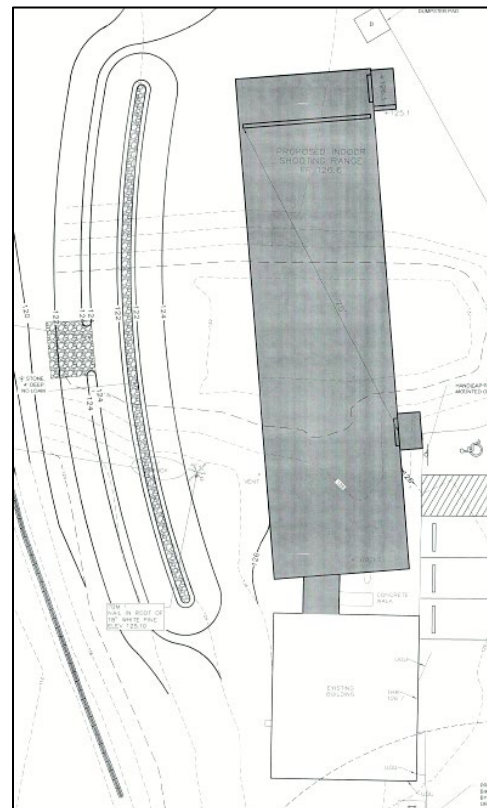
The Applicant has requested exemptions from submitting a landscaping plan, lighting plan, elevations, a traffic analysis, soil analysis, historic evaluation, screening analysis, and architectural & visual appearance analysis. After reviewing each request, staff recommend that the Board grant the requested exemptions and accept the application as “complete.”

### **Departmental Comments:**

- **Code Enforcement:** A building permit will be required prior to the installation of the 10’ tall stockade fence adjacent to the trailer.

**Application Analysis:** The following is a review of the Planning Board development standards relevant to this application.

**20.2 Drainage:** In the narrative and plans for this project, the Applicant states that the stormwater level spreader will be relocated from the top of the slope to the west of the clubhouse/indoor shooting range to the bottom of the slope closer to the engineered berms. The narrative states that stormwater will sheet flow to the proposed level spreader at the bottom of the slope. The Board may want to consider making the submittal of a letter stamped by a Professional Engineer licensed in the State of NH confirming that the level spreader has been installed and is functioning properly a subsequent condition of approval. Figure 1 shows the area where the level spreader was originally supposed to be installed as part of SPR-01-13, Modification #2.



*Figure 2. Snippet of the approved site plan from SPR-01-13, Mod. 2 showing the original approved location of the level spreader to the immediate west of the clubhouse and indoor shooting range.*

# STAFF REPORT



*Figures 3 & 4. Photos of the engineered berm taken during a staff visit to the site in November 2022.*

**20.3 Sediment & Erosion Control:** The narrative for this project states that the engineered berm on the western portion of the property was constructed using surplus materials from the site and has historically been used by the CCSSEF as an overflow shooting range and space for approximately six public events per year. In the narrative, the Applicant goes on to say that they would like to continue using the berm for the same purpose moving forward and plan on seeding/mulching the berm to stabilize it. The narrative also states that the



*Figures 5-7 (from left to right). Aerial imagery from 2010, 2015, and 2020 showing the evolution of the southwestern portion of the site where the berm is now located.*

## STAFF REPORT

landowner will monitor and repair the erosion control measures on a regular basis into the future. A note to this effect has been added to the site plan on Sheet C-1 of the plan set.

The site plan also shows a topsoil pile, boulder pile, and portion of the berm within the 75' surface water buffer. The Applicant proposes to remove these encroachments from the buffer area. The Board may want to consider including a subsequent condition of approval requiring that the surface water buffer be flagged by a soil scientist licensed in the State of NH and the site inspected by the Community Development Director, or their designee, following the removal of these materials from the surface water buffer. Additionally, the Board may also want to consider adding a precedent condition of approval requiring the submittal of a security to cover the cost of sediment and erosion control while the new stormwater management system is being installed.

Figures 3-7 show photos of the engineered berm that were taken during a 2022 staff site visit, as well as aerial imagery from recent years documenting the changes made to the portion of the site where the berm is now located.

- 20.4 Snow Storage & Removal:** The narrative states that snow will be stored on site. This standard appears to be met.
- 20.5 Landscaping:** The narrative states that there are no changes proposed to landscaping as part of this application. This standard is not applicable.
- 20.6 Screening:** The narrative and plan indicate that a 10'-tall stockade fence is going to be installed along the west and south sides of the trailer used as a classroom to obscure it from view of vehicles entering the site along the driveway to the south. This trailer will not be visible from any public right-of-way, so this standard appears to be met.
- 20.7 Lighting:** The narrative states that there are no changes proposed to any lighting on the site. This standard is not applicable.
- 20.8 Sewer & Water:** The site is served by on-site well and septic. No changes to these systems are proposed with this application. This standard is not applicable.
- 20.9 Traffic & Access Management:** The bike rack that was shown near the southeastern corner of the clubhouse building on the previous site plan for SPR-01-13, Modification #2 was never installed. This bike rack is shown in the same location on the updated site plan. The Board may want to considering making documentation showing that the bike rack was installed in the appropriate location a subsequent condition of approval.
- 20.10 Filling & Excavation:** The narrative states that there will be fill added to the site for the emergency spillway that will be located to the southwest of the proposed level spreader. Construction vehicles entering the property could access the site using Route 9, which is the closest highway to the south. The Board may wish to ask the Applicant to clarify how much fill is proposed to be added to the site and if a construction vehicle plan is necessary. The Board will need to determine if this standard has been met.



# STAFF REPORT

**20.11 Surface Waters & Wetlands:** As mentioned previously, the proposed conditions plan shows sections of the topsoil and boulder piles and engineered berm that are located within the 75' wetlands buffer, but which are proposed to be removed. The proposed plan also shows the temporary encroachment of silt fencing that will be installed around the gravel berm into the surface water buffer while the berm is being stabilized with vegetation. The Board may want to consider adding the recommended subsequent condition of approval related to a site inspection of the surface water buffer following the removal of materials from this area. If these materials are not removed from the surface water buffer, the property owner would need to come back to the Board to seek approval for a Surface Water Conditional Use Permit (CUP) for any potential impacts that the storage of these materials may have on the buffer. The Board will need to determine if this standard has been met.

**20.12 Hazardous & Toxic Materials:** In their narrative, the Applicant states that there will not be any hazardous or toxic materials stored onsite. This standard appears to be met.

**20.13 Noise:** In their narrative, the Applicant states that there is no change proposed to the level of noise currently generated by activities on the site. This standard appears to be met.

**20.14 Architecture & Visual Appearance:** As part of this application, the property owner is looking to document the addition of the trailer used as classroom space on the site and is proposing to screen the trailer from view of traffic entering the property along the drive aisle to the south using a 10'-tall stockade fence. It should be noted that the trailer is shown on the existing conditions plan that was submitted, but that it was installed without the knowledge of City Staff following the approval of the most recent site plan application.

In addition to this, the Applicant is seeking approval for a change that was made to the exterior finish materials following the Board's approval of the indoor shooting range. Figure 8 shows a snippet of the elevations approved by the Board as part of SPR-01-13 Mod. 2, which show a red concrete masonry unit (CMU) finish for the addition. Figures 9-11 show photos taken by staff during a site visit showing the tan vinyl siding that was installed, as

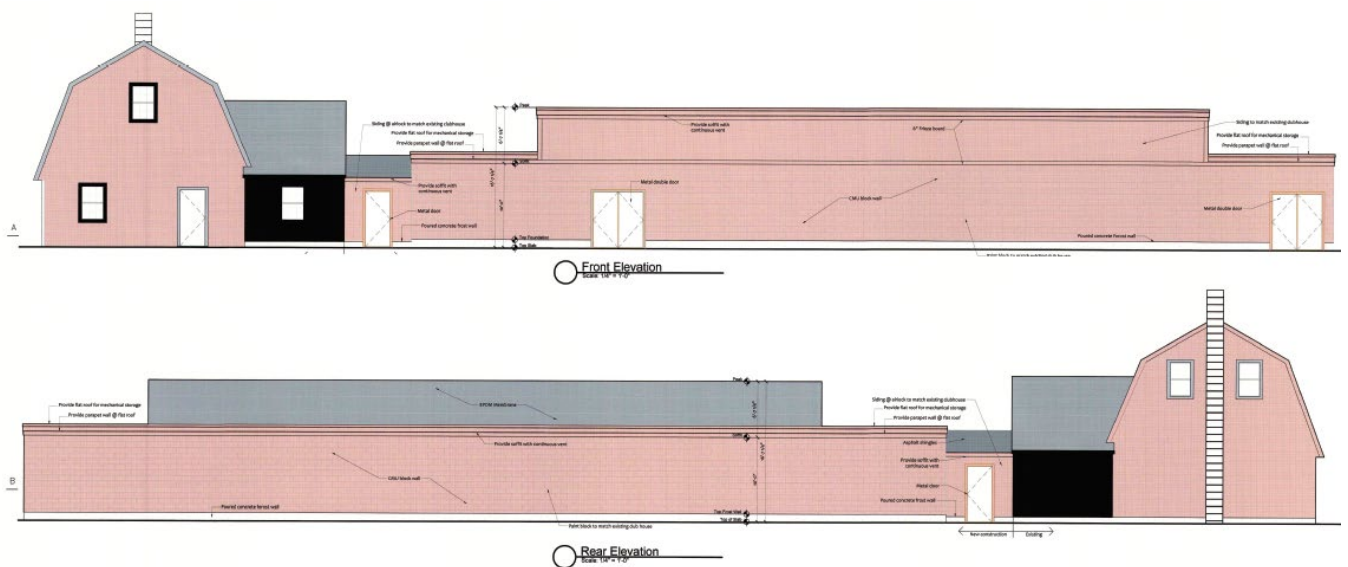


Figure 8. Snippet of approved elevations from SPR-01-13, Mod. 2

## STAFF REPORT

well as a photo of the trailer that was added to the rear of the clubhouse. The Board will need to determine if this standard has been met.



*Figures 9-11 (from left to right). Photos taken during a November 2022 site visit showing the exterior of the clubhouse and indoor shooting range and the location of the trailer used as classroom space to the rear of the clubhouse.*

### **Recommended Motion:**

If the Board is inclined to approve this request, the following motion is recommended:

**“Approve SPR-01-13, Mod. 3, as shown on the plan set identified as “Cheshire County Shooting Sports Education Foundation, 19 Ferry Brook Rd, Keene, New Hampshire” prepared by SVE Associates at a scale of 1 inch = 20 feet on January 15, 2024 and last revised on February 9, 2024, 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 title page and Sheet C-1 of the plan set.**
  - b. Submittal of a security for sediment and erosion control in a form and amount acceptable to the Community Development Director and City Engineer.**
  - c. Submittal of five full-size paper copies and a digital PDF copy of the final plan set.**
- 2. Subsequent to final approval and signature by the Planning Board Chair, the following conditions subsequent shall be met:**

## STAFF REPORT

- a. **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.**
- b. **Within three months of the date of final approval for this application, the bike rack will be placed in the approved location and a photo will be sent to Community Development save in the project folder to document the installation.**
- c. **Within six months of the date of final approval for this application, the topsoil, boulder piles, and portion of the berm within the 75' surface water will be removed. The buffer will then be flagged by a soil scientist licensed in the State of NH and subject to an inspection by the Community Development Director, or their designee, to confirm that the materials have been sufficiently removed to ensure compliance with the Surface Water Protection Ordinance.**
- d. **Within three months of the installation of the level spreader and other stormwater management mechanisms, a letter stamped by a Professional Engineer licensed in the State of NH shall be submitted to the Community Development Department stating that the stormwater management systems were installed and function appropriately."**



# City of Keene, NH Site Plan Application

If you have questions about how to complete this form, please call: (603) 352-5440 or email: [communitydevelopment@keene.nh.gov](mailto:communitydevelopment@keene.nh.gov)

## SECTION 1: PROJECT INFORMATION

<b>PROJECT NAME:</b> Cheshire County Shooting Sports Education Foundation		<b>TYPE OF APPLICATION BEING SUBMITTED:</b> <input checked="" type="checkbox"/> MAJOR PROJECT APPLICATION <input type="checkbox"/> MINOR PROJECT APPLICATION	
<b>PROJECT ADDRESS(ES):</b> 19 Ferry Brook Road			
<b>EXISTING OR PREVIOUS USE:</b> Shooting Range		<b>PROPOSED USE:</b> Shooting Range	
<b>GROSS FLOOR AREA OF NEW CONSTRUCTION</b> (in square feet) 0		<b>GROSS FLOOR AREA OF EXISTING BUILDINGS/STRUCTURES</b> (in square feet) 465 sf, and 4618 sf	
<b>AREA OF PROPOSED NEW IMPERVIOUS SURFACES</b> (in square feet) 0		<b>TOTAL AREA OF LAND DISTURBANCE</b> (in square feet) 15,000 SF	

## SECTION 2: CONTACT INFORMATION

PROPERTY OWNER	APPLICANT
<b>NAME/COMPANY:</b> CCSSEF, Inc.	<b>NAME/COMPANY:</b> same
<b>MAILING ADDRESS:</b> P.O. Box 233, Keene, NH 03431	<b>MAILING ADDRESS:</b>
<b>PHONE:</b> 603-352-8563	<b>PHONE:</b>
<b>EMAIL:</b> otto.busher@ccssef.org	<b>EMAIL:</b>
<b>SIGNATURE:</b> 	<b>SIGNATURE:</b>
<b>PRINTED NAME:</b> Otto Busher III	<b>PRINTED NAME:</b>

AUTHORIZED AGENT (if different than Owner/Applicant)	FOR OFFICE USE ONLY:	
<b>NAME/COMPANY:</b> Liza Sargent/SVE Associates	<b>TAX MAP PARCEL #(s):</b> 214 021 000 000 000	
<b>MAILING ADDRESS:</b> P.O. Box 1818, Brattleboro, VT 05302	-----	
<b>PHONE:</b> 802-257-0561	<b>PARCEL SIZE:</b> 55 ac	<b>DATE STAMP:</b>
<b>EMAIL:</b> lsargent@sveassoc.com	<b>ZONING DISTRICT:</b> RUVAD	
<b>SIGNATURE:</b> 	<b>PROJECT #:</b> SPR-01-13, Mod. 3	
<b>PRINTED NAME:</b> Liza Sargent		

## SECTION 3: APPLICATION SUBMISSION REQUIREMENTS

**A COMPLETE APPLICATION MUST INCLUDE THE FOLLOWING ITEMS. APPLICATION MATERIALS MUST BE SUBMITTED BOTH PHYSICALLY & DIGITALLY AS OUTLINED IN THE ATTACHED DOCUMENTS.**

- **Email:** communitydevelopment@keenenh.gov, with "Planning Board Application" in the subject line
- **Mail / Hand Deliver:** Community Development (4th Floor), Keene City Hall, 3 Washington St, Keene, NH 03431

The submittal requirements for Planning Board applications are outlined further in **Article 20** and **Article 25.12** of the [Land Development Code \(LDC\)](#). You may request an exemption from providing any of the items below, except the application fee, notice list, narrative, and mailing labels. The Community Development Director may grant an exemption, if it is determined that the scope of the project does not warrant the submittal.

*Note: Additional information may be requested by the respective decision-making authority during the review process.*

### GENERAL SUBMITTAL REQUIREMENTS

**CERTIFIED NOTICE LIST** (See **Attachment A** for more information.)

**2 SETS OF MAILING LABELS** (See **Attachment A** for more information.)

**PROJECT NARRATIVE** (See **Section 1 of Attachment B** for more information.)

**FEES:** Fill in the information below to calculate the total fee.

\$250 base fee  
 \$0.05 per-sf of new construction x 465 sf of new construction  
 \$62 legal ad fee  
 4.98 current USPS certified mailing rate x 12 abutters  
 = 395.01 (TOTAL FEE)

**NOTE:** Please call the Community Development Department for the current certified mailing rate. Checks should be made payable to the *City of Keene*. Credit card payments are accepted in-person or by calling 603-352-5440.

**WAIVERS** (See **Section 2 of Attachment B** for additional information.)

- WAIVER(S) REQUESTED**  
 **NO WAIVER(S) REQUESTED**

PLAN SETS (See Attachment C for additional information.)	SUBMITTED	EXEMPTION REQUESTED
LOCATION MAP OF PROPOSED IMPROVEMENTS	X	
EXISTING CONDITIONS PLAN	X	
PROPOSED CONDITIONS PLAN	X	
GRADING PLAN	X	
LANDSCAPING PLAN		X
LIGHTING PLAN		X
ELEVATIONS		X
TECHNICAL REPORTS (See Attachment C for additional information.)	SUBMITTED	EXEMPTION REQUESTED
DRAINAGE REPORT	X	
TRAFFIC ANALYSIS		X
SOIL ANALYSIS		X
HISTORIC EVALUATION		X
SCREENING ANALYSIS		X
ARCHITECTURAL & VISUAL APPEARANCE ANALYSIS		X
OTHER REPORTS / ANALYSES		42 of 78 X



# SVE Associates

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Engineering \* Surveying \* Landscape Architecture \* Planning

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## Project Narrative

### Cheshire County Shooting Sports Education Foundation SVE Project 2695A

January 9, 2024

*Revised February 9, 2024*

Cheshire County Shooting Sports Education Foundation is proposing several changes to their approved site plan SPR-01-13, Modification #2, at 19 Ferry Brook Road. Changes include relocating the stormwater level spreader to the bottom of the slope, change of light pole location, confirmation of location of ADA parking space and access isle, confirmation of proposed bike rack location, locating the existing classroom trailer and proposed stockade fence for screening, and locating the existing berm. *The existing berm was constructed from surplus material from onsite. It was shaped using on-site equipment. The berm historically has been used occasionally as an overflow range, and for a half dozen public events per year. The proposed use would be the same continued use.*

The site today is a shooting sports education facility. Stormwater from the previously approved building addition, plus the classroom trailer and a portion of the berm will sheet flow to the proposed level spreader. There is no discharge to City drainage systems and no direct discharge to the river. There is no measurable increase in stormwater runoff from the proposed site improvements.

There are no proposed changes to traffic as a result of these site modifications.

*The ADA space noted during the November 2022 staff visit has been obliterated, as it was not compliant (no accessible isle).*

*SPR-01-13, Mod. 2, site plan application conditionally approved in August 2020 for the ~3,300 sf indoor shooting range with the proposed exterior cladding for the addition was red CMU block. Tan vinyl siding was installed in lieu of the red CMU block.*

*SPR-01-13, Mod. 2, showed 3 pole mounted light fixtures. One pole is located on the south side of the parking lot, one on the east side and one on the northwest side of the parking lot. Poles were installed in the south and east side of the parking, and the pole in question was installed north of the parking lot, on the east side of the drive to the ranges.*

*In order to make maintenance of rooftop units easier, a concrete pad is proposed with stairs to the roof along the northwest side of the indoor range.*

### **SVE Associates**

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Engineering \* Surveying \* Landscape Architecture \* Planning  
439 West River Road, P.O. Box 1818, Brattleboro, VT 05302 Phone: (802) 257-0561

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# **Development Standards Narrative**

## **Cheshire County Shooting Sports Education Foundation, Inc.**

SVE Project # K2695A

January 15, 2024

*Revised February 9, 2024*

Cheshire County Shooting Sports Education Foundation is proposing several changes to their approved site plan SPR-01-13, Modification #2, at 19 Ferry Brook Road. The site is and will continue to be a shooting sports education facility. Changes include relocating the stormwater level spreader to the bottom of the slope, change of light pole location, confirmation of location of ADA parking space and access isle, confirmation of proposed bike rack location, locating the existing classroom trailer and proposed stockade fence for screening, and locating the existing berm not previously shown on the site plan. *A concrete pad is proposed for the installation of rooftop stairs for maintenance of the rooftop units.*

2. **Drainage:** There will not be an increase in stormwater runoff. Stormwater from the previously approved building addition, plus the classroom trailer and a portion of the berm will sheet flow to the proposed level spreader at the bottom of the slope. There is no discharge to City drainage systems. See attached narrative.
3. **Sedimentation/ Erosion Control:** The berm will be seeded and mulched. Silt fence shall be installed at base of berm and level spreader until vegetation is established. The landowner shall monitor and repair erosion control measures on a regular basis.
4. **Snow Storage and Removal:** Snow will be stored on-site.
5. **Landscaping:** No changes proposed.
6. **Screening:** A wooden stockade fence is proposed on the two sides of the classroom trailer to screen it from view from the driveway. The other two sides cannot be seen by the general public.
7. **Lighting:** The installed light locations are shown on the attached site plan. No changes are proposed.
8. **Water and Sewer:** No change.
9. **Traffic and Access Management:** No change.
10. **Filling and Excavation:** There will be fill for the emergency spillway to the proposed level spreader.

### **SVE Associates**

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Engineering	*	Surveying	*	Landscape Architecture	*	Planning
439 West River Road, P.O. Box 1818, Brattleboro, VT 05302 Phone: (802) 257-0561 Fax (802) 257-0721						



11. Surface Waters and Wetlands: The existing bolder pile will be removed from the 75' wetland buffer. *Portions of the topsoil stockpile and gravel berm within the 75' wetland buffer shall be removed.*
12. Hazardous and Toxic Materials: There will not be any hazardous or toxic materials stored onsite.
13. Noise: No change.
14. Architecture and Visual Appearance: The classroom trailer will be screened from view. Access to the classroom is through the clubhouse. See attached photo. *The ~3,300 sf indoor shooting range, installed in 2020 has tan vinyl siding in lieu of the red CMU block that was approved under spr-01-13, Mod. 2.*

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## **SVE Associates**

Engineering \*      Surveying \*      Landscape Architecture \*      Planning  
439 West River Road, P.O. Box 1818, Brattleboro, VT 05302      Phone: (802) 257-0561      Fax (802) 257-0721



Photo of clubhouse, indoor shooting range and classroom trailer. Classroom to be screened by stockade fence.

## **SVE Associates**

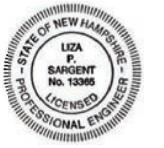
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Engineering \* Surveying \* Landscape Architecture \* Planning  
439 West River Road, P.O. Box 1818, Brattleboro, VT 05302 Phone: (802) 257-0561 Fax (802) 257-0721

# CHESHIRE COUNTY SHOOTING SPORTS EDUCATION FOUNDATION

19 FERRY BROOK ROAD, KEENE, NEW HAMPSHIRE



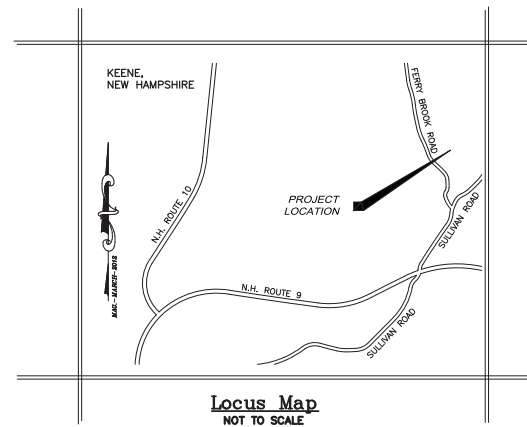
*Liza Sargent* 2/9/24  
LIZA P. SARGENT DATE  
R.C.E. NUMBER: 13365

APPLICANT:

## CCSSEF

P.O. BOX 233  
KEENE, NH 03431  
(603) 352-8563

SVE Project #:K2695A



### INDEX OF PLANS

- N-1 NOTES & LEGEND
- S-1 EXISTING CONDITIONS
- C-1 SITE PLAN

PREPARED BY

Civil Engineer:

### SVE Associates

439 West River Road  
Brattleboro, Vermont 05302

PHONE (802) 257-0561  
FAX (802) 257-0721

January 15, 2024  
revised thru February 9, 2024

APPROVED BY THE APPLICANT:

ON \_\_\_\_\_

INSPECTION PERMISSION: UPON APPROVAL OF THIS  
SITE PLAN, THE OWNER GRANTS PERMISSION FOR THE  
MEMBERS OR AGENTS OF THE KEENE PLANNING  
BOARD TO INSPECT THIS SITE AS NECESSARY.

APPROVED BY THE KEENE PLANNING BOARD

ON \_\_\_\_\_

CERTIFIED BY CHAIRMAN \_\_\_\_\_ 47 of 78

## GENERAL CONSTRUCTION NOTES:

- THE CONTRACTOR SHALL CALL DIG-SAFE, AT 1-888-344-7233 AT LEAST 72 HOURS BEFORE THE START OF EXCAVATION.
- THE CONTRACTOR IS EXPECTED TO BE AWARE OF AND COMPLY WITH ALL PERMITS AND PERMIT CONDITIONS.
- ALL TRENCHING, EXCAVATION, SHEETING, SHORING, ETC. SHALL COMPLY WITH THE MOST CURRENT OSHA REGULATIONS.
- THE CONTRACTOR SHALL NOTIFY SVE ASSOCIATES IF FIELD CONDITIONS VARY FROM THAT SHOWN ON THE PLAN(S). THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLAN(S) UNLESS SO AUTHORIZED BY SVE ASSOCIATES.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH SITE PLANS AND SPECIFICATIONS PROVIDED OR IN ACCORDANCE WITH NH DEP'T OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
- IN CASE OF CONFLICTS, THE MOST STRINGENT INTERPRETATION OF THE PLANS, SPECIFICATIONS, LOCAL OR STATE REGULATIONS, OR PERMIT CONDITIONS SHALL APPLY. THE ENGINEER SHALL BE THE DETERMINANT AS TO WHAT APPLIES.
- ALL KNOWN SUBSURFACE UTILITIES AND STRUCTURES HAVE BEEN INDICATED ON THE PLAN(S) AS ACCURATELY AS POSSIBLE. THE EXACT LOCATION MAY VARY AND THE CONTRACTOR IS CAUTIONED TO PROCEED WITH CARE.
- CONTRACTOR SHALL VERIFY ALL BENCH MARKS, INVERTS, PIPES AND STRUCTURES ELEVATIONS PRIOR TO START OF WORK. IMMEDIATELY NOTIFY SVE ASSOCIATES IF THE FIELD INFORMATION DOES NOT MATCH PLAN INFORMATION.
- THE OWNER WILL PROVIDE BENCH MARKS. THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL OTHER LAYOUT AND FOR REPLACEMENT OF LAYOUT COMPLETED BY THE OWNER.
- CONTRACTOR SHALL PROVIDE A FULL SET OF AS-BUILT DRAWINGS TO THE OWNER WITH SWING TIES OR COORDINATES, LOCATING ALL VALVES, FITTINGS, STRUCTURES, PIPES, ETC. THE AS-BUILTS SHALL INDICATE MATERIALS, PIPE LENGTHS INSTALLED, ALL INVERTS, AND ALL STRUCTURE ELEVATIONS. ACCEPTANCE OF THE WORK IS SUBJECT TO ACCEPTANCE OF THE AS-BUILTS BY THE ENGINEER AND OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DE-WATERING AT NO ADDITIONAL COST TO THE OWNER.
- ALL SURFACES SHALL BE GRADED TO DRAIN.
- THE CONTRACTOR SHALL RESTORE ALL DISTURBED SURFACES TO THEIR ORIGINAL CONDITION OR BETTER. ALL NEW AND EXISTING PIPES AND STRUCTURES SHALL BE CLEANED.

## SEDIMENT AND EROSION CONTROL NOTES:

- INSTALL ALL SEDIMENT & EROSION CONTROL MEASURES IN ACCORDANCE WITH MANUFACTURER'S DIRECTION OR DETAILS PROVIDED. PERIMETER CONTROLS MUST BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL EROSION CONTROL. THE CONTRACTOR SHALL TAKE ALL MEASURES NEEDED TO MINIMIZE EROSION TO THE GREATEST EXTENT POSSIBLE, AT NO ADDITIONAL COST TO THE OWNER, REGARDLESS OF DETAIL SHOWN ON THESE PLANS.
- CONTRACTOR SHALL INSPECT AND REPAIR ALL SEDIMENT AND EROSION CONTROL MEASURES DAILY WHILE UNDER CONSTRUCTION, THEN AFTER EACH RAINFALL OR 0.5" IN 24 HOURS AND NOT LESS THAN ONCE A WEEK THEREAFTER UNTIL ALL UPHILL SOILS ARE WELL STABILIZED.
- SEED, FERTILIZE & MULCH ALL FINISH GRADED AREAS WITHIN 72 HOURS OF FINISH GRADING.
- SEDIMENT CONTROLS AND/OR SILT FENCES SHALL BE REPLACED WHEN CLOGGED AND NO LONGER FUNCTIONAL.
- SEDIMENT CONTROLS AND/OR SILT FENCES SHALL REMAIN IN PLACE UNTIL ALL UPHILL VEGETATED AREAS ARE STABILIZED.
- ALL SOIL STOCKPILES SHALL BE SEEDDED AND MULCHED IF LEFT IN PLACE MORE THAN 21 DAYS.
- SEEDING OF ALL DISTURBED AREAS SHALL BE COMPLETED NOT LATER THAN OCTOBER 15TH.
- STABILIZATION OF ALL WORK AREAS SHALL BE COMPLETED NOT MORE THAN 45 DAYS FOLLOWING THE START OF WORK.
- ALL SOIL SLOPES STEEPER THAN 3:1 SHALL BE COVERED WITH EROSION CONTROL FABRIC, S150 FROM NORTH AMERICAN GREEN OR APPROVED EQUAL.
- STABILIZE ALL DRAINAGE SWALES, LEVEL SPREADERS, BERMS, AND DITCHES PRIOR TO DIRECTING RUNOFF TO THEM.
- CONTRACTOR SHALL IMMEDIATELY REPAIR OR REPLACE SEDIMENT AND EROSION CONTROLS AS REQUESTED BY THE ENGINEER.

## PROJECT SPECIFIC NOTES:

- SEEDING OF ALL DISTURBED AREAS SHALL BE COMPLETED NOT LATER THAN OCTOBER 15TH.
- SEEDING OF ALL FINISHED AREAS SHALL BE COMPLETED NOT MORE THAN 72 HOURS AFTER FINISH GRADING.
- STABILIZATION OF ALL WORK AREAS SHALL BE COMPLETED NOT MORE THAN 45 DAYS FOLLOWING THE START OF WORK.
- STABILIZE ALL DRAINAGE SWALES PRIOR TO DIRECTING RUNOFF TO THEM.

## SEED SPECIFICATIONS

### PERMANENT SEED:

<u>ALL MOWABLE AREAS:</u> PARK SEED NHDOT TYPE 15	
CREeping RED FESCUE	40 LB/AC
PERENNIAL RYEGRASS	50 LB/AC
KENTUCKY BLUEGRASS	25 LB/AC
REDTOP	5 LB/AC
TOTAL:	120 LB/AC
<u>ALL SLOPES 5:1 OR STEEPER:</u> SLOPE SEED NHDOT TYPE 45 (OR OTHER WILDFLOWER MIX APPROVED BY ENGINEER)	
CREeping RED FESCUE	35 LB/AC
PERENNIAL RYEGRASS	30 LB/AC
REDTOP	5 LB/AC
ALSIKE CLOVER	5 LB/AC
LANCE-LEAVED COREOPSIS	5 LB/AC
OXEYE DAISY	3 LB/AC
BUTTERFLY WEED	3 LB/AC
BLACKEYED SUSAN	3 LB/AC
WILD LUPINE	3 LB/AC
TOTAL:	95 LB/AC

## SEQUENCE OF WORK

THE SEQUENCE OF WORK SHALL BE FOLLOWED WITHIN EACH PHASE OF THE PROJECT. AT NO TIME OR PLACE SHALL PROJECT PHASING SUPERCEDE SOUND SEDIMENT AND EROSION CONTROL PLANNING.

- INSTALL SILT FENCE IN ACCORDANCE WITH MANUFACTURER'S DIRECTIONS, IN LOCATIONS DETAILED ON THIS PLAN OR AS ORDERED BY THE ENGINEER.
- INSTALL NEW LEVEL SPREADER.
- CONSTRUCT NEW STOCKADE FENCE & BIKE RACK IN ACCORDANCE WITH APPROVED PLANS.
- LOAM AND SEED DISTURBED AREAS, STABILIZE SLOPES WITH MATTING WHERE SPECIFIED.
- REMOVE SILT FENCE AFTER ALL UPHILL SOILS ARE STABILIZED.

## SITE DATA TABLE

KEENE TAX MAP #:	904-02-001-0000,
SULLIVAN TAX MAP #:	5-010-000
	5,641,020 SQ. FT. ± 129.5± ACRES
<u>ZONE:</u>	RURAL
<u>LOT SIZE:</u>	<u>AVAILABLE:</u> 129.5 <u>REQUIRED:</u> 5 AC
<u>FRONTAGE:</u>	> 50 FEET 50 FEET
<u>LOT WIDTH:</u>	> 200 FEET 200 FEET
<u>BLDG. HEIGHT:</u>	<u>ALLOWED:</u> 35 FT <u>PROPOSED:</u> < 35 FEET
<u>BUILDING SETBACKS:</u>	
FRONT:	50'
REAR:	50'
SIDES:	50'
<u>LOT COVERAGE:</u>	<u>MAXIMUM:</u> BUILDINGS: 10% (239,580 S.F./ 5.5 AC) GRAVEL/PAVEMENT: 20% (479,160 S.F./ 11 AC) TOTAL IMPERMEABLE: 20% (479,160 S.F./ 11 AC)
	<u>PROPOSED:</u> 0.2% 7,235 S.F./ 0.17 AC 1.9% (47,500 S.F./ 1.1 AC) 2.3% (54,735 S.F./ 1.26 AC)
<u>PARKING:</u>	<u>REQUIRED:</u> 9' X 18': 1 PER 500 SF ASSEMBLY SPACE 4,600 SF/500 = 10 PLUS 2 SPACES PER CLASSROOM FOR A PRIVATE SCHOOL 10 + 2 = 12 SPACES
	<u>PROPOSED:</u> 15 SPACES (OF WHICH 1 IS ADA)
A.D.A. ACCESSIBLE:	1 1 ADA

## PERMITS REQUIRED:

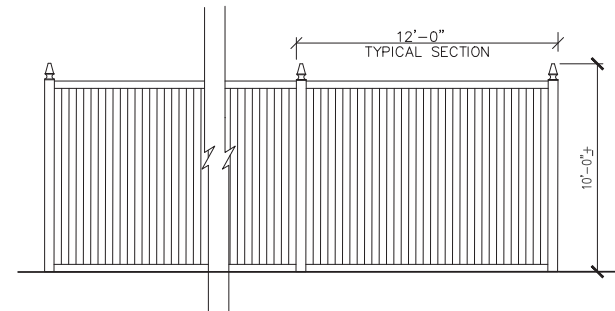
KEENE PLANNING BOARD  
BUILDING PERMIT

## PROPERTY OWNER & APPLICANT:

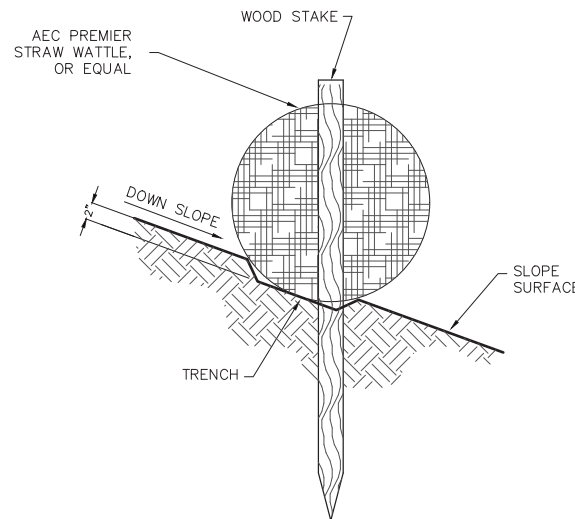
CCSSEF  
P.O. BOX 233  
KEENE, NH 03431

## PREVIOUS APPROVAL: SPR-01-13, MOD. 2

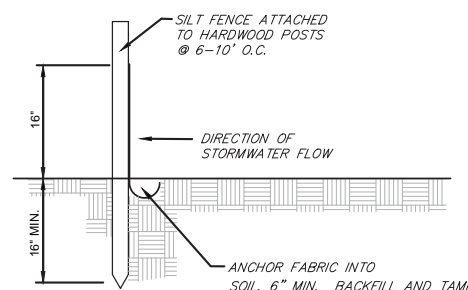
SYMBOL LEGEND	
<u>LINE TYPES</u>	<u>MISCELLANEOUS</u>
MAJOR CONTOUR	BUILDINGS
MINOR CONTOUR	RIP RAP
<u>POINTS</u>	
EXIST LIGHT POLE	PROP WELL
BENCHMARK	WELL
SIGN	SIGN



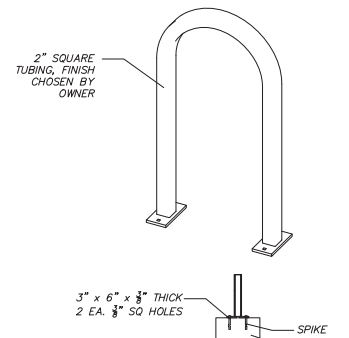
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NOT TO SCALE



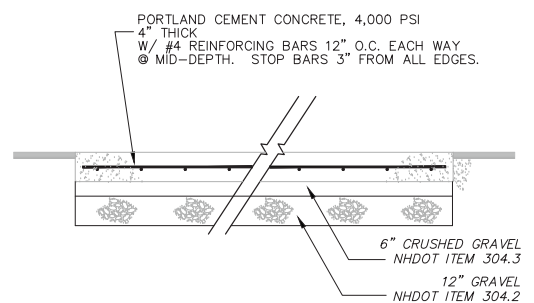
**STRAW WATTLE**  
NOT TO SCALE



**SILT FENCE**  
NOT TO SCALE



**BIKE RACK DETAIL**  
NOT TO SCALE



**CONCRETE PAVEMENT SECTION**  
NO SCALE



*Liza Sargent* 2/9/24

LIZA P. SARGENT DATE  
R.C.E. NUMBER: 13365

NO.	REVISION	DATE	CHK	LPS
1	SITE DATA TABLE PARKING REQUIREMENTS	09-FEB-24		

## SVE

Engineering  
Planning  
Landscape Architecture  
Surveying

SVE Associates  
P.O. Box 1818  
439 West River Road  
Brattleboro, VT 05302  
T 802.257.0561  
F 802.257.0721  
www.sveassoc.com

## NOTES & LEGEND

CHESHIRE COUNTY  
SHOOTING SPORTS  
EDUCATION FOUNDATION, INC  
19 FERRY BROOK ROAD  
KEENE, NEW HAMPSHIRE

PROJ. #:  
K2695A

DATE:  
5 - JAN - 24

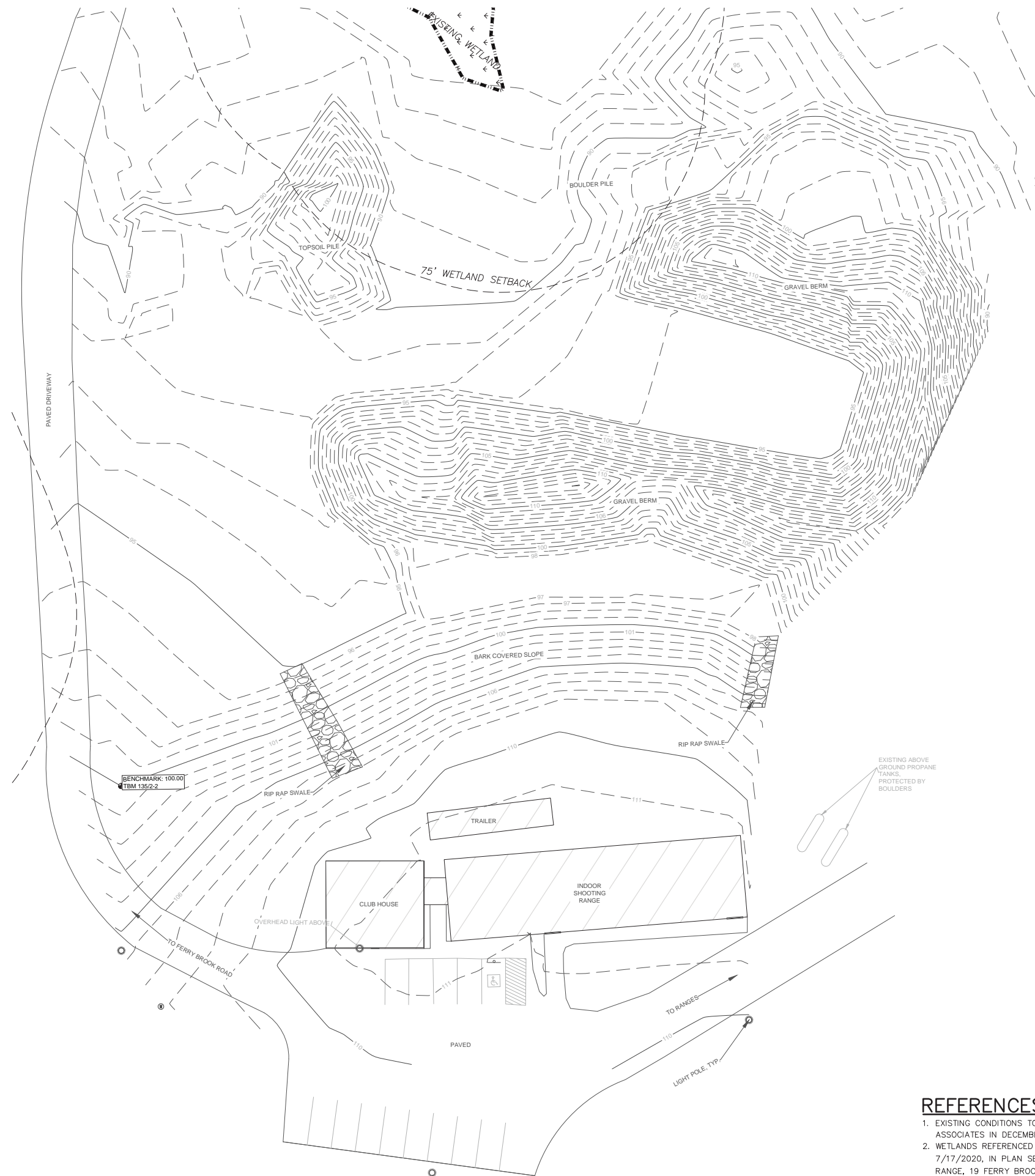
SHEET

DRAWN: AJG  
CHECKED: LPS

48 OF 78  
**N-1**

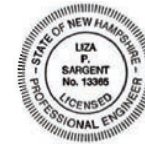


Drawing name: P:\Project\NH PROJECTS\K2695A Cheshire County Fish & Game Club\DWG\K2695A SITE rev.1.dwg Feb 08, 2024 - 9:47am



**REFERENCES:**

1. EXISTING CONDITIONS TOPOGRAPHIC SURVEY PREPARED BY SVE ASSOCIATES IN DECEMBER 2023 AND JANUARY 2024.
2. WETLANDS REFERENCED FROM SHEET 3 SEPTIC PLAN DATED 7/17/2020, IN PLAN SET "PROPOSED INDOOR SHOOTING RANGE, 19 FERRY BROOK ROAD, KEENE, NH", BY BRICKSTONE LAND USE CONSULTANTS, LLC.



*Liza Sargent* 2/9/24

LIZA P. SARGENT DATE  
R.C.E. NUMBER: 13365

NO.	REVISION	DATE	DWN	CHK
1	PB STAFF COMMENTS	08-FEB-24	LPS	LPS

**SVE** ©2024

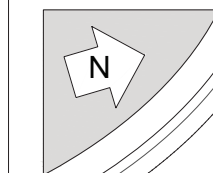
Engineering  
Planning  
Landscape Architecture  
Surveying

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439 West River Road  
Brattleboro, VT 05302  
T 802.257.0561  
F 802.257.0721  
www.sveassoc.com

**EXISTING CONDITIONS**

CHESHIRE COUNTY  
SHOOTING SPORTS  
EDUCATION FOUNDATION, INC  
19 FERRY BROOK ROAD  
KEENE, NEW HAMPSHIRE

0 10 20 40  
GRAPHIC SCALE 1" = 20'



PROJ. #:  
K2695A

DATE:  
5 - JAN - 24

SHEET

DRAWN: AJG  
CHECKED: LPS

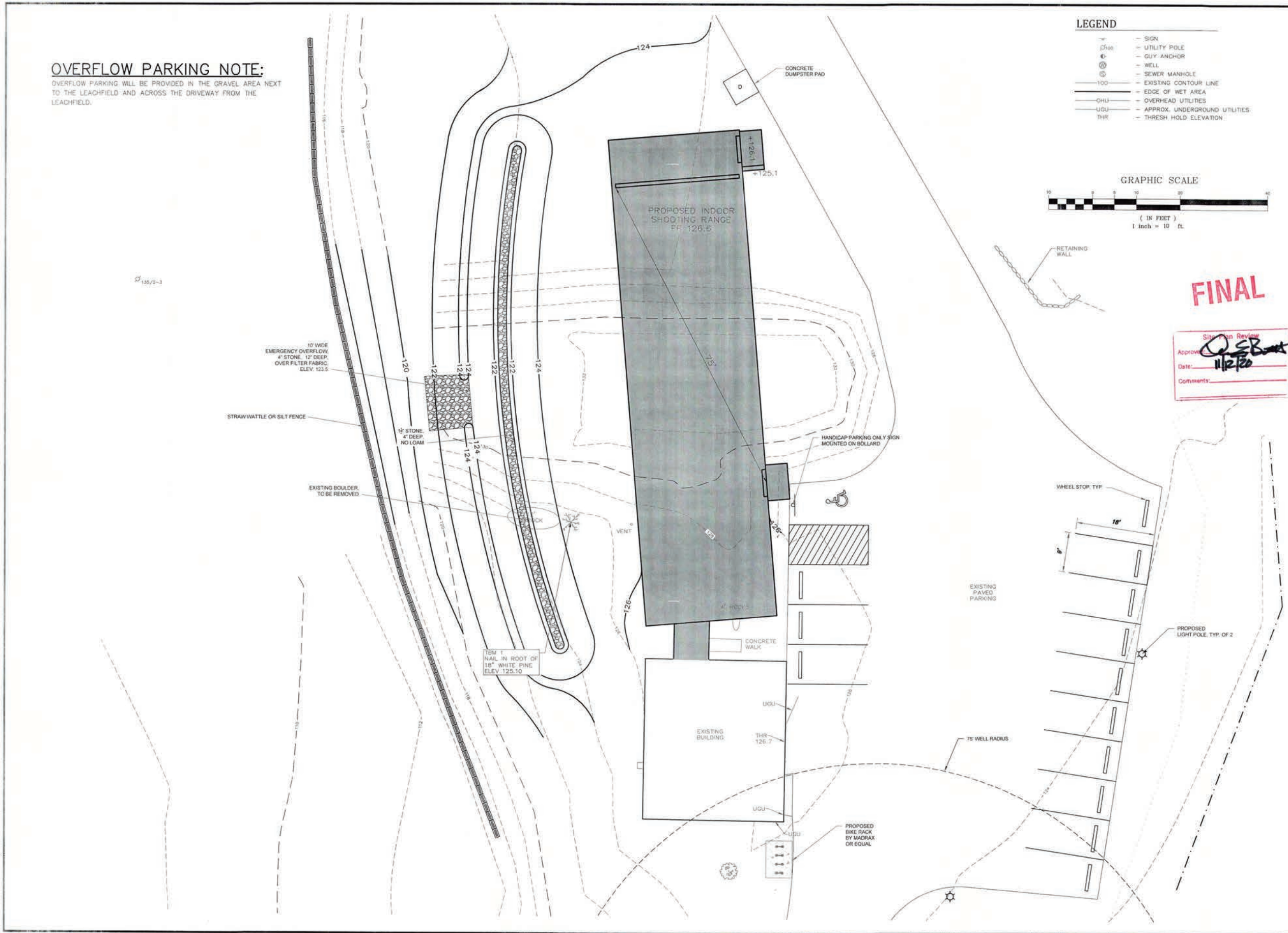
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49 of 76



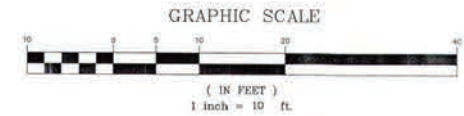


**OVERFLOW PARKING NOTE:**

OVERFLOW PARKING WILL BE PROVIDED IN THE GRAVEL AREA NEXT TO THE LEACHFIELD AND ACROSS THE DRIVEWAY FROM THE LEACHFIELD.



- LEGEND**
- SIGN
  - UTILITY POLE
  - GUY ANCHOR
  - WELL
  - SEWER MANHOLE
  - EXISTING CONTOUR LINE
  - EDGE OF WET AREA
  - OVERHEAD UTILITIES
  - APPROX. UNDERGROUND UTILITIES
  - THRESH HOLD ELEVATION



**FINAL**

Site Plan Review  
 Approved: *[Signature]*  
 Date: 11/2/20  
 Comments:

REVISIONS: DATE:  
 ADDED WHEEL STOPS, BOLLARD & ADA SPACE 8/7/20  
 ADDED PARKING SPACES 8/13/20

OWNER/DEVELOPER  
**CHESHIRE COUNTY SHOOTING SPORTS EDUCATION FOUNDATION**  
 PO BOX 233  
 KEENE, NH 03431

ENGINEER  
**SVE**  
 SVE Associates  
 P.O. Box 1818  
 439 West River Road  
 Brattleboro, VT 05302  
 T. 802.257.0561  
 www.sveassoc.com

PLANNER:  
**Brickstone Land Use Consultants, LLC**  
 Site Planning, Permitting and Development Consulting  
 180 Winchester Street, Keene, NH 03431  
 Phone: (603) 257-0116

**PROPOSED INDOOR SHOOTING RANGE**  
 19 FERRY BROOK ROAD  
 KEENE, NH

**PROPOSED CONDITION PLAN**

SCALE: 1"=10'

DATE: 7/17/2020

SHEET 2

*SPP-0113, Mod 2*





## **Drainage Summary**

for

**Cheshire County Shooting Sports Education Foundation, Inc.  
19 Ferry Brook Road, Keene, NH**

**Prepared by SVE Associates  
January 9, 2024**

A comparison of peak stormwater runoff for the 25-year rainfall events in the post-development conditions was completed by SVE Associates using HydroCad 10.0 software. The storm event used in the model was Type III, 24-hour storm with the following rainfall depths for Keene, NH:

25 Year Event: 4.95 inches

### **OVERVIEW:**

This project consists of permitting the existing classroom and constructing the level spreader designed for both the indoor shooting range (already constructed) at the 19 Ferry Brook Road property. No other changes are proposed to the developed property.

### **EXISTING CONDITIONS:**

For this drainage analysis, the existing conditions consist of lawn and mulched slope. Stormwater runoff sheet flows downhill.

### **PROPOSED CONDITIONS:**

The proposed conditions, modeled in the "Post-Development" drainage model, consist of the existing indoor shooting range addition, and existing classroom trailer that sheet flow to the proposed level spreader with emergency overflow. The entire 25-year storm is detained within the proposed level spreader.

### **CONCLUSION:**

There will be no adverse impact to downstream abutters due to stormwater runoff from the indoor shooting range and classroom trailer. Runoff in the 25-year storm is detained in the proposed level spreader. From the Hydrocad model, there is no outflow. There is no significant change in stormwater runoff post development.

### **SVE Associates**

---

---

Engineering \* Surveying \* Landscape Architecture \* Planning  
P.O. Box 1818, Brattleboro, VT 05302 Phone: (802) 257-0561 Fax (802) 257-0721 E-mail [svek@sveassoc.com](mailto:svek@sveassoc.com)  
P:\Project\NH PROJECTS\K2695A Cheshire County Fish & Game Club\Hydrocad\K2695A Drainage Summary PB.doc



# STAFF REPORT

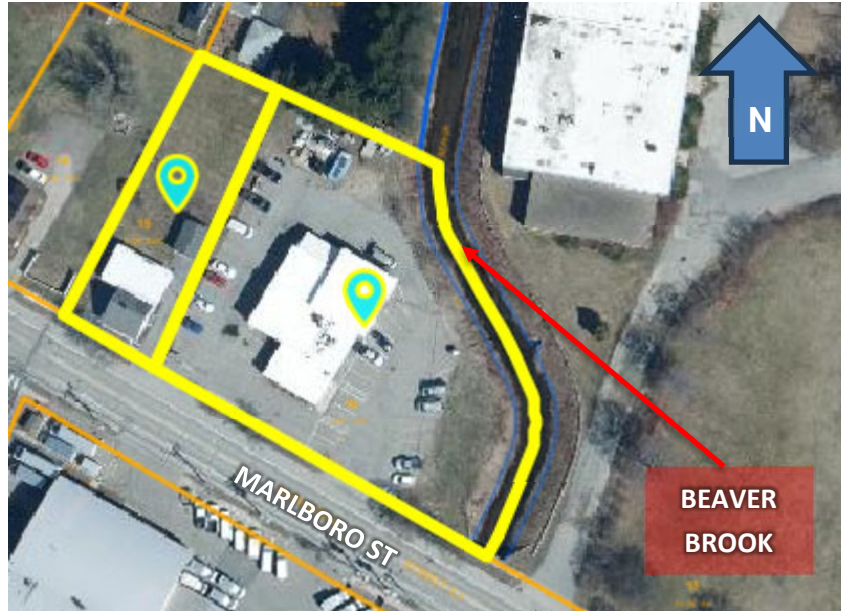
## PB-2024-02 – BOUNDARY LINE ADJUSTMENT – 194 & 216 MARLBORO ST

### **Request:**

Applicant Brickstone Land Use Consultants, on behalf of owners Noah & Michael Crawford Bange & 216 Marlboro Street LLC, proposes a boundary line adjustment that would transfer ~4,131-sf of land from the ~0.28-ac lot at 194 Marlboro St (TMP #589-015-000) to the ~0.94-ac lot at 216 Marlboro St (TMP #589-016-000). Both parcels are located in the Neighborhood Business District.

### **Background:**

The subject properties are located in southeast Keene on the northern side of Marlboro St. Residential uses abut the parcels to the north, northwest, and southwest and commercial uses lie adjacent to the south, east, and northeast. Beaver Brook is located directly to the east and forms the eastern property boundary for 216 Marlboro St. The ~0.28-ac parcel at 194 Marlboro St (TMP #589-015-000) is owned by Noah & Michael Crawford Bange and is the site of an existing single-family home with a detached garage. Directly to the east is the ~0.94-ac parcel at 216 Marlboro St (TMP #589-016-000) that is owned by 216 Marlboro St LLC and serves as the site of Bergeron Mechanical Systems, a local HVAC contractor. The property has a single building surrounded by a paved parking area. Both properties are located in the Neighborhood Business District, which requires a minimum lot size of 8,000 sf and a maximum impervious surface coverage of 65%.



*Figure 1. Aerial imagery of parcels at 194 & 216 Marlboro St.*

The parcel at 216 Marlboro St is currently at 66% lot coverage on the site. The purpose of this boundary line adjust (BLA) is to adjust the common lot line between the parcels to transfer ~4,131-sf of land from the northern portion of 194 Marlboro St to 216 Marlboro St. in order to bring the property at 216 Marlboro into compliance with impervious surface zoning requirements. In addition to this, 810-sf of pavement, some of which is within the 30' surface water buffer adjacent to Beaver Brook, will be removed from the northeastern portion of the 216 Marlboro St. Both of these adjustments will reduce the lot coverage on the Bergeron Mechanical site to a maximum of 58%. Table 1 below shows the area of each lot before and after the proposed lot line adjustment.

# STAFF REPORT

**Table 1. Area of Land Affected by Proposed Boundary Line Adjustment**

	<b>194 Marlboro St. (TMP# 589-015-000)</b>	<b>216 Marlboro St. (TMP# 589-016-000)</b>
<b>Prior to Adjustment</b>	~0.28 ac (~12,131.5 sf)	~0.94 ac (~40,985.6 sf)
<b>Amount of Land Transferred</b>	- ~0.09 ac (~4,131 sf)	+ ~0.09 ac (~4,131 sf)
<b>After Adjustment</b>	~0.18 ac (~8,000 sf)	~1.04 ac (~45,115.1 sf)

**Determination of Regional Impact:**

After reviewing the application, staff have made a preliminary evaluation that the proposed BLA does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

**Completeness:**

The Applicant has requested exemptions from submitting a drainage report, traffic analysis, and soil analysis. 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.”

**Departmental Comments:** There were no departmental comments on this application.

**Application Analysis:** The following is a review of the Planning Board’s subdivision and development standards relevant to this application.

**SUBDIVISION REGULATIONS:**

**19.2.1 - Lots:** The project narrative specifies that the parcel at 194 Marlboro St is currently out of compliance with zoning due to the presence of the single-family home within the 5-10’ front setback required in the Neighborhood Business District. Staff consider this to be an existing non-conformity that will not be altered by this application. The narrative goes on to state that the parcel at 216 Marlboro St has a total of 66% lot coverage (where a max of only 65% is allowed in the Neighborhood Business District). The proposed lot line adjustment and removal of pavement at the northeastern corner of the 216 Marlboro St parcel will bring the lot into compliance with the zoning requirements for this district. This standard appears to be met.

**19.2.2 - Character of Land:** The submitted narrative states that both parcels are existing developed properties – one with an existing house and detached garage at 194 Marlboro St and one with an existing building with paved parking at 216 Marlboro St. The proposed BLA plan shows that the eastern portion of the parcel at 216 Marlboro St is within the floodway as well as the 100-year flood zone. No new development is proposed as part of this application and 810-sf of pavement is proposed to be removed from this site. This standard appears to be met.

**19.2.3 - Scattered or Premature Development:** The Applicant states in their narrative that these are existing developed lots in an area of mixed uses that are served by both City sewer and water with frontage along Marlboro St. There is no development proposed as part of this application. This standard is not applicable.

## STAFF REPORT

**19.2.4 - Preservation of Existing Features:** The project narrative states there are no other changes proposed to either site other than relocating the common boundary line. This standard is not applicable.

**19.2.5 - Monumentation:** The Applicant states in their narrative that new pins will be set to mark the proposed boundary line. Planning Staff recommend that the Planning Board include the 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 as a precedent condition of approval to be met prior to signature of the final plans by the Planning Board Chair.

**19.2.6 - Special Flood Hazard Area:** The project narrative and plans indicate that the eastern portion of the parcel at 216 Marlboro St directly adjacent to Beaver Brook is within the 100-year floodplain. The Applicant states that the area of land being transferred is outside of the floodplain and that no impacts are proposed within the floodplain. This standard appears to be met.

**19.2.7 - Fire Protection and Water Supply:** The project narrative states that both parcels are serviced by existing City water and sewer and notes that there are fire hydrants present on Marlboro Street near the lots. This standard appears to be met.

**19.2.8 - Utilities:** As stated above, both sites are served by City water and sewer and no changes to the existing utilities are proposed. This standard appears to be met.

### **SITE DEVELOPMENT STANDARDS:**

**20.2 - Drainage & Stormwater Management:** The narrative states that stormwater on the properties currently sheet drains to vegetated areas on the sites and there are no changes proposed to these existing patterns. This standard appears to be met.

**20.3 - Sediment & Erosion Control:** The proposed BLA plan shows that 810 sf of pavement is proposed to be removed at the northeastern corner of the parcel at 216 Marlboro St directly adjacent to Beaver Brook. This area of pavement appears to be within the 30' surface water buffer. The property owner has opted to remove the pavement in lieu of having this area of the parcel evaluated by a wetlands scientist to see if it is indeed within the buffer. The installation of pavement within the surface water buffer would require the submittal of a Surface Water Protection Conditional Use Permit for review by the Planning Board. This standard appears to be met.

**20.4 - Snow Storage & Removal:** The project narrative specifies that snow is stored around the perimeter of the paved areas and removed from the site after snowstorms as needed. This standard appears to be met.

**20.8 - Sewer & Water:** The project narrative states that both parcels are served by existing City sewer and water and there are no changes proposed to these utilities. This standard appears to be met.

**20.9 - Traffic & Access Management:** The project narrative states that there are no changes proposed to on-site traffic circulation. This standard appears to be met.

## STAFF REPORT

**20.11 - Surface Waters & Wetlands:** As stated previously, the easternmost portion of the parcel at 216 Marlboro St is within the floodway and 100-year floodplain. Approximately 810 sf of pavement is proposed to be removed from the 30' surface water buffer near the northeastern corner of the parcel. No other changes are proposed in this area. The project narrative states that the proposed lot line adjustment will have no impact on adjacent surface waters. This standard appears to be met.

**Recommended Motion:**

If the Board is inclined to approve this request, the following motion is recommended:

***"Approve PB-2024-02 for a boundary line adjustment between the properties at 194 & 216 Marlboro St, as shown on the plan identified as, "Plan Showing Boundary Line Adjustment Between Properties of 216 Marlboro St, LLC; 216 Marlboro Street; Keene, NH 03431; Parcel Number 589-016; And; Noah Crawford Bange; 194 Marlboro Street; Keene, NH 03431; Parcel Number 589-015" prepared by DiBernardo Associates, LLC at a scale of 1 inch = 20 feet on January 17, 2024 and last revised on March 11, 2024 with the following conditions precedent prior to final approval and signature of the plans by the Planning Board Chair:***

- 1. Owners' signatures appear on the plan.***
- 2. Inspection of the 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.***
- 3. Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.***
- 4. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees."***



# City of Keene, NH Planning Board Boundary Line Adjustment (BLA) Application

If you have questions about how to complete this form, please call: (603) 352-5440 or email: [communitydevelopment@keenenh.gov](mailto:communitydevelopment@keenenh.gov)

SECTION 1: PROJECT INFORMATION	
<b>PROJECT NAME:</b> 216 Marlboro Street LLC BLA	<b>NUMBER OF PARCELS AFFECTED:</b> 2
<b>PROJECT ADDRESS(ES):</b> 216 Marlboro St & 194 Marlboro St	

SECTION 2: CONTACT INFORMATION	
PROPERTY OWNER #1	PROPERTY OWNER #2
<b>NAME/COMPANY:</b> 216 Marlboro Street LLC	<b>NAME/COMPANY:</b> Noah Crawford Bange & Michael Crawford Bange
<b>MAILING ADDRESS:</b> 216 Marlboro St Keene NH 03431	<b>MAILING ADDRESS:</b> 194 Marlboro St Keene NH 03431
<b>PHONE:</b>	<b>PHONE:</b>
<b>EMAIL:</b> Kim@kebms.com	<b>EMAIL:</b> ncbange14@gmail.com
<b>SIGNATURE:</b> 	<b>SIGNATURE:</b> 
<b>PRINTED NAME:</b> Kim E Bergeron	<b>PRINTED NAME:</b> Noah Bange      Michael Bange

APPLICANT / AUTHORIZED AGENT	FOR OFFICE USE ONLY:	
<b>NAME/COMPANY:</b> James Phippard / Brickstone Land Use Cons	<b>TAX MAP PARCEL #(s):</b> 589-015-000.000-000 = 20.2802 589-016-000.000-000 = 20.9702	
<b>MAILING ADDRESS:</b> 185 Winchester Street Keene NH 03431		
<b>PHONE:</b> 603-357-0116		
<b>EMAIL:</b> jphippard@ne.rr.com	<b>PARCEL SIZE:</b> see above	<b>DATE STAMP:</b> 
<b>SIGNATURE:</b> 	<b>ZONING:</b> Neighborhood Business	
<b>PRINTED NAME:</b> James P Phippard	<b>PROJECT #:</b> PB-2024-02	



## **Boundary Line Adjustment Project Narrative**

**Land of  
216 Marlboro Street, LLC  
And Noah Crawford Bange  
194 and 216 Marlboro Street  
Keene, NH**

**February 16, 2024**

216 Marlboro Street, LLC is the owner of 216 Marlboro Street, Tax Map 589-016-000. This is a 0.94-acre lot in the Neighborhood Business district. This lot is nonconforming due to the existing impermeable lot coverage at 66% (65% permitted).

Noah Crawford Bange and Michael Crawford Bange are the owners of 194 Marlboro Street, Tax Map 589-015-000. This is a 0.278-acre lot in the Neighborhood Business district. This lot is nonconforming due to the existing house being located in the front setback.

The owners wish to do a boundary line adjustment along the common boundary between 194 Marlboro Street and 216 Marlboro Street. The rear area of 194 Marlboro Street will transfer 4131 sf of land to 216 Marlboro Street. The purpose for doing the boundary line adjustment is to add enough land to 216 Marlboro Street to make the lot conforming regarding the impermeable lot coverage.

As a result of the boundary line adjustment 194 Marlboro Street will decrease in size from 0.278 acres to 0.1837 acres (8000 sf). 216 Marlboro Street will increase in size from 0.94 acres to 1.0357 acres. 216 Marlboro Street will become conforming with 60% lot coverage. No new nonconformities will be created.

## Boundary Line Adjustment Narrative

Land of  
216 Marlboro Street, LLC and Noah Crawford Bange  
216 and 194 Marlboro Street  
Keene, NH

February 16, 2023

### Subdivision Standards

**19.2.1 Lots-** 216 Marlboro Street is an existing nonconforming lot due to lot coverage (66% where 65% is the maximum allowed). The additional land area will reduce the lot coverage to 60% and will conform to the district requirements. 194 Marlboro Street will be reduced in size from 12,131 sf to 8000 sf which complies with the minimum lot size requirements. 194 will remain nonconforming at the front building setback. 216 will increase in size by 4131 sf to 45, 115.09 sf. No new nonconformities will be created.

**19.2.2 Character of Land** – These are existing developed properties with an existing house and garage on 194 Marlboro Street and an existing commercial building with paved parking on 216 Marlboro Street.

**19.2.3 Scattered or Premature Development** – These are existing developed lots in an area of mixed uses served by city sewer and city water. The existing properties have frontage on Marlboro Street.

**19.2.4 Preservation of Existing Features** – No changes to the sites are proposed other than moving the common boundary line and adding 4131 sf to 216 Marlboro Street.

**19.2.5 Monumentation** – New pins will be set to mark the proposed new boundary line.

**19.2.6 Special Flood Hazard Areas** – 216 Marlboro Street is partially within the 100 year floodplain for Beaver Brook on the east side of the lot. 194 Marlboro Street is outside the floodplain area. The land area being transferred to 216 Marlboro Street is outside the floodplain. No impacts to the floodplain are proposed.

**19.2.7 Fire Protection and Water Supply-** The properties are serviced with city water. City fire hydrants exist on Marlboro Street near the site.

**19.2.8 Utilities** – City water and city sewer service both existing sites. No changes are proposed.

**20.2 Drainage & Stormwater Management-** The existing properties currently sheet drain stormwater to the vegetated areas on the sites. No changes are proposed to the existing stormwater drainage patterns. The proposed BLA will not affect drainage on either site.

**20.3 Sediment/Erosion Control** – N/A. No changes are proposed to the existing sites.

**20.4 Snow Storage & Removal** – Snow is stored around the perimeter of the paved areas. Excess snow will be removed from the site after each snowstorm as needed.

**20.5 Landscaping** – No changes are proposed.

**20.6 Screening** – N/A

**20.7 Lighting** – N/A

**20.8 Sewer & Water** – No changes to the existing sewer and water services are proposed.

**20.9 Traffic & Access Management** – The proposed BLA will not result in changes to the onsite traffic circulation.

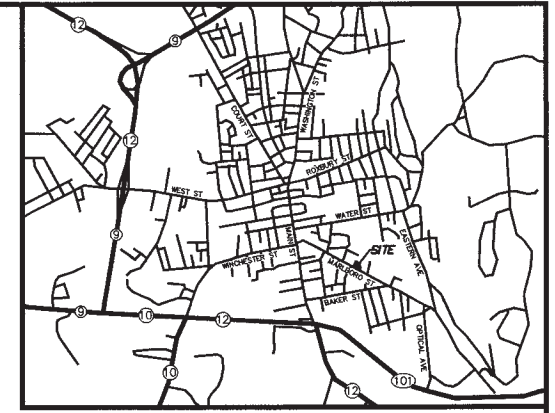
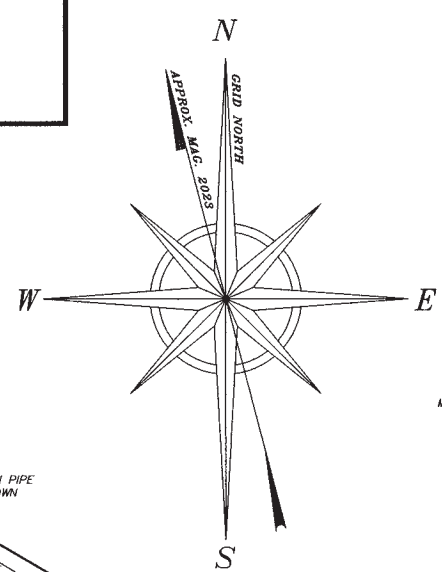
**20.10 Filling & Excavation** – N/A

**20.11 Surface Waters & Wetlands** – Beaver Brook is adjacent to the site on the east side. There are no wetlands on either site. The proposed BLA will have no impacts to surface waters or wetlands.

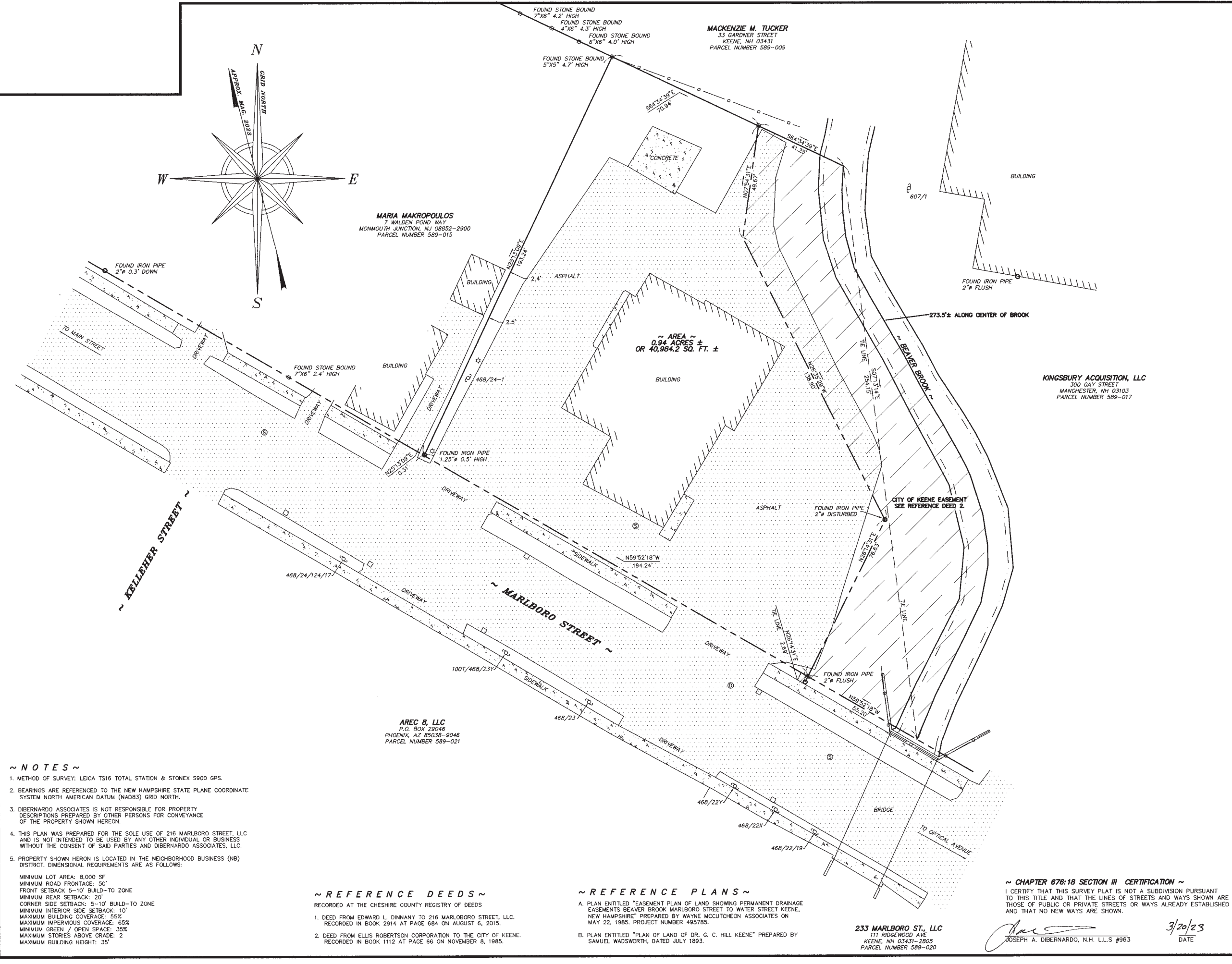
**20.12 Hazardous or Toxic Materials** – The applicant has no knowledge of hazardous or toxic materials at these sites.

**20.13 Noise** – No excessive noise will result from this proposal.

**20.14 Architecture & Visual Appearance** – N/A



~ LOCATION MAP ~



**MARIA MAKROPOULOS**  
7 WALDEN POND WAY  
MONMOUTH JUNCTION, NJ 08852-2900  
PARCEL NUMBER 589-015

**MACKENZIE M. TUCKER**  
33 GARDNER STREET  
KEENE, NH 03431  
PARCEL NUMBER 589-009

**KINGSBURY ACQUISITION, LLC**  
300 GAY STREET  
MANCHESTER, NH 03103  
PARCEL NUMBER 589-017

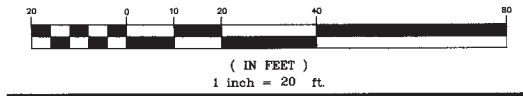
**AREC B, LLC**  
P.O. BOX 29046  
PHOENIX, AZ 85038-9046  
PARCEL NUMBER 589-021

**233 MARLBORO ST., LLC**  
111 RIDGEWOOD AVE  
KEENE, NH 03431-2805  
PARCEL NUMBER 589-020

~ LEGEND ~

- PROPERTY LINE
- - - RIGHT OF WAY LINE
- STONE BOUND FOUND
- IRON PIN FOUND
- ⊙ 5/8" ⌀ IRON ROD SET
- STOCK FENCE
- CHAIN LINK FENCE
- ⊕ UTILITY POLE
- ☆ LIGHT POLE
- CATCH BASIN
- ⊕ DRAIN MANHOLE
- ⊙ SEWER MANHOLE

GRAPHIC SCALE



- ~ NOTES ~
- METHOD OF SURVEY: LEICA TS16 TOTAL STATION & STONEX S900 GPS.
  - BEARINGS ARE REFERENCED TO THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM (NAD83) GRID NORTH.
  - DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
  - THIS PLAN WAS PREPARED FOR THE SOLE USE OF 216 MARLBORO STREET, LLC AND IS NOT INTENDED TO BE USED BY ANY OTHER INDIVIDUAL OR BUSINESS WITHOUT THE CONSENT OF SAID PARTIES AND DIBERNARDO ASSOCIATES, LLC.
  - PROPERTY SHOWN HERON IS LOCATED IN THE NEIGHBORHOOD BUSINESS (NB) DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:  
MINIMUM LOT AREA: 8,000 SF  
MINIMUM ROAD FRONTAGE: 50'  
FRONT SETBACK 5-10' BUILD-TO ZONE  
MINIMUM REAR SETBACK: 20'  
CORNER SIDE SETBACK: 5-10' BUILD-TO ZONE  
MINIMUM INTERIOR SIDE SETBACK: 10'  
MAXIMUM BUILDING COVERAGE: 55%  
MAXIMUM IMPERVIOUS COVERAGE: 65%  
MINIMUM GREEN / OPEN SPACE: 35%  
MAXIMUM STORIES ABOVE GRADE: 2  
MAXIMUM BUILDING HEIGHT: 35'

~ REFERENCE DEEDS ~

- RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS
- DEED FROM EDWARD L. DINNANY TO 216 MARLBORO STREET, LLC. RECORDED IN BOOK 2914 AT PAGE 684 ON AUGUST 6, 2015.
  - DEED FROM ELLIS ROBERTSON CORPORATION TO THE CITY OF KEENE. RECORDED IN BOOK 1112 AT PAGE 66 ON NOVEMBER 8, 1985.

~ REFERENCE PLANS ~

- PLAN ENTITLED "EASEMENT PLAN OF LAND SHOWING PERMANENT DRAINAGE EASEMENTS BEAVER BROOK MARLBORO STREET TO WATER STREET KEENE, NEW HAMPSHIRE" PREPARED BY WAYNE MCCUTCHEON ASSOCIATES ON MAY 22, 1985. PROJECT NUMBER 495785.
- PLAN ENTITLED "PLAN OF LAND OF DR. G. C. HILL KEENE" PREPARED BY SAMUEL WADSWORTH, DATED JULY 1893.

~ CHAPTER 676:18 SECTION III CERTIFICATION ~

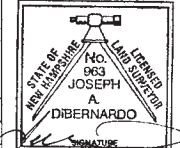
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

JOSEPH A. DIBERNARDO, N.H. L.L.S. #963

3/20/23  
DATE

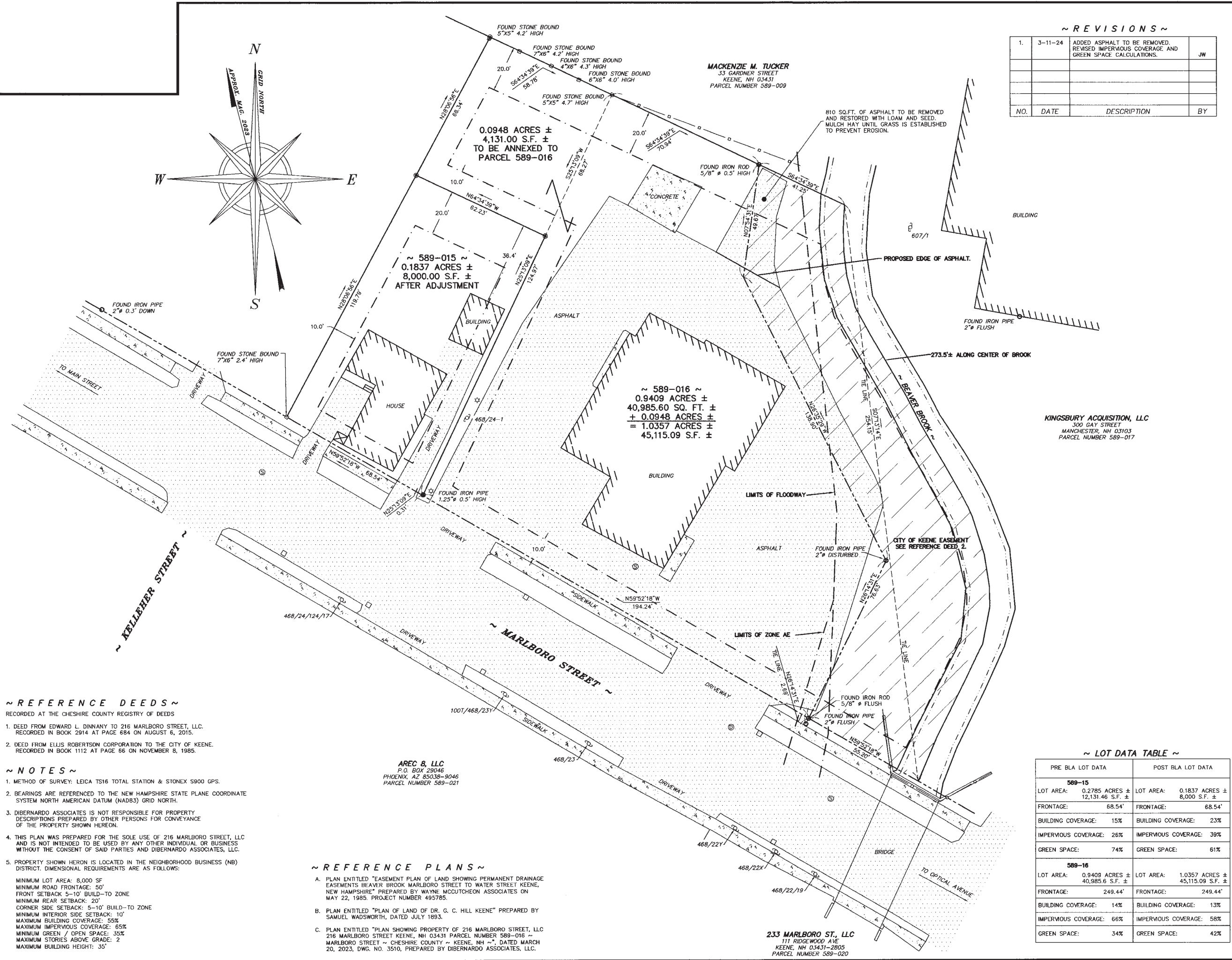
PLAN SHOWING PROPERTY OF  
**216 MARLBORO STREET, LLC**  
216 MARLBORO STREET  
KEENE, NH 03431  
PARCEL NUMBER 589-016

**DIBERNARDO ASSOCIATES, LLC**  
VT NH  
LICENSED LAND SURVEYORS  
111 CHURCH STREET  
NORTH WALPOLE, NH 03809  
802-463-8031 ~ 803-358-5509



DATE	MARCH 20, 2023	SCALE	1"=20'
DRAWN BY	JW	CK'D BY	JAD
SURVEYED BY	BD		
DWG. NO.	3510	© COPYRIGHT 2023	DIBERNARDO ASSOCIATES, LLC.





~ REVISIONS ~

NO.	DATE	DESCRIPTION	BY
1.	3-11-24	ADDED ASPHALT TO BE REMOVED, REVISED IMPERVIOUS COVERAGE AND GREEN SPACE CALCULATIONS.	JW



~ LOCATION MAP ~

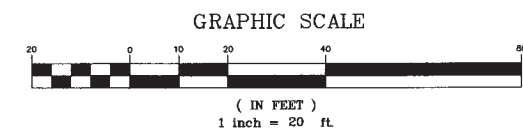
	PROPERTY LINE
	RIGHT OF WAY LINE
	STONE BOUND FOUND
	IRON PIN FOUND
	5/8" IRON ROD SET
	STOCK FENCE
	CHAIN LINK FENCE
	UTILITY POLE
	LIGHT POLE
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	BUILDING SETBACKS
	FLOODWAY OR FLOOD PLANE (AS LABELED)

**KINGSBURY ACQUISITION, LLC**  
 300 GAY STREET  
 MANCHESTER, NH 03103  
 PARCEL NUMBER 589-017

~ CERTIFICATION ~

THE SUBDIVISION REGULATIONS OF THE CITY OF KEENE, NH ARE A PART OF THIS PLAN, AND APPROVAL OF THIS PLAN IS CONTINGENT ON COMPLETION OF ALL THE REQUIREMENTS OF SAID SUBDIVISION REGULATIONS EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE BOARD AND ATTACHED HERETO, TOGETHER WITH THE FOLLOWING INFORMATION.

APPROVED BY THE KEENE PLANNING BOARD ON \_\_\_\_\_  
 CERTIFIED BY CHAIRMAN \_\_\_\_\_  
 AND SECRETARY \_\_\_\_\_



~ REFERENCE DEEDS ~

- DEED FROM EDWARD L. DINNANY TO 216 MARLBORO STREET, LLC. RECORDED IN BOOK 2914 AT PAGE 684 ON AUGUST 6, 2015.
- DEED FROM ELLIS ROBERTSON CORPORATION TO THE CITY OF KEENE. RECORDED IN BOOK 1112 AT PAGE 66 ON NOVEMBER 8, 1985.

~ NOTES ~

- METHOD OF SURVEY: LEICA TS16 TOTAL STATION & STONEX 5900 GPS.
- BEARINGS ARE REFERENCED TO THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM (NAD83) GRID NORTH.
- DIBERNARDO ASSOCIATES IS NOT RESPONSIBLE FOR PROPERTY DESCRIPTIONS PREPARED BY OTHER PERSONS FOR CONVEYANCE OF THE PROPERTY SHOWN HEREON.
- THIS PLAN WAS PREPARED FOR THE SOLE USE OF 216 MARLBORO STREET, LLC AND IS NOT INTENDED TO BE USED BY ANY OTHER INDIVIDUAL OR BUSINESS WITHOUT THE CONSENT OF SAID PARTIES AND DIBERNARDO ASSOCIATES, LLC.
- PROPERTY SHOWN HERON IS LOCATED IN THE NEIGHBORHOOD BUSINESS (NB) DISTRICT. DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS:

- MINIMUM LOT AREA: 8,000 SF
- MINIMUM ROAD FRONTAGE: 50'
- FRONT SETBACK 5-10' BUILD-TO-ZONE
- MINIMUM REAR SETBACK: 20'
- CORNER SIDE SETBACK: 5-10' BUILD-TO-ZONE
- MINIMUM INTERIOR SIDE SETBACK: 10'
- MAXIMUM BUILDING COVERAGE: 55%
- MAXIMUM IMPERVIOUS COVERAGE: 65%
- MINIMUM GREEN / OPEN SPACE: 35%
- MAXIMUM STORIES ABOVE GRADE: 2
- MAXIMUM BUILDING HEIGHT: 35'

~ REFERENCE PLANS ~

- PLAN ENTITLED "EASEMENT PLAN OF LAND SHOWING PERMANENT DRAINAGE EASEMENTS BEAVER BROOK MARLBORO STREET TO WATER STREET KEENE, NEW HAMPSHIRE" PREPARED BY WAYNE MCCUTCHEON ASSOCIATES ON MAY 22, 1985. PROJECT NUMBER 495785.
- PLAN ENTITLED "PLAN OF LAND OF DR. G. C. HILL KEENE" PREPARED BY SAMUEL WADSWORTH, DATED JULY 1893.
- PLAN ENTITLED "PLAN SHOWING PROPERTY OF 216 MARLBORO STREET, LLC 216 MARLBORO STREET KEENE, NH 03431 PARCEL NUMBER 589-016 ~ MARLBORO STREET ~ CHESHIRE COUNTY ~ KEENE, NH ~", DATED MARCH 20, 2023, DWG. NO. 3510, PREPARED BY DIBERNARDO ASSOCIATES, LLC.

**AREC B, LLC**  
 P.O. BOX 29046  
 PHOENIX, AZ 85038-9046  
 PARCEL NUMBER 589-021

**233 MARLBORO ST., LLC**  
 111 RIDGEWOOD AVE  
 KEENE, NH 03431-2805  
 PARCEL NUMBER 589-020

~ LOT DATA TABLE ~

PRE BLA LOT DATA	POST BLA LOT DATA
<b>589-15</b>	<b>589-16</b>
LOT AREA: 0.2785 ACRES ± 12,131.46 S.F. ±	LOT AREA: 0.1837 ACRES ± 8,000 S.F. ±
FRONTAGE: 68.54'	FRONTAGE: 68.54'
BUILDING COVERAGE: 15%	BUILDING COVERAGE: 23%
IMPERVIOUS COVERAGE: 26%	IMPERVIOUS COVERAGE: 39%
GREEN SPACE: 74%	GREEN SPACE: 61%
LOT AREA: 0.9409 ACRES ± 40,985.6 S.F. ±	LOT AREA: 1.0357 ACRES ± 45,115.09 S.F. ±
FRONTAGE: 249.44'	FRONTAGE: 249.44'
BUILDING COVERAGE: 14%	BUILDING COVERAGE: 13%
IMPERVIOUS COVERAGE: 66%	IMPERVIOUS COVERAGE: 58%
GREEN SPACE: 34%	GREEN SPACE: 42%

PLAN SHOWING BOUNDARY LINE ADJUSTMENT BETWEEN PROPERTIES OF  
**216 MARLBORO STREET, LLC**  
 216 MARLBORO STREET  
 KEENE, NH 03431  
 PARCEL NUMBER 589-016  
 AND  
**NOAH CRAWFORD BANGE**  
 194 MARLBORO STREET  
 KEENE, NH 03431  
 PARCEL NUMBER 589-015  
 ~ MARLBORO STREET ~ CHESHIRE COUNTY ~ KEENE, NH ~

**DIBERNARDO ASSOCIATES, LLC**  
 VT NH  
 LICENSED LAND SURVEYORS

113 CHURCH STREET  
 NORTH WALPOLE, NH 03609  
 802-483-3831 ~ 802-508-5609

DATE JANUARY 17, 2024 SCALE 1"=20'  
 DRAWN BY JAD CK'D BY JTW  
 SURVEYED BY BD

DWG. NO. 3510-1 © COPYRIGHT 2024 DIBERNARDO ASSOCIATES, LLC

# STAFF REPORT

## PB-2024-03 – BOUNDARY LINE ADJUSTMENT – 2 & 12 GILBO AVE

### **Request:**

Applicant Huntley Survey & Design PLLC, on behalf of owner the City of Keene, proposes a boundary line adjustment that would result in the transfer of ~216-sf of land from the City-owned right-of-way known as 12 Gilbo Ave (TMP #575-014-000) to the ~1,204-sf parcel at 2 Gilbo Ave (TMP#575-013-000) and transfer ~434-sf of land to the Main St & Gilbo Ave public right-of-way. All land is located in the Downtown Core District.

### **Background:**

The subject properties are located in downtown Keene along the west side of Main St. directly north of the Margaritas Mexican restaurant. Commercial uses abut in all directions and the Cheshire Rail Trail is located directly to the south. The ~1,204-sf parcel at 2 Gilbo Ave (TMP #575-013-000) is owned by the City of Keene and is located at the corner of Main St and Gilbo Ave. There is an existing ~744-sf building located on top of this land that houses the Corner News vape shop.



*Figure 1. Aerial imagery of subject properties.*

This Corner News building is currently considered to be a separate entity from the land it sits on and has been assigned an address of 2 Gilbo Ave (TMP #575-013-000-001). To the direct west of this parcel is more land owned by the City that was conveyed to the municipality from the B&M Railroad and was subsequently included in the layout of the Gilbo Ave. right-of-way. This land has been assigned an address of 12 Gilbo Ave (TMP #575-014-000) in our GIS Mapping Database, but based on the information provided by the surveyor, is not considered a distinct parcel. All property involved in this proposal is located in the Downtown Core District, which has “build-to lines” in place of setbacks and does not have a maximum impervious surface coverage or lot size.

The purpose of this lot line adjustment is to transfer ~216-sf of land from the City-owned property known as 12 Gilbo Ave to the parcel at 2 Gilbo Ave. An additional ~434 sf land will be transferred from 2 Gilbo Ave and will become part of the public right-of-way that includes Gilbo Ave and Main St. The boundary lines of the reconfigured parcel at 2 Gilbo Ave will line up with the Corner News’ northern, eastern, and southern building façades. The western property boundary will be located slightly to the west of the building and will include the existing fenced-in asphalt area behind the building. The City’s intent is to convey this land to the property owner of the Corner News building following the lot line adjustment. Three easements will be created following the BLA to allow for pass & repass over the City-owned bike trail directly to the south. Table 1 below shows the size of the parcel at 2 Gilbo Ave prior to and following the lot line adjustment.



# STAFF REPORT

<b>Table 1. Size of Parcel at 2 Gilbo Ave (TMP# 575-013-000) Before &amp; After the Proposed Boundary Line Adjustment</b>	
<b>Prior to Adjustment</b>	~1,204-sf
<b>Amount of Land Transferred</b>	+ ~216 sf (from 12 Gilbo Ave) - ~434 sf (to become part of public highway)
<b>After Adjustment</b>	~986 sf

**Determination of Regional Impact:**

After reviewing the application, staff have made a preliminary evaluation that the proposed BLA does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

**Completeness:**

The Applicant has request exemptions from submitting a drainage report, traffic analysis, soil analysis, and a survey showing the metes of all subject properties. 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.”

**Departmental Comments:** There were no departmental comments on this application.

**Application Analysis:** The following is a review of the Planning Board’s subdivision and development standards relevant to this application.

**SUBDIVISION REGULATIONS:**

**19.2.1 - Lots:** The applicant states in their narrative that there is no minimum lot size, depth, or frontage requirements for the Downtown Core District. This standard is not applicable.

**19.2.2 - Character of Land:** The applicant’s narrative states that all land involved in this proposal is already developed. This standard is not applicable.

**19.2.3 - Scattered or Premature Development:** The applicant states that all land involved in the proposal is developed. This standard is not applicable.

**19.2.4 - Preservation of Existing Features:** The project narrative states that there are no changes proposed to the site itself. This standard is not applicable.

**19.2.5 - Monumentation:** The project narrative specifies that if approved, the new boundary lines will be monumented by the Corner News building facades to the north, east, and south; a brass disc set in concrete will be installed at the northwestern corner of the new parcel; and a 5/8” capped rebar will be installed at the southwestern corner. Planning Staff recommend including the 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

## STAFF REPORT

Director to ensure that the monuments will be set as a precedent condition of approval that will need to be met prior to the signature of the final plans by the Planning Board Chair.

**19.2.6 - Special Flood Hazard Area:** The project narrative states that the subject area does not lie within a special flood hazard area. This standard is not applicable.

**19.2.7 - Fire Protection and Water Supply:** The applicant's narrative states that the subject parcels are currently serviced by City water and sewer, are closely located near fire hydrants, and that no new development is proposed as part of this application. This standard appears to be met.

**19.2.8 - Utilities:** All property involved in this application has access to City water and sewer. The submitted plans do not show any proposed changes to these utilities as part of this application. This standard appears to be met.

### **SITE DEVELOPMENT STANDARDS:**

**20.2 - Drainage & Stormwater Management:** The narrative states that there are no changes proposed to the existing drainage features on site. This standard is not applicable.

**20.3 - Sediment & Erosion Control:** The narrative states that there is no site work or development included as part of this proposal. This standard is not applicable.

**20.8 - Sewer & Water:** As stated earlier, all land is currently serviced by City water and sewer and no changes are proposed to the existing utilities. The standard appears to be met.

**20.9 - Traffic & Access Management:** The narrative states that a portion of the northern, eastern, and southern facades of the Corner News building sitting on the parcel at 2 Gilbo Ave will become part of the Gilbo Ave & Main St highway land. This change will have no impact on traffic and access management. This standard appears to be met.

**20.11 - Surface Waters & Wetlands:** The project narrative states that there are no surface waters or wetlands present on or adjacent to this land. This standard is not applicable.

### **Recommended Motion:**

If the Board is inclined to approve this request, the following motion is recommended:

***"Approve PB-2024-03 for a boundary line adjustment between the properties at 2 & 12 Gilbo Ave and the public right-of-way, as shown on the plan identified as, "Proposed Conditions, Boundary Line Adjustment" prepared by Huntley Survey & Design PLLC at a scale of 1 inch = 5 feet on February 15, 2024 with the following conditions:***

- 1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:***
  - a. Owners' signatures appear on the plan.***
  - b. Inspection of the 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.***





# City of Keene, NH Planning Board Boundary Line Adjustment (BLA) Application

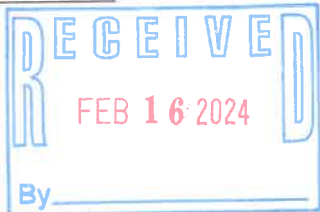
If you have questions about how to complete this form, please call: (603) 352-5440 or email: [communitydevelopment@keeneh.gov](mailto:communitydevelopment@keeneh.gov)

## SECTION 1: PROJECT INFORMATION

<b>PROJECT NAME:</b> Corner News Boundary Line Adjustment	<b>NUMBER OF PARCELS AFFECTED:</b> 3
<b>PROJECT ADDRESS(ES):</b> #2 - Building, #2 Land & #12 Gilbo Ave	

## SECTION 2: CONTACT INFORMATION

PROPERTY OWNER #1	PROPERTY OWNER #2
<b>NAME/COMPANY:</b> City of Keene	<b>NAME/COMPANY:</b> City of Keene
<b>MAILING ADDRESS:</b> 3 Washington Street, Keene, NH 03431	<b>MAILING ADDRESS:</b> 3 Washington Street, Keene, NH 03431
<b>PHONE:</b> (603) 357-9804	<b>PHONE:</b> (603) 357-9804
<b>EMAIL:</b> <i>cb.russ@hurtleysurvey.com</i>	<b>EMAIL:</b> <i>cb.russ@hurtleysurvey.com</i>
<b>SIGNATURE:</b> <i>Elizabeth Dragon</i>	<b>SIGNATURE:</b> <i>Elizabeth Dragon</i>
<b>PRINTED NAME:</b> Elizabeth Dragon	<b>PRINTED NAME:</b> Elizabeth Dragon

APPLICANT / AUTHORIZED AGENT	FOR OFFICE USE ONLY:	
<b>NAME/COMPANY:</b> Huntley Survey & Design, PLLC	<b>TAX MAP PARCEL #(s):</b> <i>575-013000-001-000-27448F</i> <i>575-013000-000-000-20.040e</i> <i>575-014000-000-000-20.19ac</i>	
<b>MAILING ADDRESS:</b> 659 West Road, Temple, NH 03431		
<b>PHONE:</b> (603) 924-1669		
<b>EMAIL:</b> russ@hurtleysurvey.com	<b>PARCEL SIZE:</b> <i>see above</i>	<b>DATE STAMP:</b> 
<b>SIGNATURE:</b> <i>Russell J. Huntley</i>	<b>ZONING:</b> <i>Downtown core</i>	
<b>PRINTED NAME:</b> Russell J. Huntley	<b>PROJECT #:</b> <i>PB-2024-03</i>	



# Huntley Survey & Design, PLLC

New Hampshire & Vermont - Land Surveying \* Wetlands Delineation & Permitting \* Septic System Design

## Boundary Line Adjustments

Between lands owned by The City of Keene  
On Main Street & Gilbo Ave, Keene, NH

March 6, 2024

### Project Narrative

#### Project Overview

Huntley Survey & Design has been contracted by the City to assist in a project to adjust the property lines of tax map parcel 575-013-000-00 located at the corner of Main Street and Gilbo Ave. A small building covers most of the parcel. The building is owned by Roberta Mastrogiovanni and is listed as a separate tax map parcel, 575-013-000-001.

Tax map parcel 575-013-000-000 is owned by the City of Keene. The City has agreed to convey to Mastrogiovanni the land beneath the building, the land on the extension of the building westerly, and 216 square feet from City owned land shown as parcel 575-014-000-000 on the Assessor's map.

Parcel 575-014-000-000 is a part of the land conveyed to the City of Keene by B & M Railroad in a deed recorded at 649/240 that the City subsequently included the in layout of Gilbo Ave. It is not a distinct parcel. The survey showing the conveyance, the conveyance deed and the layout plan are included in the application. An exemption is therefor requested from showing metes and bounds, total acreage, and a survey of the entire parcel of City owned land that 575-014-000-000 is part of.

Huntley Survey and Design has also been contracted by the City to prepare plans that will discontinue a portion of Gilbo Ave to reflect the Assessor's mapping and widen both Main Street and Gilbo Ave to coincide with the new lines of 575-013-000-000. These plans are currently being prepared, while the City Engineers office will be handling the process through Planning Board, MFSI and City Council.

#### Procedure

The City proposes to adjust the lines between 575-013-000-000, Main Street, Gilbo Ave and that part of Gilbo Ave shown as 575-014-000-000 so that they may convey a newly configured parcel 575-013-000-000 to Mastrogiovanni.

Existing lot 575-013-000-000 is 1,204 square feet in size with 38.91 feet along parcel 575-010-000-000 to the south, 30.52 feet of frontage on Main Street to the east, 40.05 feet of frontage on Gilbo Ave to the north, and 30.50 feet along Gilbo Ave (575-014-000-000) to the west.

The proposed project will adjust lot 575-013-000-000 to contain 986 square feet by annexing 216 square feet from 575-014-000-000 and by giving up 434 square feet for widening of Main Street & Gilbo Ave. The resulting lot will have 41.00 feet on City owned land to the south, 24.00 feet on City owned land to the east, 41.18 feet on City owned land to the north, and 23.99 feet on Gilbo Ave to the west (575-014-000-000).

659 West Road, Temple, New Hampshire 03084 \* (603) 924-1669 Office \* (603) 381-3227 Cell

Email: Russ@huntleysurvey.com

C:\Users\mfortson\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\SGML4ZRG\2024-03-06 H24-005 Project Narrative -Rev1.docx

The anticipated widening and discontinuance process will result in Main Street frontage on the south and east, Gilbo Ave frontage on the north, and an abutting parcel owned by the City lying to the west.

The plan also includes proposed easements to benefit the newly configured parcel over adjacent City land located on parcels sown as 575-014-000-000, 575-010-000-000 and a portion of the land to the south of the new parcel that is becoming part of Main Street.

With the aid of Mastrogiovanni, the City Engineer's Office, and City Counsel, Huntley Survey & Design respectfully presents a Boundary Line Adjustment plat and application for Consideration by the Planning Board.

### **Subdivision Review Standards 19.2**

The City of Keene Subdivision review standards will be met, or waivers will be requested as follows:

#### ***19.2.1 Lots***

There are no minimum lot size, depth or frontage requirements. The standard is met.

#### ***19.2.2 Character of Land***

This standard does not apply. The land is already developed in a downtown core setting. The proposal is only to provide fee title to the land beneath the building and for a small area to the rear of the building.

#### ***19.2.3 Scattered or Premature Development***

The same as Standard 19.2.2

#### ***19.2.4 Preservation of Existing Features***

There are no currently proposed changes to the site.

#### ***19.2.5 Monumentation***

If approved, the proposed adjustment will be monumented by the building face on the north, east and south, a brass disk set in concrete at the northwest corner and a 5/8" capped rebar at the southwest corner.

#### ***19.2.6 Special Flood Hazard Areas***

The subject parcels do not lie within a special flood hazard area.

#### ***19.2.7 Fire Protection and Water Supply***

The subject parcels lie within the Downtown area and are served by municipal water supply. There are a number of fire hydrants within the vicinity and no new development is proposed, so the project meets this standard.

### **Site Development Standards**

## **Huntley Survey & Design, PLLC**

New Hampshire & Vermont ~ Land Surveying \* Wetlands Delineation & Permitting \* Septic System Design  
659 West Road, Temple, New Hampshire 03084 \* (603) 924-1669 Office \* (603) 381-3227 Cell  
Email: [Russ@huntleysurvey.com](mailto:Russ@huntleysurvey.com)





The City of Keene Site development standards will be met, or waivers will be requested for the proposed Boundary Line Adjustment. The building will continue as it has, and not contribute any detrimental effects to any of the standards.

***Article 20.1 – General***

In general, the boundary line adjustment will be done in accordance with the City of Keene Development Standards.

***Article 20.2 – Drainage & Stormwater Management***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.3 – Sediment and Erosion Control***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.4 – Snow Storage & removal***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.5 – Landscaping***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.6 – Screening***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.7 – Lighting***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.8 – Sewer & Water***

Municipal water and sewer are provided and proposed the adjustment will meet the standards of Art.20.8.

***Article 20.9 – Traffic and Access Management***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.10 Filling and Excavation***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.11 – Surface Water and Wetlands***

**Huntley Survey & Design, PLLC**

New Hampshire & Vermont ~ Land Surveying \* Wetlands Delineation & Permitting \* Septic System Design  
659 West Road, Temple, New Hampshire 03084 \* (603) 924-1669 Office \* (603) 381-3227 Cell  
Email: [Russ@huntleysurvey.com](mailto:Russ@huntleysurvey.com)



There are no wetlands or surface waters within or adjacent to the project. The standard does not apply.

***Article 20.12 – Hazardous and Toxic Materials***

No development or site changes to the existing state of land is proposed. The standard does not apply.

***Article 20.13 – Noise***

Noise levels will remain the same. The standard of the article is met.

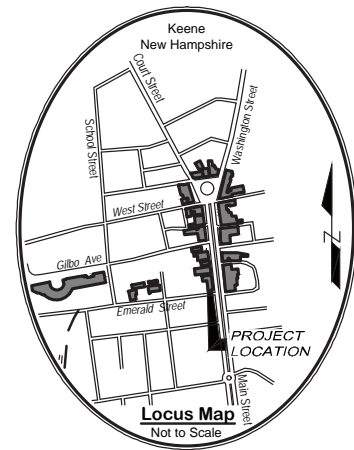
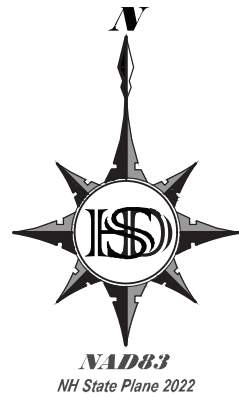
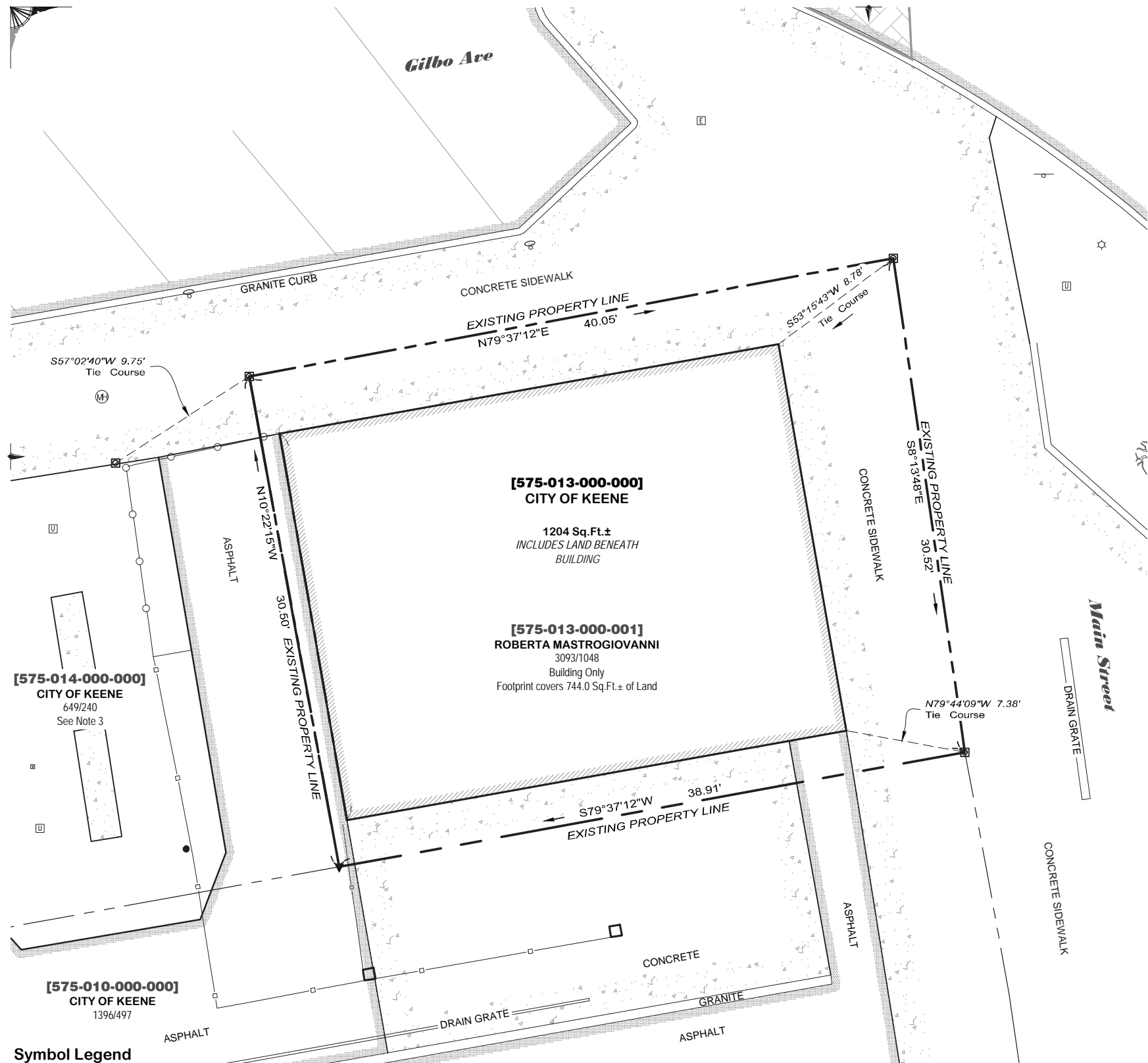
***Article 20.14 – Architectural and visual appearance***

No development or site changes to the existing state of land or building is proposed. The standard does not apply.

**Huntley Survey & Design, PLLC**

New Hampshire & Vermont ~ Land Surveying \* Wetlands Delineation & Permitting \* Septic System Design  
659 West Road, Temple, New Hampshire 03084 \* (603) 924-1669 Office \* (603) 381-3227 Cell  
Email: [Russ@huntleysurvey.com](mailto:Russ@huntleysurvey.com)





**Plan References**

REFERENCES INCLUDE ALL INFORMATION REFERRED TO ON ANY OF THE FOLLOWING PLANS

- BOUNDARY SURVEY, LAND OF THE COLONIAL THEATRE GROUP, INC, DATED OCTOBER 26, 2018; BY RUSSELL J. HUNTLEY, HUNTLEY SURVEY & DESIGN, PLLC (On file at HSD)
- EXISTING CONDITION SURVEY, LAND OF THE CITY OF KEENE LOCATED ON GILBO AVE, ST JAMES STREET & LAMSON STREET, KEENE, NH, DATED JULY 22, 2016; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
- ALTA/ACSM LAND TITLE SURVEY, LAND OF NATIONAL GRANGE MUTUAL INSURANCE COMPANY, DATED SEPTEMBER 20, 2012; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
- RAILROAD SQUARE REDEVELOPMENT PROJECT, RAILROAD STREET, 93RD STREET & NORWAY AVE, KEENE, NH, DATED FEBRUARY 2, 2012; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
- SUBDIVISION LAND OF MAIN STREET AMERICA CAPITAL CORPORATION, DATED SEPTEMBER 1990, BY KED (Cab.11 Dr.6 No.606 CCRD)
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- LAND IN KEENE, NH, BOSTON & MAINE TO CITY OF KEENE, DATED JANUARY 1958 (Pb.09 Pg.062 CCRD)

**Notes**

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- THE BOUNDARY LINES SHOWN ON THIS PLAN WERE CALCULATED FROM DEEDS, RECORD PLANS & PHYSICAL EVIDENCE FOUND DURING THE FIELD SURVEY.
- PARCEL 575-014-000-000 IS A PART OF THE LAND CONVEYED TO THE CITY OF KEENE BY B & M RAILROAD IN A DEED RECORDED AT 649/240 WHICH THE CITY SUBSEQUENTLY INCLUDED THE IN LAYOUT OF GILBO AVE. IT IS NOT CURRENTLY A DISTINCT PARCEL.

**Surveyor's Certification**

PURSUANT TO RSA 676: 18 III AND RSA 672: 14, I CERTIFY THAT THIS SURVEY AND PLAT WERE PRODUCED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION AND DATA COLLECTOR TRAVERSE WITH A POSITION TOLERANCE THAT MEETS OR EXCEEDS NH LAN 500 AND THE ALLOWABLE RELATIVE POSITIONAL ACCURACY REQUIRED BY THE STATE OF NEW HAMPSHIRE IN TABLE 500.1, "ACCURACY MEASUREMENTS, LOCAL ACCURACY OF CONTROL SUPPORTING THE SURVEY," AND IS BASED ON INFORMATION RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS AS REFERENCED HEREON, INFORMATION PROVIDED BY THE CLIENT AND PHYSICAL EVIDENCE FOUND.



**Existing Conditions  
Boundary Line Adjustment**  
BETWEEN PUBLIC HIGHWAYS & PARCELS OF  
The City of Keene

located at  
Gilbo Avenue, Main Street, Tax Map 575 Lots 013-000-000 & 014-000-000  
Keene, Cheshire County, New Hampshire  
Book 710, Page 552 & Book 649, Page 240

Sheet 1 of 2

Surveyed 07/2022 Plan prepared 02/15/2024  
Project No. H24-005 Cad File No. H24-005 BLADJ.dwg

**Huntley Survey & Design, PLLC**  
NH & VT Land Surveying, Wetlands & NH Septic System Design  
659 West Road, Temple, NH 03084 (603) 924-1669 www.huntleysurvey.com

**Symbol Legend**

	MANHOLE		PARKING METER
	DECIDUOUS TREE		CHAIN LINK FENCE
	CATCH BASIN		WOOD RAIL/STOCKADE FENCE
	DRAIN MANHOLE		GUARDRAIL
	SEWER MANHOLE		EDGE OF PAVEMENT
	WATER VALVE		CONCRETE
	ELECTRIC MANHOLE		BRASS DISK IN CONCRETE
	ELECTRICAL BOX/PEDESTAL		RAILROAD SPIKE SET
	LIGHT POLE		DRILL HOLE
	TELECOM MANHOLE		KEENE ENGINEERING DEPARTMENT
	SIGN		CHESHIRE REGISTRY OF DEEDS
	PARKING METER		TAX MAP PARCEL NUMBER
	UNDETERMINED UTILITY BOX		DEED VOLUME & PAGE
	FLAG POLE/POST		HUNTLEY SURVEY & DESIGN

**Owner Certification**

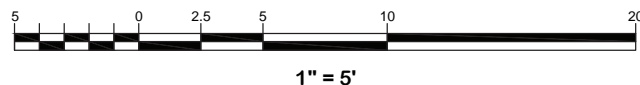
I CERTIFY THAT THE CITY OF KEENE IS THE CURRENT OWNER OF THE TRACTS SHOWN HEREON AND THAT IT APPROVES OF THIS ADJUSTMENT.

CITY MANGER'S SIGNATURE DATE

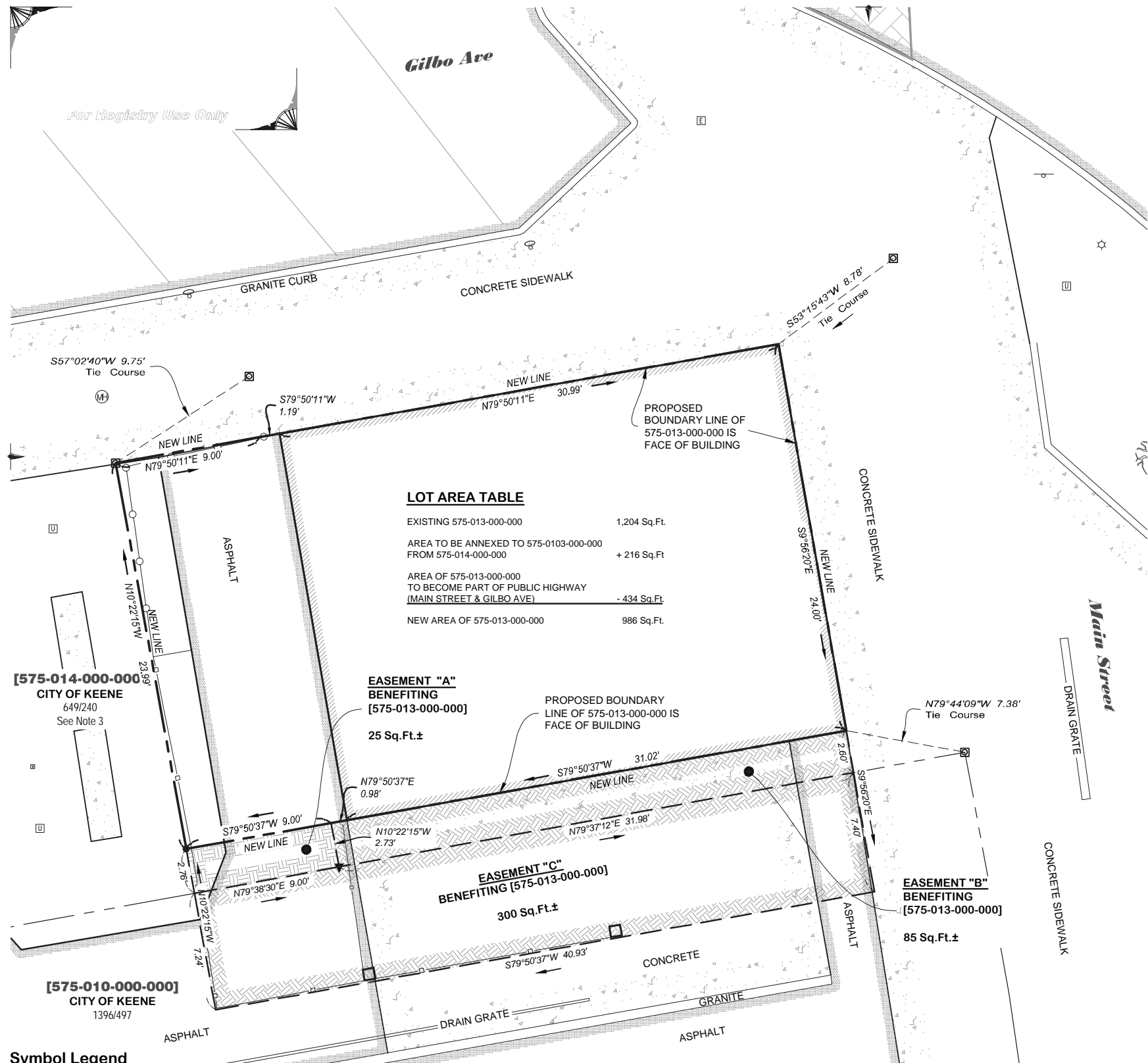
**APPROVED BY THE  
KEENE PLANNING BOARD**

BY \_\_\_\_\_ CHAIRMAN  
AND \_\_\_\_\_ SECRETARY  
ON \_\_\_\_\_

**Graphic Scale**



R.J.H. 3/06/24 REVISED PER STAFF COMMENTS



**LOT AREA TABLE**

EXISTING 575-013-000-000	1,204 Sq.Ft.
AREA TO BE ANNEXED TO 575-013-000-000 FROM 575-014-000-000	+ 216 Sq.Ft.
AREA OF 575-013-000-000 TO BECOME PART OF PUBLIC HIGHWAY (MAIN STREET & GILBO AVE)	- 434 Sq.Ft.
NEW AREA OF 575-013-000-000	986 Sq.Ft.

**EASEMENT "A" BENEFITING [575-013-000-000]**  
25 Sq.Ft.±

**EASEMENT "C" BENEFITING [575-013-000-000]**  
300 Sq.Ft.±

**EASEMENT "B" BENEFITING [575-013-000-000]**  
85 Sq.Ft.±

**Symbol Legend**

- |  |                          |  |                              |
|--|--------------------------|--|------------------------------|
|  | MANHOLE                  |  | PARKING METER                |
|  | DECIDUOUS TREE           |  | CHAIN LINK FENCE             |
|  | CATCH BASIN              |  | WOOD RAIL/STOCKADE FENCE     |
|  | DRAIN MANHOLE            |  | GUARDRAIL                    |
|  | SEWER MANHOLE            |  | EDGE OF PAVEMENT             |
|  | WATER VALVE              |  | CONCRETE                     |
|  | ELECTRIC MANHOLE         |  | BRASS DISK IN CONCRETE       |
|  | ELECTRICAL BOX/PEDESTAL  |  | RAILROAD SPIKE SET           |
|  | LIGHT POLE               |  | DRILL HOLE                   |
|  | TELECOM MANHOLE          |  | KEENE ENGINEERING DEPARTMENT |
|  | SIGN                     |  | CHESHIRE REGISTRY OF DEEDS   |
|  | PARKING METER            |  | TAX MAP PARCEL NUMBER        |
|  | UNDETERMINED UTILITY BOX |  | DEED VOLUME & PAGE           |
|  | FLAG POLE/POST           |  | HUNTLEY SURVEY & DESIGN      |

**Zoning Districts**

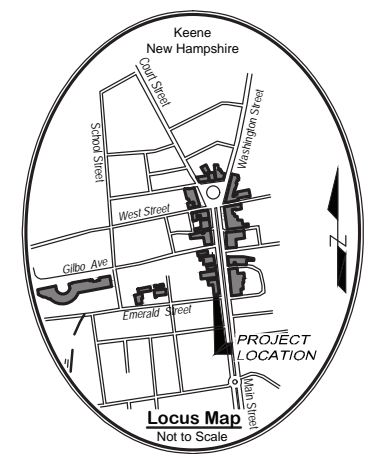
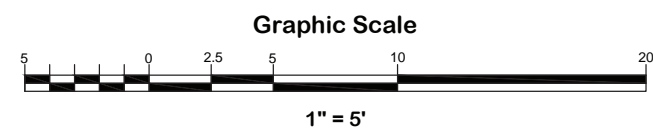
DT-C (Downtown Core District)

MIN HEIGHT	18'	NO MINIMUM
LOT SIZE		NO MINIMUM
FRONTAGE		NO MINIMUM
LOT WIDTH		NO MINIMUM
BUILDING SETBACKS		
FRONT	00'	
SIDE	00'	
REAR	00'	

SEE CITY OF KEENE LAND DEVELOPMENT CODE CONCERNING ADDITIONAL REQUIREMENTS PERTAINING TO PARCEL

**APPROVED BY THE KEENE PLANNING BOARD**

BY \_\_\_\_\_ CHAIRMAN  
AND \_\_\_\_\_ SECRETARY  
ON \_\_\_\_\_



**Plan References**

- REFERENCES INCLUDE ALL INFORMATION REFERRED TO ON ANY OF THE FOLLOWING PLANS
- BOUNDARY SURVEY, LAND OF THE COLONIAL THEATRE GROUP, INC, DATED OCTOBER 26, 2018; BY RUSSELL J. HUNTLEY, HUNTLEY SURVEY & DESIGN, PLLC (On file at HSD)
  - EXISTING CONDITION SURVEY, LAND OF THE CITY OF KEENE LOCATED ON GILBO AVE, ST JAMES STREET & LAMSON STREET, KEENE, NH, DATED JULY 22, 2016; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
  - ALTA/ACSM LAND TITLE SURVEY, LAND OF NATIONAL GRANGE MUTUAL INSURANCE COMPANY, DATED SEPTEMBER 20, 2012; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
  - RAILROAD SQUARE REDEVELOPMENT PROJECT, RAILROAD STREET, 93RD STREET & NORWAY AVE, KEENE, NH, DATED FEBRUARY 2, 2012; BY RUSSELL J. HUNTLEY, SVE ASSOCIATES (On file at KED, HSD and SVE)
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**FOR PLANNING BOARD REVIEW  
-NOT FOR RECORDING-**

**Proposed Conditions  
Boundary Line Adjustment**

**BETWEEN PUBLIC HIGHWAYS & PARCELS OF  
The City of Keene**

located at  
Gilbo Avenue, Main Street, Tax Map 575 Lots 013-000-000 & 014-000-000  
Keene, Cheshire County, New Hampshire  
Book 710, Page 552 & Book 649, Page 240

Sheet 2 of 2

Surveyed 07/2022 Plan prepared 02/15/2024  
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R.J.H. 3/06/24 REVISED PER STAFF COMMENTS





**CITY OF KEENE**  
NEW HAMPSHIRE

**MEMORANDUM**

**TO:** Planning Board  
**FROM:** Jesse Rounds, Community Development Director  
**DATE:** March 15, 2024  
**SUBJECT:** Proposed Amendments to the Planning Board Fee Schedule

**Overview:**

At the Planning Board meeting on Monday, March 25, 2024, there will be a public hearing on three proposed amendments to the Planning Board's fee schedule, which was last revised in 2021 when the Land Development Code (LDC) went into effect. These fee updates are related to the method of mailed notice for Planning Board applications, the establishment of an application fee for the new Cottage Court Overlay Conditional Use Permit (CUP) application, and the creation of additional application fees associated with the review of Earth Excavation Permit applications.

If approved by the Board, these fee changes would be included as part of an ordinance application alongside fee updates for other City Boards. This ordinance application would be submitted to the City Clerk's Office for review by the Joint Planning Board & PLD Committee and City Council with the ultimate goal that these amendments be incorporated into the LDC & Chapter 100 of Appendix B of City Code.

**Background:**

In order to reduce the cost of mailing notice letters to abutters and other required parties as part of the Planning Board and Minor Project Review Committee application processes, Community Development Staff are recommending that the Planning Board adopt amendments to the following existing sections of LDC: Article 25.10.5.B.7, Article 25.12.5.I, Article 25.16.9.A.c, and Article 25.19.4. The recommendation is to change the mailed notice requirement in these sections from "Certified Mail" to a "Certificate of Mailing". Changing this requirement will reduce the notice costs for Applicants and reduce the amount of staff time spent mailing letters while still meeting the intent of the notice requirements outlined in NH RSA 676:4.

It is also recommended that the Board adopt a \$100 application fee for Cottage Court Overlay CUP applications when/if the ordinance is approved. This fee is in line with the Board's existing fees for other CUP applications. The final recommendation is that additional application fees related to the review of Earth Excavation Permits applications be created to cover some of the cost associated with the staff time required to review these types of applications. All of the recommended fee changes are outlined in the attached red-lined version of the existing fee schedule.





**CITY OF KEENE**  
NEW HAMPSHIRE

**Chapter 100. Land Development Code (LDC) Fee Schedule**

*The proposed changes to the fee schedule are shown in **red** below. Existing fees to be removed or changed are crossed out.*

**ZONING APPLICATIONS**

- Zoning Variance Application Fee.....~~\$100.00~~ **\$250.00**
- Zoning Special Exception Application Fee.....~~\$100.00~~ **\$250.00**
- Expansion or Enlargement of a Nonconforming Use Application Fee.....~~\$100.00~~ **\$250.00**
- Equitable Waiver of Zoning Dimensional Requirements Application Fee.....~~\$100.00~~ **\$250.00**
- Zoning Administrator Written Interpretation Application Fee.....\$125.00

**SUBDIVISION APPLICATIONS**

- Subdivision Application Fee.....\$200.00 + \$100.00 per lot
- Conservation Residential Development Sub. Application Fee.....\$200.00 + \$100.00 per lot
- Boundary Line Adjustment Application Fee.....\$100.00 + \$20.00 per lot
- Voluntary Merger Application Fee.....\$100.00 + \$20.00 per lot
- Request to extend expiration of conditionally approved subdivision.....\$25.00 for 1st request, \$50 for each request thereafter

**SITE PLAN / ADMINISTRATIVE PLANNING REVIEW APPLICATIONS**

- Major Site Plan Application Fee.....\$250.00 + \$0.05 per sf gross floor area of new construction
- Minor Site Plan Application Fee.....\$250.00 + \$0.05 per sf gross floor area of new construction
- Request to modify an approved site plan.....\$250.00 + \$0.05 per sf gross floor area of new construction
- Request to extend expiration of conditionally approved site plan.....\$25.00 for 1st request, \$50 for each request thereafter
- Administrative Planning Review Fee.....\$125.00

**PLANNING BOARD ADVICE & COMMENT**

- Application Fee.....\$25.00

**CONDITIONAL USE PERMIT (CUP) APPLICATIONS**

- **Cottage Court Overlay CUP Application Fee.....\$100.00**
- Telecommunications CUP Application Fee .....\$300.00
- Hillside Protection CUP Application Fee.....\$100.00
- Surface Water Protection CUP Application Fee.....\$100.00
- Congregate Living and Social Services CUP Application Fee.....\$100.00
- Solar Energy System CUP Application Fee .....\$100.00

**HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS (COA) APPLICATIONS**

- Major Project Application Fee.....\$50.00
- Minor Project Application Fee.....\$25.00
- Request to modify an approved Major Project COA.....\$50.00

**STREET ACCESS PERMIT APPLICATION**

- Application Fee.....\$50.00

**FLOODPLAIN DEVELOPMENT APPLICATION**

- Application Fee.....\$50.00+\$100 per acre (or portion thereof) of special flood hazard area proposed to be altered

**SIGN PERMIT APPLICATION**

- Applications with total project cost of \$5,000+.....\$100.00 +\$10.00 per \$1,000 of total project value
- Applications with a total project value less than \$5,000.....\$100.00

**EARTH EXCAVATION PERMIT APPLICATION**

- **Earth Excavation Permit Application Fee.....\$50.00**
- **Earth Excavation Permit Application Fee.....\$250.00**
- **Earth Excavation Permit Major Amendment Application Fee.....\$250.00**
- **Earth Excavation Permit Minor Amendment Application Fee.....\$125.00**
- **Earth Excavation Permit Renewal Application Fee.....\$250.00**

**SERVICE CONNECTION PERMIT**

- Engineering Inspection Fees.....\$55.00 per hour

Connection Type	Fee	Basis
Water, ≤ 2"	\$100	<ul style="list-style-type: none"> <li>• 15 minutes of review/approval by the City Engineer</li> <li>• 2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</li> </ul>
Water, > 2"	\$200	<ul style="list-style-type: none"> <li>• 30 minutes of review / approval by the City Engineer</li> <li>• 2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</li> <li>• 2 visits to observe disinfection testing procedure and review lab results</li> </ul>
Sewer, design flow ≤ 5000 GPD	\$100	<ul style="list-style-type: none"> <li>• 15 minutes of review/approval by the City Engineer</li> <li>• 2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</li> </ul>

Sewer, design flow > 5000 GPD	\$200	<ul style="list-style-type: none"> <li>1 hour of review/approval by the City Engineer</li> <li>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</li> </ul>
Storm Drain, ≤6"	\$100	<ul style="list-style-type: none"> <li>15 minutes of review/approval by the City Engineer</li> <li>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</li> </ul>
Storm Drain >6"	As determined by the Public Works Director	<ul style="list-style-type: none"> <li>Storm drain connections to the City's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</li> </ul>

**ZONING TEXT OR ZONING MAP AMENDMENT**

- Application Fee.....\$100.00
- Published Public Notice Fee.....~~\$90.00~~ **Cost Reimbursed to City Clerk's Office After Ad is Run**

**LAND DEVELOPMENT CODE AMENDMENT**

- Application Fee.....\$100.00
- Published Public Notice Fee.....~~\$90.00~~ **Cost Reimbursed to City Clerk's Office After Ad is Run**

**SUSTAINABLE ENERGY EFFICIENT DEVELOPMENT OVERLAY DISTRICT INCENTIVE**

- Application Fee.....\$100.00

**NOTICE & RECORDING FEES**

- **Mailed Public Notice:**
  - Postage for ~~Certified mail~~ **Certificate of Mailing**.....Current USPS **Certificate of Mailing** certified mail rate
  - Postage for First Class mail.....Current USPS First Class mail rate
- **Published Notice:**
  - Printing fee for legal advertisement in newspaper.....\$62.00
- Recording Fee.....Current Cheshire County Registry of Deeds Fee, Including LCHIP fee