

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, January 27, 2025

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington
Mayor Jay V. Kahn
Councilor Michael Remy
Sarah Vezzani
Armando Rangel
Ryan Clancy
Kenneth Kost
Randyn Markelon, Alternate
Michael Hoefler, Alternate
Stephon Mehu, Alternate

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner
Megan Fortson, Planner

Members Not Present:

Roberta Mastrogiovanni
Tammy Adams, Alternate

I) Call to Order

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. The Chair invited Stephon Mehu to join the session as a voting member.

II) Election of Chair, Vice Chair, & Steering Committee

A motion was made by Kenneth Kost to nominate Harold Farrington as Chair of the Board. The motion was seconded by Councilor Remy. The motion carried on a unanimous vote.

A motion was made by Councilor Remy to nominate Roberta Mastrogiovanni as Vice-Chair of the Board. The motion was seconded by Armando Rangel. The motion carried on a unanimous vote.

A motion made by Chair Harold Farrington to nominate Armando Rangel as the third member of the Steering Committee. The motion was seconded by Councilor Remy. The motion carried on a unanimous vote.

III) Minutes of Previous Meeting – December 16, 2024

Chair Farrington noted Upcoming Dates of Interest were not included in the minutes.

A motion was made by Mayor Kahn to approve the December 16, 2024, meeting minutes as amended. The motion was seconded by Councilor Remy and was unanimously approved.

IV) Final Vote on Conditional Approvals

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

Mari Brunner, Senior Planner, stated there are two applications ready for final vote this evening. Project PB-2024-07 – Dinkbee’s Gas Station Redevelopment Major Site Plan – 510 Washington Street is one of the applications ready for a final vote.

This is a major site plan that was conditionally approved on August 26, 2024.

There are three conditions of approval that were precedent to final approval: Owner's signature shall appear on the plan; Submittal of security for landscaping, sedimentation and erosion control, and as built plans; Submittal of five full size paper copies and one digital copy of the final plan.

All those conditions have been met.

A motion was made by Councilor Remy that the Planning Board issue final site plan approval for PB-2024-07. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

The Mayor felt this was a great improvement for the east side. Chair Farrington answered in agreement and noted that this would be a benefit for the new dwelling units next door.

Ms. Brunner stated the second item is PB-2024-15 for the Monadnock Conservancy Headquarters, located at 0 Ashuelot Street. This is a major site plan application. This plan was conditionally approved on November 25th, 2024. There were three conditions of approval precedent to final approval: Owner’s signature appears on the plan; Submittal five paper copies and one digital copy of the final plan; Submittal of a security to cover the cost of sediment and erosion control, landscaping and as built plans. All of those conditions have been met.

A motion was made by Mayor Kahn that the Planning Board issue final site plan approval for PB-2024-15. The motion was seconded by Councilor Remy and carried on a unanimous vote.

V) Public Hearings

a) PB-2024-21 – 2-lot Subdivision – 141 Old Walpole Road – Applicant and owner, James A. Craig, proposes to subdivide the ~32.17-ac parcel at 141 Old Walpole Rd (TMP #503-006-000) into two lots ~24.61-ac and 7.56-ac in size. The parcel is located in the Rural District.

A. Board Determination of Completeness

Planner Evan Clements stated the applicant has requested an exemption from submitting a traffic analysis, drainage report, soil analysis, and other technical reports and analyses. After reviewing each exemption request, staff have made the preliminary determination that granting the request would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Councilor Remy that the Board move to find the application PB-2024-21 complete. The motion seconded by Stephon Mehu and was unanimously approved.

B. Public Hearing

Mr. John Bushbaum, surveyor, addressed the Board and introduced Mr. Jim Craig, the property owner.

Mr. Jim Craig, owner of the property at 141 Old Walpole Road, stated that he and his wife purchased this property 48 years ago. He stated that prior to him purchasing this land, it was subdivided into four lots in 1971. He stated that the previous owners had planned to sell a portion of the land to be developed for a Baptist Church. Mr. Craig stated the previous owners had gone through a foreclosure process, during which he purchased some of the property. He noted to the entire area of the property he purchased and explained he did not purchase the farmhouse. David and Kim Bergeron eventually purchased the farmhouse.

Mr. Craig stated they have decided to subdivide their property, as it is getting difficult to maintain the property. The proposal is to subdivide the portion of land on the eastern corner of the property.

He indicated he did have the property surveyed recently, and he learned that he only owned 33 acres—not 38 acres, as he originally thought he did. He stated this subdividing would allow them to continue to live here for several more years.

Mr. Bushbaum addressed the Board next and stated the property has been surveyed and has been subdivided according to the applicants' objectives. He noted to a small wetland area on the property, which is within the 50-foot setback. He noted this does restrict the location of a driveway, and there is still plenty of opportunity for a driveway to be located. This concluded the applicant's comments.

Staff comments were next.

Mr. Clements addressed the Board. He stated the parent parcel is an existing roughly 32-acre parcel on old Walpole Road. It is located on the north side of the road, directly adjacent to a low-density residential zoning district and the Hilltop Drive Intersection. It is approximately 2800 feet northwest of the roundabout where 12A intersects. Municipal water and sewer are located roughly 500 feet down Old Walpole Road away from the property. Mr. Clements indicated there are some notable existing features on the site, including an old private road, Aaron Reed Road, and sloping fields.

The proposed new lot is very suitable for development, especially at the proposed 7 1/2-acre size. The parcel is relatively flat. Staff do not believe that this proposed development is scattered or premature.

In regard to the preservation of existing features, there are multiple areas within the lot for a small-scale residential development, which is appropriate for the rural zoning and not overly impacting the other rural aspects of the lot itself.

Regarding monumentation, monumentation is proposed and will be reviewed by the City Engineer. This review is recommended as a condition of approval.

Regarding flooding, the property is not located within any special flood hazard areas.

The applicant states in their narrative that, in regard to Fire Protection and water supply, there are municipal fire hydrants approximately 50 feet from the parent parcel and the fire department had no issues with this proposal.

Regarding utilities, the lot has the capacity for a private well and septic or a future owner can choose at their expense to extend those utilities and hook up to municipal services.

Mr. Clements reviewed the conditions of approval next.

Mayor Kahn asked whether there was adequate soil for a septic system on the property. Mr. Clements stated the applicant was asked to complete a percolation test and test pits as well as a 4K septic area, which this seems to be in order. He added, considering the size of the lot, there is no subdivision approval required, and Staff are confident that sanitary facilities would function on this site.

Mr. Kost referred to the Land Development Code 20.2.4 - Preservation of Existing Features. He noted to the stone walls, rock out cropping, etc. On the site. It says *The applicant has not proposed any permanent restrictions or other legal instruments to protect these notable features.* He asked to clarify if someone wanted to develop this property, they could remove these existing features.

Mr. Clements agreed they could and added there are no proposed restrictive covenants related to these assets. The property owner has control over who they sell the property to. He added based on the conversations staff had with Mr. Craig, Mr. Craig seems motivated to find somebody that would appreciate the land as much as he does.

Mr. Kost stated there is language that states that proposed development be designed to fit the landscape and to minimize significant landscape alteration. He asked whether this statement would go towards the concern he has raised. Mr. Clements stated perhaps an additional condition of approval could be included to encourage something like that. Mr. Clements wasn't sure how that could be enforced if a single-family development was constructed. Ultimately, that would be up to the Board to decide. Mr. Kost stated he understands private owners can do what they want with their land. However, in this region, walls and such features are part of our environment, and it would be nice if it could be protected.

The Chair asked whether a new buyer could, perhaps, locate three homes on this piece of land or whether there were other frontage and restrictions in Staff review that would limit that. Mr. Clements stated the lot could be further subdivided if they could connect to city water and sewer. They would also be eligible for a Cottage Court development, which would definitely increase the quantity of development on the lot.

Chair Farrington asked about the driveway access. Mr. Clements stated the intent is to have the end user come in for a street access permit for a new driveway. A shared driveway is not currently proposed with this application.

The Mayor asked whether the abandoned street runs in the middle of the Bergeron property. Mr. Clements stated his understanding is that the Craig residence uses it as their driveway and it continues north, beyond where their driveway turns off to access the residence. Ms. Brunner noted it runs in the middle and is outlined by stone walls. She added that the driveway is about 24 to 25 feet wide.

The Chair asked for public comment next.

Mr. Jason Frost of 61 Hilltop Drive addressed the Board and stated he is an abutter and could probably speak for most of the people present today. He stated he always admired the Craigs and the effort that they have put into preserving that area. He talked about walking his dog and ice skating on the vernal pools. He stated he fully supports the Craigs and what they are trying to do.

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

C. Board Discussion and Action

A motion was made by Councilor Michael Remy that the Planning Board approve PB-2024-21 as shown on the plan set identified as “Minor Subdivision Plan” prepared by Envirespect Land Services, LLC at a scale of 1 inch = 100 feet, dated December 18, with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:

A. Owner’s signature appears on the plan.

B. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.

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

The motion was seconded by Mayor Kahn.

Councilor Remy stated it is nice to see an opportunity for increased housing. He stated there is no regional impact from this application.

Ms. Vezzani stated it is nice to see neighbors present to support the development and the applicant, and she was comfortable moving forward with the request.

Mr. Kost stated he likes the idea of the opportunity for increased housing. He stated he also likes the idea of cottage court. He stated he would like to discuss LDC 20.2.4, which states *Proposed development be designed and located to fit into the landscape in order to minimize significant landscape alterations*. Mr. Kost asked whether this is something that could be added as part of the conditions of approval. Ms. Brunner stated the Board could add a condition but, as Mr. Clements had stated, enforcement of the condition would be difficult; once the parcel is

subdivided and someone were to construct a single-family home, they wouldn't have to go through any sort of approval before a Board. Hence, it would really be up to the building permit staff who are reviewing the building permit application to notice that there was a condition from the Planning Board. She added, for a condition, it would be difficult for staff to decipher exactly what that means.

Councilor Remy stated what is being suggested seems aspirational and hoped the person who purchases the land fits in with the neighborhood. He also added building single-family homes affordably is difficult and did not want to add any more restrictions.

Ms. Vezzani stated she agrees with Councilor Remy and stated she is uncomfortable placing restrictions on something the city can't commit to following up on.

Mr. Mehu stated, in the event this application is approved, as it is a new lot and a new deed must be written, perhaps the Board could ask if the Craigs are interested in adding this language into their deed.

Ms. Markelon stated her concern would be the Board has not done this before and questioned why the Board is choosing this one parcel to put that note on.

Mr. Clancy stated he looked up the RSA 472-6, which states stone walls that are boundary markers are protected, unless both property owners agree to dismantle them. It is only the internal stone walls that would be at risk from changing. He felt it was the Board's purview to hold the applicant accountable for this.

Chair Farrington clarified cottage court development is permitted in the rural district. Mr. Clements stated it was, as long as there is water and sewer.

This concluded Board comments.

The motion carried on a unanimous vote.

b) PB-2024-22 – 2-lot Subdivision – Monadnock Conservancy, 0 Ashuelot St – Applicant BCM Environmental & Land Law PLLC, on behalf of owner JRR Properties LLC, proposes to subdivide the ~3.53-ac parcel at 0 Ashuelot St (TMP #567-001-000) into two lots ~2.45-ac and ~1.09-ac in size. The parcel is located in the Commerce District.

A. Board Determination of Completeness

Planner Evan Clements stated the applicant has requested exemptions from submitting a traffic study, drainage report, soil analysis, and other technical reports. After reviewing each exemption request, Staff have made the preliminary determination that granting the request would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Councilor Remy that the Board accept PB-2024-22 as complete. The motion was seconded by Mayor Kahn and was unanimously approved.

B. Public Hearing

Ms. Tara Kessler, Planner Paralegal with BCM Environmental Land Law, addressed the Board and introduced Liza Sergeant of SVE Associates. Ms. Kessler stated they are before the Board representing JRR Properties LLC, who is seeking a two-lot subdivision of its 3.5-acre parcel at 0 Ashuelot Street.

Ms. Kessler noted that in November, the Board approved a site plan for Monadnock Conservancy to build its regional headquarters on the northeast portion of the parcel. The item before the Board today is for a subdivision, which would allow JRR properties to donate about an acre of land to the Monadnock Conservancy at the northeast corner of the parcel and the remaining 2.44 acres to the city for use as a city park.

Next, Ms. Kessler addressed the subdivision standards and outlined how this application meets those standards.

With respect to Lots — Standard 20.2.1 — This parcel is in the commerce district and is 3.5 acres in size. The proposal is to subdivide and create a 1.08-acre lot and a 2.44-acre lot, each with well over 50 feet of road frontage, which is the minimum required in the commerce district. The minimum lot size required in the commerce district is 15,000 square feet. It appears this standard has been met.

Character of Land — The parcel is a flat piece of land, currently undeveloped and was used as overflow parking for the Colony Mill. In 2022, it was converted to turf and grass. The site does not have any surface water or wetland. The majority of the property is in the 100-year floodplain.

Ms. Kessler noted a floodplain development permit would be required to develop on this site. The applicant has submitted a floodplain development permit, and the permit hasn't been issued as it is waiting for a few items to be submitted. An Alteration of Terrain Permit has been issued for the development.

Floodplain compensation is required for any development in the floodplain. Monadnock Conservancy has proposed a compensation area, which is going to span some of the Conservancy's parcel and some of the city parcel. There would be easements required for the Conservancy to maintain their flood storage on the city land, which is outlined as a condition of approval.

Scattered or Premature Development — The lot is located on Ashuelot Street, which is a fairly well-travelled road. There is access to sewer and water on Ashuelot Street. The property is in proximity to the existing fire hydrants and is about 1/2 mile away from the fire station. This standard appears to be met.

Ms. Kessler stated that there is a city storm drain that runs through what will be primarily the city-owned parcel. The city is working with the Conservancy to remove that existing storm drain and replace it with a riparian swale. The riparian swale will be part of the compensation area for floodplain that is required for the development.

Preservation of Existing Features — Aside from the storm drain, there are no significant existing features on the parcel that would warrant preservation.

With respect to the site development standards — Ms. Kessler stated the Board did a thorough review of the proposed development on the site in November. With respect to the subdivision aspect of this project, there is City sewer and water available. There are no wetlands or surface waters that would be impacted. There are no known hazardous materials. This concluded Ms. Kessler’s presentation.

The Mayor asked what the process would be to accept this gift of land. In this application, there isn’t any assumption that the acceptance is presumed to be approved as a result of this subdivision. Ms. Kessler stated that if the city approved the subdivision tonight, the two lots would remain under the ownership of JRR Properties. There is an agreement between the city and JRR Properties for the donation of the 2.44-acre parcel and a contingency of that agreement is this subdivision tonight.

Councilor Remy noted if the city, for some reason, rejects the donation of land, the 2.44 acres would still be owned by JRR Properties, and it would be a commercial lot with the easements on it.

Ms. Kessler stated her client’s primary interest, with respect to the 2.44-acre parcel, is that it be used as a city park. If, for some reason, the city were to reject the donation, JRR Properties does not have anything else intended for that lot.

Staff comments were next.

Mr. Clements began by stating that the Planning Board doesn’t have statutory authority to accept land on behalf of the city, only City Council can do that.

Mr. Clements went on to say that the purpose of this application is to subdivide the existing 3.5-acre parcel located at 0 Ashuelot Street, which is zoned in the commerce district into two lots. Lot 1 will be just under 1.1-acres in size with 185 feet of frontage along Ashuelot Street. Lot 2 will be a 2.44-acre parcel with 191 feet of frontage along Ashuelot Street.

Mr. Clements reviewed the proposed conditions of approval. This concluded staff comments.

Mr. Peter Hansel, Board member of Monadnock Conservancy, stated he hoped the Board would approve this request. It has been in their plan for a long time.

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

C. Board Discussion and Action

A motion was made by Mayor Kahn that the Planning Board approve PB-2024-22 as shown on the plan set identified as “Two Lot Subdivision Land of JRR Properties LLC” prepared by Huntley Survey & Design, PLLC at a scale of 1 inch = 30 feet, dated October 31, 2024 and last revised January, 8 2025 with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:

A. Owner’s signature appears on the plan.

B. Inspection of lot monuments by the Public Works Director or their designee following their installation or the submittal of a security in an amount deemed satisfactory to the Public Works Director to ensure that the monuments will be set.

C. Submittal of a revised subdivision plat with the proposed flood storage compensation easement shown on the plan.

D. Submittal of draft easement documents for review by the City Attorney.

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

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

A. Prior to the issuance of a building permit for new construction, a copy of the executed and recorded easement documents shall be submitted to the Community Development Department.

The motion was seconded by Councilor Remy.

Councilor Remy stated there was no regional impact from this application. Overall, it was a good proposal. He added that he hoped the cost pertaining to the easement could be kept net neutral for the city, specifically for the maintenance of that easement. The Councilor felt this is a much better use of the land.

Chair Farrington felt this was going to be a good show case for one of the connections Keene has for outdoor living.

Mayor Kahn complimented the Monadnock Conservancy. He stated he wanted to advocate for this subdivision and felt this was an asset to the city.

The motion was unanimously approved.

c) PB-2024-23 – Major Site Plan & Surface Water Protection Conditional Use Permit – Shooting Range, 19 Ferry Brook Rd – Applicant SVE Associates, on behalf of owner Cheshire County Shooting Sports Education Foundation Inc., proposes to modify the approved site plan for the shooting range at 19 Ferry Brook Rd (TMP #214-021-000) to include a gravel shooting berm and an area of constructed wetlands on the southern portion of the site. A Surface Water Protection Conditional Use Permit is requested to allow the berm and other existing site features to be located within the 75’ surface water buffer. The parcel is 55-ac in size and is located in the Rural District.

The Chairman recused himself from this application as he is a member of the shooting range.

A motion was made by Mayor Kahn to nominate Armando Rangel as Chair Pro Tem for this item. The motion was seconded by Kenneth Kost and was unanimously approved.

A. Board Determination of Completeness

Planner Megan Fortson stated the applicant has requested exemptions from submitting a landscaping plan, lighting plan, elevations, traffic analysis, historic evaluation, screening analysis, and architectural and visual appearance analysis. After reviewing each request, staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of the application and recommend that the Board accepts the application as complete.

A motion was made by Councilor Remy that the Board accept PB-2024-23 as complete. The motion was seconded by Stephan Mehu and was unanimously approved.

B. Public Hearing

Liza Sargent of SVE Associates addressed the Board. Ms. Sargent stated that as part of the site plan approval in 2020, the applicant located their indoor range in the southern portion of the site. When Staff inspected the site, they found a number of items that needed to be addressed. The first was a berm, which was not shown on the approved plan. The berm was constructed a number of years ago. As part of this approval, the berm was located on the plan, which is used as a shooting range. A certified wetland scientist was hired to delineate wetlands, and, during that review, it was realized that the 75-foot wetland buffer includes part of that existing shooting range.

This application is being made in an effort to get the project into compliance. In order to do that, the applicant initially wanted to apply for a CUP for the 30-foot buffer reduction. The area of impact within what would have been the 30-foot buffer is approximately 1,227 square feet. The applicant would propose a constructed wetland in that location, which would be double in size at 2,785 square feet. However, after discussion with Staff, the applicant was advised that the berm structure would not need to be reduced to the 30-foot buffer, but they could maintain the 75-foot and request that the berm be maintained within that area.

Ms. Sargent stated the other item the applicant is requesting is an outlet for the drainage structure to treat the runoff from the indoor shooting range. It was initially approved on the east side but the applicant would like to locate it on the west corner.

The applicant met with the Conservation Commission last week and they had several recommendations on pollinator mix for vegetating the berm, as well as some conditions regarding the plantings in the constructed wetland. This concluded Ms. Sargent's comments.

Councilor Remy asked what the changes are from the current state of this site.

Ms. Sargent stated they are proposing to construct the wetland to offset the impacts of the berm, which has been on the site for several years. She added they are also requesting to relocate the drainage outlet. There is also some topsoil and boulders, which would be removed from the 75-foot buffer.

Mayor Kahn asked to clarify what is being requested to be moved from one side to the other side of the site. Ms. Sargent clarified that as part of the approval in 2020 for the indoor shooting range, there was a level-spreader stormwater structure proposed. The emergency overflow for that structure is being proposed to be moved to the other side of the site. Ms. Sargent stated that the emergency stormwater overflow would flow through the rip-rap apron and eventually into

the wetland buffer on the lower part of the property. Mayor Kahn asked to clarify that the berm would remain in place as it is today. Ms. Sargent clarified that it would remain in place, while the applicant needs to ensure that there is sufficient vegetation on the berm.

Mayor Kahn asked whether neighbors have experienced any shooting range targets in the berm. Ms. Sargent referred that question to a member of the Cheshire County Shooting Sports Education Foundation (CCSSEF).

Otto Busher of 20 Bradley Court in Jaffery, Chairman of CCSSEF Board, stated the range has been at this location for a hundred years and CCSSEF is sensitive to their neighbors. There would be no changes to the shooting. They only used the berm twice a week in the summer as an overflow of facility

Mr. Clancy asked how close the road is to the berm. Mr. Busher noted Ferry Brook Road is not shown on the map before the Board, indicating it is quite a distance away with a buffer between the site and the public road. They are proposing to add a wetland and more of a buffer with this application.

Mr. Rangel asked what other options were considered in deciding how to deal with the portions of berm within the surface water buffer. Ms. Sargent stated the amount of earth disturbance, if the berm was removed, would be a lot and would have more negative impacts to wetlands. The wetlands scientist decided this would be the best location for the constructed wetland.

Mr. Kost clarified the idea of the constructed wetlands is to mitigate the amount of the berm that is going into the buffer. Ms. Sargent answered in the affirmative. Mr. Kost asked when the berm was built, and Ms. Sargent stated it was prior to 2020. Mr. Kost asked whether the 75-foot buffer was in place at that time. Ms. Sargent referred this question to staff.

Ms. Brunner stated the berm was not present in the 2015 aerial imagery and the surface water buffer was already in place at that point. Staff believes the berm was built after the Surface Water Protection Ordinance was in place. However, Ms. Brunner noted the applicants did not knowingly construct something in the buffer without going through the approval process. She indicated the applicant has worked with staff readily to try to come into compliance.

Staff comments were next.

Ms. Brunner stated Ms. Fortson will be reviewing the staff report but Ms. Brunner wanted to report on the Conservation Commission's review of this application. She stated the Conservation Commission conducted a site last week and held a meeting to discuss this project. One of the items that staff asked them to weigh in on was given the fact that this berm has been at this location for nearly 10 years, did the Commission feel keeping the berm at this location and building constructed wetlands would be a better outcome than requiring the applicant to remove the berm. The Commission seemed to be fully in support of this plan and did state that they felt that the mitigation was a better approach than asking the applicant to remove the berm. Removing the berm would have more of a negative impact on the wetland system than keeping it there.

Ms. Brunner stated the Commission did have some comments regarding pollinator-friendly plantings. One of the conditions Staff is recommending is to inspect the landscaping after installation in one year to ensure that it survives. This was another concern raised by the

Commission. Ensuring the area stays clear of invasive plant species and ensuring sufficient longevity of the plants was a concern for the Commission.

Ms. Fortson addressed the Board next. This is a 55-acre parcel. The southernmost portion of the parcel is located at the intersection of Ferry Brook Road and Sullivan Road. The northernmost property boundary is right along the Sullivan town line. There are several outdoor features on the site related to its use as an outdoor shooting range. There is a clubhouse, indoor shooting range, a trailer used as classroom space, and the southwestern portion of the parcel is where the shooting range is located.

Ms. Fortson stated that this property is surrounded by single family uses and undeveloped parcels. The property first came before the Planning Board for site plan review in 2013, when the applicant was initially looking to construct a 26,000 square foot indoor shooting range. This approval was followed up with a modification to that approved site plan. The modification was for the removal of some parking spaces to reduce the total amount of impervious surface on the site. This modified approval—Modification 1—was never acted on, and an updated application was submitted in July 2020, including the large level spreader on the site plan. The applicant met all conditions of approval, and the plans were signed by the Chair.

During site inspections after the indoor shooting range was constructed, Staff noticed quite a few deviations from the approved site plan. Engineering Staff visited the site and believed the stormwater level spreader could not function as it was installed. There is also a trailer that has been added to the rear of the site, which Staff were not aware of. Because of the discrepancies between the plan that was approved in 2020 and Staff viewing existing conditions of the site, the applicant came back to the Board and received approval for those site modifications.

In December last year, the applicant attended a monthly pre-submission meeting to see what the process would be to allow for portions of the berm within the 75-foot surface water buffer to remain there.

Ms. Fortson noted Article 11 of the Land Development Code, which is the Board's Surface Water Protection Ordinance, the berm is considered a structure that is within the buffer. Thus, the applicant is requesting that the structure continue to be allowed to be maintained within the buffer and other small site modifications.

There is about 9,500 square feet of berm that is proposed to remain as a permanent site feature within the surface water buffer. The applicant is proposing to extend the area of existing wetlands that are to the west of the berm to offset the impact that the presence of the berm within the surface water buffer may have.

Ms. Fortson explained that as part of the surface water protection process, there are a few options for the applicant. The applicant can obtain a Conditional Use Permit to allow for a structure to be within the buffer, or they can request a buffer reduction. In this case, Staff did not feel a buffer reduction was appropriate. This would have reduced the buffer from 75 feet to 30 feet. Ms. Fortson noted this is only an appropriate process when an applicant wants to have something of a prohibited use within the surface water buffer. In this case, the berm is considered a structure, which is an allowed use. The applicant is going through the approval process, because the berm was constructed without their knowledge. The applicant is also providing mitigation in the form

of a constructed wetland, which is not required for a surface water CUP under the City's Land Development Standards.

Staff does not feel there is going to be any regional impact from the application, even though it shares a municipal boundary.

In terms of Staff comments, engineering staff had concerns regarding grading and exemption requests for a drainage analysis and soil analysis. The applicant responded to questions from City Engineering Staff and did submit both of those items. These issues have been resolved.

The zoning Staff had asked the applicant to clarify whether this was a buffer reduction request or CUP. The applicant has indicated it is a CUP.

Ms. Fortson next reviewed the Surface Water CUP Standards and Site Development Standards. The actual uses being reviewed under the CUP Standards are the berm being located within the buffer and the installation of the emergency spillway within the buffer.

Ms. Fortson noted to the aerial imagery where there is reference to trails. These are old, wooded trails that used to access a dam that is shown in black in one of the areas. This dam no longer exists, but the trails are still used by the shooting range, which is an allowed use within the surface water buffer.

Ms. Fortson clarified that almost 3,000 square feet of artificial wetlands are proposed to be added. Ms. Fortson added the wetlands are going to be created by having a wetland scientist perform about 103 cubic square feet of excavation in the area. They will create a series of mounds and pools and install a variety of plantings.

In terms of the recommended conditions of approval, planning Staff are recommending submittal of security to cover the cost of that landscaping as well as the completion of initial landscaping inspection after the wetlands have been constructed and an inspection after the first year to ensure the wetlands are going to thrive. This is something the Conservation Commission had requested as part of their review of the project.

Ms. Brunner stated she wanted to clarify that at the Conservation Commission meeting it was noted that the wetland was going to be manually constructed by volunteers from the shooting range – there is some sweat equity being put into this.

Ms. Fortson reviewed the outlined conditions of approval:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owner's signature appears on the CUP/site plan and constructed wetlands exhibit.
 - b. Submittal of five full-sized paper copies of the proposed conditions plan, constructed wetlands exhibit, and wetlands setback exhibit to the Community Development Department.
 - c. Submittal of a security in a form and amount acceptable to the Community Development Director and City Engineer to cover the cost of landscaping and sediment/erosion control measures.
 - d. Submittal of an approved Alteration of Terrain Permit application, if deemed necessary by NH DES. The approved permit number shall be included on the final plans.

2. Subsequent to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:
 - a. Prior to the commencement of site work, a pre-construction site visit shall be scheduled with Community Development Staff. In addition, 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 for compliance with this application and all City of Keene regulations.
 - b. With six months of the date of final approval for this application, the topsoil and boulder piles within the 75' surface water buffer shall be removed. The buffer shall be flagged by a wetlands 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.
 - c. Following the completion of the construction of the artificial wetlands, the applicant shall contact the Community Development Department to schedule initial and final landscaping inspections of the wetlands and stabilized berm.
 - d. After all conditions subsequent for the previous site plan application, SPR-01-13 Modification #3, have been completed and all site work has been inspected for compliance with the approved plan and all City of Keene regulations, the security on file for the project shall be released.

This concluded Staff comments.

Mr. Kost stated there was a reference to pollinator plants to stabilize the berm. He asked whether this is also something that gets inspected by staff. Ms. Fortson stated if the applicant was to install pollinator-friendly species on the berm to stabilize it, this would be something that they would need to be included as part of their landscape security that the applicant would need to be submit. Staff at that point would look at the berm during the initial landscaping inspection and follow up to make sure it is thriving to stabilize the berm. She noted the Conservation Commission had their meeting and came up with their recommendations after the staff report had already been sent out. Hence, the staff report did not include recommendations about pollinator-friendly species, but indicated the Board could include this as a condition of approval related to security.

Councilor Remy pointed out that in the recommended motion, there is a comment about final inspection of the wetlands and stabilized berm.

Mr. Clancy asked what an acceptable amount of security was. Ms. Fortson stated the land development code allows for the submittal of a security reviewed by Planning Staff and the City Engineer's office. For the City, this would be a check to cover the cost of sedimentation, erosion control, landscaping and as built plans (if all three are necessary). The amount depends on what type of landscaping is going to be installed, the extent of the project, and the extent of the erosion control measures.

The Mayor clarified there is a 9,500 square-foot portion of the berm that is currently in the buffer. To compensate, the applicant will be constructing a 2,785 square-foot area to be developed as a wetland.

Liza Sargent clarified that the discrepancy is that the berm created 1,227 square-feet of impact on the 30-foot buffer, and the applicant is proposing to construct a wetland at twice that amount of impact. Ms. Sargent continued by stating that they realized it would be better to keep the 75-foot buffer, and the applicant is not proposing to increase the size of the constructed wetland because it would have been cost prohibitive. If this were a DES wetland application, the cost to construct something big enough to compensate for the square-footage of the berm in the 75-foot buffer, 9,500 feet, would have been cost prohibitive.

Ms. Fortson stated that there is over 9,000 square-feet of impact on the 75-foot surface water buffer. The applicant is not requesting a buffer-reduction to 30 feet, so to offset those areas of the berm, they are proposing to construct the artificial wetlands.

The Mayor stated that the decision that is in front of the Board is to accept a smaller amount of square footage, but it is also a deeper with 103 cubic yards of earth being moved, which is the compensation for the buffer reduction. Ms. Brunner stated this is something that the Planning Board doesn't normally see because typically mitigation isn't something the Board requires. When a structure is proposed within the surface water buffer, an applicant will propose the structure and then they are required to address the different criteria. In this case, the applicant on their own has proposed to go above and beyond and address mitigation because the berm has been in the buffer for quite some time. The constructed wetland is not something that is required.

She added wetland mitigation is something New Hampshire DES would require if an applicant was impacting the wetland itself directly. In this case, the constructed wetland is for the impacts to the wetland buffer. This is something the Board hasn't necessarily seen before.

The Mayor stated the intent is to not be equal, but to be equivalent and this is what the Staff has evaluated; that the value of the creation of the wetland is sufficiently compensating for the smaller buffer. Ms. Brunner agreed but added Staff relies pretty heavily on the expertise of the Conservation Commission and they are very comfortable with this proposal.

Mr. Busher stated that they are increasing the wetlands on their property to offset the mitigation for the 75-foot setback. The desired end state here is that they get more wetlands.

Ms. Fortson added that Staff knew of an area of wetlands to the west of the berm, and Ms. Sargent discovered more wetlands to the north of the berm. The Conservation Commission felt that it is better to leave the berm in its current state, within the 75-foot buffer, and add almost 3,000 square-feet of artificial wetlands, than trying to remove the berm from the buffer.

This concluded Staff comments.

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

C. Board Discussion and Action

A motion was made by Councilor Remy that the Planning Board approve PB-2024-23 as shown on the plan identified as "CUP/Site Plan; Cheshire County Shooting Sports Education Foundation, Inc; 19 Ferry Brook Road; Keene, New Hampshire" prepared by SVE Associates at a scale of 1 inch = 20 feet on January 5, 2024 and last revised on January 7, 2025 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:

- a. Owner's signature appears on the CUP/site plan and constructed wetlands exhibit.
- b. Submittal of five full-sized paper copies of the proposed conditions plan, constructed wetlands exhibit, and wetlands setback exhibit to the Community Development Department.
- c. Submittal of a security in a form and amount acceptable to the Community Development Director and City Engineer to cover the cost of landscaping and sediment/erosion control measures.
- d. Submittal of an approved Alteration of Terrain Permit application, if deemed necessary by NH DES. The approved permit number shall be included on the final plans.

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

- a. Prior to the commencement of site work, a pre-construction site visit shall be scheduled with Community Development Staff. In addition, 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 for compliance with this application and all City of Keene regulations.
- b. Within six months of the date of final approval for this application, the topsoil and boulder piles within the 75' surface water buffer shall be removed. The buffer shall 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.
- c. Following the completion of the construction of the artificial wetlands, the applicant shall contact the Community Development Department to schedule initial and final landscaping inspections of the wetlands and stabilized berm.
- d. After all conditions subsequent for the previous site plan application, SPR-01-13 Modification #3, have been completed and all site work has been inspected for compliance with the approved plan and all City of Keene regulations, the security on file for the project shall be released.

The motion was seconded by Mayor Kahn.

Councilor Remy stated there is no regional impact from this application. He stated he is glad to see the applicant trying to come into compliance and going above and beyond by adding additional wetlands, even though the applicant is not actually impacting wetlands.

Mr. Kost stated if the Conservation Commission recommended some kind of pollinator plants, he would request that language be added, rather than language that indicates a generic stabilized berm.

Mr. Kost proposed an amendment to indicate final landscape inspection of the wetlands with vegetated stabilization for the berm with pollinated plants.

Mr. Clements stated there are pollinator seed mixes that are available, as opposed to mature plantings. He added it is common practice as part of lot stabilization and erosion control to seed large piles with grass seed, which he felt was more of what the applicant was thinking as far as stabilizing the berm.

Ms. Brunner stated the Conservation Commission has recommended a specific mix to the applicant, which would be NE pollinator mix.

Mr. Chris Stanforth, Certified Wetland Scientist, stated in his plan he has recommended a location in Northampton, Massachusetts that specializes in wetland seed mixes. They also have a conservation mix with a pollinator added into that mix. This is what the applicant is planning to use.

Mr. Kost asked whether the Board wanted to add this to the motion language. He stated he would like to see this language added.

Councilor Remy stated he was fine with language that just said stabilized berm, but proposed this amended language: *final landscaping inspections of the wetlands and berm stabilized with a suitable mix of pollinator friendly seeds.*

Ms. Fortson proposed the following language: *submission of security in a form and amount acceptable to the Community Development Director and City Engineer to cover the cost of landscaping, sediment erosion control measures and a pollinator friendly plant mix to stabilize the berm.*

Councilor Remy withdrew his original motion. The Mayor withdrew his second.

Councilor Remy amended the original motion to add item e. to the conditions precedent stating the following: *The inclusion on the plan set of the pollinator friendly seed mix used to stabilize the berm.*

The amendment was seconded by Mayor Kahn.

Mr. Clancy stated he was concerned about that amendment because the applicant is working with the Board to come up with a solution and adding to the plan. The applicant's consultant already has a plan that is going to work. He noted the priority is to stabilize this berm, so it doesn't affect the wetlands. Their experts have concerns about adding in those type of plantings when they have a plan that will stabilize the berm.

Mr. Hoefler noted the Conservation Commission has already weighed in on this and there is a plan in place to stabilize berm.

Ms. Fortson stated as part of the Surface Water Protection CUP review process, projects go before the Conservation Commission for review. It is then the Planning Board's duty to take those recommendations into consideration as they deliberate the application. If the Board wanted to see a pollinator friendly seed mix used to stabilize the berm, the Board would have to include that in the motion.

Mr. Clements added the Conservation Commission's role is to advise the Planning Board and it doesn't have the authority to require items, rather the Board does.

Mr. Hoefler asked where the pollinators come into this conversation. Mr. Busher stated it is from the Conservation Commission last week.

Mr. Kost stated what he was getting at is because the Conservation Commission made a generic recommendation, and his suggestion is to add their recommendation into the motion language.

Ms. Vezani asked whether the Commission's recommendation is included in the Board's packet. Ms. Brunner clarified that when applications get referred by the Planning Board to the Conservation Commission for review, because the Conservation Commission's meeting is the week prior to the Planning Board meeting, Staff do not have time to include the Conservation Commission's feedback into the Board's motion. This is why it wasn't included in the Board's draft motion this evening. It is up to the Board to determine if they want to include it or not. If they want to include it, it will need to be a condition.

Ms. Vezzani stated in that event, it makes sense to include it.

Councilor Remy noted that, as the person who made the amendment, his motion did not specify "northeast mix" as was recommended by the Conservation Commission. He just said "pollinator friendly mix."

The amendment was unanimously approved.

The overall motion was unanimously approved.

Chair Farrington rejoined the session.

**VI) Keene State College Master Plan Presentation – Nathalie Houder & Colin Burdick
Master Plan Update (<https://keenemasterplan.com/>)**

Colin Burdick, Assistant Director of Facility Services, addressed the Board and indicated that Keene State College just finished their campus master plan, which provides them with a fourth tool to their Physical Facility Planning Strategy. He noted they have a Master Plan, a Space Utilization Study, Strategic Portfolio—with one of the pillars being building and infrastructure—and the Gordian Sight Lines Facilities Conditions Report.

He indicated members of the campus community, faculty, staff, students, and community members weighed in on the master plan process. The architecture firm hired to complete the master plan is DuMont and Jenks and to accomplish their work, they took all the feedback and came back with a final analysis.

Mr. Burdick stated the hi-listed projects were placed into a "three bucket approach" that the architects used: Priority Projects, Desirable Projects, and Aspirational Projects.

Priority Projects are ones that if the college had funding it should be looked at with serious consideration in the near term.

Desirable Projects are projects that if funding were to become available through donation, fundraising, or other initiatives, could be planned on a three to seven-year time frame.

Aspirational Projects are creative projects from the architects for finding unique opportunities on campus. These project won't happen unless significant funding comes through.

Priority Projects property de-assessment. About 10 years ago, in the last master plan, the campus was growing. A lot has happened in Higher Ed since then. The campus is now looking to scale back. They are looking to sell, demo, rent or lease certain properties that are underutilized.

Key Renovations include certain buildings that were highlighted, such as Morrison Hall and Parker Hall. These two buildings are on the FY 27 plan to be renovated. The Student Center also needs major renovation. The Student Center was constructed in 1994. Buildings from the mid 90's are starting to catch up and are coming up for deferred maintenance.

Desirable Projects include the following:

Parking – While there are less students on campus, there is currently a different subset of students.

Parking has become a major focus at Keene State. Some of the de-escalation properties could offer parking opportunities.

Open Space System – A pedestrian walkway from north to South. Mr. Burdick noted they have great east to west pedestrian access along Appian Way. However, the north to south Corridor needs some improvement from the pond up to Appian Way. Another highlight the architect suggested was to create some sort of public square, like central square in the student center dining commons area. There are not many places to hold events other than at the student center.

Residential Life Improvements – Some of the Owl's Nests would be planned to be razed to build a residence hall.

It was determined that the west end of Appian Way could provide a good endpoint to Appian Way with the arches on the Main Street, the east side of campus, that provides a nice entrance. This way, there would be a nice entrance and end point.

Aspirational Projects – A new Media Arts Center or student support service. The current Media Art Center is the central part of campus and is a prime real estate spot.

A new academic building where the Thorn Art Gallery is located could help create that north-south corridor

Pond Improvements – Brickyard Pond is not maintained well; however, architects suggested investing in docks, wrap around trails, and other features. These features could provide a great outdoor experience.

Overall View – Elliot and Jocelyn Halls share utilities and you can't have one without the other. Should it be renovated? Should there be a proposed addition? Should \$30 million deferred maintenance from the old hospital wing and have it demolished?

Mr. Burdick noted the Elliott Mansion is on the Federal Registry Historic Registry, which cannot be touched. There is however, some deferred maintenance, which would need to be address to retain that significant investment.

The only new buildings presented in this master plan were the residential halls at the end of Appian Way and a proposed addition to the Rec Center to support the varsity weight room. This is a huge recruiting tool for athletics throughout Higher Ed.

Redfern Arts Center is also highlighted for some proposed renovations. This concluded Mr. Burdick's comments.

Councilor Remy stated he is glad to see Keene State looking to get rid of some of their underutilized buildings as the city is short on its housing needs. He encouraged that conversation.

Mr. Kost asked whether the consultant working on the city's master plan has reached out to Keene State regarding the item of housing. Ms. Brunner noted to the six pillars—housing being one of those—and encouraged Mr. Burdick's participation on the online message boards.

Mayor Kahn asked about the property on Winchester Street where the lot has been cleared. Mr. Burdick stated the college is still actively looking for "suitors." He indicated the discussion with Antioch University did not come to fruition but are still working with Antioch to find space elsewhere on campus for their use. The Mayor stated what he is trying to draw attention to is the interface between the city's master plan and that portion of Winchester Street. Looking at appropriate zoning for that area, in the event this property was sold.

Ms. Natalie Hoder, Vice President for Finance and Administration, stated that, unfortunately, the anticipated transaction with Antioch fell through due to funding issues. She stated this site is a temporary parking lot at the present time but they are certainly working towards making sure that the right party comes along for Keene State to work with. They do plan on bringing the city in on those plans.

Chair Farrington asked how this property is currently zoned. Ms. Brunner stated, in addition to this property being located in the Downtown Historic District, which is an overlay zoning district, it is also in the Downtown Core District. Antioch University, which is a private nonprofit university, would have been subject to zoning. Keene State is a public university and is not subject to site plan or zoning. However, if they were to lease the land to a user who is not a governmental entity, they would be subject to those zoning rules.

Mr. Clancy referred to the housing issue and the proposed construction of buildings on campus and asked if there was any emphasis on keeping juniors and seniors on campus as well. Ms. Hoder stated they have no plans to require upper classmen to live on campus. The college has tried to make living on campus more attractive. Mr. Burdick stated this year was their lowest first year for the student population, but the residence halls are more heavily occupied than they were last year. He stated they are seeing a lot of off-campus students coming back to campus as they are finding out that off-campus housing is not as big a financial saving as it used to be.

This concluded the presentation.

VII) Master Plan Update (<https://keenemasterplan.com/>)

Ms. Brunner stated, since the Memo included in the staff report was sent to the Board, there have been a couple of the initial task force meetings. The first Task Force meeting was for the Livable Housing pillar, which was held last week. Today was the second meeting to talk about Connected Mobility and both sessions went well. Tomorrow is Adaptable Workforce.

Ms. Brunner stated people who attend these sessions are members of the community who are passionate about a topic and have volunteered their time. She stated she is always impressed by how engaged this community is. There are 90 volunteers participating on these task forces.

In terms of next steps, Staff and the consultants will be working on synthesizing the feedback and ideas generated by these focus groups and bringing ideas and recommendations back to the Master Plan Steering Committee, which will eventually come back to the Board.

The next Future Summit is scheduled for Tuesday, June 3rd at Herberton Hall from 5:00 pm to 7:00 PM. Ms. Brunner encouraged participation.

Discussion Boards are still up and running and still looking for engagement.

VIII) Planning Board Meeting Schedule - Request to reschedule the September meeting date

Chair Farrington noted that Monday, September 22nd is a religious holiday and suggested moving the Planning Board meeting to the 29th. He asked staff for recommendations for changing that date. Ms. Brunner stated, from Staff's perspective, it would be easier if it could be moved to Tuesday, September 23rd. After a discussion between staff and the Board, it was agreed the meeting would be changed to September 29th.

A motion was made by Chair Farrington to change the September 22nd meeting to September 29th. The motion was seconded by Mayor Kahn and was unanimously approved.

IX) Staff Updates

a) Overview of Administrative and Minor Project Approvals Issued in 2024.

Ms. Brunner stated the only update is that the overview of administrative and minor project approvals that were issued in 2024 are included in Board's packet.

She reminded the Board of the site plan review thresholds. There is a major site plan review, which comes before the Board, and minor site plan review, which goes to a committee made up of Staff. The Board has delegated its site plan review authority to that committee for projects that are below a certain threshold. There is another level below that in which the project does not require any formal site plan review but requires an administrative review of the application to insure compliance with the City's site development standards. This is what the administrative planning approvals are. This list is given to the Board on an annual basis. All these project folders are located on the 4th floor of City Hall for review by the Board.

The agendas for the Minor Project Review Committee are publicly posted but the administrative approvals are not. There is no agenda ahead of time because there is no meeting, but they are posted on the city website as well as the administrative approvals.

Councilor Remy noted to the number of housing projects that have been created without having to come before the Board, which he indicated was impressive.

Chair Farrington encouraged the Board to bring comments to the next meeting or email questions to staff.

Ms. Fortson noted the administrative approvals are only available on the website for about four months.

X) New Business

None

XI) Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – February 10, 6:30 PM
- Planning Board Steering Committee – February 11, 11:00 AM
- Planning Board Site Visit –February 19 8:00 AM – To Be Confirmed
- Planning Board Meeting – February 24, 6:30 PM

There being no further business, Chair Farrington adjourned the meeting at 9:06 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Emily Duseau, Planning Technician