



City of Keene Zoning Board of Adjustment

AGENDA

Monday, August 5, 2024 6:30 p.m. City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: **June 3, 2023**
- III. Unfinished Business:
- IV. Hearings:

ZBA-2024-17: Petitioner, Gina DeSantis, Executive Director at Stonewall Farms, requests a variance for property located at 243 Chesterfield Rd., Tax Map #237-027-000 and is in the Agricultural District. The Petitioner requests a variance for two additional apartments converted from an existing office on 36 acres where 40 acres are required per Article 7.2.2 and to permit four total apartments where only two are allowed per Article 7.2.5 of the Zoning Regulations.

ZBA-2024-18: Petitioner, Robert Parisi of RK Parisi Enterprises, Inc., Keene, requests a variance for properties located at 78 Railroad St. and 17 93rd St., Tax Map #574-011-000 and 574-012-000. These properties are in the Downtown Core District and are owned by Monadnock Community Service Centers, Inc. The Petitioner requests a variance to permit residential use on the ground floor per Article 8.3.1.C.2.b of the Zoning Regulations.

ZBA-2024-19: Petitioner, Timothy Sampson, of Sampson Architects, PLLC, requests a variance for property located at 143 Main St., Tax Map #584-061-000. This property is in the Downtown Core District and is owned by 143 Main St., LLC, of West Swanzey. The Petitioner requests a variance to permit a two family/duplex where not permitted per Table 4-1 of the Zoning Regulations.

ZBA-2024-21: Petitioner, George Hansel of Tailfeather Strategies, requests a variance for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The

Petitioner requests a variance to permit new construction outside of the 0-20 foot build to zone that is required in the Downtown Edge District per Article 4.4.1.C of the Zoning Regulations.

ZBA-2024-22: Petitioner, George Hansel of Tailfeather Strategies, requests a variance for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The Petitioner requests a variance to permit new construction within 20 feet of the minimum interior side setback that is required when a parcel in the Downtown Edge District abuts a parcel in the Downtown Transition District per Article 4.4.1.E of the Zoning Regulations.

ZBA-2024-23: Petitioner, George Hansel of Tailfeather Strategies, requests a special exception for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The Petitioner requests a special exception to permit the major parking reduction per Article 9.2.7.C of the Zoning Regulations.

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non-Public Session: (if required)
- VIII. Adjournment:

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

3
4
5 **ZONING BOARD OF ADJUSTMENT**
6 **MEETING MINUTES**
7

8 **Monday, June 3, 2024**

6:30 PM

**Council Chamber,
City Hall**

Members Present:

Joseph Hoppock, Chair
Jane Taylor, Vice Chair
Richard Clough
Edward Guyot

Staff Present:

Corinne Marcou, Zoning Clerk
Michael Hagan, Plans Examiner

Members Not Present:

David Weigle, Alternate

9
10 **I) Introduction of Board Members**
11

12 Chair Hoppock called the meeting to order at 6:30 PM and explained the procedures of the
13 meeting then roll call was conducted. Chair Hoppock noted that they are one member short,
14 because a Board member had to resign for personal reasons. With applicants having the right to a
15 five-member Board, any applicant who does not want to go forward with a four-member Board
16 should let the Board know before they start getting into the details of their case.
17

18 **II) Minutes of the Previous Meeting – May 6, 2024**
19

20 Ms. Taylor stated that she has the following edits to the May minutes:
21

22 Line 61 – the word “is” should be deleted. (“...Increasing impervious surface and is does not
23 know”)

24 Lines 1424 and 1428 – the text “Met with a vote of 3-0. Ms. Taylor was opposed” should be
25 changed to “Met with a vote of 3-1. Ms. Taylor was opposed.”
26

27 Chair Hoppock agreed and asked if anyone else had changes, hearing none, he asked for a
28 motion.
29

30 Mr. Guyot made a motion to approve the meeting minutes of May 6, 2024, as amended. Ms.
31 Taylor seconded the motion, which passed by unanimous vote.
32

33 **III) Unfinished Business**

34 **IV) Hearings**

35 **A) ZBA-2024-12: Petitioner, Thomas Burton requests a variance for property**
36 **located at 45 Dover St., Tax Map #569-082-000 and is in the Medium Density**
37 **District. The Petitioner requests a variance to replace the required 10 ft. side**
38 **setback with a 3 ft. side setback per Article 3.5.2 of the Zoning Regulations.**
39

40 Mr. Hagan stated that 45 Dover St. is in the Medium Density District. He continued that the lot
41 has .21 acres, about 8,712 square feet, is currently a non-conforming two-family home with a
42 total square footage of 5,938 square feet and living space of 3,416 square feet. This application is
43 for a variance for the setback of a proposed building and potentially a dwelling unit above that
44 proposed building using the newly adopted Cottage Court ordinance. There were no ZBA
45 decisions on file.

46
47 Ms. Taylor asked what specifically is non-conforming, asking if it was the lot size, the building,
48 or both. Mr. Hagan replied that a two-family dwelling in the Medium Density Zone requires
49 8,000 square feet for the first unit and 5,000 for every additional unit. He continued that the lot
50 size is 8,712 square feet, so it is short of the requirement for the second unit.

51
52 Ms. Taylor stated that Mr. Hagan said it was under the new Cottage Court ordinance, but the
53 application says it is an application for an ADU, so she is confused. Mr. Hagan replied that he
54 was going to let the applicant explain his intent. He continued that staff had conversations with
55 the applicant about the wording used in the application.

56
57 Chair Hoppock asked to hear from the applicant.

58
59 Tom Burton of 45 Dover St. stated that this is his first time coming before the ZBA. He
60 continued that he prefers to not read his extensive application in its entirety but will if needed. In
61 summary, looking at (the) public interest (criterion), granting this Variance would enhance the
62 local housing supply, addressing the community housing shortage without requiring new
63 infrastructure. The project is designed to match the neighborhood's architectural style, ensuring
64 it complements the area's aesthetics and maintains visual harmony. Additionally, it makes
65 efficient use of the property without significant encroachment, ensuring no adverse effects to
66 light, air, or privacy for neighboring properties. The project is expected to increase property
67 values in the neighborhood, contributing to economic vitality.

68
69 Mr. Burton continued that he submitted a letter of support from his neighbor who would be
70 encroached the most by this side variance.

71
72 He continued that regarding the spirit of the ordinance, the proposed development aligns with the
73 goals of the Zoning Ordinance by promoting orderly, beneficial development while preserving
74 the character of the neighborhood. The construction of the garage with an apartment supports
75 local residential growth objectives and demonstrates a commitment to sustainable land use.

76 Reducing the side setback to three feet from the roof overhang (means) the building itself would
77 be five feet away from the property line. The three feet represents the minimum modification
78 needed to achieve the desired development.

79

80 Mr. Burton continued that regarding the impact on the surrounding property values, the new
81 structure is designed to complement the neighborhood style using high quality materials and
82 design standards, ensuring it is an asset to the area. The addition increases the property's
83 functionality, making it more attractive to potential buyers and contributing to the balanced local
84 housing market. The project includes measures to prevent adverse effects on neighboring
85 properties and will likely lead to high property tax contributions, benefiting local services and
86 infrastructure.

87

88 Mr. Burton continued that he is working specifically with the neighbor he would be closest to
89 and have the most effect on. For instance, she has already given her opinion on the color of the
90 house as she wants it a lighter color to ensure that light does enter her windows; he has agreed to
91 this. To be clear, the encroachment on her property would be the northern side of her house.
92 Direct sunlight does not go through there anyway.

93

94 Mr. Burton continued that regarding unnecessary hardship, strict application of the 10-foot side
95 setback significantly limits the potential to address the urgent community need for additional
96 housing. The property's unique location and configuration make it especially suitable for this
97 type of development. Reducing the setback to three feet is essential for the reasonable use of the
98 property, allowing the construction of the planned garage and apartment, which aligns with
99 community goals and zoning objectives.

100

101 He continued that regarding the substantial justice criterion, approving this variance will result in
102 substantial justice by allowing him to make necessary improvements to his property without
103 causing harm to the public or his neighbors. It recognizes the unique circumstances of his lot and
104 provides a fair solution that balances his needs with community standards.

105

106 Chair Hoppock asked Mr. Burton to elaborate on the unique circumstances of his lot.

107

108 Mr. Burton replied that he looked at the property map from the top, and it is not unique in that
109 sense. He continued that it is unique in the sense that it has a situation where the building that is
110 already there was built in 1870 and it is not allowing him to help himself and the community. It
111 is not able to work within the current Zoning regulations to try to address those two situations.

112

113 Ms. Taylor stated that in looking at the property and what Mr. Burton has submitted, with that
114 overhang being three feet from the property line, her question is what will happen when the snow
115 slides off the roof. She asked if the snow will be dumped on the abutting property.

116

117 Mr. Burton replied that that is a good question. He continued that he has addressed the water
118 (issue) and plans to put gutters up. Sarah, the owner of the abutting property, has real water
119 problems. His property is at a higher elevation than hers with the properties behind and north of
120 his are higher than his, so his property receives all the water from those properties and Sarah's
121 property receives the water from his, in her basement. Thus, he will put gutters on his building,
122 which will be a net benefit for her. The hope is that her basement will not flood as much or at all.
123 That is a good question about the snow, and he is not sure how to answer that as he had not not
124 given that a thought. If the snow were to fall on Sarah's property, it would be in the yard, not on
125 a building. It is on the northern side, where there is no walkway and generally no people. He is
126 not sure if there is some kind of technology, he can install on the roof to help break up the snow
127 when it falls. He would want to do that as he does not want to cause any harm or problems.

128
129 Chair Hoppock stated that Mr. Burton's neighbor's property is very close to the same boundary
130 line that Mr. Burton is seeking the setback from. He continued that he was looking at Mr.
131 Burton's diagram and asked how far the closest point on Sarah's home is to her setback. Mr.
132 Burton replied that the portion of her property that sticks out as closest to the property line on the
133 northern part is probably about a foot to the setback line. Chair Hoppock replied that that would
134 put it about 14 feet from Mr. Burton's overhang, asking if that is correct. Mr. Burton replied to
135 no. He continued that if he is allowed the three feet, that would put it four feet from the setback.
136 Chair Hoppock replied that Sarah's setback is ten, though. Mr. Burton replied no, Sarah's
137 setback is about a foot off her property line.

138
139 Ms. Taylor asked Mr. Burton to explain more about how the situation is unique. She continued
140 that she wrote down (that Mr. Burton said) "*not allowing to help myself to work within the*
141 *current zoning regulations.*" The Medium Density District is "*intended to provide for medium*
142 *intensity and associated uses,*" which does not tell them much, except that a two-family dwelling
143 on this already-substandard lot seems to her to be at least medium density. She does not
144 understand what Mr. Burton was saying about the uniqueness.

145
146 Mr. Burton replied that first, (his property) is at the end of the Medium Density District. He
147 continued that one street over is High Density and he is very close to downtown. This might be a
148 stretch, but the uniqueness he sees is that if his structure had been built closer to his other
149 property line like his neighbor's, he would probably have the space to build this without a
150 Variance. However, his structure is offset, more centered on the property. Sarah probably has the
151 space to build on her southern side, because her building is closer to her property line on the
152 northern side, without setbacks.

153
154 Chair Hoppock asked if it is correct that Mr. Burton's argument is that the placement of his
155 structure on his lot makes the property unique. Mr. Burton replied that is correct. Chair Hoppock

156 stated that that can be compared to the property on Mr. Burton's north side and the property on
157 his south side. Mr. Burton replied that is correct.

158

159 Chair Hoppock asked Mr. Burton to say more about the existing residents in the 1,920 square
160 foot structure, asking how many people can live in that home. Mr. Burton replied that it is two
161 units with he and his son living in the bottom unit and they have tenants in the upstairs unit.
162 There are four bedrooms upstairs and four bedrooms downstairs with four people could live in
163 each. He assumes Chair Hoppock is getting to the issue of parking as well, because there are
164 parking regulations.

165

166 Chair Hoppock replied yes, but he is not there yet. He continued that he is just trying to
167 understand the density of the lot. Mr. Burton replied that there is a total of eight bedrooms in two
168 units. Chair Hoppock asked how many people he proposes will live in the ADU. Mr. Burton
169 replied that he intends to create a small two-bedroom unit of maybe 900 square feet for two
170 people, with two bedrooms.

171

172 Chair Hoppock asked where all the cars will go, if there are 10 people there. Mr. Burton replied
173 that if this building goes up, it will encroach a bit into the driveway. He continued that there
174 would still be room for four vehicles there, and a fifth vehicle in the garage. Chair Hoppock
175 asked if that is the garage underneath the unit on the second floor. Mr. Burton replied yes. Chair
176 Hoppock stated that he could be short five parking spaces. He asked if Mr. Burton knew what
177 kind of parking is available on the street. Mr. Burton asked what the ordinance is for this as he
178 thinks he would be within the ordinance.

179

180 Mr. Hagan replied that currently, the ordinance requires two parking spaces per dwelling unit.
181 He continued that there are some exceptions, if a CUP is sought for the Cottage Court, of one per
182 unit.

183

184 Ms. Taylor stated that that brings up the question she had for Mr. Hagan earlier where the
185 application says ADU, but she understands that Mr. Burton is coming in under the new Cottage
186 Court Ordinance; she asked for clarification. Mr. Burton replied that he has been working with
187 the Community Development Department, and staff helped him with the process. They showed
188 him the ordinances, what he was in compliance with and what he was not, and ultimately, he
189 decided it would be better for him to work under the Cottage Court Ordinance. That is why he
190 waited to come forward, to make sure that the (Cottage Court Ordinance) went through on (May)
191 16, which it did.

192

193 Ms. Taylor asked how that impacts his proposal. Mr. Burton replied that if the Cottage Court
194 Ordinance did not pass (in the City Council), he would not have come forward, because he
195 would have had to ask for multiple variances, versus just one. Spending the money and time to
196 try to do that would have been too risky.

197
198 Ms. Taylor asked Mr. Hagan to clarify how a Cottage Court differs. She continued that this
199 (Ordinance) is brand new, and she read it once but has not absorbed it all yet. Mr. Hagan replied
200 that it is a lengthy chapter, but he can give them an overview. In this case, Mr. Burton is asking
201 for a Variance for the building setback. He would have to go in front of the Planning Board for a
202 Conditional Use Permit (CUP) to move forward, meeting those regulations. If a Variance were
203 issued, the ZBA could condition it upon getting a CUP. Alternatively, if Mr. Burton were to seek
204 a CUP prior to getting a Variance, the Planning Board could condition it upon it not being valid
205 unless he got the Variance. It is kind of an either/or scenario, and (staff) thought this was a
206 cleaner path.

207
208 Chair Hoppock asked if the Board had further questions. Ms. Taylor asked staff whether the
209 Board could see the plans on the screens. Mr. Hagan replied that they are having technical
210 difficulties with the screens. He offered to show the Board the aerial plans on his laptop.

211
212 Chair Hoppock asked if Mr. Burton had anything else to add. Mr. Burton replied to no. Chair
213 Hoppock asked for comments from the public in support of the application.

214
215 Ryan Clancy of 51 Dover St. stated that he is in favor of this application. He continued that he is
216 Mr. Burton's neighbor to the north. All the properties on Dover St. are within the 10-foot setback
217 and the property to the south of Mr. Burton is not the only one that is a foot away from the
218 property line; almost every house on the street falls is. As Mr. Burton said, they are one street
219 away from High Density, and along with that, two properties across from Mr. Burton's are
220 considered two-unit properties but are rented by the room. The two units have 10-12 bedrooms.
221 Across from his property are two Keene Housing properties that are on the property line or a foot
222 away from it. Those have more than two units as well; thus, (Mr. Burton's) would conform to the
223 neighborhood. As a Planning Board member, he is excited about this possible Cottage Court
224 being the first one to come to the Planning Board. He hopes that when the ZBA is looking at
225 whether to grant this Variance, they are looking at the three-foot setback and not at things that
226 the Planning Board would look at, such as parking and the residential use above the building Mr.
227 Burton plans to build.

228
229 Chair Hoppock asked how long Mr. Clancy has been in the neighborhood. Mr. Clancy replied
230 3.5 years. Chair Hoppock asked if Mr. Clancy would be able to say, regarding the other
231 properties in the immediate area he mentioned, if the location of the primary residence on the
232 property is the reason for the closest of the property lines. In other words, whether they are so

233 close because of their placement, or some other reason. Mr. Clancy replied that he assumes it is
234 just how the lots were broken up. He continued that they are all just under a quarter of an acre.
235 He thinks the majority of the properties are .18 or .19 acres each. All the houses are very similar,
236 with that bump out they were looking at. Chair Hoppock asked if the majority of the houses have
237 been there more than 50 years. Mr. Clancy replied yes.

238
239 Ms. Taylor asked if Mr. Clancy, as a Planning Board member, believes it creates a conflict for
240 him to testify in favor of something that will come before the Planning Board. Mr. Clancy
241 replied that at the Planning Board, he will be stepping down for this application. He continued
242 that as a neighbor and an abutter to this property, he has the right to speak to the ZBA about it.
243 Ms. Taylor replied absolutely. She continued that she was just curious, because she did not
244 realize he would be stepping down for this (at the Planning Board).

245
246 Chair Hoppock asked if anyone else wished to speak in favor of the application. Hearing none,
247 he asked if anyone from the public wished to comment in opposition. Hearing none, he
248 continued that he would note for the record that the applicant mentioned a letter of support from
249 Sarah Dudzinski, the immediate southerly abutter. He will not read it aloud, unless somebody
250 disagrees, because the letter is on file in the record. Hearing no further public comments, Chair
251 Hoppock closed the public hearing and asked the Board to deliberate.

252
253 Ms. Taylor stated that she has a quandary regarding the first criterion, because it appears there
254 was some kind of conflict between the Medium Density District and the Cottage Court
255 Ordinance, and she is not sure which the ZBA should be following. She continued that she has
256 some concerns that if they are following the Medium Density District, it might be contrary to the
257 public interest, if only because there would be about four feet between structures if this were
258 built. She can see it being a hazard, be it fire or some other catastrophic event as well as having
259 concern about snow sliding off the roof. She is not very familiar with the Cottage Court
260 Ordinance, but it appears that that might encourage houses to be four feet from one another. She
261 tends to come down on the side of it being contrary to the public interest because it would create
262 something that is “cheek to jowls” of the abutting house, even if the abutter is in favor.

263
264 Chair Hoppock stated that he shares the concern about the tightness. He continued that in looking
265 at the plan, he believed there was more room than that. Thus, it gives him a degree of concern as
266 well. On the other hand, the Applicant is correct that he is addressing the city’s housing issue, to
267 a degree. Mr. Burton’s lot is only so big, but he is adding living space and increasing the tax
268 base, two factors that strike in favor of the public interest. The neighbor’s comment indicates to
269 him that there will not be any serious alteration to the character of the neighborhood. Aside from
270 the closeness of the two structures, he does not see any danger to public health, safety, or
271 welfare.

272
273 Chair Hoppock continued that the other piece that bothers him somewhat is the density. With
274 eight people in the main structure and two more people in the ADU, there could be up to ten
275 people on a relatively small lot. He is not sure if it would be a gain to the public to prevent that,

276 regarding the third criterion. He has not resolved that yet. Overall, he would say that this meets
277 the public interest test. He is not sure if it meets the other (criteria), though.

278
279 Chair Hoppock continued that regarding the spirit of the Ordinance, given the testimony from the
280 neighbor, it seems that this request is consistent with the character of the neighborhood and will
281 not alter it in any fashion. He is not sure if the gain to the public would be that significant if this
282 were denied. The gain to the public would be less density. The loss to the individual would be
283 significant; he would not be able to develop his property as he wishes. To him, that is a close
284 call. He does not see any evidence that approving this Variance would diminish property values,
285 because as has already been indicated, it would not alter the essential character of the
286 neighborhood.

287
288 Ms. Taylor stated that the Board has not heard any testimony on the value (criterion). She
289 continued that she thinks it is probably a wash, because, again, of the increased density. You
290 might have to pay more taxes, but she is not sure it would have a favorable impact on resale
291 value if she knew she was four feet away from her neighbor's wall. Chair Hoppock replied that
292 someone would certainly be able to see that upon driving in the driveway. Ms. Taylor replied
293 yes, that is why she sees it as a wash.

294
295 Chair Hoppock stated that the question is whether it negatively impacts the surrounding
296 properties, and he does not see any information about that. He continued that two neighbors
297 support this, and the Board has not heard from anyone opposing it, in writing or verbally. That
298 allows him to draw an inference that no one in the neighborhood thinks their property values will
299 be affected by this. Thus, he leans on the side of this not being detrimental to property values.

300
301 Chair Hoppock stated that regarding the fifth criterion, he agrees with the applicant that the
302 placement of the structure, given the configuration of the lot, can be a special condition of the
303 property, (as well as) the placement in relation to the placement of other houses in the immediate
304 area, mainly the neighbors to the north and south. In the plan given to the Board, the neighbor to
305 the north has a home pushed further up against the northern boundary of his lot. The southerly
306 neighbor who wrote a letter in favor also has a house pressed up against the line. The Board does
307 not have any information about where these boundary lines were 55 or 60 years ago when there
308 was no Zoning. These lots were created before the regulations and now they are non-conforming
309 lots.

310
311 Ms. Taylor stated that she has some concerns with that position, and she respectfully disagrees.
312 She continued that there is good case law that it is not a hardship by itself if the Zoning
313 restrictions may interfere with the proposed use of the property. "Reasonable use" is not just any
314 use. It might be reasonable if it were not for the fact that if you drive down Dover St. you will
315 see the houses are mostly the same age, with a few additions here and there, on the same sized
316 lots. Starting with a case titled *Crossley (v. Town of Pelham)*, written by Justice Souter, and then
317 followed up by the *Harrington (v. Town of Warner)* case, (case law says) that if all the lots are
318 similar, it does not create a unique setting for the property. If you do not think the dimensional

319 requirements are correct, the solution is to change the Zoning requirements. That has been done
320 in part with the Cottage Court Ordinance, except it did not do away with dimensional
321 requirements. She does not think the size of the lot constitutes a hardship, because all the other
322 lots are similar. The Board only has a picture of three of the lots, and they do not have a drawing
323 with the lot lines, but just looking at it, she sees that most of the properties on that street are in a
324 similar configuration. They are old houses on small lots, close to lot lines on one side or the
325 other. She does not see the hardship.

326

327 Chair Hoppock stated that he would like to have more information, because he believes that the
328 structure's placement in relation to the lot line locations and size of the lot do matter. He
329 continued that if pressed, he would say that at best, the evidence is insufficient on hardship in
330 this case. He is not sure he would say there is no hardship, but if the information is insufficient
331 and the applicant has not met his burden, that is the same as saying there is no hardship.

332

333 Mr. Guyot stated that he can add that something that might support the uniqueness of the
334 property, in his mind, is the fact that the southerly neighbor's home is very close to the lot line. It
335 appears to be about a foot. He continued that in a sense, that puts a burden on the applicant's lot,
336 as far as changing the setback and making it even tighter. The applicant cannot control that. The
337 home has been there, just like all the others. It puts a unique burden on his property, as opposed
338 to on the northerly lot, where the house seems to be more central on the lot.

339

340 Ms. Taylor replied that she does not think that creates a unique condition of the subject property.
341 She continued that it might be a unique condition if the *neighbor* wanted to do something, being
342 only a foot from the lot line, but in her view, it does not create a unique situation for this
343 particular property.

344

345 Chair Hoppock asked if anyone had further comments about any of the criteria. Mr. Hagan asked
346 the Board to discuss the third criterion for the record.

347

348 Chair Hoppock stated that regarding the substantial justice criterion, the Supreme Court has often
349 said that the only guiding rule in this factor is that any loss to the individual that is not
350 outweighed by a gain to the general public is an injustice. He continued that as he said before, he
351 thinks that regarding the issue of the density of this property, maybe avoiding that is a gain to the
352 public. The question is whether the loss to the individual is outweighed by preventing such
353 density. He was not sure he had an answer, and he still is not sure. It is a close call.

354

355 He continued that he thinks the public interest criterion is satisfied because of the housing issue
356 and the property tax base benefit. He thinks it is not contrary to the public interest or to the
357 Ordinance because it will not alter the essential character of the neighborhood. There might be a
358 safety issue due to the closeness of the property in question and the one to the south of it, which
359 is a question on the second criterion. For the third criterion, he would give the applicant the
360 benefit of the doubt and say that the gain to the public is not sufficient to outweigh his loss, so he
361 would meet that standard. He thinks Mr. Burton meets the fourth criterion, which is that if the

362 Variance were granted the values of the surrounding properties would not be diminished. He
363 would be in favor of finding the property unique, for reasons previously explained. He is hung up
364 on the safety piece of this.

365
366 Ms. Taylor stated that she agrees with the safety concerns, and that is probably a two-pronged
367 factor. She continued that one is the closeness of the property and the second is the increased
368 density. It is nice to have areas used for new residential property, but there are limits. Regarding
369 the hardship criterion, the Harrington case says, *“The applicant must show the hardship is a*
370 *result of a specific condition of the property and not the area in general. The property must be*
371 *burdened by zoning restriction in a manner that is distinct from other similarly situated property.*
372 *The burden cannot arise as a result of the Zoning Ordinance’s equal burden on all property in*
373 *the district. The burden must arise from the property and not from the individual plight of the*
374 *landowner.”* That applies well in this situation because of the similarity of the lots, the age of the
375 structures, and the nearness of this lot and other lots to the setbacks, especially on the side.

376
377 Chair Hoppock asked if the Board had further comments. Hearing none, he asked for a motion.

378
379 Ms. Taylor made a motion to approve ZBA-2024-12, seeking a variance for property located at
380 45 Dover St., Tax Map #569-082-000 in the Medium Density District to replace the required 10
381 ft. side setback with a 3 ft. side setback per Article 3.5.2 of the Zoning Regulations, with the
382 following conditions:

- 383
384 1) Conditioned on approval and meeting all requirements of a Conditional Use Permit by
385 the Planning Board.
386 2) If all the requirements are met, it will be designed so that the snow load is not deposited
387 on the abutting property.
388

389 Chair Hoppock asked, for clarity, if Ms. Taylor means she does not want the snow flying off
390 onto Sarah’s lawn or property. Ms. Taylor replied that the Board has (issued this condition) with
391 other properties. She continued that she would like to see the snow that slides off Mr. Burton’s
392 roof not only not go on Sarah’s property, but also not smack into her house, because it is only a
393 foot from the lot line.

394
395 Mr. Clough seconded the motion.

- 396
397 1. *Granting the Variance would not be contrary to the public interest.*
398

399 Met with a vote of 4-0.

- 400
401 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
402

403 The vote was 2-2. Chair Hoppock and Ms. Taylor were opposed.
404

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

406

407 Met with a vote of 4-0.

408

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

411

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

413

414 5. *Unnecessary Hardship*

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

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

421 *and*

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

423

424 Not met with a vote of 1-3. Mr. Clough, Ms. Taylor, and Mr. Guyot were opposed.

425

426 The motion failed with a vote of 0-4.

427

428 Ms. Taylor made a motion to deny ZBA-2024-12, a request for a Variance for property at 45
429 Dover St., Tax Map #569-082-000, to allow construction with a 3 ft. side setback instead of the
430 10 ft. required setback. Mr. Clough seconded the motion, which passed by unanimous vote.

431

432 **B) ZBA-2024-13: Petitioner, Jim Phippard of Brickstone Land Use Consultants,**
433 **LLC of 185 Winchester St., requests a variance for property located at 0 Wetmore**
434 **St., Tax Map #116-032-001, is in the High Density District and is owned by the**
435 **Bergeron Family Revocable Trust of 2021. The Petitioner requests a variance to**
436 **permit a building lot containing 5,544 sq. ft. where 6,000 sq. ft. are required per**
437 **Article 3.6.2 Minimum Lot Area of the Zoning Regulations.**

438

439 Chair Hoppock introduced ZBA-2024-13 and asked to hear from staff.

440

441 Mr. Hagan stated that 0 Wetmore St. is zoned High Density, and the lot size is .13 acres, with
442 5,544 square feet. He continued that there are currently no buildings on the lot and no ZBA
443 decisions in the file. This lot has existed since the inception of the development there. Chair
444 Hoppock asked if it is correct that that was in 1926. Mr. Hagan replied that he is not certain.

445

446 Jim Phippard of Brickstone Lane Use Consultants, LLC, stated that he did this application three
447 years ago. He continued that the (owner) went to apply for a building permit and did not realize

448 that his Variance had expired, hence Mr. Phippard was asked for assistance again. Thus, tonight
449 he is here on behalf of Bergeron Family Revocable Trust of 2021, the trust that owns the
450 property at 0 Wetmore St. He showed its location in the graphic and continued that it is an
451 existing, vacant lot that is non-conforming due to the lot size. When he applied for the original
452 Variance in 2021 and gave the background at that time, (this) whole area of Wetmore St. and
453 Fairbank St. was part of a 172-house lot subdivision created by Albert Lacroix in 1926. In 1926,
454 no Zoning restricted lot sizes, so several lots in this area are of substandard size based on today's
455 regulations. This lot was conforming when created and became non-conforming as the zoning
456 laws changed over time. The most recent one that required 6,000 square feet occurred in 1970.
457 That is when this lot became non-conforming, as it is only 5,544 square feet. Thus, it is 456 feet
458 short of being a legal lot size.

459
460 Mr. Phippard continued that at one time, the Assessing Office combined this lot with the lot to
461 the north of it, which had the same owner at that time. That was back when this was being done
462 without landowners' permission necessarily. When the landowner realized that his lot was
463 merged without his permission, he filed a request with Assessing to separate it again, which they
464 did. Thus, each of the lots are existing, non-conforming lots. The lot to the north has an existing
465 house. The lots shaded in yellow on the plan are also non-conforming lots that were originally
466 created in 1926.

467
468 1. *Granting the Variance would not be contrary to the public interest.*

469
470 Mr. Phippard stated that he believes granting the Variance is not contrary to the public interest.
471 On the plan, he showed the vacant lot under discussion, and continued that it is large enough to
472 allow construction of a single-family home that meets all the other dimensional requirements of
473 the High Density District. They calculated lot coverage to show that it does not exceed lot
474 coverage. It conforms in all respects other than the size of the lot. Thus, he thinks it is in the
475 public interest to allow this lot to be developed for a single-family home. That is what the
476 applicant is requesting, similar to what has been done on other non-conforming lots. Six non-
477 conforming lots in the immediate neighborhood near this property have houses on them. The
478 applicant will not build a large home. At the time, he was looking at a footprint of 22' x 18'.
479 Since then, he (has decided that he) might add a single-car garage, which there is room for on the
480 easterly side. He still would comply with the lot coverage requirement and setbacks.

481
482 Mr. Phippard stated that it is in the public interest to allow this lot to be cleaned up and
483 improved. It will add to the tax base and provide a home, which he believes will be an affordable
484 home. There are many reasons to allow this.

485
486 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

487
488 Mr. Phippard stated that the spirit of the Ordinance would be observed because this
489 neighborhood has many small lots. He continued that he pointed out six that are already built on,
490 that are similar to or identical in size to the subject lot. It is only fair to allow this lot to be

491 developed in a similar manner. Today the lot is being used for storage of snowmobiles,
492 equipment, and a vehicle. If that continues and the lot cannot be built on, it will probably become
493 unsightly and be a detriment to the neighborhood. Cleaning up the lot and developing it as a
494 single-family home will be a big improvement. It will help the neighborhood and help protect
495 property values.

496
497 3. *Granting the Variance would do substantial justice.*

498
499 Mr. Phippard stated that this lot is only 456 feet short of the required 6,000 square feet. He
500 continued that it became non-conforming due to changes in the zoning regulations, not due to
501 anything the landowner did. This was essentially done *to* the landowner. He thinks it thus meets
502 the criteria for substantial justice.

503
504 4. *If the Variance were granted, the values of the surrounding properties would not be*
505 *diminished.*

506
507 Mr. Phippard stated that cleaning up this lot and using it as a single-family home similar to the
508 other lots in the neighborhood will help enhance the value of surrounding properties, as opposed
509 to remaining as a vacant lot that could become detrimental.

510
511 5. *Unnecessary Hardship*

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

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

518
519 Mr. Phippard stated that he thinks the special conditions of this property come from the original
520 subdivision of 1926 where the property was legally conforming when it was created. Over the
521 years, City Council changes resulted in the lot becoming non-conforming. The lot meets all the
522 current dimensional requirements, and even with a single-family home, it can meet the lot
523 coverage requirements and all the building setback requirements. He believes the unique feature
524 of changes in zoning are what caused this.

525
526 *and*

527 ii. *The proposed use is a reasonable one because:*

528
529 Mr. Phippard stated that the proposed use is reasonable because it is identical to the other uses
530 surrounding it in the neighborhood as they are all single-family homes. It is on City water and
531 sewer that exists at the property. It can meet all the other dimensional requirements.

532

533 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
534 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
535 *property that distinguish it from other properties in the area, the property cannot be*
536 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
537 *necessary to enable a reasonable use of it.*
538

539 Mr. Phippard stated that this is not separate from the other properties in the area. He continued
540 that it is similar to the other lots, but the other lots that have a similar non-conformity were all
541 developed, which was done in a good manner. Property values there have been increasing over
542 the past couple of years. He thinks this is another positive step that will help that trend continue.
543 This Variance was approved in 2021 and he hopes the ZBA will approve it again.
544

545 Chair Hoppock asked if the Board, when granting this Variance in 2021, relied on paragraph B.
546 in the unnecessary hardship criterion. Mr. Phippard replied that he is not sure, that he does not
547 remember all the details.
548

549 Chair Hoppock asked if Mr. Phippard said that the proposed single-family home on this lot
550 would meet all the dimensional requirements and setbacks. Mr. Phippard replied yes. Chair
551 Hoppock asked what the square footage would be. Mr. Phippard replied that at that time (in
552 2021) the footprint was 22' x 18', and it would probably be two stories. He continued that it
553 would have at least two bedrooms. (The owner) mentioned to him that he is looking at adding a
554 single-car garage. There is room for that on that side of the lot. Chair Hoppock asked if there is
555 room for that without needing any more variances. Mr. Phippard replied that is correct.
556

557 Chair Hoppock asked if there were more questions from the Board. Hearing none, he asked if
558 members of the public wanted to speak in favor or in opposition of the application. Hearing
559 none, he closed the public hearing and asked the Board to deliberate.
560

561 Chair Hoppock stated that he thinks this should be somewhat straight forward, since this case
562 was before the Board a few years ago.
563

564 1. *Granting the Variance would not be contrary to the public interest.*
565

566 Chair Hoppock stated that he does not see anything contrary to the public interest in regard to
567 this application, because it is asking for a Variance to build a single-family home, which is not
568 contrary to the public interest. He continued that the Board heard that it will be a home within all
569 the requirements of the lot size. He does not see any issue in that regard.
570

571 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
572

573 Chair Hoppock stated that this criterion looks at alteration of the essential character of the
574 neighborhood and whether the Variance, if granted, would pose a danger to public health, safety,
575 or welfare. He continued that he does not see this altering the essential character of the

576 neighborhood. It is a neighborhood full of similarly sized lots with similar dwellings constructed
577 on them. The neighborhood would not be altered in any way that would be discernable.
578 Similarly, he does not see any issue with respect to public health, safety, or welfare.

579

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

581

582 Chair Hoppock stated that granting the Variance will allow construction of an affordable housing
583 unit for the owner, and will do substantial justice for that owner, without any harm to the public
584 that he can see. He continued that the balancing test favors granting this application.

585

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

588

589 Ms. Taylor stated that she thinks they would be hard pressed to argue that a new house on that lot
590 probably would increase not just the value of that property, but also the value of the
591 neighborhood, as opposed to it having been a storage lot for odds and ends. Chair Hoppock
592 replied yes, that (storage lot for odds and ends) would serve to diminish the values of the
593 surrounding properties. He continued that he agrees and sees other ZBA members nodding.

594

595 5. *Unnecessary Hardship*

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

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

602 ii. *The proposed use is a reasonable one because:*

603

604 Chair Hoppock stated that he thinks the lot size is a unique feature of the property in relation to
605 what is sought, a single-family home. He finds that a special condition of the property that makes
606 the application of the lot size ordinance unfair or unduly burdensome to the owner.

607

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

613

614 Ms. Taylor stated that she thinks this (paragraph B) is appropriate, and she remembers when this
615 case came before the ZBA (in 2021). She continued that her concerns again were similar to what
616 were raised in the previous application. However, in this application, she thinks it probably falls
617 under what she calls the “if all else fails” criteria. In other words, if this is not granted, the
618 question is whether there is another reasonable use that this property can be put to, other than

619 merging with the abutting property, which does not seem to be on the table. Thus, she would put
620 forward that there does not seem to be any other reasonable use, so when the Board gets to
621 voting, they should look to paragraph B. of the unnecessary hardship test.

622

623 Mr. Guyot made a motion to approve ZBA-2024-13, submitted by Jim Phippard of Brickstone
624 Land Use Consultants, to request a variance for property located at 0 Wetmore St., Tax Map
625 #116-032-001, in the High Density District and owned by the Bergeron Family Revocable Trust
626 of 2021, to permit a building lot containing 5,544 sq. ft. where 6,000 sq. ft. are required per
627 Article 3.6.2 Minimum Lot Area of the Zoning Regulations. Mr. Clough seconded the motion.

628

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

630

631 Met with a vote of 4-0.

632

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

634

635 Met with a vote of 4-0.

636

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

638

639 Met with a vote of 4-0.

640

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

643

644 Met with a vote of 4-0.

645

646 5. *Unnecessary Hardship*

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

652

653 Met with a vote of 4-0.

654

655 The motion to approve ZBA-2024-13 passed with a vote of 4-0.

656

657 **C) ZBA-2024-14: Petitioner, Martine Fiske requests a variance for property**
658 **located at 10 Adams Ct., Tax Map #590-006-000 and is in the Low Density District.**
659 **The Petitioner requests a variance to permit a 16 ft x 19 ft deck on a lot that is**
660 **nonconforming at 7, 620 sq. ft. where 10, 000 sq. ft. is required, making it unable to**
661 **conform with the impervious coverage per Article 3.3.3 of the Zoning Regulations.**

662

663 Chair Hoppock introduced ZBA-2024-14 and asked to hear from staff.

664 Mr. Hagan stated that 10 Adams Ct. is located in the Low Density District, it is 7,620 square feet
665 where 10,000 square feet are required. It is a single-family home with 14,101 square feet of
666 living space. This property has two variances and one decision by the Board. ZBA-89-14 was
667 denied on March 6, 1989, a Variance for lot coverage and setbacks. On August 6, 1996, due to a
668 change in the Zoning Ordinance that relaxed the coverage requirements, they were allowed to
669 move forward with a Variance application on September 4, 1996. At that time, ZBA-96-23,
670 Variance for a one-foot setback for a garage, was granted. The current proposal is for expansion
671 of a deck area, which he will let the applicant speak to.

672
673 Ms. Taylor stated that Mr. Hagan said there were two Variances and one decision. She asked if
674 the decision was part of the Variance. Mr. Hagan replied that the March 6, 1989, variance was
675 denied. He continued that the August 6, 1996, decision, which has no case number, was that
676 there was enough to be heard again due to the change in the ordinance that allowed increased
677 density, percentagewise.

678
679 Ms. Taylor asked if this proposal meets all the setback requirements. Mr. Hagan replied yes,
680 other than the lot coverage.

681
682 Martine Fiske of 10 Adams Ct. stated that this was her first time before the ZBA. She continued
683 that 10 Adams Ct. is in a mixed neighborhood of single-family homes and multi-family
684 conversions, on the edge of an area with many multi-family homes. Approximately half of her
685 neighbors are multi-family, and the other half are single-family. (This is) Ward 1, Low Density,
686 one block off Main St. on a dead-end street that terminates in the parking lot behind the nursing
687 facility across from Keene State Collage. As Mr. Hagan said, it is 7,620 square feet with the
688 house built in 1938 and is her primary and only residence. Currently there is a 22.5' by 8' stone
689 patio in the rear yard that is crumbling due to masonry failure and has become a hazard with
690 pieces of it might collapse. Only 2/3 of the space can be used because there are two steps down
691 into the yard and one step up into the house. This narrow space is about the width of a standard
692 porch. She can just barely fit two Adirondack-style chairs in the center of the space, with a rain
693 barrel at the end. It does not allow for any outdoor dining.

694
695 Ms. Fiske continued that if granted, a 16' by 19' deck would be built over the existing stone
696 patio. She has been told it would be exceedingly expensive and difficult to remove this stone
697 patio in the rear yard, so she is looking to build over it. The new deck would double the depth, so
698 that it is 16 feet instead of 8 feet, and it would reduce the width to 19 feet, so it aligns with the
699 side of the house where the existing stone patio goes beyond the edge of the house. The proposal
700 would meet all the setback requirements with the side property so that it is approximately 11 feet
701 from the property line and 37 feet from the back property line with garden space and lawn in
702 between. It would allow for outdoor living space and entertainment space. The two houses
703 nearest to the property have the depths of their own backyards. This is her rear yard, surrounded
704 by shrubs and fencing, not visible from the street.

705
706 Ms. Fiske continued that she requests a Variance on Section 3.3.3, because it is already a non-
707 conforming lot, under 10,000 square feet. As currently set up, it is at 46% impervious. She is
708 asking for an extra 152 square feet.

709

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

711
712 Ms. Fiske stated that the proposal is not contrary to the public interest because it does not
713 infringe on the setbacks to the neighboring properties. Her application includes letters of support
714 from the nearest neighbors to the proposed deck, Nancy and Paul Vincent, and Allison and Joe
715 Lucas, both single-family homes. The increase in impervious surface would be negligible at 2%,
716 which sounds like a lot, but at 152 feet, it is not.

717
718 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

719
720 Ms. Fiske stated that the spirit of the Ordinance would be observed because it meets all the
721 setback requirements, and it is a very minimal increase in impervious surfaces.

722
723 3. *Granting the Variance would do substantial justice.*

724
725 Ms. Fiske stated that substantial justice would be met because it keeps within the spirit of the
726 Code, given that the lot is 2,380 square feet below the minimum standard, and she is only asking
727 for 152 extra square feet for impervious surfaces. This lot is a two-bedroom home that could
728 comfortably accommodate four people, but the patio space does not allow for more than two
729 people on it currently. Certainly, there is no space for any visiting people, so a family and
730 visitors could not be on the patio all at the same time. She is asking for reasonable enjoyment of
731 property without intrusion into the neighbors' space.

732
733 4. *If the Variance were granted, the values of the surrounding properties would not be*
734 *diminished.*

735
736 Ms. Fiske stated that surrounding property values would not be diminished because she would
737 not be encroaching on any of the required setbacks, so it would not affect the neighbors' use and
738 enjoyment of their properties in any way. The new deck would be further away from the side
739 property, which is a benefit as well. The impervious surface amount is a negligible amount to the
740 community, but of great value to her as the homeowner.

741
742 5. *Unnecessary Hardship*

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

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

749
750 Ms. Fiske stated that the lot already does not meet the Zoning requirements for Section 3.3.2 –
751 Dimensions and Sitings, being 2,380 square feet short of the Code's requirement of 10,000. The
752 non-conforming size already is 1% over on the impervious surfaces. As seen on the site map, the
753 garage is pushed quite far back to the rear of the property, which extends the length of the
754 driveway. That is quite an addition to the impervious surface, and she cannot do much about that,
755 which was done by a previous homeowner.

756 Ms. Fiske stated that she believes the purpose of protecting the neighboring properties from
757 encroachment will be met, and it would meet all the setbacks and minimal impervious surface
758 increase.

759
760 *and*

761 *ii. The proposed use is a reasonable one because:*

762
763 Ms. Fiske stated that the use is reasonable for a two-bedroom home that could have four people
764 in it. The existing space does not meet a reasonable use (for four people). It would in no way
765 affect the livability for any of the neighbors.

766
767 She continued that she does not want to be repetitive, but in summary, the property is a small lot
768 with a long driveway. She is asking for only 152 square feet.

769
770 Ms. Taylor stated that she knows Ms. Fiske mentioned the expense of removing the stone, which
771 she understands. She continued that she is looking at the photo Ms. Fiske included, and wonders
772 what will happen to the couple of feet of the stone patio that extends beyond where Ms. Fiske
773 wants to build the deck.

774
775 Ms. Fiske replied that the plan is to remove all the pieces that are not stable. She continued that
776 the photo in the middle, with the planter, shows a corner that is about to collapse. That whole
777 piece would be removed. Ideally, if she can get the builder to do it, she would like to remove the
778 portion of the stone patio that would be exposed, which is 3.5' by 8', and then put in a small
779 brick pad where there is an existing sidewalk of brick. She would like a step-down onto brick.
780 She would thus be hopefully removing about half of the stone patio that would be exposed under
781 the deck and replacing half of it with brick.

782
783 Chair Hoppock asked if that would improve her impervious coverage percentages. Ms. Fiske
784 replied that she thinks so, but she did not include that because she is not sure the builder can do
785 it. She continued that the stone blocks are irregularly sized, with some quite large. Chair
786 Hoppock replied that you cannot tell from the photo how deep the blocks go down. Ms. Fiske
787 replied that is correct, and she does not know, either, which is why she did not include the
788 removal of those stones. She is not sure if it can be reasonably done.

789
790 Chair Hoppock asked if it is correct that Ms. Fiske is measuring the 152 square foot increase
791 from what is there now. Ms. Fiske replied yes. Chair Hoppock asked about one of the photos,
792 which shows the (proposed deck) extending further than the stone block. Ms. Fiske asked if he
793 meant the stone block with the rain barrel on it. Chair Hoppock replied that in the photo with the
794 two Adirondack chairs, the yellow line (representing the proposed deck) extends onto the grass,
795 and he asked if that would be covered up. Ms. Fiske replied yes and directed his attention to the
796 bottom photograph. She continued that there would be an additional eight feet that would cover
797 over an old garden, and then it would be an additional 8' by 19'. Again, she hopes to remove the
798 stone on the side, but cannot make any promises. Chair Hoppock asked if it is correct, then, that
799 the problem with the impervious coverage comes in when she is covering up that old garden, and
800 that does not include removing the other piece they just talked about. Ms. Fiske replied that is
801 correct.

802 Mr. Hagan stated that if it is helpful, page 93 of the agenda packet has a plot plan that shows the
803 jet out and extension.

804
805 Chair Hoppock asked if the Lucas's and the Vincents are Ms. Fiske's immediate abutters. Ms.
806 Fiske replied yes. She continued that if you are looking at 10 Adams Ct. from the front, the
807 Lucas's are the rear neighbors on her left/east side with their property line about seven or eight
808 feet behind her existing patio, to the side. The Vincents' property is behind the garage. The space
809 directly behind her patio is a rental unit, with occupancy by students changing on a regular basis.
810 She does not think there has been the same person in that house for more than a season.

811
812 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he asked
813 if members of the public wanted to comment in opposition or in support. Hearing none, he asked
814 if the applicant had anything further to add. Hearing none, he closed the public hearing and asked
815 the Board to deliberate.

816
817 *1. Granting the Variance would not be contrary to the public interest.*

818
819 Ms. Taylor stated that she thinks the Variance is not contrary to the public interest because it
820 certainly does not conflict with the purpose of the Ordinance, does not alter the essential
821 character of the neighborhood, and does not threaten public health, safety, or welfare. It does not
822 interfere with anyone else's rights, because it is solely behind the house on this property and
823 quite a distance from any abutting structures or residents or anything else. Chair Hoppock
824 agreed.

825
826 *2. If the Variance were granted, the spirit of the Ordinance would be observed.*

827
828 Ms. Taylor stated that for reasons stated in the first criterion, she thinks this observes the spirit of
829 the Ordinance. Chair Hoppock agreed. He continued that given the minimal increase of 152
830 square feet, that may change, depending on how lucky the applicant is with (finding someone to
831 remove) that piece (of stone) that sticks out. The Board can assume that will move, so for
832 purposes of the application, there is no threat to public health, safety, or welfare and this will not
833 alter the essential character of the neighborhood. He thinks the second criterion is met.

834
835 *3. Granting the Variance would do substantial justice.*

836
837 Chair Hoppock stated that he thinks the applicant herself states nicely in her application, that the
838 increase in impervious surfaces would be a negligible amount to the community but of great
839 value to the homeowner. He continued that he thinks she means that if this were denied, the harm
840 to her would be significant, with no appreciable gain to the public. That is how he sees it, and he
841 thinks this criterion is met.

842
843 *4. If the Variance were granted, the values of the surrounding properties would not be*
844 *diminished.*

845

846 Chair Hoppock stated that he does not see how this would have any impact on property values,
847 other than improving the applicant's own property, and if her property value is improved, she
848 will naturally carry others in the area with it.
849

850 5. *Unnecessary Hardship*

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

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

857 *and*

858 ii. *The proposed use is a reasonable one.*
859

860 Ms. Taylor stated that there is not much of an opportunity, where this property is located, of
861 changing its size to have a different proportion of impervious surface. She continued that she
862 would say that even if you moved the proposed deck one way or another, it still would not
863 change the calculation. Thus, this is a situation where the property itself creates hardship. With
864 this extra 152 square feet, changing the impervious surface does not have any relationship to the
865 limitation in the Ordinance on this property. Chair Hoppock agreed.
866

867 Chair Hoppock asked for further comment. Hearing none, he asked for a motion.
868

869 Mr. Clough made a motion to approve ZBA-2024-14, petitioner Martine Fiske, requesting a
870 Variance for property located at 10 Adams Ct., Tax Map #590-006-000, in the Low Density
871 District, to permit a 16 ft x 19 ft deck on a lot that is nonconforming at 7,620 sq. ft. where 10,000
872 sq. ft. is required, making it unable to conform with the impervious coverage per Article 3.3.3 of
873 the Zoning Regulations. Mr. Guyot seconded the motion.
874

875 1. *Granting the Variance would not be contrary to the public interest.*
876

877 Met with a vote of 4-0.
878

879 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*
880

881 Met with a vote of 4-0.
882

883 3. *Granting the Variance would do substantial justice.*
884

885 Met with a vote of 4-0.
886

887 4. *If the Variance were granted, the values of the surrounding properties would not be*
888 *diminished.*
889

890 Met with a vote of 4-0.
891

892 5. *Unnecessary Hardship*
893 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
894 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
895 *property that distinguish it from other properties in the area, the property cannot be*
896 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
897 *necessary to enable a reasonable use of it.*
898

899 Met with a vote of 4-0.

900
901 The motion to approve ZBA-2024-14 passed with a vote of 4-0.
902

903 The Chair called for a short break at 8:05 PM with the meeting resuming at 8:15 PM.
904

905 **D) ZBA-2024-15: Petitioner, Jason Reimers of BCM Environmental and Land**
906 **Law, PLLC, of 41 School St., representing Ryan Gagne of Live Free Recovery**
907 **Services, LLC, 9 Dutton Circle, Mt. Vernon, NH, requests a variance for property**
908 **located at 973 Marlboro Rd., Tax Map #294-004-000, is in the Rural District and is**
909 **owned by BTD Properties, LLC of 1 Main St., Marlborough, NH. The Petitioner**
910 **requests a variance to permit a non-medical Residential Drug/Alcohol Treatment**
911 **Facility where such use is not permitted per Article 3.1.5 of the Zoning Regulations.**
912

913 Chair Hoppock introduced ZBA-2024-15 and asked to hear from staff.
914

915 Mr. Hagan stated that 973 Marlboro Rd. is in the Rural Zone on 1.1 acres with about 47,916
916 square feet. He continued that the last permitted uses were a school and a single-family home
917 with 2,686 square feet of living space and the total building size is 4,462 square feet. This
918 property has had several variances. It is important to know that the property straddles two
919 municipalities, the City of Keene and the Town of Marlborough with the boundary line situated
920 about down the middle. Mr. Hagan continued that some of the previous variances came from the
921 fact this property was developed on that boundary line though there was one variance submitted
922 in the 1990's for retail sales in the Rural Zone that was withdrawn. On February 3, 2003, there
923 were two variances, voted on separately but sharing one ZBA number, ZBA-03-04. These were
924 for log home sales and a model log home; both were approved. On November 3, 2003, ZBA-03-
925 17 was granted for a sign variance for a change of location and increased size. On April 4, 2005,
926 ZBA-05-14 was granted, an additional sign variance for additional square footage.
927

928 Mr. Hagan stated that it is important to note that the question might come up, being on two
929 different properties of how this discussed. RSA 674:53 addresses how municipalities deal with
930 properties that straddle two municipalities. Chair Hoppock asked for more information about
931 that. Mr. Hagan replied that it is lengthy, and he will not go through the whole thing, but
932 essentially, it is a letter of agreement between the two municipalities on how to deal with, for
933 example, building permits, who inspects what, and zoning issues. Currently, the Community
934 Development Department is working on a letter to the Town of Marlborough with a Conditional

935 Use application that has been submitted. They are working on that in the background while this
936 variance is going on.

937

938 Chair Hoppock stated that perhaps the applicant will explain during the presentation, but he read
939 in the materials that the Town of Marlborough will subject this to a special exception
940 requirement. Mr. Hagan replied that is correct.

941

942 Jason Reimers from BCM Environment and Land Law stated that he represents the applicant,
943 Live Free Recovery Services. He continued that with him are Ryan Gagne (of Live Free) and
944 Tara Kessler (of BCM Environment and Land Law). They are seeking a variance from Section
945 3.1.5, which is the list of permitted uses in the Rural District. The list does not include residential
946 drug and alcohol facility.

947

948 Mr. Reimers continued that regarding how this is playing out in both municipalities, they are
949 asking for a variance. They also need a Congregate Living and Social Service Conditional Use
950 Permit from Keene, and a Congregate Living and Social Service Operating License that is
951 renewed annually with the City of Keene. From Marlborough, they need a Special Exception
952 from the ZBA, and site plan approval from the Planning Board where they have a joint hearing
953 scheduled in about two weeks. In addition, the facility is licensed by the NH Department of
954 Health and Human Services (NHDHHS). Mr. Hagan also alluded to, (when he spoke about) RSA
955 674:53, that there is a provision, and he (Mr. Hagan) alluded to a prior letter when it was the log
956 home business where the Marlborough Select Board ceded their permitting authority to the City
957 of Keene so there was not duplicate building permit requirements, duplicate inspections, and
958 things of that nature.

959

960 Chair Hoppock asked if it is correct that that is not true today. Mr. Reimers replied that he does
961 not believe it to be, because he believes that letter was specific to that particular project. He
962 thinks Mr. Hagan was alluding to the fact that if the applicant is able to get the approvals, a
963 similar or the same process might play out here.

964

965 Mr. Reimers continued that before he addresses the variance criteria, he would like Mr. Gagne to
966 tell the Board about Live Free Recovery Services and the specific use they are proposing.

967

968 Ryan Gagne stated that he is the owner and operator of Live Free Recovery Services, which has
969 been in operation in various forms since 2015. He continued that in late 2018, they talked with
970 Southwest Community Services (SCS) about SCS's vacant building on 881 Marlboro Rd. on the
971 correctional facility property. SCS was having trouble with a program they had started without
972 knowing the amount of substance use of people who were coming out of incarceration facilities.
973 When they (SCS) started the operation with fantastic intentions and staff, it became clear to them
974 that this was a little bit outside of SCS's scope. They shut the program down and the building
975 was vacant. Live Free had an opportunity to meet with SCS at the end of 2018/beginning of 2019
976 and out of all the applicants, SCS chose Live Free to operate there.

977

978 Mr. Gagne continued that since then, Live Free has developed a full continuum of care of
979 substance use treatment in Keene, with several other locations. A sober living property changed
980 ownership, and the person that had started the program no longer wanted to run it. It was a vital
981 service for people finding recovery housing, especially given the housing crisis that now exists.
982 There was little to no affordable housing for people who were just getting on their feet, until that
983 property was established. Instead of letting that sober living property close, Live Free took over
984 the operation of that as well.

985
986 He continued that since then, Live Free has operated at 361 Court St., which is also in a
987 residential neighborhood, and at 106 Roxbury St., which Live Free Recovery obtained an
988 approval from the ZBA several months ago. They are very familiar with the Congregate Living
989 License process where they have just obtained two of their renewals. Live Free operates an
990 outpatient facility at 17 Kit St. and employs a variety of clinicians, psychiatric APRNs who are
991 qualified and competent when it comes to substance abuse treatment. It is important to note that
992 Live Free does not have issues within the neighborhoods in which they operate. They do not
993 receive complaints from neighbors who are less than 100 feet away from Live Free's driveways.
994 Live Free works with their neighbors, not against them and they are not there to cause problems;
995 they are there to add a service to the location that they provide in, and they take it very seriously.

996
997 Mr. Gagne stated that the 881 Marlboro Rd. location has a full medical detox program. He
998 continued that people are there to medically stabilize themselves from either drugs or alcohol.
999 After stepping out of that program, a person has to be medically cleared by the psychiatric nurse
1000 practitioner or medical director that they are appropriate to step down to what is called the next
1001 level of care. That next level of care is that the person is not only medically stable, but also stable
1002 enough to engage in treatment at the next juncture. Stepping from the detox program directly into
1003 the outpatient program can sometimes have challenges internally for the individuals. This
1004 location [that they are seeking a Variance for] would be a high intensity residential program.
1005 Residents are supervised 24 hours a day, with about 16 hours per day of clinical programming. A
1006 Good Neighbor Policy was just handed out [to the ZBA] with some of that would not apply to
1007 this location, because residents would not be moving to and from anywhere. They would be
1008 within the facility until they were ready to step down to another program. This would be a higher
1009 level of care, clinically, and more supportive for those individuals. After meeting with City staff
1010 several weeks ago, they came to the (decision) that this variance would be the best path moving
1011 forward for the use of the property.

1012
1013 Chair Hoppock stated that Mr. Gagne says the Good Neighbor Policy was just handed out. He
1014 continued that under the ZBA's Rules of Procedure, anything given to the Board within 10 days
1015 of a public hearing is subject to acceptance by a majority vote of the Board. Mr. Gagne can speak
1016 to the Good Neighbor Policy as much as he wants, but for the Board to look at it and take it into
1017 the record, they would need to vote on it first. Mr. Gagne replied that he apologizes for not
1018 submitting it with the application. He continued that he did not realize it was a written policy.
1019 Chair Hoppock replied that Mr. Gagne can speak about what he handed out and speak about
1020 anything else he wants; his intention was not to cut him short. Mr. Gagne replied that he just

1021 wanted to give a full circle summary of how Live Free Recovery Services has several locations
1022 and this is not a new concept for them.

1023
1024 Chair Hoppock asked if it is correct that the high intensity programming of 16 hours per day
1025 would be, on average, for four to six weeks per person, in house. Mr. Gagne replied that was
1026 correct. He continued that after that, individuals would step into the lower levels. Part of entering
1027 the program would be an individual's willingness to engage in long-term treatment, which
1028 provides a better outcome for the individual.

1029
1030 Chair Hoppock asked if the individuals decide when they are ready to step down by working
1031 with their clinicians. Mr. Gagne replied that the professionals would help them with that. Chair
1032 Hoppock asked if it would be a collaborative (decision). Mr. Gagne replied yes.

1033
1034 Ms. Taylor stated that she does not know whether Mr. Reimers or Mr. Gagne would be the ones
1035 to answer, but she hopes that at some point one of them will go through the planned, internal
1036 uses for the two buildings.

1037
1038 Mr. Gagne stated that he had been driving by this property for about three years and always
1039 wondered what was going on inside. He continued that it is a unique location, aesthetically. It is
1040 an attractive building, and he can attest to the building's interior matching its exterior. The single
1041 story ground level is partitioned with a hallway that has offices all the way down, approximately
1042 nine of them. Then, the residential building itself. Some of the offices would be turned into
1043 bedrooms, and others would be turned into either group rooms or individual clinicians' offices.
1044 This program's "caseloads," as they are often referred to, would be very low. The client to
1045 clinician ratio (would be low). The clinical offices would be among some of the residential
1046 dwellings as well. The main building would have some of the community activities and groups.
1047 A two-story housing portion is the residential building itself, and there is plenty of common
1048 space in there as well.

1049
1050 Ms. Taylor asked how many residential clients/patients they would have at any one time. Mr.
1051 Gagne replied that they are here asking for about 20, but he has a feeling it will be less than that,
1052 after they develop the space. The maximum would be 20, and the lower side would be anywhere
1053 down to 16. Until they get into architectural engineer expenses, he cannot give a definite answer.
1054 Ms. Taylor replied that she was curious, because there seem to be five or six offices on this plan,
1055 and they only see the first level of the residential structure, which shows one bedroom. She is
1056 trying to figure out how they fit 20. Mr. Gagne replied that there are two more upstairs. He
1057 continued that there are two large rooms that could, ideally, have a partition going through to
1058 create space if need be. Without even doing that, it would have the ability for the offices needed
1059 as well as the residential component.

1060
1061 Ms. Taylor asked if there would be 24-hour staff. Mr. Gagne replied yes.

1062

1063 Chair Hoppock asked if it matters which side the boundary line is on, in terms of the uses Live
1064 Free will put to it. He continued that in other words, it seems like about three quarters of the long
1065 building with the offices is on the Marlborough side. He asked if that matters, in terms of the
1066 uses. Mr. Reimers replied that they do not think it matters. Chair Hoppock replied that he agrees.
1067 Mr. Reimers replied that they have not seen anything in any of the ordinances that have
1068 suggested that. They did think about whether, for example, they would need to put all the
1069 residents in one (municipality), but they have not seen anything guiding that. Chair Hoppock
1070 replied that he thinks that makes sense.

1071
1072 Chair Hoppock asked if there were any more questions from the Board at this point. Hearing
1073 none, he asked the applicant to continue.

- 1074
1075 1. *Granting the Variance would not be contrary to the public interest.*
1076 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

1077
1078 Mr. Reimers stated that the first two criteria are related and considered together. He continued
1079 that the two ways that the NH Supreme Court looks at these are whether granting the variance
1080 would alter the essential character of the neighborhood or whether it would threaten public
1081 health, safety or welfare. This variance will do neither. Starting with the character of the
1082 neighborhood, this is a unique building and property that is partly in Keene and partly in
1083 Marlborough. The property has had varied uses over the past few decades and is currently
1084 vacant. Live Free's proposed uses are of similar intensity as previous commercial uses on the
1085 property. The property has been used for commercial purposes since the 1970s. It was Bud &
1086 Dolly's restaurant, and then that building was torn down in the 1980's. In the late 1980's and
1087 early 1990's, Planning and Zoning approvals were obtained for commercial uses of the site, such
1088 as a restaurant, convenience store, and a greenhouse retail space. However, those plans never
1089 materialized. In 2003, Monadnock Log Homes received approval to construct the existing
1090 building, which was used for several years as a model log home showroom and log home sales
1091 offices. The most recent use has been for a therapy clinic and outpatient therapy clinic for youth
1092 diagnosed with autism and other developmental disabilities. The sign still advertises it as
1093 "Patterns Behavioral Services."

1094
1095 Mr. Reimers continued that the proposed use will generate minimal traffic. Residents are not
1096 permitted to have vehicles or leave the facility on their own. Most daily trips will be by the staff
1097 who will be present 24 hours a day. The staff will work in three shifts with five to seven staff
1098 present during the first shift and no more than five staff present during the second and third
1099 shifts. They estimate an average of 30 vehicle trips to and from the site daily, with "one trip"
1100 defined as a car leaving the site, counting it as another trip when the car comes back. An estimate
1101 of 30 vehicle trips per day is consistent with a residential neighborhood. Given that this is
1102 located on Rt. 101, this traffic will not even be noticed. The property has two driveways forming
1103 a horseshoe shape.

1104

1105 Mr. Reimers continued that residents of the facility will be supervised 24 hours a day and will
1106 have scheduled times for outdoor breaks in an existing, fully enclosed outdoor area. There are
1107 two outdoor areas, one enclosed outdoor area on the Marlborough side, and a large outdoor deck
1108 on the Keene side. Those spaces will not be, for example, smoking lounges in which residents
1109 could come and go as they pleased. Due to the high level of supervision and limited outside
1110 activities, the proposed use will not generate significant levels of noise or disturbance to
1111 surrounding properties. The people staying at the facility will be there voluntarily. They will
1112 have already gone through a detox program at another site. Many residents will be there because
1113 they are covered by health insurance.

1114
1115 Mr. Reimers continued that Live Free has a well thought out Good Neighbor Policy that its
1116 residents are expected to abide by. He invites the Board to read it, but he will highlight a few
1117 sections that stood out to him. One is, *“We can show our neighbors that we are assets to the*
1118 *community. We are not drug houses or trap houses, but rather look at us as good neighbors and*
1119 *contributing members to society.”* Another quote that caught his attention was, *“You represent*
1120 *the Live Free family. Even though you will successfully transition on, we plan to be here to*
1121 *continue our mission for generations. Think and act beyond yourself.”* The third was, *“Keep*
1122 *your voices lowered and be aware of subject matter. This is just as important on the deck and*
1123 *smoking area.”* He thinks those are examples of a thoughtful good neighbor policy that has been
1124 revised over the years. Adding to this is the fact that the property and building are already well
1125 screened from neighboring properties. It is screened from the abutting property to the east by a
1126 solid wooden fence along the property line. The properties to the south and west are
1127 undeveloped, densely forested and vegetated. In the front, abutting Rt. 101, are existing mature
1128 evergreen shrubs and trees between the roadway and the front of the site, partially screening the
1129 existing parking area and building from the roadway and abutters to the north.

1130
1131 Mr. Reimers stated that in all, the proposed use will not alter the essential character of the
1132 neighborhood. He continued that as to whether it would threaten public health, safety, or welfare,
1133 the amount of traffic will be low, as the residents will not have vehicles. All the residents are
1134 sober and are always supervised. The applicant is installing sprinklers and will not strain
1135 emergency services. The number of Police, Fire, and EMS calls combined, from all Live Free’s
1136 four facilities in Keene combined, are about six to eight per year.

1137
1138 Chair Hoppock asked how many people were involved. Mr. Gagne replied that he wants to
1139 clarify that that does not include 881 (Marlboro Rd.) being a medical facility, because that is a
1140 little different when it comes to the medical calls they get. Sometimes people are in medical
1141 crisis before they even come to Live Free, thinking it is a good idea to drive themselves to Live
1142 Free, and Live Free then needs to have something like hospital intervention. However, this
1143 location, he is talking about the facilities that operate with 361 Court St., (106) Roxbury St., 17
1144 Kit St., and 26 Water St.

1145

1146 Chair Hoppock asked what the total population is of those four locations. Mr. Gagne replied
1147 roughly 64 individuals every 30 days. Chair Hoppock asked if it is correct that it is about 6 to 8
1148 calls per year for about 64 individuals. Mr. Gagne replied that it is about .5 per month.
1149

1150 Mr. Reimers stated that the fact that Live Free's detox facility is about 1,000 feet away allows
1151 Live Free to better stabilize someone in need. In addition, since all these individuals have already
1152 gone through that detox program, any symptoms experienced by a resident will likely be less
1153 severe, because they are at a further stage in their sobriety. They are not as acute.
1154

1155 Ms. Taylor asked if her understanding is correct that this facility is proposed to be "intermediate"
1156 between the one that is on the grounds of the county jail and the four others in Keene. Mr. Gagne
1157 replied that 881 Marlboro Rd. is their 3.7 (level) medical detox facility. He continued that from
1158 there, they have two step down locations, which would be a step after this particular proposed
1159 use. The idea behind that is to better support individuals who maybe could use the additional
1160 support, and to lengthen someone's treatment episode, which also greatly improves their
1161 outcomes. The step down to just sober living is 26 Water St. That is when individuals are fully
1162 employed, attending recovery meetings and engaging with the community themselves, looking to
1163 further their employment and gain residency within Keene. Many graduates from that program
1164 go on to become part of Live Free's alumni program and rent apartments locally.
1165

1166 Mr. Reimers stated that he has some clarifying questions for Mr. Gagne, if that is okay with the
1167 Board. He questioned whether Live Free Recovery Services currently has the category of use
1168 they are proposing (tonight). Mr. Gagne replied no, this proposed use would be something in
1169 between the detox program and what currently exists at two of the locations. Mr. Reimers asked
1170 if it would be fair to say that 881 Marlboro Rd. is for those most in need (of the highest level of
1171 care). Mr. Gagne replied yes. Mr. Reimers replied that then Live Free has other locations for
1172 (people needing) the lowest (amount of care), and this (proposed one) is going to be the
1173 intermediate (treatment level) Live Free does not currently have. Mr. Gagne replied that was
1174 correct.
1175

1176 Ms. Taylor asked which are the two facilities Mr. Gagne was referring to, the intermediate steps
1177 before individuals get to the sober living step. Mr. Gagne replied 361 Court St. and (106)
1178 Roxbury St.
1179

1180 Tara Kessler stated that she will add that what differentiates this proposed facility from a group
1181 home where people are coming and going to work every day is that in this facility the residents
1182 will not be leaving. She continued that they will be there 24 hours a day, on site, with clinicians
1183 providing clinical support for 16 hours a day and then supervision when people are sleeping or
1184 need breaks. There will not be people coming and going from the site, as there would be ones
1185 with a more traditional group home. This will be a place where residents live in the building and
1186 are able to go outside for breaks during scheduled times, with supervision at any time of day.
1187

1188 Mr. Reimers stated that for all the reasons they have given, this will not threaten public health,
1189 safety, or welfare. Overall, helping individuals transition to sober living is a major benefit to
1190 public health, safety, and welfare. As the Variance will not change the character of the
1191 neighborhood or threaten public health and safety, granting this Variance will be in the spirit of
1192 the Ordinance and will not be contrary to the public interest.

1193

1194 *3. Granting the Variance would do substantial justice.*

1195

1196 Mr. Reimers stated that as Chair Hoppock stated earlier, any loss to the individual that is not
1197 outweighed by a gain to the general public is an injustice. He continued that here, denial of the
1198 variance would cause a loss to the applicant, the landowner, and the general public, with no
1199 corresponding gain to the general public. The loss to the applicant would be the loss of an
1200 opportunity to use this property for its important mission. Existing buildings suitable for this
1201 specialized use are not easy to find. The building, property, and location are all unique. Located
1202 1,000 feet from the applicant's detox facility, it is perfectly located to suit the applicant's needs.
1203 The loss to the landowner would be that the sale of the property would fall through, and this
1204 unique property is not well suited for most uses permitted in the Rural District. It is not an easy
1205 property to sell. These losses would not be outweighed by any gain to the public if the variance
1206 were denied. The public needs and wants these services. Live Free's mission of assisting
1207 individuals to live sober lives is a benefit to the public and in furtherance of public health, safety,
1208 and welfare.

1209

1210 Mr. Reimers continued that if the variance is denied, the delivery of these services will be
1211 delayed while the applicant tries to find another suitable property. This would be a disservice to
1212 the public. This property has long been used for commercial and therapy purposes and it is
1213 currently vacant. Granting the variance will allow the applicant to use this existing building and
1214 property in a manner that is consistent with the long history of commercial uses of the parcel and
1215 in a way that will not adversely impact surrounding land uses. Therefore, this variance will do
1216 substantial justice, as there will be a loss to the applicant, the landowner, and the public if the
1217 variance is denied, with no counterbalancing gain to the public.

1218

1219 *4. If the Variance were granted, the values of the surrounding properties would not be*
1220 *diminished.*

1221

1222 Mr. Reimers stated that the applicant sees no reason for surrounding property values to be
1223 diminished. He continued that the building is currently vacant, and it is a challenging building to
1224 use. A vacant building is detrimental to a neighborhood. The proposed use will be of similar
1225 intensity to previous commercial uses of the parcel and other nearby commercial uses, and it
1226 might be of a lesser intensity regarding parking and traffic. The most recent use was for
1227 outpatient therapy services, which was an intensive use, in terms of traffic. Many uses for this
1228 building require a variance. This proposed use is less intense than some of the permitted uses,
1229 such as a kennel or greenhouse/nursery. The property is well kept despite being vacant, because
1230 it has not been vacant for very long, and the building is in good shape. Live Free will maintain

1231 this appearance. They expect to put about \$150,000 into improving the building, and they will
1232 allocate about \$20,000 a year for maintenance.

1233
1234 Mr. Reimers continued that the residents will be there voluntarily and will have already been
1235 through detox. They will be supervised 24 hours a day and only be permitted outside of the
1236 building during scheduled times. The overall use of the property will not impact the neighbors,
1237 especially to the extent that property values would be diminished. Property values are not easily
1238 diminished.

1239
1240 Mr. Reimers continued that Live Free has a great track record in Keene and Manchester, and
1241 there is nothing to suggest that it has diminished property values surrounding its existing
1242 properties. For all these reasons, as well as the fact that the property is on a busy corridor near
1243 downtown Marlborough, the proposed use will not diminish property values.

1244
1245 5. *Unnecessary Hardship*

1246 A. *Owing to special conditions of the property that distinguish it from other*
1247 *properties in the area, denial of the variance would result in unnecessary hardship*
1248 *because*

1249 i. *No fair and substantial relationship exists between the general public*
1250 *purposes of the ordinance provision and the specific application of that provision*
1251 *to the property because:*

1252
1253 Mr. Reimers stated that this has three components. He continued that first is whether the property
1254 has special conditions that distinguish it from other properties in the area. Second is whether
1255 those special conditions make it such that there is no fair and substantial reason to apply the
1256 prohibition of residential drug and alcohol facilities in the Rural District to this particular
1257 property. Third is that the use must be reasonable.

1258
1259 He continued that starting with special conditions, this is a textbook example of a property that is
1260 unique. He usually tries to avoid saying things like that, but in this case, it is truly unique. Both
1261 the property and the building are split by the town line. It is a residential building, but large
1262 enough to accommodate 20 beds and office space. It is in the Rural District, yet it is on a busy
1263 highway. It is 1,000 feet from the applicant's detox facility. It has existing parking, and more
1264 parking than is necessary. It has an existing, fully enclosed outdoor area. It has existing
1265 screening. It has long been used as a commercial property, and similarly to the proposed use, it
1266 has been used for therapy in the past. All of these are special conditions that set this property
1267 apart from any other property in the area.

1268
1269 Mr. Reimers continued that the second part of the unnecessary hardship test is whether there is a
1270 fair and substantial reason to apply the prohibition of residential drug and alcohol facilities to
1271 this particular property. Denying the Variance will not further the purposes of the rural district.
1272 Therefore, there is no fair and substantial relationship. As stated in Section 3.1.1., "*The Rural*
1273 *District is intended to provide for areas of low density development, predominantly of a*

1274 residential or agricultural nature. These areas are generally outside of the valley floor, beyond
1275 where city water, sewer and other services can be readily supplied.” He continued that denying
1276 this variance will not further these purposes. Denying the variance would not provide for an area
1277 of low-density development. This building already exists, and it has long been used for
1278 restaurant, commercial, and therapy uses. Section 3.1.1. also says that the Rural District is
1279 intended to be “predominantly of a residential or agricultural nature,” and the proposed use will
1280 not change that. The word “predominantly” means that the residential and agricultural uses
1281 should be predominant, but that does not mean they must be exclusive. This proposed use is
1282 residential in nature.

1283
1284 He continued that regarding the District being “...generally outside of the valley floor, beyond
1285 where city water, sewer, and other city services can be readily supplied,” that states a concern
1286 for extending city utilities into rural areas, but here the applicant does not need Keene’s water or
1287 sewer. The property is connected to Marlborough’s sewer system, and it has a well for water.
1288 Thus, granting this variance will not compromise the purpose of the Rural District of not
1289 requiring the expansion of city services.

1290
1291 Mr. Reimers continued that in all, granting this variance will not undermine the purposes of the
1292 Rural District or the purposes behind not including residential drug alcohol treatments in the list
1293 of permitted uses. This is a unique situation. This property is not representative of the Rural
1294 District or its predominant aims.

1295
1296 and

1297 *ii. The proposed use is a reasonable one because:*

1298
1299 Mr. Reimers stated that providing an opportunity for people who have voluntarily gone through a
1300 detox program to spend four to six weeks living in a safe environment under 24-hour supervision
1301 while getting therapy is a reasonable use. He continued that Live Free has been successfully
1302 providing these services in Keene for years. Their use is proven reasonable, and their track
1303 record is terrific. The applicant will suffer an unnecessary hardship if the Board denies the
1304 variance.

1305
1306 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
1307 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
1308 *property that distinguish it from other properties in the area, the property cannot be*
1309 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
1310 *necessary to enable a reasonable use of it.*

1311
1312 Mr. Reimers stated that a variance is necessary to enable a reasonable use of the property. He
1313 continued that as he has said, this property is unique in many ways and perfectly suited for this
1314 use. That the property needed past Zoning relief exemplifies the unique nature of the property,
1315 and the fact that the property has even received Zoning approvals for uses that never came to
1316 fruition, which he thinks further shows that many or all of the permitted uses are just not viable

1317 for this property. For that reason, he believes the applicant satisfies the alternative unnecessary
1318 hardship test in addition to the primary one.

1319

1320 Ms. Taylor asked Mr. Reimers to refresh her memory about the statement he made in the
1321 beginning about what Marlborough needs to do and when they are planning to review it. Mr.
1322 Reimers replied that the RSA Mr. Hagan referenced provides for a joint hearing with the
1323 Marlborough Planning Board and t Zoning Board. He continued that they need site plan approval
1324 and a special exception for a group home in the district in Marlborough. They submitted the
1325 applications, and the joint hearing is scheduled for June 19. They also submitted applications to
1326 the Keene Planning Board for the Conditional Use Permit for congregate living.

1327

1328 Ms. Taylor asked what would happen if, assuming this were all approved, someone in the
1329 residential setting did not abide by the rules. She asked if the individual would return to the detox
1330 program, if it were a substance issue. Mr. Gagne replied that Live Free would do what they
1331 would do at any level of care. He continued that if an individual cannot abide by the rules set
1332 forth for them after a corrective conversation and an attempt with corrective action plans, or is
1333 unwilling to do so, then Live Free will typically work with other crisis intervention spots so that
1334 person is not just put out on the street. He continued that sometimes when something happens
1335 within the facility after hours, the individual rests for the evening and the issue is sorted out in
1336 the morning when services are open and available. Live Free tries to go above and beyond to
1337 never just leave a person on the sidewalk with their belongings. That is not successful for the
1338 individual, for Live Free, or for the immediate town. Thus, they work hard to mitigate those
1339 issues. In addition, it is a professional standard for Live Free, with actions Live Free has to take
1340 internally to make sure that they can intervene well in those crises and intervention moments.

1341

1342 Ms. Taylor asked where someone goes if Live Free determines the interventions have not
1343 worked and the person has to leave. Mr. Gagne replied that if an individual was at the discharge
1344 point, Live Free would work with one of the crisis intervention spots, look into maybe changing
1345 an address so the person has an opportunity to start anew in a different program, and look for
1346 what opportunities or services that person has available to them in that moment. There is not one
1347 clear-cut answer. If this occurred in the detox program, that would be different. If this occurred
1348 in this (proposed) program, Live Free would look for crisis intervention spots such as The
1349 Doorway, which would be able to work with the individual and get them to the services that the
1350 individual is willing to participate in.

1351

1352 Mr. Reimers asked if Mr. Gagne, when he says, “crisis intervention spots,” means working with
1353 another agency. Mr. Reimers replied yes, other agencies that are more suited for those types of
1354 phone calls, something that needs to be immediate, and is willing to work with somebody. The
1355 individual maybe does not meet Live Free’s criteria or is not willing to abide by Live Free’s
1356 rules, but maybe (another agency) has a lesser standard. Or maybe the individual, because of that
1357 intervention, is willing to do something in a different program.

1358

1359 Chair Hoppock asked if any of Live Free’s residents (at the proposed location) would be subject
1360 to court orders or are there as a condition of release. Mr. Gagne replied not for a condition of
1361 release. He continued that sometimes someone might have a legal precedent that they would
1362 have to mandate, but the person still would have to choose to be there and choose to participate.
1363 He continued that Live Free has an extensive screening policy, and certain criteria would remove
1364 someone from being able to come into the program. Chair Hoppock asked for examples. Mr.
1365 Gagne replied that sex offenses or any type of violence would exclude someone from being able
1366 to participate in those locations. He continued that one of Live Free’s facilities is directly across
1367 from a charter school. They have never had any incidents. Students are outside playing ball all
1368 day, and when a ball comes over the fence, someone brings it back to the students. (Live Free)
1369 does not have issues with their neighbors.

1370

1371 Chair Hoppock stated that he assumes it goes without saying that Live Free does not allow
1372 weapons of any kind. Mr. Gagne replied definitely not. He continued that residents are not
1373 allowed to have cell phones, or anything that could possibly allow for participation in further
1374 drug use; Live Free mitigates all circumstances. Visitors are rarely allowed, only people who are
1375 engaging in family treatment, and those visitors are screened through the individual’s clinician,
1376 and are not allowed until a little further into the treatment process, if they are even approved;
1377 they have to be a healthy support.

1378

1379 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he asked
1380 if anyone from the public wanted to speak in opposition to this application.

1381

1382 Bruce Robbins of 5 Main St., Marlborough stated that he is the abutting neighbor to this
1383 property, and he has heard a lot of talk about it and about what has been there in the past. He has
1384 lived in Marlborough since 1993. There have only been a couple of businesses at the (subject
1385 property). A couple of the uses that [people here] said were approved were denied. The people
1386 who owned Athens Pizza tried to open a store and pizza place in this location and were denied by
1387 the City of Keene. When the person built the building that now exists, the City of Keene and the
1388 Town of Marlborough approved certain plans. The person changed those plans and added
1389 another sunroom in the back of the building, which is not in compliance with the wetlands. The
1390 foundation for the back of that building is almost in the brook. When it rains heavily, the brook
1391 tries to go up where it normally used to go, where they filled it in and put the foundation. Now
1392 the water, when high, beats against the side of that building and floods his side yard.

1393

1394 Mr. Robbins continued that he does not think this is a good location for rehab. He was sent a
1395 registered letter (by the applicant), which said this was a non-medical place. Tonight, they said it
1396 was a medical facility and he disagrees with it. He owns the property on all three sides of the
1397 (subject) property and feels this will lessen the value of his home and his property. He is retired
1398 and trying to live on his property. He questions who will want to buy his four-bedroom home and
1399 be next door to a detox facility. He does not think anyone would want that. He questions who
1400 will buy his other land and build a house, with a detox facility in the neighborhood. He did not
1401 buy in a residential neighborhood to live next to a detox building.

1402 Mr. Robbins continued that the “closed-in smoking area” the applicant spoke about is no more
1403 than 10 feet from his property line on the side of his house where he spends a lot of time
1404 outdoors. He is a non-smoker and the wind blows from the north side that will blow all of the
1405 cigarette smoke into his yard. The building did not exist when he moved here in 1993 and he
1406 disagrees with it. He asked if there would be any security at the building. The applicant said
1407 there will be (staff) there, but he questions what will happen if someone who is trying to get off
1408 drugs or alcohol “goes berserk” and hurts someone in the neighborhood. He asks the ZBA to
1409 vote against this application. Main St. Marlborough does not need this.

1410
1411 Ryan Benn of 976 Marlboro Rd., Keene, stated that the applicant says this will not harm property
1412 values, but he does not see how it could not. He continued that he has only lived there for about
1413 4.5 years, and if someone told him that this would be moving in next door 4.5 years later, he
1414 either would not have bought (his property), or he would have asked for a reduced price. He is on
1415 call, away for 30 hours at a time, and does not know if he is comfortable with his wife being
1416 alone for 30-hour stretches.

1417
1418 Chair Hoppock asked if anyone else wanted to speak in opposition. Hearing none, he asked if the
1419 applicant wanted to respond.

1420
1421 Mr. Reimers stated that this is not a detox facility or a medical facility. He continued that is a
1422 non-medical, non-detox place for people who have already gone through a detox program and
1423 have been medically cleared by professionals. People who enter this facility do so voluntarily.
1424 The neighborhood would not be getting a “detox place.” Regarding the smoking area Mr.
1425 Robbins referred to, Mr. Gagne is willing to work with any neighbors to make this work. The
1426 smoking area does not need to be in that location; it could be somewhere else. Residents are
1427 supervised 24 hours a day. This is not a place where, for example, 20 people are just hanging out
1428 living together for four to six weeks and spending all their time smoking on the deck. People will
1429 be in intensive group sessions 16 hours a day. They are supervised during their breaks.

1430
1431 Mr. Gagne stated that part of becoming a part of any community is working with neighbors. He
1432 continued that Live Free has a history of working with neighbors to move property lines, (for
1433 example), because there were trees impacting neighbors’ houses in Keene and in Manchester. If
1434 there is water damage being created by the property he owns, he is obligated to at least look at
1435 ways to help with mitigating that if possible. He does not know the history of what previous
1436 owners did that met or did not meet Code, but that is not an impact he wants to have on any
1437 community. It is not an impact he *has* had on any community.

1438
1439 Mr. Gagne continued that regarding Mr. Robbins’ comments about the need for security, Live
1440 Free does not have security; they have on-site staff who are trained and able to handle these
1441 kinds of situations. If that were to be a prevalent problem, a board member would probably bring
1442 up an incident that had taken place that was reportable. He would be hard pressed to find (that),
1443 because they do not exist.

1444

1445 Mr. Gagne continued that he understands the viewpoint about property values, but regarding the
1446 property values of Live Free’s locations, they have added to the property values of their
1447 neighbors. He mentioned (the) Court St. (property) was falling apart and that Live Free had a
1448 clear, step-by-step plan to reestablish that property. A roof just went on over the summer, and a
1449 complete landscape plan has been done, which is common for Live Free. He looks at these
1450 properties to be ones that support their clients in a manner that is with integrity, which requires
1451 funding to the property itself. That is a benefit to Live Free’s neighbors, not a hindrance. You
1452 cannot find a property that is next to any of Live Free’s properties, including in Manchester,
1453 which has not increased in value.

1454
1455 Mr. Reimers stated that as Mr. Gagne said, you would be hard pressed to find an example of
1456 someone “going berserk.” He continued that this is a home staffed by professionals who are
1457 trained to deal with situations if they arise. He understands people having concerns about
1458 something new like this in the neighborhood, but nothing factual supports those concerns coming
1459 to fruition. He did not include this in the application, but Ms. Kessler found a 2019 study by the
1460 National Bureau of Economic Research in Cambridge, which looked into substance use disorder
1461 treatment centers and their relation to property values. The abstract says, “*We find no evidence*
1462 *that substance use disorder treatment centers affect property values.*” Thus, having concerns
1463 anecdotally is not the same as property values actually being diminished. He remembers a case
1464 he had with (the ZBA) years ago, and he recalls the ZBA members who were there, regarding a
1465 homeless shelter. The ZBA was careful not to base their decision on the inferred character of the
1466 people who might be there. People with substance use disorders are a protected class under the
1467 Fair Housing Act. There is nothing to support the fear that someone will “go berserk” in the
1468 neighborhood, because Live Free’s track record is there.

1469
1470 Mr. Gagne stated that it is important to note that Live Free has had completely open lines of
1471 communication with their neighbors. He continued that neighbors could call his cell phone or
1472 email him as he provides his contact information. Neighbors have phone numbers for on-site
1473 staff as well. These are valid concerns, and if he did not know what he knows, he would
1474 probably have those concerns, too. However, concerns are not always based in fact. What he
1475 found in working with neighbors of the Court St. facility is that it is a very densely populated
1476 neighborhood, and neighbors are not afraid to express their opinions and feelings about
1477 situations. Live Free does not have incidents at Court St., and those neighbors are incredibly
1478 close to Live Free’s property line. If the inferred damage were going to take place, it would have
1479 already happened. The (Court St. facility) is a lesser (level of) care. Residents have more
1480 freedom to go out. If they were to go out and do the things (Mr. Robbins’ spoke of), those
1481 problems would already exist, because the Court St. residents have more opportunity to do that.
1482 Less opportunity would imply that there is less chance that would take place. The spirit of this
1483 would be to have an open line of communication to work through anything that ever comes up or
1484 is of concern, whether real or not. Often, Live Free gets phone calls with complaints about
1485 parties going on. The caller assumes the partying is at the Live Free facility, but the reality is that
1486 it is the rooming house across the street, not Live Free’s clients. That same willingness to have
1487 an open line of communication would exist for these (Marlboro Rd.) neighbors as well.

1488 Chair Hoppock asked if it is fair to say that this location would never have fewer than five staff
1489 members present. Mr. Gagne replied that was correct.

1490
1491 Ms. Kessler stated that she will add that the City of Keene has an annual review process through
1492 its operating license that will hold this type of facility accountable. She continued that Live Free
1493 has been held accountable for the past year that this license process has taken effect. Mr. Gagne
1494 replied that even more, this is a facility that will be licensed by the NH DHHS, which is the
1495 highest licensure there is. Thus, Live Free’s clinicians, medical staff, or anyone else within Live
1496 Free’s facilities, will have their license under scrutiny by the NH DHHS for this facility.
1497 Anything they do will have to abide by that licensure, and he knows that if Live Free is not
1498 adhering to that, the NH DHHS will close their doors immediately.

1499
1500 Mr. Reimers asked Mr. Gagne to explain how this will not be a medical facility. Mr. Gagne
1501 replied that the portion of this that often gets confused is that when someone is referred for
1502 medical stabilization, before they come to Live Free, they have to be a “non-institutional
1503 referral,” meaning they do not require a hospital level of care. He continued that if they require a
1504 hospital level of care Live Free cannot admit them, (not even to) Live Free’s medical facility. At
1505 that point, the person is typically removed of or separated from certain drugs using some types of
1506 prescription drugs. There is a taper that they are cleared for at some point in time. Then, a person
1507 would step into this facility, where they would engage in clinical treatment. Live Free’s idea for
1508 this (proposed facility) is to have a smaller, more specialized program for these individuals to
1509 engage in specialized treatment, such as talk therapy, group therapy, and very honed life skills.
1510 These individuals typically do not have the life skills that others have, and this is an opportunity
1511 to focus on what life skills they need as individuals and be able to provide that for them. That is
1512 the level of care, it is not medical. Residents might be on medications, because if someone has,
1513 for example, diabetes, generalized anxiety disorder, or depression, they are prescribed
1514 medications. Live Free helps residents with what they need. Maybe they have not been on
1515 medications, and someone can evaluate them and recommend they see a prescriber. The idea is
1516 for people to be able to get a foothold and to have a lot of supervision and a lot of care, on a
1517 more individualized basis, from people with smaller caseloads.

1518
1519 Mr. Gagne continued that he views this (proposed program) as similar to programs Live Free has
1520 done. They go above and beyond, and take the work very seriously, for this exact reason. He
1521 would want someone to do that for his own loved one who needed help. If he were in a
1522 neighborhood where this was taking place, he would hope that the facility was really taking the
1523 thought and consideration that Live Free does.

1524
1525 Mr. Reimers stated that unlike a detox facility, this is non-medical in the sense that medicine is
1526 not being used to help get residents to stop using drugs or alcohol. He asked if that is correct. Mr.
1527 Gagne replied yes, the individuals have already made it through that process.

1528
1529 Chair Hoppock asked if it is correct that someone who is there, who has been through detox,
1530 requires medical treatment for something else – such as anxiety, depression, or whatever it is –

1531 would get that treatment from an outside person such as their own PCP. Mr. Gagne replied no,
1532 Live Free would have an internal prescriber that people could see. He continued that Live Free’s
1533 detox facility is 1,000 feet up the road. If a resident has any issue, it is about a 45-second car ride
1534 to go sit down with a registered nurse or APRN, who is licensed by the NH Board of Medicine,
1535 to have those kinds of conversations. That is an added benefit, as many residential facilities he is
1536 proposing do not have that as an opportunity. Those medical staff (at the detox facility) are there
1537 24/7. A registered nurse, sometimes two, is on staff 24/7, with the psychiatric APRN.
1538

1539 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he asked
1540 if the applicant had anything further to add. Hearing none, he closed the public hearing and asked
1541 the Board to deliberate.
1542

1543 Chair Hoppock stated that before they start the deliberations, they should discuss the one-page
1544 handout they received (from the applicant). He continued that under the ZBA’s policy, they are
1545 supposed to get materials 10 days prior to a hearing. *“If an applicant or an applicant’s agent*
1546 *submits supplemental information pertaining to an application within 10 days prior to the public*
1547 *hearing at which the application is to be heard, the Board shall consider during the meeting and*
1548 *decide by majority vote whether to accept the supplemental information for consideration at the*
1549 *meeting or to continue to application to the next scheduled meeting to allow adequate time to*
1550 *review the supplemental information.”* His opinion is that they do not need to continue this
1551 hearing. He asked if they should vote to accept this piece of paper and consider it tonight, or not
1552 accept it.
1553

1554 Ms. Taylor made a motion for the ZBA to accept this “addressing neighborhood concerns
1555 policy” from Live Free Sober Living into the record. Mr. Guyot seconded the motion, which
1556 passed by unanimous vote.
1557

1558 *1. Granting the Variance would not be contrary to the public interest.*
1559

1560 Chair Hoppock stated that he does not see how granting this Variance would be contrary to the
1561 public interest, in terms of violating basic Zoning objectives. He continued that the property is
1562 currently vacant and has a history of commercial use. He does not know what happened to the
1563 log home business, but he remembers driving by it many times. The ZBA’s concern is whether
1564 this proposed use, which is not permitted in this zone, violates basic zoning objectives. A kennel
1565 or other uses that were mentioned would be busier/have more of an impact on the area than this
1566 one would. He is impressed that there is likely a very low traffic impact here, and the proposed
1567 use would impact less than a restaurant, kennel, or a variety of other uses that are permitted. He
1568 does not think it would be contrary to the public interest.
1569

1570 Mr. Hagan stated that a letter from an abutting neighbor was submitted on Friday, May 31, and
1571 thus did not make it into the agenda packet. He continued that he has a copy, but not enough
1572 copies for everyone. Chair Hoppock replied that he can pass it around and let the Board read it.
1573

1574 Chair Hoppock stated that for the record, it is a memorandum dated June 3, 2024. It is from
1575 Bonnie Delano and Brenda Sherwin, daughters POA [Power of Attorney] for Dorothy Wilcox of
1576 974 Marlboro Rd., Keene. Then there is a carbon copy of an email address. The subject concerns
1577 ZBA-2024-15, Variance to permit a non-medical residential drug/alcohol treatment facility at
1578 973 Marlboro Rd., Tax Map #294-004-000. He continued that the memo reads as follows:
1579 *“On behalf of our 102-year-old mother, Dorothy Wilcox, whose property abuts this proposed*
1580 *facility, we ask the following concerns be addressed and considered regarding the above*
1581 *Variance request. Dorothy has lived at 974 Marlboro Rd. for over 70 years and has raised five*
1582 *children in her home. For a large portion of that time, 973 Marlboro Rd. was a vacant lot. She*
1583 *has always earmarked the future sale of her home to be what she will use to live on once she is*
1584 *no longer able to live by herself. By allowing a drug/alcohol treatment facility beside her, it will*
1585 *most definitely impact the value and the profits once the house is sold. How will she be*
1586 *compensated for this revenue loss?*

1587
1588 *As the value of the home at 974 Marlboro Rd. will be negatively impacted, a reevaluation for tax*
1589 *assessment needs to and should be made. Although we appreciate the facility will be staffed 24/7*
1590 *and all efforts will be made to ensure the safety of the facility, residents, and the neighboring*
1591 *property owners, nothing is foolproof. If a resident of said facility causes damage to Dorothy’s*
1592 *home, or is injured or worse on her property, who is legally and financially responsible?”*

1593
1594 Chair Hoppock reopened the public hearing and asked if the applicant wanted to address the
1595 letter.

1596
1597 Mr. Reimers stated that he understands the neighbors seeing this as a concern, but again, there is
1598 nothing to support the assertion that this will impact Ms. Wilcox’s property value. He continued
1599 that as far as who is legally responsible for, say, a (Live Free) resident leaving the house and
1600 getting hurt on Ms. Wilcox’s property, he does not think that is part of a variance. The most
1601 difficult questions for a lawyer to answer are the ones when people throw out, *“Well, what about*
1602 *liability?”* Ms. Wilcox certainly would not be liable for someone else hurting themselves, unless
1603 she had some kind of obvious danger on her property, which he does not think is the case. It is
1604 true that nothing in life is foolproof. However, there is no track record here of sober people just
1605 wandering away and getting hurt or causing damage to properties neighboring Live Free. He
1606 does not think the concerns in the letter, while valid, change the variance calculus at all.

1607
1608 Chair Hoppock asked if there were any other questions or comments as a result of the letter.
1609 Hearing none, he closed the public hearing to resume deliberations.

1610
1611 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

1612
1613 Chair Hoppock stated that this criterion goes to the two factors that seem to be implicated most
1614 here, which are whether it will alter the essential character of the neighborhood, or whether it
1615 will jeopardize public health, safety, or welfare. He likes to see concrete evidence backing a
1616 position, and lacking such evidence, he likes to see more than speculation. To a degree, the

1617 Board members bring their personal experiences to this Board, which they are allowed to do. He
1618 has had a number of cases in his professional life as a lawyer dealing with these kinds of
1619 facilities, advocating for them and fighting against them. He has seen both sides of the equation.
1620 He always sees people speculating about what he calls the “parade of horrors.” There is an
1621 assumption that people in recovery are potentially dangerous, he has not seen that to be true.
1622 There is no evidence in this case where that could even remotely be taken as a serious fact.
1623 People in recovery are there because they want to be, and they have already taken a couple of
1624 steps to get where they are going to be at the intermediate level of this facility. That shows that
1625 they have made progress to a degree and are continuing to do so. If the program is as effective as
1626 the Board has heard, people will continue to make progress and step down as they go. He does
1627 not buy the argument that granting this variance would create a public health or safety risk in any
1628 neighborhood. The corollary to that is that there is no danger to the public welfare or safety, in
1629 his opinion.

1630
1631 Chair Hoppock stated that regarding the essential character of the neighborhood, the Board is not
1632 seeing any evidence that the physical structure of the place will change. He continued that the
1633 only thing that might need to be addressed is the location of the outside smoking area. He heard
1634 the applicant say that Live Free can work with that, and that the property is large enough to do
1635 so. He personally is not a fan of smoking and would ban it altogether if it were his property, but
1636 that is not his call. He heard the applicant say he will work with the neighbors on this, and he
1637 believes him. Aside from that one minor issue, he would be prepared to say that granting this
1638 variance would not violate the spirit of the Ordinance. It would be observed.

1639
1640 3. *Granting the Variance would do substantial justice.*

1641
1642 Chair Hoppock asked, what harm would happen to the public if this were granted. He continued
1643 that everything he just said about public safety and welfare is applicable here. He does not see
1644 any evidence that there will be this great harm befalling the neighborhood, the city, or anywhere
1645 else. He sees a loss to a couple individuals here – the owner, the applicant, and the general
1646 public. These facilities are needed in today’s society. He would support the finding that this
1647 criterion has been met.

1648
1649 4. *If the Variance were granted, the values of the surrounding properties would not be*
1650 *diminished.*

1651
1652 Chair Hoppock stated that the Board has heard a couple of comments about property values. He
1653 continued that in his experience doing this kind of work, he has seen people come in with letters
1654 from realtors, letters from real estate appraisers, stating their gut opinions. Tonight, the Board
1655 heard opinions from several people who wrote and spoke. He does not doubt the sincerity of
1656 their beliefs, but he questions the basis for them. He does not think he is putting too much weight
1657 on what the applicant says, because he (the applicant) has the track record. He himself is aware
1658 of the track record, because he has been involved with some of those cases, collaterally or not.
1659 He does not see the negative impact, especially with the one on Court St., not too far from the

1660 hospital. Before Live Free took over that property, another outfit went in, and the neighbors
1661 “went nuts.” The ZBA shut it down and did not grant the variance for that. They (granted the
1662 variance) for (Live Free), and he thinks he knows why. He was not on the Board then, however,
1663 the track record that this applicant has demonstrated leaves him to believe that Live Free does
1664 know what they are doing, that they will operate in a manner that will not allow property values
1665 to diminish, and that they will listen to their neighbors. They handed out a policy about their
1666 relationship with their neighbors, which he thinks is thorough and sincere. He would use that as
1667 evidence to support his conviction that granting this variance would not diminish the values of
1668 surrounding properties.

1670 5. *Unnecessary Hardship*

1671 A. *Owing to special conditions of the property that distinguish it from other*
1672 *properties in the area, denial of the variance would result in unnecessary hardship*
1673 *because*

1674 i. *No fair and substantial relationship exists between the general public*
1675 *purposes of the ordinance provision and the specific application of that provision*
1676 *to the property because:*

1677 *and*

1678 ii. *The proposed use is a reasonable one.*

1679

1680 Chair Hoppock stated that he thinks Mr. Reimers nailed the three-part test. He continued that
1681 there are special conditions to this property, some he himself has never seen before, such as a
1682 town line running right through the middle of the building, with 1.1 acres on one side and almost
1683 an acre on the other. There are competing regulatory requirements from two municipalities. The
1684 size of one building, with so many offices that can be easily converted into residential units, with
1685 sufficient bathrooms; and the fact that it is on a main thoroughfare, Rt. 101, are other special
1686 conditions. Those special conditions make the application of a prohibition of this type of use
1687 somewhat nonsensical, or at least unreasonable. He thinks the use they propose is reasonable in
1688 this location. The fact that it is located so close to another facility owned by the same applicant is
1689 just a coincidence and a plus for Live Free, not a special condition, but he heard what Mr. Gagne
1690 said about the availability of medical treatment so close to the place. He would be in support of
1691 this application, and in support of granting the variance, for all those reasons.

1692

1693 Mr. Guyot stated that he agrees with Chair Hoppock’s assessment, which was well said. He
1694 continued that he would also add that residents are controlled primarily inside the facility. There
1695 is an outside smoking area, but residents will not be wandering about the property, is what he
1696 heard from the applicant.

1697

1698 Ms. Taylor stated that she thinks the proposed use as part of the unnecessary hardship test is
1699 reasonable. She continued that her understanding is that except for a brief period, this property
1700 has never been used for the purposes that are defined, on the Keene side of the building, at least.
1701 She cannot speak to what the Marlborough side of the zoning might be. She thinks the use is

1702 reasonable, or at least as reasonable as any of the prior uses have been. Chair Hoppock replied
1703 that it is at least as reasonable as and less impactful than many of the permitted uses.

1704
1705 Chair Hoppock asked if there were further comments. Hearing none, he asked for a motion.

1706
1707 Ms. Taylor made a motion to approve the variance for Live Free Recovery Services, LLC, for
1708 property located at 973 Marlboro Rd., Tax Map #294-004-000, in the Rural District, to permit a
1709 non-medical Residential Drug/Alcohol Treatment Facility where such use is not permitted per
1710 Article 3.1.5 of the Zoning Regulations, with the condition that the ZBA's approval is contingent
1711 upon the applicant receiving all approvals required by the Town of Marlborough, the City of
1712 Keene, and the State of New Hampshire. Mr. Clough seconded the motion.

1713
1714 1. *Granting the Variance would not be contrary to the public interest.*

1715
1716 Met with a vote of 4-0.

1717
1718 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

1719
1720 Met with a vote of 4-0.

1721
1722 3. *Granting the Variance would do substantial justice.*

1723
1724 Met with a vote of 4-0.

1725
1726 4. *If the Variance were granted, the values of the surrounding properties would not be*
1727 *diminished.*

1728
1729 Met with a vote of 4-0.

1730
1731 5. *Unnecessary Hardship*

1732 A. *Owing to special conditions of the property that distinguish it from other*
1733 *properties in the area, denial of the variance would result in unnecessary hardship*
1734 *because*

1735 i. *No fair and substantial relationship exists between the general public*
1736 *purposes of the ordinance provision and the specific application of that provision*
1737 *to the property because:*

1738 *and*

1739 ii. *The proposed use is a reasonable one.*

1740
1741 Met with a vote of 4-0.

1742
1743 The motion to approve ZBA-2024-15 passed with a vote of 4-0.

1744

1745 **E) ZBA-2024-16: Petitioner, Heather Francisco requests a variance for property**
1746 **located at 271 Elm St., Tax Map #536-086-000 and is in the Medium Density**
1747 **District. The Petitioner requests a variance to turn a single family home with an**
1748 **Accessory Dwelling Unit into a two family on a lot with 11,325.6 sq. ft. where 13,400**
1749 **sq. ft. is required per Article 3.5.2 of the Zoning Regulations.**
1750

1751 Chair Hoppock introduced ZBA-2024-16 and asked to hear from staff.
1752

1753 Mr. Hagan stated that 271 Elm St. is zoned Medium Density, has .26 acres, is a single-family
1754 home with an Accessory Dwelling Unit (ADU) and currently conforms with all requirements. It
1755 has been a single-family home since 1979. In 2017, the owner obtained a permit to have the
1756 ADU. He could not find any ZBA cases in the file. In Section 8.4.2 – Specific Use Standards, An
1757 Accessory Dwelling Unit, 1. Defined says, *“An independent living unit ancillary to a single-*
1758 *family dwelling unit and under the same ownership as the principal dwelling unit. The unit may*
1759 *be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal*
1760 *dwelling unit, or a detached ADU, located in an attached accessory building on the property.”*
1761

1762 Chair Hoppock asked if it is correct that the lot is 11,325.6 square feet and the applicant needs
1763 13,400 square feet to do what she wants to do. Mr. Hagan replied yes, to make it a two-family
1764 home instead of an ADU. Chair Hoppock asked if it is correct that there is a shortage of 2,074.4
1765 square feet. Mr. Hagan replied yes.
1766

1767 Chair Hoppock asked to hear from the applicant.
1768

1769 Heather Francisco of 271 Elm St. stated that she wants to begin by thanking the (staff members)
1770 who helped her with this process and answered so many of her questions. She continued that she
1771 is petitioning for this variance as a way to address Keene’s housing crisis in general. She owns
1772 271 Elm St., currently designated as a single-family home with an ADU. At the end of this
1773 month, she will be moving out of the home, to Gilsum, NH. Two families with school-age
1774 children currently reside in the building. One family shares a unit with her, and the other resides
1775 in the apartment on the first floor. Those families will have to vacate when she moves out,
1776 because with the ADU, she has to reside in one of the units in order to rent the house out. Those
1777 families will not be permitted to stay when she moves out and will be considered homeless. They
1778 are both working class families. Everyone she had rented to have been nurses or other
1779 professionals. The neighborhood is mainly lower-middle class or working-class people who get
1780 their bills paid on time but do not have the luxury of being able to secure a new home for their
1781 families with 30 days’ notice. Keene does not have many two-bedroom rentals available. These
1782 two families work (in Keene) and their children attend the school closest to 271 Elm St.
1783

1784 Ms. Francisco continued that 271 Elm St. was built in 1920 as a two-family home. She bought it
1785 in 2020 during the COVID-19 pandemic when it was in very poor shape and had been vacant for
1786 years. She believed it was a two-family home. She did not know until recently that it was

1787 designated as a one-family with an ADU. If she had known that she would not have put families
1788 in danger of losing their housing if she moved out.

1789
1790 Ms. Francisco continued that the property is located in a Medium Density neighborhood with
1791 single-family, multi-family, commercial, and government housing. The purpose and effect of the
1792 proposed variance is to change the property's designation from a single-family with an ADU to a
1793 two-family property. Justification for the proposed variance is that 271 Elm St. was originally
1794 built to be a two-family home and has been used to house two separate households since she
1795 purchased it. It has square footage for four parking spaces, currently all in use. It has two
1796 addresses on some paperwork, as 271 Elm St. and 273 Elm St. as it has two separate apartments.
1797 One is 807 square feet and includes two bedrooms, separate dining and living room, kitchen,
1798 bath, and laundry room. The other apartment is 598.26 square feet and includes the same, but
1799 with a larger bath and laundry room. Both apartments have covered porches, storage areas in the
1800 basement, and minimums of two parking spaces. Each apartment has a separate heating system
1801 and utilities. The lot size is 11,325.6 square feet and includes a 15' by 80' driveway area. The
1802 square footage falls short of the required 13,400 square feet. However, there is room for plenty
1803 of parking and a ramp for the first floor apartment if needed.

1804
1805 1. *Granting the Variance would not be contrary to the public interest.*

1806
1807 Ms. Francisco stated that since 2020, she has received a great deal of positive reinforcement
1808 from the neighborhood and community members. Multiple community members have shared
1809 that 271 Elm St. was formerly referred to in a negative light and in ill repair. Quickly after she
1810 rehabilitated the property, the home directly across the street was completely gutted and
1811 remodeled. Next, the other property directly across the street had an exterior remodel. Lastly, the
1812 two abutting vacant lots that had been used as a dumping ground for construction waste were
1813 purchased, and a large, beautiful home was built. Another abutting property had an exterior
1814 remodel just before the newest house was built. All this development happened in the three years
1815 following the exterior rehab after her purchase of 271 Elm St. During all these years, 271 Elm St.
1816 housed two separate families, which has done nothing to harm the neighborhood. It has helped
1817 with the improvement and upkeep of the property.

1818
1819 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

1820
1821 Ms. Francisco stated that 271 Elm St. is now an attractive, modern, two-family home that houses
1822 two young families with children. She continued that if the variance were granted, the spirit of
1823 the Ordinance would be observed, because two middle-class families who care for their property
1824 would remain living at 271 Elm St. The yard is sizable and there is room for its covered porches,
1825 gardens, parking, and safe play away from the street.

1826
1827 3. *Granting the Variance would do substantial justice.*

1828

1829 Ms. Francisco stated that when she advertised the first floor unit, she received well over 100
1830 inquiries. Most inquiries arrived with lengthy explanations of circumstances of the hardship of
1831 finding housing and heat, especially two-bedroom housing in close proximity to the hospital and
1832 schools. She knows firsthand how difficult it is for Keene residents to find housing.

1833
1834 Several abutting properties are distinguished as multi-family homes. One has a lot significantly
1835 smaller than 271 Elm St. Another is deemed not large enough for a two-family; however,
1836 actually has a three-family home on it. She has marked a map listing all the abutting multi-family
1837 homes and commercial properties just a bit further than 200 feet.

1838
1839 4. *If the Variance were granted, the values of the surrounding properties would not be*
1840 *diminished.*

1841
1842 Ms. Francisco stated that following her purchase and use of 271 Elm St. as a two-family, four
1843 directly abutting properties invested a great deal of money in their properties. The other three
1844 invested in landscaping and painting their homes. It is not technically legal in the City of Keene,
1845 but she sees 271 Elm St. already used as a two-family home like it was originally built.

1846
1847 5. *Unnecessary Hardship*

1848 A. *Owing to special conditions of the property that distinguish it from other*
1849 *properties in the area, denial of the variance would result in unnecessary hardship*
1850 *because*

1851 i. *No fair and substantial relationship exists between the general public*
1852 *purposes of the ordinance provision and the specific application of that provision*
1853 *to the property because:*

1854
1855 Ms. Francisco stated that denial of the Ordinance would immediately make two families
1856 homeless with 30 days' notice. It would cause the property to sit vacant for the entirety of her
1857 owning it because she will be moving out at the end of this of June. Since it is now designated as
1858 a single-family home with an ADU, if she does not live in one unit, no one can live in the other.
1859 She is able to let 271 Elm St. sit vacant, but it would be immediately recognizable to Keene
1860 residents.

1861
1862 *and*

1863 ii. *The proposed use is a reasonable one.*

1864
1865 Ms. Francisco stated that the proposed use is reasonable because 271 Elm St. has already been
1866 used as a two-family since she purchased it in 2020.

1867
1868 B. *Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
1869 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
1870 *property that distinguish it from other properties in the area, the property cannot be*

1871 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
1872 *necessary to enable a reasonable use of it.*
1873

1874 Ms. Francisco stated that another unnecessary hardship would be to residents of Keene. Denial of
1875 the variance would immediately prevent Keene residents' access to affordable multi-bedroom
1876 housing located near good schools with ample yard space for their children. This would be seen
1877 as nothing but unnecessary hardship during Keene's housing crisis.
1878

1879 Ms. Francisco stated that regarding the square footage of the yard, she had done the math wrong
1880 and wrote 768 square feet. She continued that it is over 2,000 square feet. It is 2,000 square feet
1881 less than currently required for a two-family without a variance. Both apartments provide ample
1882 space for two families. The lot provides ample space for parking.
1883

1884 Ms. Francisco continued that (the application) includes the abutters list and a map of the property
1885 that shows where the driveway is. She believes the driveway is 83 feet long and it can easily fit
1886 four cars. Four cars or trucks easily fit in a box configuration and are able to come and go as they
1887 please. An aerial map is numbered to show other properties that have less square footage than
1888 hers and are multi-family homes with two and three bedrooms. Some have very similar square
1889 footage to that of 271 Elm St.
1890

1891 Ms. Francisco stated that in conclusion, she is asking for the ADU to be changed into a two-
1892 family home. Chair Hoppock asked if it is correct that Ms. Francisco is not proposing any new
1893 construction, and just wants the ADU to be reclassified as the second dwelling unit of a two-
1894 family dwelling unit. Ms. Francisco replied that is correct, the only change would be the
1895 paperwork.
1896

1897 Chair Hoppock asked if it is correct that the driveway is 83 feet long. Ms. Francisco replied yes.
1898 She continued that the property is 86 feet on that side, but coming in three feet from City
1899 property, it would bring it to 83 feet.
1900

1901 Ms. Taylor asked Mr. Hagan if there was any information on the permit from when this became
1902 an ADU. She continued that she is trying to figure out, if it was originally a two-family home,
1903 whether it reverted to a one-family and then someone wanted an ADU, or if it went right from a
1904 two-family to a one-family with an ADU. Mr. Hagan replied that the City's records show that it
1905 has been used as a single-family home since 1979, until there was construction work without a
1906 permit. In [2017], a stop work order was given to the property because they (the owner) were
1907 looking to convert it to a two-family and the City records indicated that it was only a single-
1908 family. He continued that the only route the (owner) could take, without seeking a variance, was
1909 the ADU. They chose to not go for a variance because an ADU was permitted by right under the
1910 Ordinance. At the time, there were many more limitations to ADU's, such as an ADU could be
1911 no more than 30% or 600 square feet in size, and it had to be owner-occupied. It used to require
1912 two parking spaces for an ADU as well as for the single family. The Ordinance changed and now
1913 it allows an ADU up to 1,000 square feet, attached or detached, with one parking space. If

1914 identified as (an ADU), it has those additional allowances. If this converts to a two-family,
1915 nothing will change as far as building permits go. The only difference would be that it could be
1916 rented out and would not have to be owner-occupied. Ms. Francisco would have to add one more
1917 parking space. She provided a parking plan showing where the property can fit four vehicles and
1918 meet the parking requirements.

1919
1920 Ms. Taylor stated that when she looked up the photos of the property on Google, she noticed two
1921 distinct entrances on the front of the house. She asked Ms. Francisco if those were there when
1922 she purchased it. Ms. Francisco replied yes, and in addition, there is another distinct entrance
1923 with a porch on the side where the driveways are. She continued that each unit has its own front
1924 door and back door.

1925
1926 Ms. Taylor asked if one of the units has a stairway to go upstairs. Ms. Francisco replied that
1927 there are three entrances and exits. She continued that if you pull in the driveway, there is a door
1928 that opens into a hallway from which you can go up the stairs to the top floor apartment or take a
1929 left to the bottom floor apartment. You can also access either of the apartments via the left-hand
1930 doorway. The door on the front, on the right, is just for the first-floor unit.

1931
1932 Mr. Hagan stated that a few minutes ago, he incorrectly stated that the permit for the ADU was
1933 given in 2010. He continued that to correct the record, it was actually 2017.

1934
1935 Ms. Francisco stated that when she purchased it, it was advertised online and through her realtor
1936 as a two-family home and she thought that it was. She was a first-time buyer, did it completely
1937 on her own and has learned a lot since then. The main issue now is that she has a responsibility
1938 to these two families she rented to, not knowing that their housing would be in danger when she
1939 herself moved out, as she knew she eventually would do. She does not have the financial means
1940 to help rehouse them.

1941
1942 Ms. Taylor asked Mr. Hagan about the lot's square footage. She asked if there is a difference
1943 between the ADU requirement under the current Zoning and a two-family home. Mr. Hagan
1944 replied there is no zone dimensional requirement for an ADU. It is by right, for any single-family
1945 home in the state of NH, with additional conditions set forth by the municipality. If Zoning
1946 allows for a single-family home on that lot, an ADU is allowed. Ms. Taylor asked if the Keene
1947 Zoning Ordinance requires square footage of the lot. Mr. Hagan replied no, not for an ADU. He
1948 continued that as long as there is a single-family home on the lot, you are allowed to have an
1949 ADU, with no additional lot size requirements.

1950
1951 Ms. Taylor asked if what they have here is an issue of semantics. Mr. Hagan replied that it is
1952 allowed by right and meets all the current Zoning requirements. He continued that Ms. Francisco
1953 is asking for it to be a two-family home. If it were a two-family, it would be required to have
1954 13,400 square feet. Thus, they are talking about 2,000 square feet if it were to be a two-family
1955 home.

1956

1957 Chair Hoppock asked if the ZBA can approve this with the condition that no further increases in
1958 the square footage of either building occur. He continued that in other words, the (owner) could
1959 not put an addition on anything. Mr. Hagan replied that the ZBA can put a condition on anything.
1960 He continued that his suggestion is that even if this were to be a two-family home, the Ordinance
1961 is intended to be able to expand out to the minimum dimensional requirements. This is a small
1962 house compared to the lot size with the square footage of the whole house at almost 1,400.

1963
1964 Chair Hoppock asked what he means about the “whole house” and the ADU. Mr. Hagan replied
1965 that the primary dwelling unit is 807 square feet, and the ADU is 598 square feet. Those are
1966 rather small units, in comparison, currently an ADU is allowed to be up to 1,000 square feet.

1967
1968 Chair Hoppock asked Ms. Francisco who James Devinentis and Tiew Zehnbauer are, and
1969 whether those are neighbors. He continued that they are the owners of 187 Elm St. Ms. Francisco
1970 replied that they might be the couple who just bought the double lot and put the house up.

1971
1972 Chair Hoppock stated that as he understands it, Ms. Francisco currently has the main house and
1973 an ADU, and just wants to allow the main house and the ADU to be single-family residences on
1974 the same lot. Ms. Francisco replied yes, because they are identical except for the stairway, which
1975 is what takes away the square footage on the first floor unit. She continued that they have
1976 separate heating and utilities.

1977
1978 Chair Hoppock stated that the agenda packet has a street map of the area, but you cannot make
1979 out anything on it; it is just a bad copy, and he is not sure what happened. He continued that it
1980 would be helpful to see the lots as some have numbers on it. Ms. Francisco replied that numbers
1981 one through six are the abutting properties that have multi-family homes and have square footage
1982 that is similar to or less than that of 271 Elm St. She continued that some are two-family, and
1983 some are three-family. What she does not have here (in the agenda packet) is that kitty-corner to
1984 her property are two commercial properties with six and eight units in them. They are (slightly
1985 beyond) the 200 feet abutters line.

1986
1987 Chair Hoppock asked Ms. Francisco what special condition of her land would make the
1988 application of the 13,400 square foot requirement burdensome to her. He continued that in other
1989 words, she has two relatively small structures on the lot, but they are close to or similar to six
1990 other properties in the immediate neighborhood. He is trying to identify something about this
1991 property that makes the application of the Zoning restriction unfair.

1992
1993 Ms. Francisco replied that where the house sits on the property gives ample room on all sides of
1994 it to the neighbors. The property kind of horseshoes around it. There is space for more than four
1995 cars to park in, but she knows that is the minimum she has. Regarding the layout of the house, it
1996 has more generous features as a two-family than many of the homes designated as two-family.
1997 The abutting property next door is a three-family home with square footage that is not enough for
1998 a two-family. The abutter in the rear is a two-family home that has just a driveway. It does not
1999 look to her like it (her property) is not a two-family home. It looks and feels like it has a spacious

2000 yard, and the top and bottom unit's match. It just does not appear to be anything other than a
2001 two-family home. The square footage of the top apartment is a little bit bigger than it should
2002 have been at the time it was distinguished as an ADU. At that time, there was a cap on how big
2003 the ADU could be. At the time, it should not have qualified as an ADU, but it does now.

2004
2005 Ms. Taylor asked Mr. Hagan what happens if (staff) finds that an ADU no longer meets the
2006 requirements, such as saying it has to be owner-occupied. She asked what staff do, and whether
2007 they would say that the permit is no longer valid. Mr. Hagan replied that, as in this situation, staff
2008 would work with the applicant to go through all the avenues the Ordinance allows for. He
2009 continued that in Ms. Francisco's situation, it looked like a Variance application (would be best),
2010 knowing that for starters, the Medium Density zone already allows for up to three-family, based
2011 on lot size. In this case, it does not meet the lot size, but it would allow for it. When you try to
2012 legislate locally, it is hard, enforcement is not easy. Staff would look at each situation
2013 individually, though in this case, it is an educational process. If this were in the Low Density
2014 District, they would be having a different conversation, because two-family homes are not
2015 allowed there, so it is not just the dimensional requirements, it is the use. Again, it is case by
2016 case. An ADU is allowed anywhere a single-family home is allowed, by right. Thus, if you had
2017 this in West Keene on West St., next to the country club, you could have a single-family home
2018 with an ADU. It would look like a two-family, it would be designed and meet the Building Code
2019 requirements as a two-family, but if the owner no longer occupies that location, you can no
2020 longer use that ADU. You can still rent out the main unit, but the ADU use has to cease. You
2021 could rent out either of the units, but you could not have a two-family. You could have a single-
2022 family with an ADU, owner-occupied.

2023
2024 Ms. Taylor asked if Ms. Francisco is trying to tell the Board that she feels the special condition
2025 of the property is the fact that it is an ADU that maybe should not be an ADU. Ms. Francisco
2026 replied yes, it should be a two-family as it was originally built. She continued that it is 104 years
2027 old, and it (the house) was a two-family until the 1970s. Everything about it is separated, such as
2028 the heating, hot water tanks, electricity, entrances, exits, and parking spaces. There is separate,
2029 covered porches for each unit and separate garden spaces.

2030
2031 Chair Hoppock asked, regarding the photo of the front of the house, if the second porch is on the
2032 back. Ms. Francisco replied that it is on the right side.

2033
2034 Chair Hoppock asked if the applicant had anything further to say, before he opened it to public
2035 comment. Ms. Francisco replied that she is excited about what Keene is doing with the Cottage
2036 Court project and she thinks it would be a disservice to Keene to not have two two-bedroom
2037 apartments available. She continued that they are completely new, from 2017 to 2020. It was
2038 completely gutted and remodeled and in a nice neighborhood. Just in the last three to four years,
2039 everything has been remodeled around this property with people who care about their homes.
2040 The tenants care about their homes. She will only be (living) 11 minutes away, and to take two
2041 separate units off the market, or even one unit off the market, which is next to a school, in a good
2042 area, with a good yard for children to play in, is not good at all.

2043 Chair Hoppock asked for public comments.

2044

2045 Gary Boutell of 280 Elm St. stated that he would approve of this being officially made a two-
2046 family, especially if there is no proposal for additional curb cuts. He continued that he assumed
2047 this was a two-family home anyway. He does not know of any other two-family homes in that
2048 area of Elm St., but around the corner on Spruce St. and behind Ms. Francisco’s property on
2049 Carroll St. there are a couple of duplexes. The one on Spruce St. looks like a barn with about
2050 four apartments in it. There are mostly single-family homes in the neighborhood. He has met one
2051 of the tenants (of 271 Elm St) and they are nice people. He has no problems with any of the
2052 immediate neighbors.

2053

2054 Zack LeRoy of 30 Hanover St. stated that he is here as a concerned citizen and that he supports
2055 this. He is a real estate professional in the area and is very concerned that if they start treating
2056 ADUs like that, Ms. Francisco could be harmed, that would inhibit others from buying it. Not
2057 many people would want to buy a two-family home without the intention of it being a two-
2058 family home. It is different than the example (Mr. Hagan) used about West St. where you might
2059 have a nice home with an in-law apartment. He is a big advocate for ADUs, and that was a
2060 perfect example and use of it. However, in this particular circumstance, it needs to be a two-
2061 family home and looked at that way, not just for the current owner, but the following owners.

2062

2063 Chair Hoppock asked if the Board had questions. Hearing none, he asked if the applicant wanted
2064 to respond to the comments.

2065

2066 Ms. Francisco stated that she is very appreciative and continued that she did not know people
2067 were going to come to speak about 271 Elm St. She appreciates people being involved in the
2068 community.

2069

2070 Chair Hoppock stated that he wants to put into the record that the Board has a document from
2071 abutters James Devincentis and Tia Zehnbauer, owners of 187 Elm St., stating that they have no
2072 concern with the proposed Variance. Mr. Devincentis and Ms. Zehnbauer signed it and attached
2073 a copy of the ZBA notice. Hearing no further comments from the public, Chair Hoppock closed
2074 the public hearing and asked the Board to deliberate.

2075

2076 Chair Hoppock stated that he is struggling to find special conditions (regarding the unnecessary
2077 hardship criterion). Ms. Taylor replied that after listening to everything and the explanations of
2078 “ADU” and “two-family,” she thinks the special condition of this property is the building itself,
2079 and that what is requested and what has happened really does not bear any relationship to the
2080 purpose of the Zoning Ordinance in this instance. She continued that usually they are talking
2081 about the lot size being huge amongst small lots, or the other way around. However, if you look
2082 to the *Farrar v. City of Keene* case, that was a huge house. That was the issue with that, and that
2083 (large house size) formed the special condition. She thinks what they have here is a structure that
2084 in and of itself is a special condition and an unusual condition. It (271 Elm St.) certainly fits in
2085 the neighborhood, and it does not create any health or safety issues, nor does it impact the values

2086 of surrounding properties. To her way of thinking, the benefit to the applicant certainly
2087 outweighs any harm to the general public.

2088
2089 Chair Hoppock stated that he agrees with Ms. Taylor’s position and would add that there would
2090 be no gain to the general public if this were denied. He continued that the harm to the applicant
2091 would be significant, especially when you consider the impact of her moving to Gilsum and what
2092 would happen to the (tenants) there (at 271 Elm St.) by virtue of the regulations. That is a bad
2093 outcome. There is certainly no violation of the basic zoning objectives here. Even the neighbors
2094 are saying, “*I thought it was a two-family all along,*” and that makes perfect sense. It looks like a
2095 two-family and ought to be, going back to the semantic problem. It is an unusual special
2096 condition, but he can accept it, and thinks it is appropriately defined.

2097
2098 Ms. Taylor stated that she looks to the verbiage for unnecessary hardship, “*Owing to special*
2099 *conditions of the property that distinguish it from other properties in the area, denial of the*
2100 *Variance would result in unnecessary hardship because no fair and substantial relationship*
2101 *exists between the general public purpose of the Ordinance provision and the specific*
2102 *application of that provision to the property.*” She thinks that is about as clear as they are going
2103 to make it. Chair Hoppock replied that is well stated.

2104
2105 Chair Hoppock asked for a motion. Mr. Hagan asked the Board to first say more about criteria 1,
2106 2, and 4.

2107
2108 Chair Hoppock stated that nothing about this application would alter the essential character of
2109 the neighborhood. He continued that they heard plenty of testimony that indicates that when you
2110 are walking or driving by the property, it looks like a two-family lot. There is nothing about the
2111 property, the structures, or the granting of the Variance that would create a threat to public
2112 health, safety, or welfare. He does not think there is any violation of the basic zoning objectives
2113 here, for the reasons Ms. Taylor mentioned, and by virtue of the fact that there is no harm to the
2114 neighborhood. Especially in light of what the applicant said about the beautification happening in
2115 the area and the increase in property values, he cannot imagine there could be any decrease in
2116 property values by virtue of this Variance.

2117
2118 Mr. Clough made a motion to approve ZBA-2024-16, applicant Heather Francisco’s request for a
2119 variance for property located at 271 Elm St., Tax Map #536-086-000, in the Medium Density
2120 District, to turn a single family home with an Accessory Dwelling Unit into a two family home
2121 on a lot with 11,325.6 sq. ft. where 13,400 sq. ft. is required per Article 3.5.2 of the Zoning
2122 Regulations. Mr. Guyot seconded the motion.

2123
2124 1. *Granting the Variance would not be contrary to the public interest.*

2125
2126 Met with a vote of 4-0.

2127
2128 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

2129 Met with a vote of 4-0.

2130

2131 3. *Granting the Variance would do substantial justice.*

2132

2133 Met with a vote of 4-0.

2134

2135 4. *If the Variance were granted, the values of the surrounding properties would not be*
2136 *diminished.*

2137

2138 Met with a vote of 4-0.

2139

2140 5. *Unnecessary Hardship*

2141 A. *Owing to special conditions of the property that distinguish it from other*
2142 *properties in the area, denial of the variance would result in unnecessary hardship*
2143 *because*

2144 i. *No fair and substantial relationship exists between the general public*
2145 *purposes of the ordinance provision and the specific application of that provision*
2146 *to the property because:*

2147 *and*

2148 ii. *The proposed use is a reasonable one.*

2149

2150 Met with a vote of 4-0.

2151

2152 The motion to approve ZBA-2024-16 passed with a vote of 4-0.

2153

2154 V) **New Business**

2155

2156 VI) **Communications and Miscellaneous**

2157

2158 VII) **Non-public Session (if required)**

2159

2160 VIII) **Adjournment**

2161

2162 There being no further business, Chair Hoppock adjourned the meeting at 10:25 PM.

2163

2164 Respectfully submitted by,

2165 Britta Reida, Minute Taker

2166

2167 Reviewed and edited by,

2168 Corinne Marcou, Zoning Clerk

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243 CHESTERFIELD RD.
ZBA-2024-17



Petitioner requests a Variance for four total apartments in the Agricultural District per Article 7.2.2 & 7.2.5 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-17

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-17: Petitioner, Gina DeSantis, Executive Director at Stonewall Farms, requests a variance for property located at 243 Chesterfield Rd., Tax Map #237-027-000 and is in the Agricultural District. The Petitioner requests a variance for two additional apartments converted from an existing office on 36 acres where 40 acres are required per Article 7.2.2 and to permit four total apartments where only two are allowed per Article 7.2.5 of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	ZBA-2017
Date Filled	
Rec'd By	CM
Page	1 of 19
Rev'd by	

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Stonewall Farm / Gina DeSantis, Executive Director

MAILING ADDRESS: 242 Chesterfield Rd Keene, NH 03431

PHONE: 603-357-7278

EMAIL: gina@stonewallfarm.org

SIGNATURE: *[Signature]*

PRINTED NAME: Gina DeSantis

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: SAME AS ABOVE

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: SAME AS ABOVE

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION

Property Address: 243 Chesterfield Rd

Tax Map Parcel Number: 237-027-000-000-000

Zoning District AG

Lot Dimensions: Front: 868.22 Rear: ± 400' Side: ± 400' Side: ± 475'

Lot Area: Acres: 7.1 Square Feet: 369,276 (36 A = 1,568,160)

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 20,204 Proposed: NO Change

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 20,204 Proposed: NO Change

Present Use: 2 apartments + farm offices

Proposed Use: 4 apartments

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See Attached

SECTION 4: APPLICANTION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit: for 2 additional apartments converted from existing office space

7.2.5 use
7.2.2 10 Acres/dwelling

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. Granting the variance would not be contrary to the public interest because:

See Attached

2. If the variance were granted, the spirit of the ordinance would be observed because:

See
Attached

3. Granting the variance would do substantial justice because:

See
Attached

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

See
Attached

5. Unnecessary Hardship

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

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

See
Attached

and

ii. The proposed use is a reasonable one because:

See
attached

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

See
attached

Stonewall Farm Zoning Board Application: Section 3: Written Narrative

Property Location:

The subject 7.1-acre parcel 243 Chesterfield Rd (Excluded from Easement) is part of a 36-acre tract (Tract A) and is located on the north side of Chesterfield Rd. The farmhouse is about 400 yards from the stone arch bridge. Stonewall Farm is situated approximately 3 miles west of downtown Keene, nestled in the picturesque landscape of the Monadnock region. The property is surrounded by a mix of woodlands and open pastures, offering a tranquil rural setting that is easily accessible from the main road.

Owner of the Subject Property:

The subject property is owned by the non-profit organization Stonewall Farm, Inc. Stonewall Farm has been a cornerstone of the Keene community for 3 decades, dedicated to sustainable agriculture, education, and community engagement. The organization is overseen by a board of directors who are committed to maintaining the farm's mission and ensuring its continued success and service to the community.

Purpose and Effect of the Proposed Variance:

The purpose of the proposed variance is to convert the historic farmhouse on the property from its current use as office space (approximately 1500 sq. ft. on the first floor of the farmhouse) into two residential apartments. The office space has been vacant since the offices were relocated to the new education center in 1996. This conversion will allow Stonewall Farm to better utilize the space within the historic farmhouse and provide much-needed housing in the area. The additional revenue generated from these apartments will allow Stonewall Farm to help fulfill its mission to serve as a community hub for agricultural education, events, and workshops that promote sustainable farming practices.

The effect of granting this variance will be multifaceted and highly beneficial to both Stonewall Farm and the broader community. By accommodating the new apartments, Stonewall Farm will be able to enhance its operational efficiency, bring livestock back to the farm, and expand its educational outreach programs. The farmhouse will continue to blend seamlessly with the existing rural landscape, preserving the aesthetic integrity of the area while enhancing the farm's functionality.

1. **Improved Utilization of Historic Property:** The historic farmhouse will be preserved and maintained through adaptive reuse, ensuring that it continues to be a valuable asset to the property.
2. **Increased Housing Availability:** The conversion will add two residential units to the local housing market, addressing a critical need for housing in the Keene area.
3. **Enhanced Community Engagement:** By providing housing on-site, Stonewall Farm can attract and retain seasonal interns or residents who are committed to the farm's mission, fostering a closer-knit community.

Justification for the Proposed Variance:

The justification for the proposed variance is based on several key points:

1. **Preservation of Historic Property:** Converting the farmhouse into residential units ensures its preservation and continued use. Adaptive reuse of historic buildings is often necessary to maintain their structural integrity and historical significance. The proposed conversion aligns with best practices for historic preservation.
2. **Addressing Housing Needs:** Keene, like many communities, faces a shortage of affordable and diverse housing options. The creation of two new apartments will help address this shortage, providing much-needed housing for residents or seasonal interns associated with Stonewall Farm.
3. **Operational Efficiency:** Currently, the farmhouse is underutilized as office space. Converting it to residential use allows Stonewall Farm to make more efficient use of its existing buildings, reducing the need for new construction and associated costs.
4. **Community and Economic Benefits:** The additional housing can support local economic growth by attracting new residents to the area. Residents living on-site may also contribute to the farm's operations and community activities, enhancing the overall sustainability of Stonewall Farm's mission and programs.
5. **Environmental Considerations:** Utilizing the existing farmhouse for residential purposes is an environmentally sustainable choice. It minimizes the need for new construction, reduces waste, and promotes the efficient use of existing resources.

The Stonewall Farm Farmhouse represents the more than two and a half centuries of agrarian history of Keene. The land it sits on can be traced back to Samuel Daniels who first started farming there in 1759. Stonewall Farm is a non-profit organization, and unlike for-profit businesses or privately owned investment properties, is not motivated by profit. The proposed variance to convert the historic farmhouse from office space to two residential apartments is a well-justified and necessary adjustment. It will preserve a valuable historic structure, address local housing needs, and support the mission of Stonewall Farm. We respectfully request the Zoning Board to approve this variance, recognizing the significant positive impact it will have on the property, the community, and the farm's long-term sustainability.

Stonewall Farm Zoning Board Application: Section 4: Application Criteria

1. Granting the variance would not be contrary to the public interest because:

Granting the variance to convert the historic farmhouse from office space to two residential apartments at Stonewall Farm would not be contrary to the public interest for several key reasons:

a. Preservation of Historic Character: The variance supports the adaptive reuse of a historic structure, ensuring its preservation and continued relevance. The farmhouse is a significant part of Stonewall

Farm's heritage and the broader community's history. By converting it into residential apartments, the building's historical integrity will be maintained. The original farmhouse was routinely filled with boarders and farmhands, so this conversion returns the historic building to its original residential purpose, aligning with the public interest in preserving local heritage and architectural character.

b. Addressing Housing Needs: Keene, NH, like many communities, is experiencing a shortage of diverse and affordable housing options. The creation of two new residential units will help meet this critical need. Providing additional housing contributes to the overall well-being of the community, supports local economic development, and helps to alleviate housing shortages, which is undeniably in the public interest.

c. Community Engagement and Sustainability: The new residential units will enable Stonewall Farm to attract and retain residents or staff who are committed to the farm's mission of sustainable agriculture and education. This fosters a stronger sense of community and supports the farm's educational and outreach programs. Enhancing the farm's capacity to engage with the community and educate the public on sustainable practices is beneficial for the environment and public welfare.

d. Efficient Use of Existing Resources: The conversion of the farmhouse to residential use is an efficient use of existing resources. This reduces the need for new construction, which can be more disruptive and less sustainable. Utilizing existing buildings aligns with principles of sustainability and resource efficiency, which are in the public interest.

e. Economic Benefits: Providing on-site housing can contribute positively to the local economy. It supports the farm's operations by potentially housing seasonal employees or interns, which in turn enhances the farm's productivity and economic viability. The farm's success and sustainability have a positive ripple effect on the local economy, supporting jobs and local businesses.

f. Enhanced Safety and Maintenance: Residential use of the farmhouse will ensure that the building is regularly maintained and occupied, reducing the risk of deterioration or vandalism that can occur when properties are left vacant or underutilized. This proactive approach to property maintenance is in the public interest as it helps to maintain the overall safety and appearance of the community.

In conclusion, granting the variance to convert the historic farmhouse into two residential apartments aligns with the public interest by preserving a historic structure, addressing housing shortages, enhancing community engagement and sustainability, utilizing existing resources efficiently, providing economic benefits, and ensuring the safety and maintenance of the property. Importantly, this conversion returns the historic building to its original residential purpose, honoring its legacy and historical use. We respectfully request the Zoning Board to approve this variance, recognizing its substantial benefits to the community and public welfare.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

2. If the variance were granted, the spirit of the ordinance would be observed because:

Granting the variance to convert the historic farmhouse from office space to two residential apartments at Stonewall Farm would observe the spirit of the ordinance for several important reasons:

a. Preservation of Historic Character and Purpose: The variance supports the adaptive reuse of a historic structure, ensuring its preservation and continued relevance. The original farmhouse, built with 22 rooms, routinely housed dozens of boarders and farm workers. In 1908, Carl Johnson took ownership, and after a chimney fire, he constructed a smaller 16-room structure that continued to serve as a residence for boarders and farmhands to support farm operations. This conversion returns the historic building to its original residential purpose, preserving its historical integrity and contributing to the community's heritage, which aligns with the public interest in maintaining local historical and architectural character.

b. Enhancement of Community Well-being: The ordinance is designed to promote the health, safety, and general welfare of the community. Providing additional housing supports these goals by addressing local housing shortages, offering safe and comfortable living spaces, and enhancing the overall well-being of residents. The conversion of the farmhouse aligns with the community's needs and promotes the public good, which is at the heart of the ordinance.

c. Sustainable and Efficient Use of Resources: One of the underlying principles of zoning ordinances is to encourage the sustainable and efficient use of resources. Converting an existing building into residential units is an exemplary model of resource efficiency, as it minimizes the need for new construction and makes optimal use of existing infrastructure. This approach aligns with the ordinance's intent to promote sustainable development practices.

d. Support for Agricultural and Educational Mission: The ordinance supports land use that benefits the community and enhances the local economy. Stonewall Farm's mission includes sustainable agriculture and educational outreach. Providing on-site seasonal housing for staff or residents involved in the farm's activities directly supports this mission. It enhances the farm's operational efficiency and allows for greater community engagement and educational opportunities, which are consistent with the ordinance's goals.

e. Maintenance of Aesthetic and Environmental Integrity: The spirit of the ordinance includes maintaining the aesthetic and environmental quality of the community. The proposed conversion will use the existing farmhouse, ensuring that the rural and historical aesthetics of Stonewall Farm are preserved. This project will employ sustainable building practices and materials, further aligning with environmental stewardship principles embedded in the ordinance.

f. Contribution to Economic Stability: The ordinance aims to promote economic stability and growth within the community. By converting the farmhouse into residential units, Stonewall Farm can attract and retain individuals who contribute to the farm's operations and educational programs. This in turn supports the local economy by creating jobs and fostering an environment where sustainable agriculture can thrive.

g. Historical Context and Unique Nature of Stonewall Farm: In 1992, renovations were done to accommodate the Stonewall Farm Foundation, and a certificate of occupancy was issued for two apartments and farm office space, allowing the farmhouse to be fully occupied as it historically was. With the construction of the new education center in 1996, the offices were moved to the new headquarters, leaving most of the first floor vacant—an unusual circumstance for the house. Stonewall

Farm does not fit squarely into any one zoning ordinance box due to its unique nature. Granting the variance would be the highest and best use for the house, returning it to full occupancy, which is certainly in the spirit of the ordinance.

In conclusion, granting the variance to convert the historic farmhouse into two residential apartments at Stonewall Farm observes the spirit of the ordinance by preserving historical character, enhancing community well-being, utilizing resources sustainably, supporting the farm's mission, maintaining aesthetic and environmental integrity, contributing to economic stability, and acknowledging the unique nature of the property. This variance not only adheres to the ordinance's principles but also enriches the community in meaningful and sustainable ways. We respectfully request the Zoning Board to approve this variance, recognizing its alignment with both the letter and the spirit of the ordinance and its significant benefits to the community and Stonewall Farm's mission.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

3. Granting the variance would do substantial justice because:

Granting the variance to convert the historic farmhouse from office space to two residential apartments at Stonewall Farm would do substantial justice for several compelling reasons:

a. Restoration of Historic Use: The original farmhouse historically accommodated boarders and farm workers, serving as a residential hub for the farm's operations. In 1908, Carl Johnson took ownership, and after a chimney fire, he constructed a smaller 16-room structure that continued to serve as a residence for boarders and farmhands to support farm operations. This conversion returns the historic building to its original purpose, honoring its historical function and ensuring its continued relevance in a modern context. This restoration is a just recognition of the farmhouse's historical significance and use.

b. Addressing Housing Shortages: Keene is experiencing a shortage of diverse and affordable housing options. Granting the variance to create two new residential units directly addresses this critical need, providing safe and affordable housing options within the community. This contributes to the overall welfare of the community, ensuring that housing needs are met, which is a substantial act of justice for current and future residents.

c. Supporting Stonewall Farm's Mission: Stonewall Farm's mission includes promoting sustainable agriculture and providing educational opportunities to the community. As a 501(c)(3) charitable foundation, Stonewall Farm does not follow the ordinary profit motive. Instead, it seeks revenue from donations, grants, community and private events, workshops, camps, and more. These revenue streams are used exclusively to complete its educational mission. Housing staff or residents on-site enhances the farm's ability to fulfill this mission by ensuring that those involved in the farm's operations are readily available and integrated into the daily activities. This support is essential for the farm's ongoing success and community contributions, thus doing substantial justice to the farm's educational and agricultural objectives.

d. Efficient Use of Existing Resources: The conversion of the existing farmhouse to residential apartments is an efficient and sustainable use of resources. It reduces the need for new construction,

minimizes environmental impact, and leverages the existing infrastructure. This efficient use aligns with the principles of justice by promoting sustainability and responsible resource management.

e. Economic and Community Benefits: The variance supports the economic stability and growth of Stonewall Farm and the wider community. By creating additional housing, the farm can attract and retain individuals who contribute to its operations and educational programs. This not only supports the farm's economic viability but also benefits the local economy through job creation and increased local engagement. Substantial justice is served by fostering an economically vibrant and sustainable community.

f. Ensuring Full Occupancy: In 1992, renovations allowed for two apartments and farm office space, ensuring full occupancy of the farmhouse, which is in line with its historical use. However, with the offices moved to the new education center in 1996, most of the first floor has remained vacant. Granting the variance would return the farmhouse to full occupancy, maintaining the building's functional integrity and utility, which is a just and fair outcome.

g. Unique Nature of Stonewall Farm: Stonewall Farm does not fit neatly into any single zoning ordinance category due to its unique combination of agricultural, educational, and residential functions. Recognizing this uniqueness and granting the variance allows the property to be used in the manner that best supports its multifaceted mission and benefits the community. This approach ensures that the zoning ordinances are applied in a way that is fair and just to the unique circumstances of the property.

h. Preservation and Longevity of Stonewall Farm: The variance is essential to the preservation and continued longevity of the farmhouse. Continuing the mission of Stonewall Farm greatly enhances our community and the greater Monadnock Region. Without this variance, Stonewall Farm may face significant operational challenges that could jeopardize its existence. The loss of Stonewall Farm would have a profound negative impact on the community, as it provides invaluable educational programs, promotes sustainable agriculture, and serves as a community hub for events and activities. The farm's closure would mean the loss of a unique educational resource, a reduction in local agricultural activity, and the disappearance of a beloved community institution.

In conclusion, granting the variance to convert the historic farmhouse into two residential apartments at Stonewall Farm would do substantial justice by restoring the building to its historical use, addressing housing shortages, supporting the farm's mission, efficiently using existing resources, providing economic and community benefits, ensuring full occupancy, recognizing the unique nature of Stonewall Farm, and preserving the longevity of the property. We respectfully request the Zoning Board to approve this variance, recognizing its alignment with principles of justice and its significant positive impact on the community and Stonewall Farm's mission.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

Granting the variance to convert the historic farmhouse into two residential apartments at Stonewall Farm would not diminish the values of surrounding properties for several significant reasons:

a. Preservation of Historic Character: Without the variance, the historic farmhouse will likely deteriorate further. The conversion of the farmhouse into residential units preserves the historical character of the property, contributing positively to the aesthetic appeal of the neighborhood. Historical properties often enhance the desirability of an area, attracting potential buyers who appreciate the charm and character of older homes. As such, the variance would likely have a neutral or even positive effect on property values in the vicinity.

b. Well-Maintained Property: Stonewall Farm is known for its commitment to maintaining its property to high standards. The conversion of the farmhouse into residential apartments would not only preserve the historic structure but also ensure that it is well-maintained and cared for. Well-maintained properties typically have a positive impact on surrounding property values, as they contribute to the overall attractiveness and desirability of the neighborhood. The construction of the 2 units does not change the footprint of the farmhouse in any way. No additions are being constructed and the only exterior change of the building will be the addition of one entry door in the rear of the structure.

c. Compatible Land Use: The proposed residential use of the farmhouse is compatible with the surrounding agricultural and residential land uses. Stonewall Farm has been a longstanding and respected institution in the community, and the conversion of the farmhouse into residential units is consistent with its mission and activities. This compatibility reduces the likelihood of any negative impact on neighboring property values, as the proposed use aligns with the existing character of the area.

d. Positive Community Influence: Stonewall Farm plays an active role in the community, offering educational programs, workshops, and events that benefit residents and visitors alike. The presence of a well-regarded and community-oriented institution like Stonewall Farm can have a positive influence on property values in the surrounding area. The farm's activities contribute to the overall quality of life and desirability of the neighborhood, which can, in turn, positively impact property values.

e. Limited Impact on Density and Traffic: The conversion of the farmhouse into two residential units is unlikely to have a significant impact on density or traffic in the area. The number of units remains relatively low, and the existing infrastructure can accommodate the additional residents without causing congestion or other adverse effects. As such, concerns about increased density or traffic, which can sometimes negatively affect property values, are minimal in this case. In fact, there is likely much less traffic movement than with continued use as an office space.

In conclusion, granting the variance to convert the historic farmhouse into two residential apartments at Stonewall Farm would not diminish the values of surrounding properties. On the contrary, it would likely have a neutral or positive effect, given the preservation of historic character, the well-maintained property, the compatible land use, the positive community influence, and the limited impact on density and traffic. We respectfully request the Zoning Board to approve this variance, recognizing that it will not adversely affect surrounding property values and is consistent with the interests of the community and Stonewall Farm's mission.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

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

Stonewall Farm is a unique property with special conditions that set it apart from other properties in the area. These special conditions make strict adherence to the current zoning ordinance particularly burdensome and inappropriate for Stonewall Farm. Denial of the variance would result in unnecessary hardship for several reasons:

a. Historical Significance and Unique Use: The historic farmhouse at Stonewall Farm has a long history of residential use, having originally housed boarders and farm workers. Over the years, it has adapted to meet the needs of the farm and the community. The farmhouse, with its historical significance and previous adaptive reuse, is uniquely positioned within the community. Denying the variance to convert the farmhouse back to residential use disregards its historical function and imposes an unnecessary restriction that conflicts with the property's established character and use.

b. Multi-faceted Mission: Stonewall Farm operates as a 501(c)(3) charitable foundation with a mission that includes promoting sustainable agriculture, providing educational opportunities, and supporting the local community. This mission distinguishes Stonewall Farm from typical agricultural properties. The need to house seasonal staff or residents on-site is integral to fulfilling this mission, ensuring that individuals involved in the farm's operations and educational programs can live and work on the property. Denial of the variance would severely hinder the farm's ability to support its mission and effectively utilize its property.

c. Economic and Community Contributions: Stonewall Farm is an essential part of the Keene community, offering educational programs, workshops, camps, and events that benefit the local population. The farm relies on diverse revenue streams, including donations, grants, and community events, to sustain its operations. By denying the variance, the farm would face significant operational challenges that could impact its financial stability and reduce its ability to contribute positively to the community. This economic hardship extends beyond the farm itself, affecting the broader community that benefits from its programs and activities.

d. Unique Property Characteristics: Stonewall Farm's unique combination of agricultural, educational, and historical functions sets it apart from other properties in the area. An educational zoning change in the early 1990's was a special outcome of the AG zoning ordinance making all properties conforming to this change unique. The farmhouse, specifically, does not fit neatly into a single zoning category due to its multifaceted use. Denying the variance based on a rigid interpretation of zoning ordinances fails to account for the property's unique characteristics and imposes an undue burden. The variance is necessary to accommodate the property's distinct nature and to allow for its optimal use in a manner that aligns with its historical and current functions.

e. Preservation of the Property: The variance is essential for the preservation and continued longevity of the historic farmhouse. Without the ability to convert the building into residential apartments, the farmhouse risks remaining underutilized and potentially deteriorating over time. Granting the variance

allows Stonewall Farm to maintain and preserve this important historical asset, ensuring its continued use and relevance.

In conclusion, owing to the special conditions of Stonewall Farm that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship. The farm's historical significance, multi-faceted mission, economic and community contributions, unique property characteristics, and the need for preservation all underscore the necessity of the variance. We respectfully request the Zoning Board to approve this variance, recognizing the undue hardship that denial would impose on Stonewall Farm and its ability to fulfill its mission and serve the community.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

5. Unnecessary Hardship I. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The zoning ordinance provision aims to ensure that land use is consistent with the overall planning goals of the community, maintaining orderly development, protecting property values, and preserving community character. However, in the case of Stonewall Farm, there is no fair and substantial relationship between these general public purposes and the specific application of the ordinance to this property for several reasons:

a. Historical and Unique Use: Stonewall Farm's farmhouse has historically been used for residential purposes, including housing boarders and farm workers. This long-standing use predates current zoning ordinances and aligns with the farm's operational needs. Denying the variance to allow residential use disregards the historical context and unique characteristics of the property, which do not pose any threat to the community's orderly development or character. The conversion of the farmhouse into apartments restores its historical function and respects its historical significance.

b. Alignment with Community Goals: The general public purposes of zoning ordinances include supporting community goals such as sustainability, education, and preservation of open space. Stonewall Farm's mission to promote sustainable agriculture and provide educational opportunities directly aligns with these goals. Allowing the variance supports the farm's mission, thereby advancing, rather than detracting from, the community's broader objectives. The specific application of the zoning provision to prohibit this conversion does not align with the farm's beneficial contributions to the community.

c. Minimal Impact on Surrounding Properties: Granting the variance to convert the farmhouse into residential apartments will have minimal impact on the surrounding properties. The proposed use is compatible with the agricultural and educational activities of Stonewall Farm and does not introduce any disruptive elements to the neighborhood. The variance will not lead to increased traffic, noise, or other nuisances that zoning ordinances typically aim to control. Therefore, the specific application of the provision is not necessary to protect the interests of the surrounding properties.

d. Supporting Economic Viability: Stonewall Farm relies on diverse revenue streams, including those generated by on-site activities and programs. By allowing residential use of the farmhouse, the farm can

better support its staff and enhance its operational efficiency. This economic viability is crucial for the farm to continue its educational and community programs. The specific application of the zoning provision to prohibit this residential use undermines the farm's financial stability and, consequently, its ability to serve the community.

e. Unique Characteristics of Stonewall Farm: Stonewall Farm is a unique property that does not fit neatly into conventional zoning categories. It serves multiple roles, including agricultural production, education, and historical preservation. The general public purposes of the zoning ordinance do not adequately account for such multi-faceted properties. The specific application of the provision, in this case, imposes unnecessary restrictions that fail to recognize the unique nature and needs of Stonewall Farm.

In conclusion, no fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and the specific application of that provision to Stonewall Farm. The property's historical use, alignment with community goals, minimal impact on surrounding properties, support for economic viability, and unique characteristics all demonstrate that the variance is reasonable and justified. We respectfully request the Zoning Board to approve this variance, acknowledging that its denial would impose unnecessary hardship without serving the intended public purposes of the ordinance.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

5. Unnecessary Hardship ii. The proposed use is a reasonable one because:

The proposed use of converting the historic farmhouse into two residential apartments at Stonewall Farm is a reasonable one for several key reasons:

a. Historical Consistency: The farmhouse has a historical precedent of being used for residential purposes. Historically, it was filled with boarders and farm hands, aligning with its original purpose. Restoring the farmhouse to residential use maintains the integrity and continuity of its historical function, which is a reasonable adaptation that honors the property's past.

b. Support for Stonewall Farm's Mission: Stonewall Farm is a 501(c)(3) charitable foundation dedicated to promoting sustainable agriculture and providing educational opportunities. Housing staff or residents on-site is essential for the efficient operation of the farm and its educational programs. The proposed residential use supports the farm's mission by ensuring that those involved in daily operations are readily available and integrated into the activities of the farm. This reasonable use directly contributes to the farm's success and its ability to serve the community.

c. Optimal Utilization of Existing Resources: Converting the farmhouse into residential apartments is an optimal use of existing resources. The building, having been previously adapted for office space, already contains the infrastructure necessary for residential occupancy. Utilizing the existing structure for housing is a practical and efficient use of resources, reducing the need for new construction and preserving the historical building.

d. Community Benefits: The conversion of the farmhouse into apartments provides significant benefits to the community, including addressing local housing shortages. By offering additional housing options, Stonewall Farm contributes to meeting the community's housing needs. Additionally, the presence of on-site residents enhances the farm's ability to engage with the community through its various programs and events, further embedding the farm within the social fabric of Keene.

e. Preservation of the Farmhouse: The variance is crucial for the preservation and continued longevity of the historic farmhouse. Converting the building to residential use ensures its maintenance and prevents it from becoming underutilized or deteriorating. This reasonable use not only preserves the farmhouse but also enhances its functionality and relevance within the farm's operations.

f. Compatibility with Surrounding Area: The proposed residential use is compatible with the surrounding agricultural and residential land uses. Stonewall Farm is a well-established institution within the community, and the addition of residential apartments within the farmhouse is in harmony with the existing character of the area. This compatibility ensures that the proposed use does not disrupt or negatively impact neighboring properties.

g. Economic Viability: Ensuring full occupancy of the farmhouse through residential use supports the economic viability of Stonewall Farm. The farm relies on diverse revenue streams to fulfill its mission, and providing housing for staff or residents is a practical way to support its operations. This reasonable use helps sustain the farm's financial health, allowing it to continue offering valuable educational and community programs.

In conclusion, the proposed use of converting the historic farmhouse into two residential apartments at Stonewall Farm is a reasonable one due to its alignment with the property's historical use, support for the farm's mission, optimal utilization of resources, community benefits, preservation of the farmhouse, compatibility with the surrounding area, and contribution to economic viability. We respectfully request the Zoning Board to approve this variance, recognizing the reasonableness and necessity of the proposed use in supporting Stonewall Farm's mission and enhancing its contributions to the community.

Stonewall Farm Zoning Board Application: Article 25.5.4.A Section 4 Response

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

If the criteria in subparagraph (A) are not established, an unnecessary hardship will still be deemed to exist for Stonewall Farm owing to the special conditions that distinguish it from other properties in the area. These unique conditions make it impossible for the property to be reasonably used in strict conformance with the current zoning ordinance, necessitating the approval of a variance to enable a reasonable use of the farmhouse.

a. Unique Historical and Functional Context: The historic farmhouse at Stonewall Farm has a long history of residential use, initially housing boarders and farm workers. This historical context sets it apart from other properties, which do not share the same legacy of residential functionality. The current zoning ordinance, which does not permit this type of residential use, fails to accommodate the farmhouse's historical and functional context. Adhering strictly to the ordinance would leave the farmhouse underutilized, which is contrary to its established role on the farm.

b. Integral Role in Farm Operations and Mission: Stonewall Farm's mission includes promoting sustainable agriculture and providing educational opportunities. To fulfill this mission, having on-site housing for staff or residents is essential. This need for on-site accommodation distinguishes Stonewall Farm from other properties that do not have similar operational requirements. The zoning ordinance, in its current form, does not consider the necessity of residential use to support the farm's educational and agricultural activities. Without the variance, the farmhouse cannot be reasonably used to support the farm's mission, leading to operational inefficiencies and undermining the farm's contributions to the community.

c. Economic Viability and Sustainability: The financial model of Stonewall Farm relies on diverse revenue streams, including those generated from on-site activities and programs. The inability to convert the farmhouse into residential apartments directly impacts the farm's economic viability. The unique operational model of the farm, which is distinct from other properties, requires the flexibility to utilize existing buildings in a way that supports its financial health. Strict conformance with the zoning ordinance would impose an undue economic burden, threatening the sustainability of the farm and its educational programs.

d. Preservation of Historical Structures: The preservation and continued use of the historic farmhouse are vital to maintaining the cultural heritage of Stonewall Farm. Unlike other properties, the farmhouse is a significant historical asset that requires adaptive reuse to prevent deterioration. The variance is necessary to enable a reasonable use that aligns with preservation goals. Strict adherence to the ordinance would likely result in the building remaining vacant or underutilized, which could lead to its eventual decline.

e. Community and Educational Impact: Stonewall Farm is deeply integrated into the Keene community, offering educational programs and events that benefit local residents. The ability to provide on-site housing for staff or residents directly enhances the farm's capacity to deliver these programs. This unique community role is not shared by other properties in the area, which do not have the same educational mission. Without the variance, the farmhouse cannot be reasonably used to support these critical community functions, diminishing the farm's impact.

In conclusion, owing to the special conditions of Stonewall Farm that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the zoning ordinance. These conditions include the historical significance and functional context of the farmhouse, the integral role of on-site housing in fulfilling the farm's mission, the need for economic viability and sustainability, the importance of preserving historical structures, and the unique community and educational impact of the farm. Therefore, a variance is necessary to enable a reasonable use of the farmhouse, ensuring that Stonewall Farm can continue to serve its mission and benefit the community.

Parcel Number: 237-030-000-000-000
BORDEN DEBRA
37 STEARNS RD.
KEENE, NH 03431

Parcel Number: 237-024-000-000-000
STONEWALL FARM
242 CHESTERFIELD RD.
KEENE, NH 03431

Parcel Number: 237-032-000-000-000
CKS REV. TRUST
15 STEARNS RD.
KEENE, NH 03431

Parcel Number: 237-023-000-000-000
STONEWALL FARM
242 CHESTERFIELD RD
KEENE, NH 03431

Parcel Number: 234-003-000-000-000
GAVIN MARK A.
GAVIN BARBARA A.
3 STEARNS RD.
KEENE, NH 03431

Parcel Number: 236-015-000-000-000
TATTERSALL CHRISTOPHER C.
TATTERSALL JENNIFER K.
38 GRIMES RD.
KEENE, NH 03431

Parcel Number: 234-001-000-000-000
GLIMENAKIS ANTHONY
GLIMENAKIS MARIA
9 STEARNS RD.
KEENE, NH 03431

Parcel Number: 237-033-000-000-000
Waters Shannon M.
7 Stearns Rd
Keene, NH 03431

Parcel Number: 237-026-000-000-000
HETHERMAN MARGARET A. TRU
2400 S. OCEAN DR. APT. 4271
FORT PIERCE, FL 34949-7980

Society for the Protection of NH
Forests
54 Portsmouth St
Concord, NH 03301

Parcel Number: 237-031-000-000-000
KENT DAVID L.
KENT SUSAN P.
34 STEARNS RD.
KEENE, NH 03431

Forest Designs
185 Winchester St
Keene, NH 03431

Parcel Number: 237-029-000-000-000
KENT DAVID L.
KENT SUSAN P.
34 STEARNS RD.
KEENE, NH 03431

Thomas W. Flavin, Jr.
261 Rte 12A
Surry, NH 03431

Parcel Number: 237-028-000-000-000
LARMON JANE G. TRUST
201 CHESTERFIELD RD.
KEENE, NH 03431

Verizon Wireless
Attn: Network Real Estate
180 Washington Valley Rd
Bedminster, NJ 07921

Parcel Number: 234-002-000-000-000
MIGNEAULT LISA J. TRUST
5 STEARNS RD.
KEENE, NH 03431

Eversource
19 Production Avenue
Keene, NH 03431

Parcel Number: 236-021-000-000-000
PANZA FAMILY REV. TRUST
88 STEARNS RD.
KEENE, NH 03431



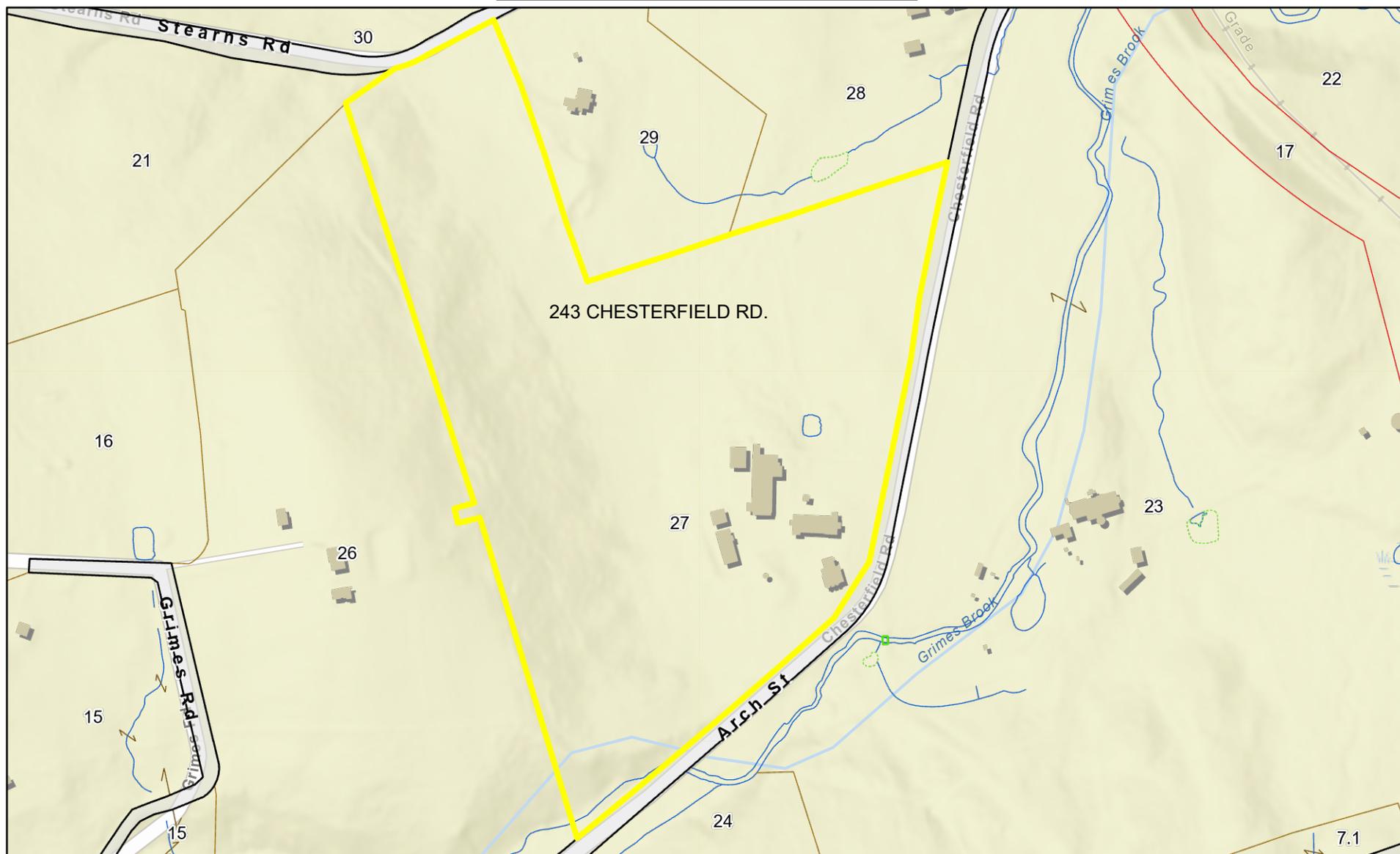
City of Keene, NH

1 inch = 351 Feet



July 22, 2024

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



AA

next.axisgis.com



Assessing | City of Keene

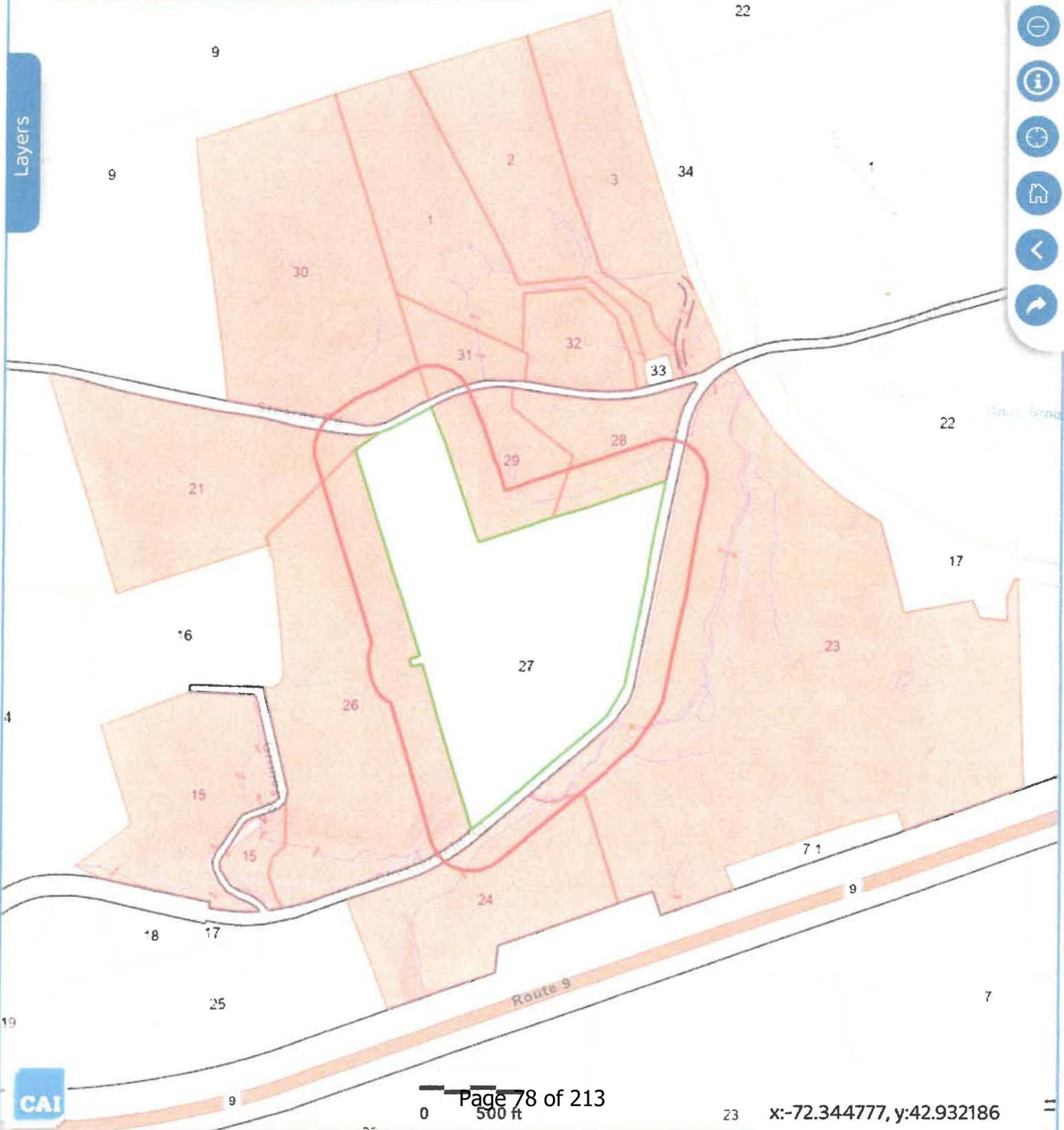
AxisGIS - KeeneNH

api.axisgis.com/node/axisap...

KEENE City of Keene, NH

237-027

Layers



NET&T Easement of 1904

New England Telephone and Telegraph

New England Telephone & Telegraph was acquired by Bell Atlantic in 1997, which in 2000 changed its name to **Verizon**.

PSCNH Easement of 1959

Public Service Company of New Hampshire

Public Service Company of New Hampshire (PSNH, formed in 1926), a private company at the time, declared bankruptcy in January 1988 due to problems obtaining a license for the completed Seabrook Nuclear Power Plant. and in 1992 was merged into Northeast Utilities.

Northeast Utilities (NU) was formed on July 1, 1966. NU was the predecessor company to **Eversource Energy**, which was formed in 2015 when NU rebranded.

Septic Tanks at Stonewall Farm – Stones Septic 603.354.3391

APRIL 19, 2023 – BRIAN FROM STONES SEPTIC PUMPED 2000 GALLONS FROM LEARNING CENTER AND 1,500 GALLONS FROM FARMHOUSE (COST \$800). BARN DIDN'T NEED PUMPING. HE RECOMMENDS THAT THE LEARNING CENTER BE PUMPED ANNUALLY. THE FARMHOUSE EVERY 2 YEARS. OUTSIDE BATHROOMS EVERY 3 YEARS. BARN EVERY 5 YEARS.

NEXT PUMPING FOR LEARNING CENTER DUE APRIL, 2024
IN 2025, LEARNING CENTER AND FARMHOUSE SHOULD BE PUMPED.

LEARNING CENTER Last pumped April 19, 2023
2000-gallon tank (cost \$400-\$450 to pump)

Tank Access cover over by the pollinator garden on the silo side. (see separate diagram). There are four cement covers in a line. One is buried under the pollinator garden—it's just a small hole. The next one is the larger hole to pump the tank. The third is another small hole and the fourth is a small hole plus the pump to the leach field. The pump is wired to the building with an alarm.

OUTDOOR BATHROOMS

2000 Gallon tank access cover is 32' to the right of the bathrooms in the woods
Leach field in under parking lot

FARMHOUSE – Last pumped April 19, 2023

1500-gallon primary tank goes into a 1000-gallon secondary tank, then the pump chamber, and then goes out to the leach field

Three cement covers at the edge of the back lawn/parking area –the leach field is across the drive up on the hill on the right.

The cement cover closest to the hill is the pump house that pumps it up to the leach field.

The middle tank cover is where the tank is pumped.

The one closest to the house is probably a small hole, but it should be checked the next time they come to make sure it's not a second tank.

BARN -- Last pumped March, 2021. Checked on April 19, 2023, and doesn't need pumping.
1000-gallon tank (Cost \$250 to pump)

The cement cover by the tractor shed should go over the green cover. The green cover sits inside the plastic cylinder and prevents it from collapsing—even though it's cracked it will help support it. May need to move dirt around to support the edges of the new cement cover.

There are two cement covers. The one closest to the office is the one to use to pump the tank. The second cover is possibly a smaller hole and pump house.

If cement covers break you can get them at Arthur Whitcomb, in N.Swanzey
contact Chuck: Charles.Rocheleau@oldcastle.com 603-352-0101—I mentioned Stones' Septic referred us and he gave them to us at contractor price



City of Keene, New Hampshire CERTIFICATE OF USE AND OCCUPANCY

Certificate No: 3361

This is to certify that the land and/or buildings owned by

and located at 243 Chesterfield Rd.

in the City of Keene, New Hampshire,

Tax Map Parcel 925-01-010, situated in Zoning District RR, complies with City of

Keene Building and Zoning Ordinances, in force on January 21, 1993

when occupied and used as a two-family house & farm office.

with the following special conditions: none

Said use shall be exercised agreeably to all applicable restrictions and requirements of the Zoning and Building Ordinances of the City of Keene and to all requirements or regulations stipulated by the Keene Zoning Board of Adjustment as a condition to the granting of any variance or Special Exception applying to the above-described premises.

September 24, 1993

(Date)

Michael B. Forrest

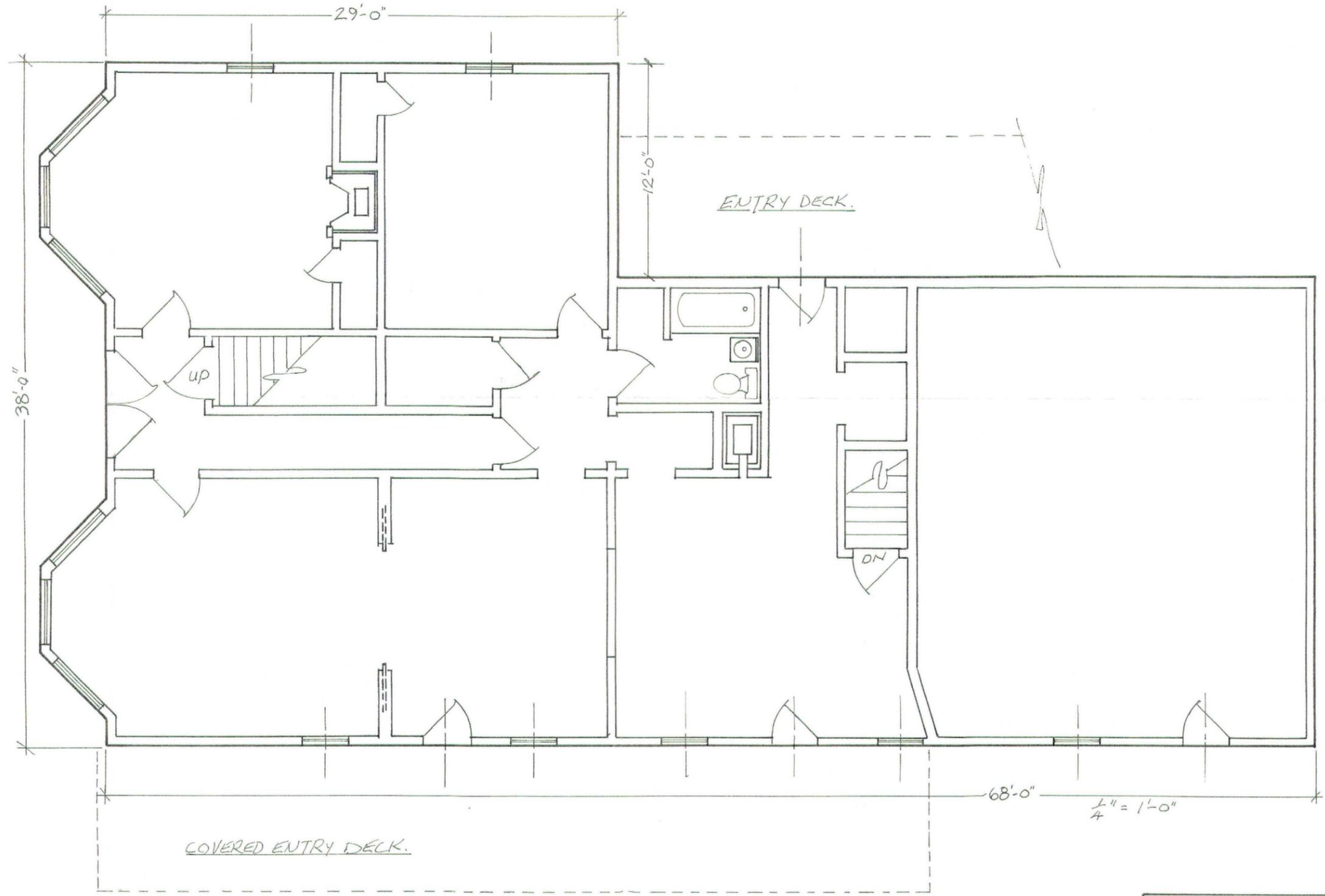
Code Administrator

Use Group R-3 Type of Construction N/A Use Item N/A

SPR N/A Subdivision N/A S/PUD N/A ZBA N/A

Building Permit 93-19

STONEWALL FARM ARCH STREET KEENE NH,
FARMHOUSE
EXISTING 1ST FLOOR PLAN



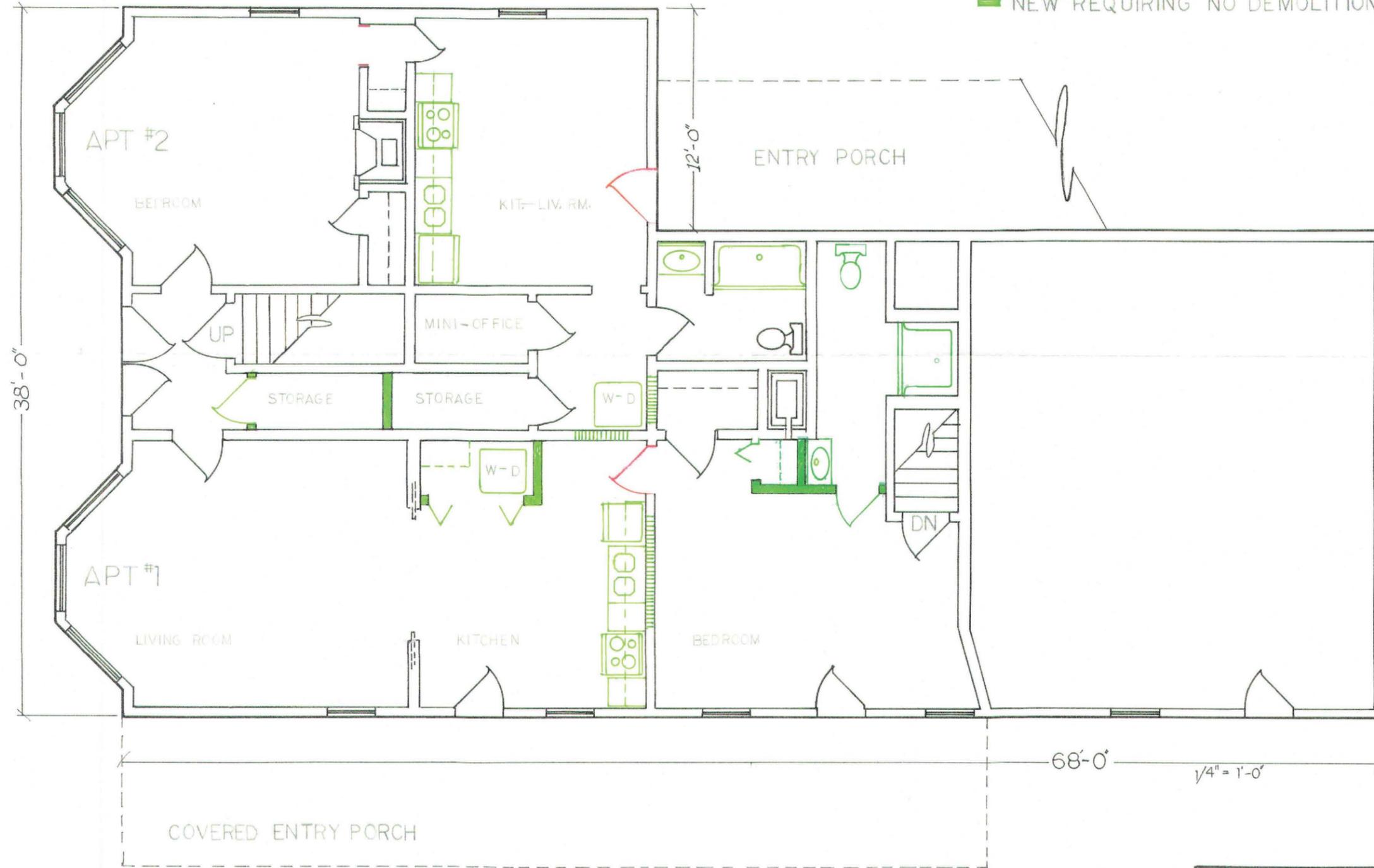
AMERICAN DESIGN HOMES by PETER De SANTIS 603 352-7720	A
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STONEWALL FARM - ARCH STREET - KEENE, - N.H.
FARMHOUSE

PROPOSED - 2 APT. - 1ST FLOOR PLAN

— NEW REQUIRING DEMOLITION

— NEW REQUIRING NO DEMOLITION



COVERED ENTRY PORCH

68'-0" 1/4" = 1'-0"

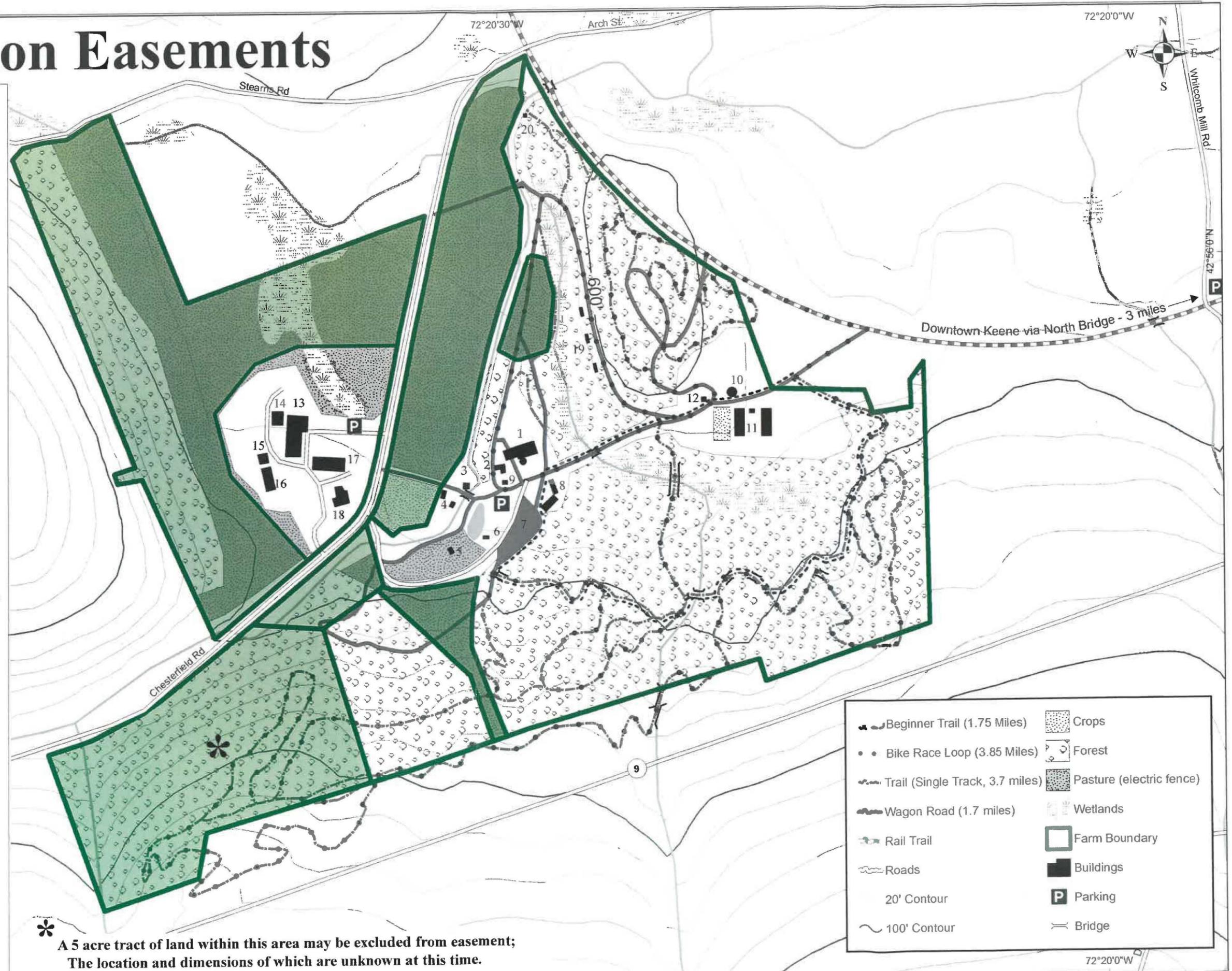
AMERICAN DESIGN HOMES
by PETER De SANTIS
603 352-7720

B

Conservation Easements

BUILDING KEY

1. Learning Center & Farm Store
information, bathroom, farm offices
2. Sugar House & Tool Museum
3. Nature Playground
4. Storage Shed
5. Animal Shed & Trough
6. Duck House
7. Proposed Additional Parking
8. Small Animals
9. Storage Shed
10. Garden Discovery Dome
11. Greenhouses
12. Antique Alley & Historic Corn Crib
13. Dairy Barn & Micro Pasteurizer
14. Heifer Barn
15. Salt Shed
16. Garage & Workshop
17. Horse Barn & Hydroponic Fodder
18. Main Farm House
19. Observation Decks
20. Wildlife Blind



* A 5 acre tract of land within this area may be excluded from easement;
The location and dimensions of which are unknown at this time.

Beginner Trail (1.75 Miles)	Crops
Bike Race Loop (3.85 Miles)	Forest
Trail (Single Track, 3.7 miles)	Pasture (electric fence)
Wagon Road (1.7 miles)	Wetlands
Rail Trail	Farm Boundary
Roads	Buildings
20' Contour	Parking
100' Contour	Bridge

TRACT E
EASTERLY LINE "17 ACRE LOT" SO CALLED

BRIDGE (CTR)	S26 1/4° E	31.1'	TO #229 I.P.
#229	S76 1/2° E	224.1'	" #232 NORTH END WALL
#232	S05 1/2° E	280.1'	" #235 SOUTH END WALL
#235	S01° E	280.1'	" #239 WALL

EAST, SOUTH LINES - TRACT F

#101 CENTER OF RD	S59°57'17"E	118.52'	TO #100 BRIDGE (CTR)
#100	S00°39'22"E	148.47'	" #167 EDGE ROAD
#167	S48°59'57"W	52.24'	" #66 EDGE FIELD
#66	S77 3/4° W	317.1'	" #232 NORTH END WALL

EXCLUDED FROM TRACT A

CENTER OF RD	N79°23'04"W	23.1'	TO #105 NORTH END GATE
#105	N79°23'04"W	465.04'	" #116 WEST END GATE
#116	S64°02'18"W	172.48'	" #119 EDGE TREELINE
#119	S24°56'07"W	158.92'	" #13 CTR. GATE
#13	S14°04'23"E	168.43'	" #137 SOUTH END TREELINE
#137	S27°58'07"E	388.59'	" #132 WEST END GATE
#132	S27°58'07"E	16.1'	" CENTER OF RD.
CENTER OF RD.	NORTHEASTERLY	810.1'	" START

EAST, SOUTH, WEST LINES - TRACT B

CENTER OF RD.	S07 1/2° W	120.1'	TO #97 EDGE FIELD
#97	S25° E	45.1'	" #207 EDGE FIELD
#207	S35°54'11"W	177.66'	" #96 EDGE FIELD
#96	S07°25'45"E	76.97'	" #95 EDGE FIELD
#95	S17°44'03"W	63.51'	" #93 EDGE FIELD
#93	S08°48'05"E	41.41'	" #92 CTR. GATE
#92	S09°53'09"W	177.79'	" #212 EDGE FIELD
#212	S40°13'01"W	155.87'	" #90 EDGE FIELD
#90	S24°20'58"W	219.99'	" #89 EDGE FIELD
#89	S37°23'24"W	247.82'	" #88 EDGE FIELD
#88	S21°16'53"W	144.26'	" #87 EDGE FIELD
#87	S43°04'03"W	64.38'	" #86 EDGE FIELD
#86	S34°24'18"W	140.85'	" #85 EDGE FIELD
#85	S40°04'12"W	80.85'	" #84 EDGE FIELD
#84	S60°12'45"W	49.37'	" #83 EDGE FIELD
#83	N81°06'03"W	147.32'	" #82 SOUTH END GATE
#82	S43° W	50.1'	" #100 BRIDGE (CTR)
#100	N02° W	128.1'	" CENTER OF RD.

LEGEND

STONE WALL	-----
WIRE FENCE	-----
IRON PIPE	-----
IRON ROD	-----
ALUMINUM PIPE	-----
CONCRETE BOUND	-----
UTILITY POLES, WIRES	-----
CULVERT	-----

NOTES

- * THIS PLAN WAS COMPILED FROM: SITE PLAN OF CHASE FARM IN 1989 USING HAND COMPASS AND STEEL TAPE/TRANSIT AND EDM, AND A PLAN PREPARED IN 1992 TO LOCATE AND DETERMINE AREAS OF FIELDS - BOTH PLANS BY THIS SURVEYOR
- * AREAS OF TRACTS ALONG CHESTERFIELD ROAD WERE COMPUTED TO CENTERLINE; THESE TRACTS ARE SUBJECT TO HIGHWAY RIGHTS OF THE GENERAL PUBLIC IN ITS USE
- * A 5 ACRE TRACT OF LAND WITHIN THE "17 ACRE LOT" MAY BE EXCLUDED FROM EASEMENT; THE LOCATION AND DIMENSIONS OF WHICH ARE UNKNOWN AT THIS TIME
- ** SEE FSCNH EASEMENTS 666/185; 244 (1957) & NET&T EASEMENT 338/196 (1904)
- * TRACT F 2.3 ACRES UNDER EASEMENT

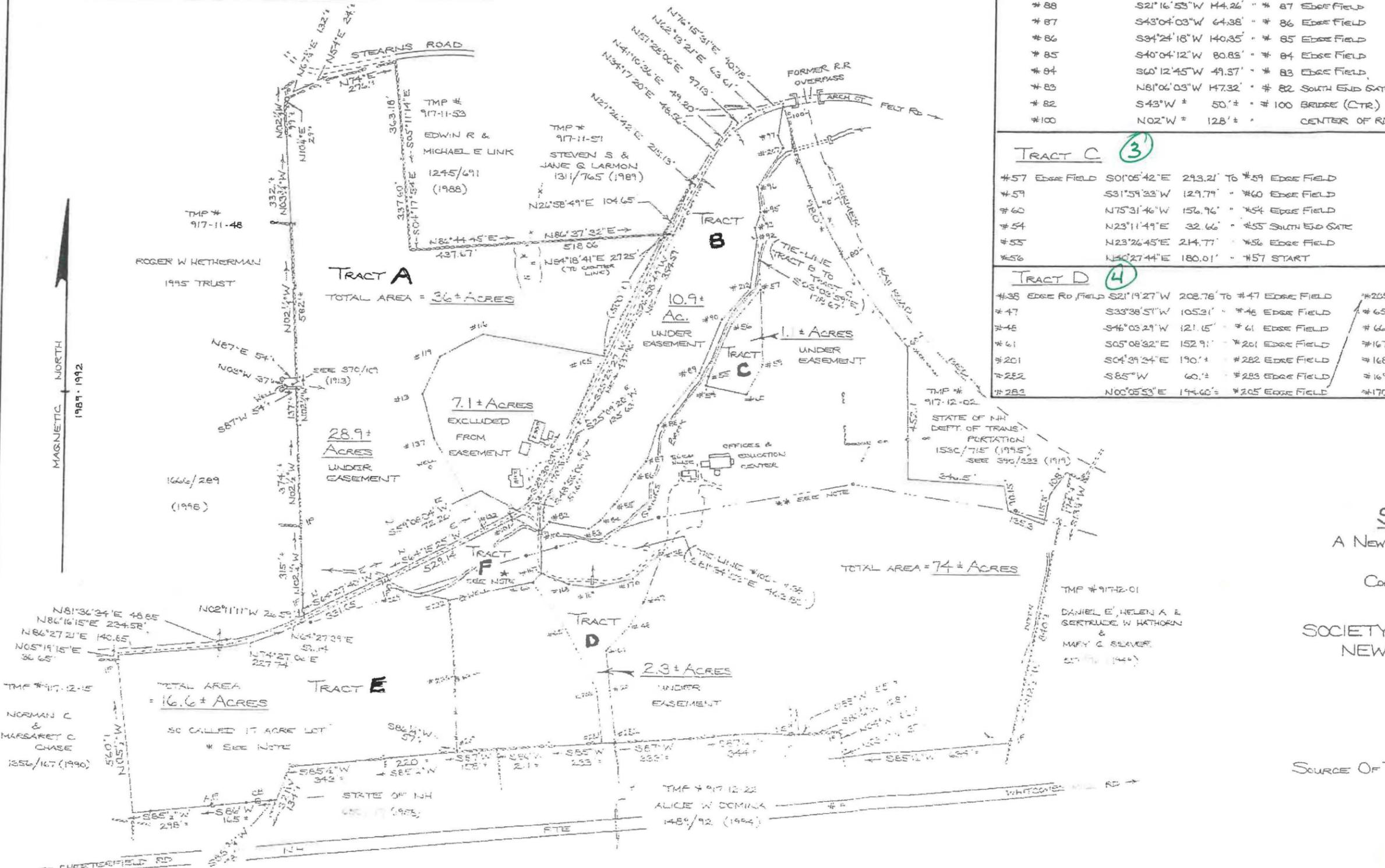
TRACT C

#57 Edge Field	S01°05'42"E	293.21'	TO #59 Edge Field
#59	S31°59'33"W	129.79'	" #60 Edge Field
#60	N75°31'46"W	156.96'	" #54 Edge Field
#54	N23°11'49"E	32.66'	" #55 SOUTH END GATE
#55	N23°26'45"E	214.77'	" #56 Edge Field
#56	N50°27'44"E	180.01'	" #57 START

TRACT D

#38 Edge Rd. Field	S21°19'27"W	208.78'	TO #47 Edge Field
#47	S33°38'51"W	105.31'	" #48 Edge Field
#48	S46°03'29"W	121.15'	" #61 Edge Field
#61	S05°08'32"E	152.91'	" #201 Edge Field
#201	S04°39'24"E	190.1'	" #282 Edge Field
#282	S85° W	60.1'	" #283 Edge Field
#283	N00°05'53"E	194.60'	" #205 Edge Field

#205	N26°50'17"W	256.38'	TO #65 Edge Field
#65	N36°24'16"W	217.33'	" #66 Edge Field
#66	N48°59'57"E	52.24'	" #167 Edge Road
#167	S66°51'05"E	108.91'	" #168 Edge Road
#168	S85°11'44"E	88.25'	" #169 Edge Road
#169	N78°30'50"E	151.03'	" #170 Edge Road
#170	N50°14'25"E	157.42'	" #38 START



PROPERTY OF
STONEWALL FARM
A NEW HAMPSHIRE NONPROFIT CORPORATION
SHOWING
CONSERVATION EASEMENT AREAS
IN FAVOR OF
SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS
CHESTERFIELD ROAD
KEENE, NH

SCALE 1"=200'

SOURCE OF TITLE 1189/797 (1987), 1318/359 (1989)



THOMAS W. FLAVIN, JR.
NH LIC. LAND SURVEYOR #587
P.O. BOX 701
KEENE, NH 03431
DATE: MAR 16, 1999

EASTERLY LINE "17 ACRE LOT" SO CALLED

BRIDGE (CTR)	S26¼°E 31.1'±	TO #229 I.P.
#229	S76½°E 224.1'±	" #232 NORTH END WALL
#232	S05½°E 280.1'±	" #235 SOUTH END WALL
#235	S01°E 280.1'±	" #239 WALL

EAST, SOUTH LINES - TRACT F

#101 CENTER OF RD.	S59°57'17"E 118.52'±	TO #100 BRIDGE (CTR)
#100	S00°39'22"E 148.47'±	" #167 EDGE ROAD
#167	S48°59'57"W 52.24'±	" #66 EDGE FIELD
#66	S77¾°W 317.1'±	" #232 NORTH END WALL

EXCLUDED FROM TRACT A

CENTER OF RD.	N79°23'04"W 23.1'±	TO #105 NORTH END GATE
#105	N79°23'04"W 465.04'±	" #116 WEST END GATE
#116	S64°02'18"W 172.48'±	" #119 EDGE TREE LINE
#119	S24°56'07"W 158.92'±	" #13 CTR. GATE
#13	S14°04'23"E 168.43'±	" #137 SOUTH END TREE LINE
#137	S27°58'07"E 383.59'±	" #132 WEST END GATE
#132	S27°58'07"E 16'±	" CENTER OF RD.
CENTER OF RD.	NORTHEASTERLY 810'±	" START

EAST, SOUTH, WEST LINES - TRACT B

CENTER OF RD.	S07½°W 120.1'±	TO #97 EDGE FIELD
#97	S25°E 45.1'±	" #207 EDGE FIELD
#207	S35°54'11"W 177.68'±	" #96 EDGE FIELD
#96	S07°25'45"E 96.97'±	" #95 EDGE FIELD
#95	S17°44'03"W 63.51'±	" #93 EDGE FIELD
#93	S08°48'05"E 41.41'±	" #92 CTR. GATE
#92	S09°53'09"W 177.79'±	" #212 EDGE FIELD
#212	S40°13'01"W 155.87'±	" #90 EDGE FIELD
#90	S24°20'56"W 219.99'±	" #89 EDGE FIELD
#89	S37°23'24"W 247.02'±	" #88 EDGE FIELD
#88	S21°16'53"W 144.26'±	" #87 EDGE FIELD
#87	S43°04'03"W 64.38'±	" #86 EDGE FIELD
#86	S34°24'18"W 140.35'±	" #85 EDGE FIELD
#85	S40°04'12"W 80.83'±	" #84 EDGE FIELD
#84	S60°12'45"W 49.37'±	" #83 EDGE FIELD
#83	N81°06'03"W 147.32'±	" #82 SOUTH END GATE
#82	S43°W 50.1'±	" #100 BRIDGE (CTR)
#100	N02°W 128.1'±	" CENTER OF RD.

LEGEND

STONE WALL	-----
WIRE FENCE	-----
IRON PIPE	○ IP
IRON ROD	○ IR
ALUMINUM PIPE	○ AP
CONCRETE BOUND	□ CB
UTILITY POLE WIRES	-----
CULVERT	-----

NOTES

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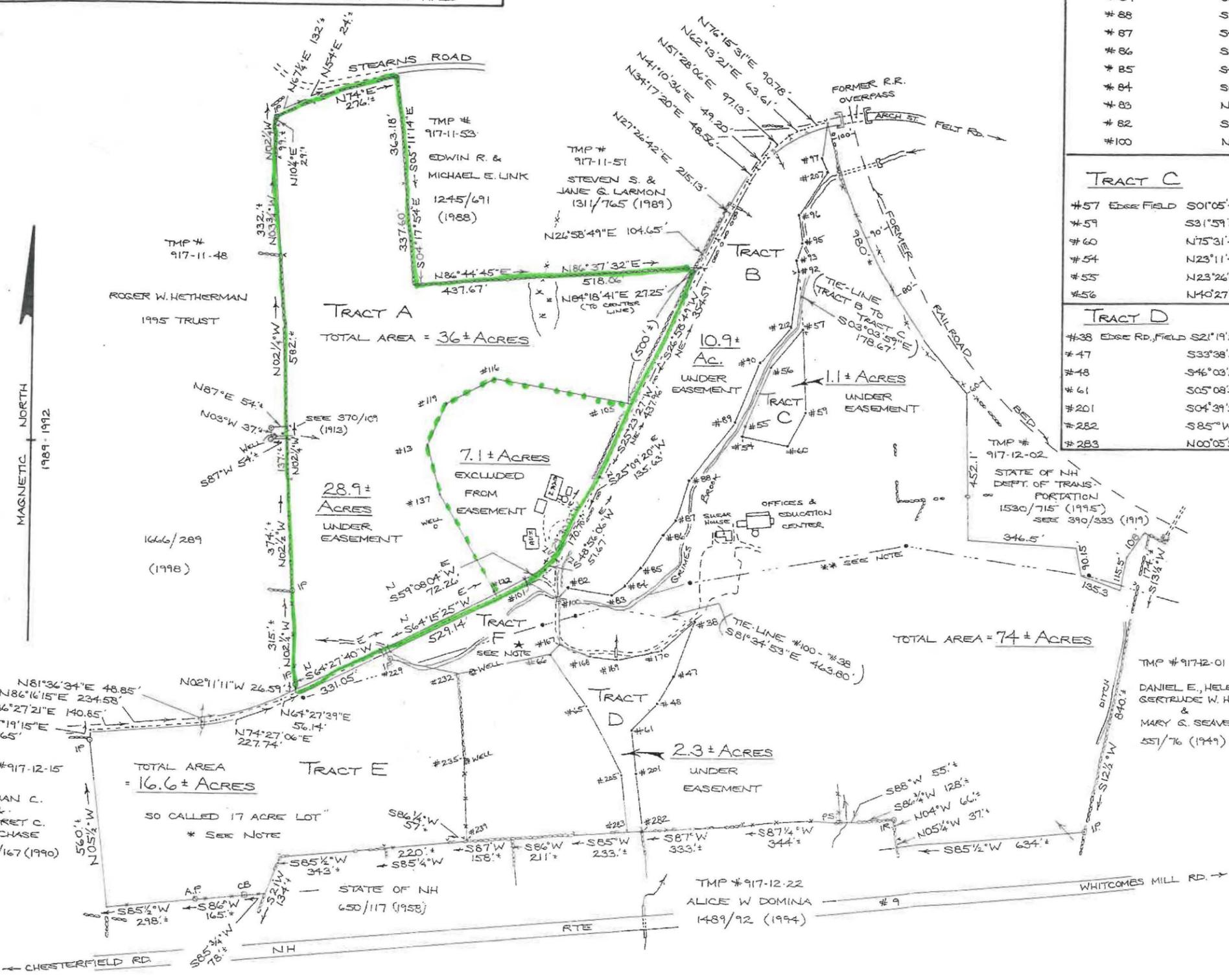
* TRACT F 2.3± ACRES UNDER EASEMENT.

TRACT C

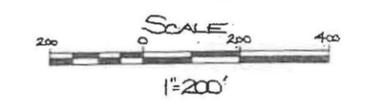
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#55	N23°26'45"E 214.77'	" #56 Edge Field
#56	N40°27'44"E 180.01'	" #57 START

TRACT D

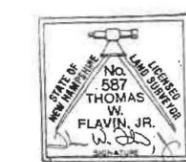
#38 Edge Rd. Field	S21°19'27"W 208.78'	TO #47 Edge Field	#205	N26°50'17"W 256.38'	TO #65 Edge Field
#47	S33°38'51"W 105.31'	" #48 Edge Field	#65	N36°24'16"W 217.33'	" #66 Edge Field
#48	S46°03'29"W 121.15'	" #61 Edge Field	#66	N48°59'57"E 52.24'	" #167 Edge Road
#61	S05°08'32"E 152.91'	" #201 Edge Field	#167	S66°51'05"E 108.91'	" #168 Edge Road
#201	S04°39'34"E 190.1'	" #282 Edge Field	#168	S85°11'44"E 88.25'	" #169 Edge Road
#282	S85°W 60.1'	" #283 Edge Field	#169	N78°30'50"E 151.03'	" #170 Edge Road
#283	N00°05'53"E 174.60'±	" #205 Edge Field	#170	N50°14'25"E 157.43'	" #38 START



PROPERTY
OF
STONEWALL FARM
A NEW HAMPSHIRE NONPROFIT CORPORATION
SHOWING
CONSERVATION EASEMENT AREAS
IN FAVOR OF
SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS
CHESTERFIELD ROAD
KEENE, NH



SOURCE OF TITLE 1189/797 (1987), 1318/359 (1989)



THOMAS W. FLAVIN, JR.
NH LIC. LAND SURVEYOR #587
P.O. BOX 701
KEENE, NH 03431
DATE: MAR. 16, 1999

78 RAILROAD ST.
ZBA-2024-18



Petitioner requests a Variance for residential use on the ground floor per Article 8.3.1.C.2.b of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-18

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-18: Petitioner, Robert Parisi of RK Parisi Enterprises, Inc., Keene, requests a variance for properties located at 78 Railroad St. and 17 93rd. St., Tax Map #574-011-000 and 574-012-000. These properties are in the Downtown Core District and are owned by Monadnock Community Service Centers, Inc. The Petitioner requests a variance to permit residential use on the ground floor per Article 8.3.1.C.2.b of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keeneh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keeneh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>Z BA-2021-18</u>
Date Filled	<u>6/14/24</u>
Rec'd By	<u>CM</u>
Page	<u>1</u> of <u>22</u>
Rev'd by	

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: MONADUOGE COMMUNITY SERVICE CENTERS, INC

MAILING ADDRESS: 64 MAIN ST KEENE NH 03431

PHONE: 603 283 1687

EMAIL: PWYZIK@MFS.ORG

SIGNATURE: *Phil Wyzik*

PRINTED NAME: Phil WYZIK

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: RK PARISI ENTERPRISES, INC

MAILING ADDRESS: 104 EMERALD ST KEENE NH 03431

PHONE: 603 903 2512

EMAIL: ROB@ROSHHAUS.COM

SIGNATURE: *Rob Parisi*

PRINTED NAME: ROBERT PARISI

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION

Property Address: 78 RAILROAD ST AND 17 NINETY-THIRD STREET KEWAUNAWATON

Tax Map Parcel Number: 574-011 574-012

Zoning District DT-CORE

Lot Dimensions: Front: 84/47 Rear: 50/43 Side: 138/83 Side: 179/85

Lot Area: Acres: .31/.08 Square Feet: 13,503/3485

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: Proposed: NO CHANGE

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: Proposed: NO CHANGE

Present Use: OFFICE

Proposed Use: RESIDENTIAL

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

SEE ATTACHED

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

SEE ATTACHED

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. Granting the variance would not be contrary to the public interest because:

SEE ATTACHED

2. If the variance were granted, the spirit of the ordinance would be observed because:

SEE ATTACHED

3. Granting the variance would do substantial justice because:

SEE ATTACHED

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

SEE ATTACHED

5. Unnecessary Hardship

- A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

SEE ATTACHED

and

ii. The proposed use is a reasonable one because:

SEE ATTACHED

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

SEE ATTACHED

78 Railroad Street and 17 Ninety-third Street consists of .39 acres and a 17,198 wood framed 2.5 story structure. It is currently being used by Monadnock Family Services as an office building for staff. The building is ADA accessible with an interior elevator and a sprinkler system throughout. The owner of the property is Monadnock Community Service centers, Inc., which leases the building to Monadnock Family Services.

Monadnock Family Services is moving to 40 Avon Street which has been renovated by Monadnock Community Services, Inc., and will allow Monadnock Family Services to consolidate their operation in one location.

RK Parisi Enterprises, Inc., intends to convert this property to residential use. Given the extremely high demand for housing units, this would be a benefit to the city. Under current zoning in the downtown core district, residential use is permitted on upper floors, the first floor is required to be used for commercial purposes. Given the residential character of the neighborhood this building is in, granting a variance to permit the conversion to residential use on all floors would make the property more conforming to the character of the neighborhood.

RK Parisi Enterprises, Inc., respectfully requests a variance from Article 8.3.1.C.2.b. This section stipulates that residential units in the DT-C district be located above the ground floor.

Item 1: Granting the variance would not be contrary to the public interest because there is an extreme need for housing in Keene, particularly in the downtown area. Recent actions by the city's administration indicate that the city recognizes this need and is taking steps to assist with the development of new housing units.

Item 2: If the variance is granted, the spirit of the ordinance will be observed. This property is on the extreme easterly edge of the DT-C zoning district. Immediately to the east is the DT-E zoning district where this proposal would be permitted. Immediately north and southeast of this property are multifamily housing properties. Westmill Senior Housing consists of 26 units, Keene East Side senior housing incorporates 30 units and to the north is Cleveland Place with 75 units. Cleveland Place is also located in the DT-C district and consists entirely of housing units, with no commercial development on the ground floor. The DT-C district is intended to provide a mix of commercial, residential, civic and cultural uses in the district. The variance to permit residential units on the ground floor would make this property more conforming to the neighborhood and would satisfy the spirit of the ordinance.

Item 3: Granting the variance would do substantial justice as it would allow the developer to redevelop this property for residential use in an economically viable manner while providing additional housing which the community needs, and the city government has indicated is a priority. The transition to have residential units on the ground floor is reasonable and provides the developer with an economically viable project. This variance would be a win for both the community and the developer.

Item 4: Granting this variance will not diminish surrounding properties as the immediate neighborhood consists of multi-family housing, a house of worship and a hotel. There is no evidence that this would create a reduction in neighboring property values.

Item 5. Unnecessary hardship.

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

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

This property is unique in the general area as the real structure is located on two parcels of record, Map 574, Lots 11 and 12. All of the neighboring structures are on one lot of record.

Immediately adjacent to this property are three multi-family properties that have residential units on the ground floor. The general purpose of the ordinance as it relates to this property is to provide a cohesive look and use along Main Street such that commercial uses are available to the public on the ground floor. The general public that is seeking Main Street type commercial uses are not drawn to this area as there aren't any commercial uses nearby except for the hotel. In addition, this is a wood frame structure which is better suited for residential use than what would be found on Main Street which would typically have a commercial feel with inviting storefronts and higher interior ceilings to welcome the public. Conversion to residential use is in keeping with the intent of the DT-C district which encourages residential development and expresses a desire for development to be sensitive to the surrounding area. This use accomplishes both and affords the developer an economically viable project. Granting the variance will be a benefit to the city and to RK Parisi Enterprises.

II. The proposed use to create residential dwelling units on the ground floor is reasonable, like other nearby properties and in keeping with the city's goal to increase dwelling units in the city to help solve the housing crisis. All of the units will be housed within the current building footprint and elevation. The existing streetscape will remain.

B. Given that the property is unique in its environment and the building does not equate with a commercial style building as would be expected of a downtown building and that the infrastructure does not contemplate heavy vehicle or foot traffic, the highest and best use for the property is residential. The only commercial use that would be appropriate in this location is office space. In the current market, the demand for office space is weak and the cost to renovate the building to support both office and residential uses would make the project economically non-viable. The highest and best use and the most reasonable use for the building is to convert the property to residential use on all floors which is in keeping with the city's stated goals and would afford the developer with an economically viable housing project.

The property as currently restricted would require commercial use on the ground floor with the allowance for residential dwelling units above. The main building, 78 Railroad Street, was built in 1920 and is wood frame construction. With the lack of demand for office space, the desperate need for additional dwelling units, and the age of the building, the cost to convert the

building to mixed use would not be economically viable and is therefore not a reasonable use for the property. The conversion to residential use is reasonable and a variance is required to achieve that. Granting the variance would allow RK Parisi Enterprises to create a reasonable development and would be a benefit to the city.

78 RAILROAD ST.

Location 78 RAILROAD ST.

Map/Lot # 574 / 011/000-000/000

Acct# 574011000000000

Owner MONADNOCK COMMUNITY SERVICE CENTER INC

Building Name

Assessment \$906,800

Appraisal \$906,800

PID 1568

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$809,500	\$97,300	\$906,800

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$809,500	\$97,300	\$906,800

Parcel Addresses

Additional Addresses
No Additional Addresses available for this parcel

Owner of Record

Owner MONADNOCK COMMUNITY SERVICE CENTER INC
Co-Owner
Address 64 MAIN ST. 2ND FLOOR
 KEENE, NH 03431

Sale Price \$3
Book & Page 1247/0401
Sale Date 06/01/1988

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
MONADNOCK COMMUNITY SERVICE CENTER INC	\$3	1247/0401	06/01/1988
	\$70,000	/	11/01/1981

Building Information

Building 1 : Section 1

Year Built: 1920
Living Area: 13,426
Replacement Cost: \$1,272,322
Building Percent Good: 60
Replacement Cost Less Depreciation: \$763,400

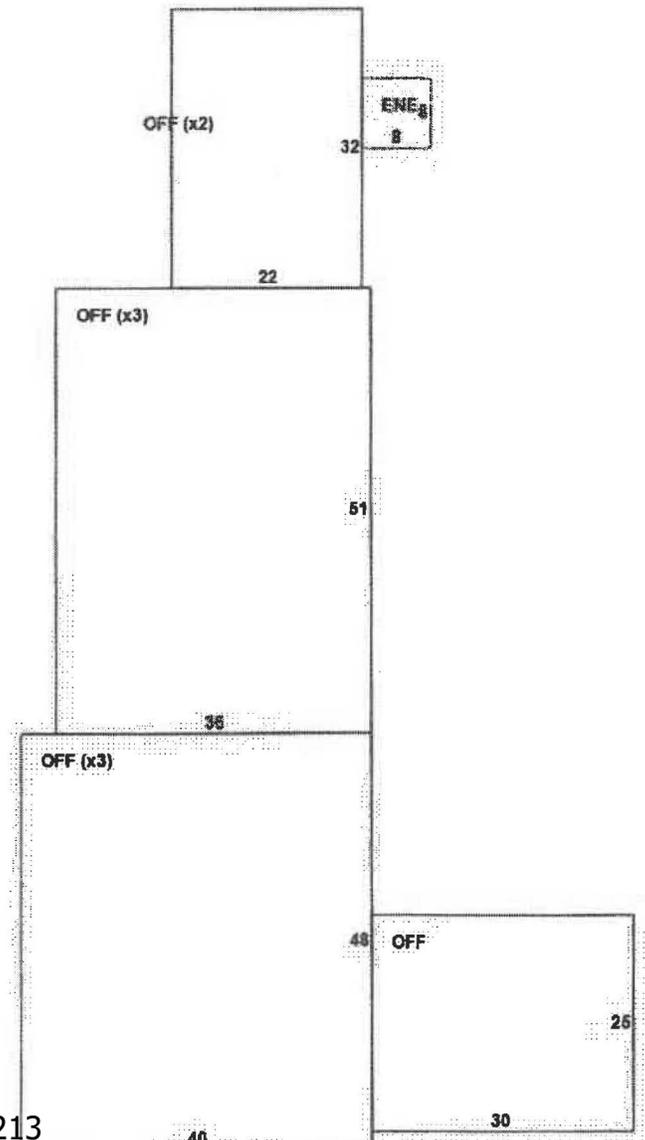
Building Attributes	
Field	Description
Style:	Office Bldg
Model:	Commercial
Grade	C
Stories:	1
Occupancy	1.00
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Typical
Interior Wall 2	
Interior Floor 1	Typical
Interior Floor 2	
Heating Fuel	Typical
Heating Type	Hot Air
Air Conditioning	Central
Bldg Use	Commercial Improved
Bedrooms:	
Full Baths	
Half Baths	
Frame	Wood Frame/Joist/Beam
Plumbing	Normal
Partitions	Normal
Wall Height:	9.00
FBLA	
Condo Complex	
Cov Park Spaces	0

Building Photo



(<https://images.vgsi.com/photos2/KeeneNHPhotos/A0002189.0.jpg>)

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
OFF	Office	13,426	13,426
ENE	Enclosed Entry	64	0
		13,490	13,426

Extra Features

Extra Features				Legend
Code	Description	Size	Assessed Value	Bldg #
PR1	Porch, Open	231.00 S.F.	\$2,200	1
PR1	Porch, Open	189.00 S.F.	\$1,800	1
PR1	Porch, Open	112.00 S.F.	\$1,100	1
ELV1	ELEV PAS 2-3 STOPS	1.00 UNITS	\$27,400	1
SPR1	SPRINKLERS-WET	15894.00 SF	\$10,500	1

Land

Land Use

Use Code 201
 Description Commercial Improved
 Zone DT-C
 Category

Land Line Valuation

Size (Acres) 0.31
 Depth
 Assessed Value \$97,300
 Appraised Value \$97,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Assessed Value	Bldg #
PAV1	PAVING- ASPHALT			2829.00 S.F.	\$2,800	1
LGT1	POLE & SINGLE LIGHT			1.00 UNITS	\$300	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$822,800	\$97,300	\$920,100

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$822,800	\$97,300	\$920,100

17 NINETY-THIRD ST.

Location 17 NINETY-THIRD ST.

Map/Lot # 574/ / 012/000 000/000

Acct# 574012000000000

Owner MONADNOCK COMMUNITY SERVICE CENTER INC

Building Name

Assessment \$315,400

Appraisal \$315,400

PID 1569

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$265,800	\$49,600	\$315,400

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$265,800	\$49,600	\$315,400

Parcel Addresses

Additional Addresses
No Additional Addresses available for this parcel

Owner of Record

Owner MONADNOCK COMMUNITY SERVICE CENTER INC
Co-Owner
Address 64 MAIN ST. 2ND FLOOR
 KEENE, NH 03431

Sale Price \$3
Book & Page 1247/0401
Sale Date 06/01/1988

Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
MONADNOCK COMMUNITY SERVICE CENTER INC	\$3	1247/0401	06/01/1988
	\$70,000	/	11/01/1981

Building Information

Building 1 : Section 1

Year Built: 1989
Living Area: 3,082
Replacement Cost: \$361,825
Building Percent Good: 73
Replacement Cost Less Depreciation: \$264,100

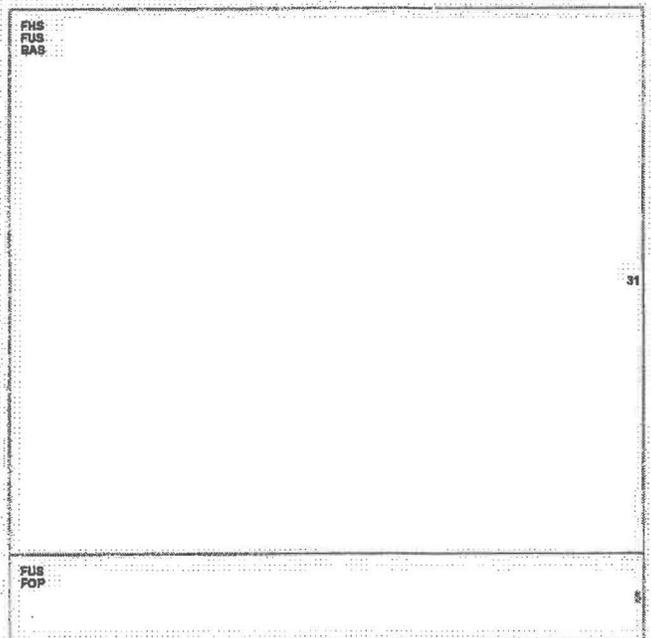
Building Attributes	
Field	Description
Style:	Office Bldg
Model:	Commercial
Grade	C
Stories:	2.5
Occupancy	1.00
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable
Roof Cover	Asphalt
Interior Wall 1	Drywall/Sheetrock
Interior Wall 2	
Interior Floor 1	Typical
Interior Floor 2	
Heating Fuel	Typical
Heating Type	Hot Air
Air Conditioning	Central
Bldg Use	Commercial Improved
Bedrooms	
Full Baths	
Half Baths	
Frame	Wood Frame/Joist/Beam
Plumbing	Normal
Partitions	Normal
Wall Height	9.00
FBLA	
Condo Complex	
Cov Park Spaces	

Building Photo



(<https://images.vgsi.com/photos2/KeeneNHPhotos/0002190.0.jpg>)

Building Layout



(ParcelSketch.ashx?pid=1569&bid=1569)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Framed Upper Story	1,296	1,296
BAS	First Floor	1,116	1,116
FHS	Framed Half Story	1,116	670
FOP	Framed Open Porch	180	0
		3,708	3,082

Extra Features

Extra Features		Legend
No Data for Extra Features		

Land

Land Use

Use Code: 201
 Description: Commercial Improved
 Zone: CB
 Category:

Land Line Valuation

Size (Acres): 0.08
 Depth:
 Assessed Value: \$49,600
 Appraised Value: \$49,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Assessed Value	Bldg #
PAV1	PAVING- ASPHALT			1720.00 S.F.	\$1,700	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$282,100	\$49,600	\$331,700

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$282,100	\$49,600	\$331,700

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200 feet Abutters List Report

Keene, NH
June 14, 2024

Subject Properties:

Parcel Number: 574-011-000
CAMA Number: 574-011-000-000-000
Property Address: 78 RAILROAD ST.

Mailing Address: MONADNOCK COMMUNITY SERVICE
CENTER INC
64 MAIN ST. 2ND FLOOR
KEENE, NH 03431

Parcel Number: 574-012-000
CAMA Number: 574-012-000-000-000
Property Address: 17 NINETY-THIRD ST.

Mailing Address: MONADNOCK COMMUNITY SERVICE
CENTER INC
64 MAIN ST. 2ND FLOOR
KEENE, NH 03431

Abutters:

Parcel Number: 574-002-000
CAMA Number: 574-002-000-000-000
Property Address: 21 ROXBURY PLAZA

Mailing Address: CLEVELAND PLACE ASSOCIATES
PO BOX 565
KEENE, NH 03431

Parcel Number: 574-003-000
CAMA Number: 574-003-000-000-000
Property Address: 15 ROXBURY PLAZA

Mailing Address: SALVATION ARMY C/O PHILLIPS LAW
OFFICE PLLC
ATTN: ROGER B. PHILLIPS ESQ. 104
PLEASANT ST.
CONCORD, NH 03301

Parcel Number: 574-010-000
CAMA Number: 574-010-000-000-000
Property Address: 76 RAILROAD ST.

Mailing Address: ELM CITY CHURCH
76 RAILROAD ST.
KEENE, NH 03431

Parcel Number: 574-013-000
CAMA Number: 574-013-000-000-000
Property Address: 11 NINETY-THIRD ST.

Mailing Address: MONADNOCK COMMUNITY SERVICE
CENTER INC
64 MAIN ST 2ND FL
KEENE, NH 03431

Parcel Number: 574-014-000
CAMA Number: 574-014-000-000-000
Property Address: 92 CHURCH ST.

Mailing Address: CITY OF KEENE
3 WASHINGTON ST.
KEENE, NH 03431

Parcel Number: 574-015-000
CAMA Number: 574-015-000-000-000
Property Address: 100 CHURCH ST.

Mailing Address: CITY OF KEENE
3 WASHINGTON ST.
KEENE, NH 03431

Parcel Number: 574-016-000
CAMA Number: 574-016-000-000-000
Property Address: 110 CHURCH ST.

Mailing Address: BEAUREGARD JAMES D
14 GRAVES RD
KEENE, NH 03431

Parcel Number: 574-033-000
CAMA Number: 574-033-000-000-000
Property Address: 115 CHURCH ST.

Mailing Address: KEENE AERIE 1413 FRATERNAL ORDER
OF EAGLES
115 CHURCH ST.
KEENE, NH 03431



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200 feet Abutters List Report

Keene, NH
June 14, 2024

Parcel Number: 574-034-000 CAMA Number: 574-034-000-000-000 Property Address: 18 NINETY-THIRD ST.	Mailing Address: MDP REALTY ASSOCIATES LLC 9 OLD DERRY RD. HUDSON, NH 03051
Parcel Number: 574-035-000 CAMA Number: 574-035-000-000-000 Property Address: RAILROAD ST.	Mailing Address: BEAVER MILL CONDOMINIUM UNIT OWNERS ASSN PO BOX 603 KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-000-000 Property Address: 101-139 RAILROAD ST.	Mailing Address: BEAVER MILL CONDOMINIUM UNIT OWNERS ASSN. PO BOX 603 KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-001-00A Property Address: 101-129 RAILROAD ST.	Mailing Address: KEENE EAST SIDE SENIOR HOUSING ASSOCIATES LP PO BOX 603 KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-001-00B Property Address: 139 RAILROAD ST.	Mailing Address: RAILROAD STREET MILL INC. 121 RAILROAD ST. KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-001-0CS Property Address: 139 RAILROAD ST.	Mailing Address: RAILROAD STREET MILL INC. 121 RAILROAD ST. KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-002-000 Property Address: 110 RAILROAD ST.	Mailing Address: WESTMILL SENIOR HOUSING ASSOCIATES LP PO BOX 603 KEENE, NH 03431
Parcel Number: 574-036-000 CAMA Number: 574-036-000-003-000 Property Address: 0 RAILROAD ST.	Mailing Address: RAILROAD STREET MILL INC. 121 RAILROAD ST. KEENE, NH 03431
Parcel Number: 574-037-000 CAMA Number: 574-037-000-000-000 Property Address: 93 RAILROAD ST.	Mailing Address: WHITNEY BROS. CO. LLC 93 RAILROAD ST. KEENE, NH 03431
Parcel Number: 574-040-000 CAMA Number: 574-040-000-000-000 Property Address: 75 RAILROAD ST.	Mailing Address: NEP KEENE CY (NH) OWNER LLC 545 E JOHN CARPENTER FREEWAY SUITE 1400 IRVING, TX 75062
Parcel Number: 574-041-000 CAMA Number: 574-041-000-000-000 Property Address: 0 CYPRESS ST.	Mailing Address: RAILROAD STREET CONDOMINIUM ASSOCIATION PO BOX 603 KEENE, NH 03431-0603
Parcel Number: 574-041-000 CAMA Number: 574-041-000-00A-110 Property Address: 51 RAILROAD ST. #110	Mailing Address: 51 RAILROAD LLC 48 HARRIS PL. BRATTLEBORO, VT 05301



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200 feet Abutters List Report

Keene, NH
June 14, 2024

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-120
Property Address: 51 RAILROAD ST. #120

Mailing Address: 51 RAILROAD ST RESTAURANT LLC
ATTN: JULIE DRAKE 7 CORPORATE DR
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-130
Property Address: 51 RAILROAD ST. #130

Mailing Address: CHALIFOUR DANIEL L.
152 FORESTVIEW DR.
SPOFFORD, NH 03462

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-140
Property Address: 51 RAILROAD ST. #140

Mailing Address: 51 RAILROAD LLC
48 HARRIS PL.
BRATTLEBORO, VT 05301

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-201
Property Address: 51 RAILROAD ST.

Mailing Address: CHESHIRE MEDICAL CENTER
ATTN: ACCTS PAYABLE ONE MEDICAL
CENTER DR.
LEBANON, NH 03756

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-310
Property Address: 51 RAILROAD ST. #310

Mailing Address: SIGGIA ALAN D. LIVING TRUST
51 RAILROAD ST. #310
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-320
Property Address: 51 RAILROAD ST. #320

Mailing Address: CONWAY MICHAEL F CONWAY
PATRICIA LOUISE
51 RAILROAD ST #320
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-330
Property Address: 51 RAILROAD ST. #330

Mailing Address: KEENE EXECUTIVE HOMES LLC
7 CORPORATE DR.
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-340
Property Address: 51 RAILROAD ST. #340

Mailing Address: WALLACE RICHARD A. WALLACE
SANDRA A.
51 RAILROAD ST. #340
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-400
Property Address: 51 RAILROAD ST. #A

Mailing Address: RAILROAD LAND DEVELOPMENT LLC
PO BOX 704
KEENE, NH 03431-0704

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-410
Property Address: 51 RAILROAD ST. #410

Mailing Address: KEMPER ROBERT P KEMPER HEATHER
A
51 RAILROAD ST #410
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-420
Property Address: 51 RAILROAD ST. #420

Mailing Address: BELAIR CHERYL A. BRAGDON
STEPHEN B.
51 RAILROAD ST. 420
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-430
Property Address: 51 RAILROAD ST. #430

Mailing Address: RAGHOW, SANDEEP DESAI GRISHMA
51 RAILROAD ST. #430
KEENE, NH 03431



www.cai-tech.com

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200 feet Abutters List Report

Keene, NH
June 14, 2024

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00A-440
Property Address: 51 RAILROAD ST. #440

Mailing Address: WEINREICH ROGER T. WEINREICH
MADELEINE
110 MAIN ST.
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00B-000
Property Address: 49 COMMUNITY WAY #B

Mailing Address: RAILROAD SQUARE SENIOR HOUSING
LP
PO BOX 603
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00C-000
Property Address: 63 COMMUNITY WAY #C

Mailing Address: SOUTHWESTERN COMMUNITY
SERVICES INC
63 COMMUNITY WAY
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00D-000
Property Address: 56 DUNBAR ST. #D

Mailing Address: MONADNOCK COMMUNITY MARKET
COOPERATIVE INC.
34 CYPRESS ST.
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00E-000
Property Address: 34 CYPRESS ST. #E

Mailing Address: MFC LAND COMPANY INC.
34 CYPRESS ST. #E
KEENE, NH 03431

Parcel Number: 574-041-000
CAMA Number: 574-041-000-00F-000
Property Address: 51 RAILROAD ST. #F

Mailing Address: MONADNOCK COMMUNITY MARKET
COOPERATIVE INC.
34 CYPRESS ST.
KEENE, NH 03431

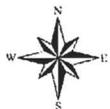
Parcel Number: 574-041-000
CAMA Number: 574-041-000-00G-000
Property Address: 34 CYPRESS ST. #G

Mailing Address: MFC LAND COMPANY INC.
34 CYPRESS ST. #E
KEENE, NH 03431



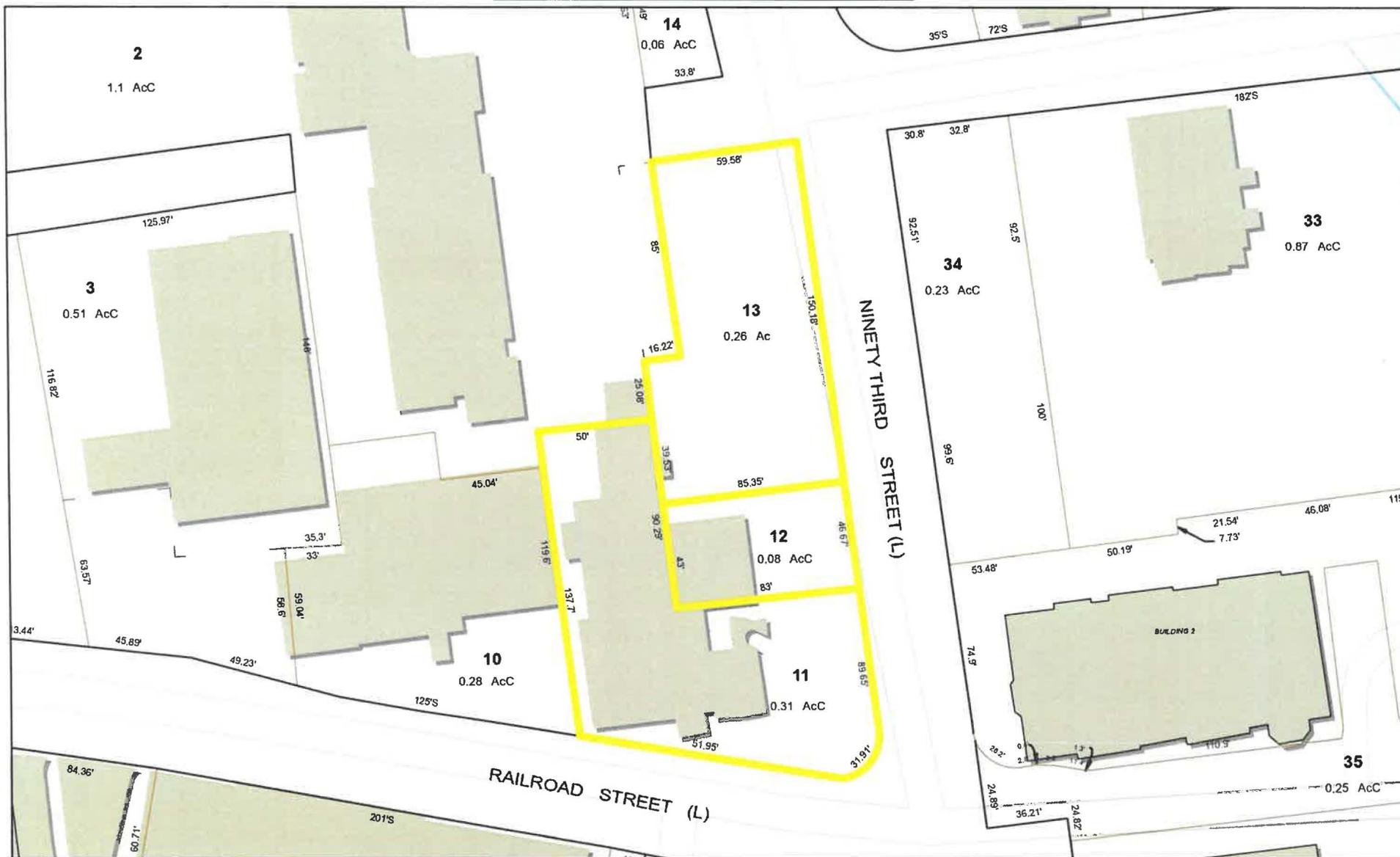
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June 19, 2024

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143 MAIN ST. ZBA-2024-19



Petitioner requests a Variance for a two family/duplex per Table 4-1 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-19

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-19: Timothy Sampson, of Sampson Architects, PLLC, requests a variance for property located at 143 Main St., Tax Map #584-061-000. This property is in the Downtown Core District and is owned by 143 Main St., LLC, of West Swanzey. The Petitioner requests a variance to permit a two family/duplex where not permitted per Table 4-1 of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024



City of Keene

New Hampshire

NOTICE OF DECISION

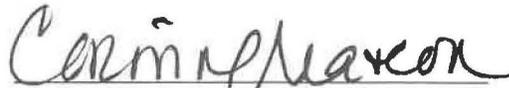
ZONING BOARD OF ADJUSTMENT

CASE NUMBER: ZBA 20-07
Property Address: 143 Main St.
Zone: Central Business Limited
Owner: 143 Main St., LLC
Petitioner: Tim Sampson, Architect
Date of Decision: April 6, 2020

Notification of Decision:

Petitioner, Tim Sampson, Architect of 103 Roxbury St., Suite 203, Keene, NH, request a Change of a Nonconforming Use for property located at 143 Main St., Keene, Tax Maps #584-061-000-000-000, which is in the Central Business Limited District. The Petition, which requested a Change of a Nonconforming Use to permit a two-family dwelling with office use from a single-family dwelling, was approved 4-1 with a condition.

Condition: 1. The parking requirements from Section 102-978 of the Zoning Ordinance for the Central Business Limited District are satisfied through the procedures of the Community Development Department.


Corinne Marcou, Clerk

Any person directly affected has a right to appeal this Decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The Motion for Rehearing must be filed not later than 30 days after the first date following the referenced Date of Decision. The Motion must fully set forth every ground upon which it is claimed that the decision is unlawful or unreasonable. See New Hampshire RSA Chapter 677, et seq.

cc: Planning Dept.
Assessing Dept.
City Attorney
File Copy

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	_____
Date Filled	_____
Rec'd By	_____
Page _____ of _____	
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: 143 Main LLC

MAILING ADDRESS: PO Box 575 West Swanzey NH 03469

PHONE:

EMAIL: Pappascontracting@yahoo.com

SIGNATURE: *M Pappas*

PRINTED NAME: Micheal Pappas

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS: SAME

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Timothy Sampson Sampson Architects PLLC

MAILING ADDRESS: 11 King Ct Suite 112 Keene NH 03431

PHONE: 603 769 7736

EMAIL: Tim@SampsonArchitects.com

SIGNATURE: *Tim P*

PRINTED NAME: Timothy Sampson

SECTION 2: PROPERTY INFORMATION

Property Address: 143 Main St

Tax Map Parcel Number: 584-061-000

Zoning District DTC

Lot Dimensions: Front: 52.86 Rear: 51.23 Side: 175.74 Side: 175.88

Lot Area: Acres: .21 Square Feet: 6700

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 43% Proposed: 43%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 60% Proposed: 60%

Present Use: Single Family

Proposed Use: Dwelling - Two Family

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

SEE
ATTACHED

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. Granting the variance would not be contrary to the public interest because:

2. If the variance were granted, the spirit of the ordinance would be observed because:

3. Granting the variance would do substantial justice because:

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

5. Unnecessary Hardship

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

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

and

ii. The proposed use is a reasonable one because:

[Empty response area for item ii]

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

[Empty response area for item B]

Section 3

Written Narrative:

The property is located at 143 Main Street and is owned by 143 Main St LLC. The owner seeks to redevelop the property as a two family dwelling. The property is currently a single family home. Neither a single family or a two family dwelling are allowed in the Downtown Core district. The proposed two family dwelling is more in line with the current ordinance and is consistent with other properties within close proximity.

Section 4

Application Criteria:

A Variance is requested from Article Table 4-1: Downtown Districts Permitted Uses to allow the Dwelling, Two Family / Duplex where one is not permitted in the Downtown Core district.

1. Granting a variance would not be contrary to the public interest because:
 - a. The structure is currently non-conforming as a single family residence. Allow a two family dwelling is more consistent with the current zoning and would allow the owner to easily renovate the building with no changes to the exterior appearance. The two residential units would be consistent with other properties in this neighborhood.
2. If the variance were granted, the spirit of the ordinance would be observed because:
 - a. The current ordinance allows for multifamily developments. The current use is only a single family residence. Allowing the development of a two family residence is a more consistent use. Given the location of the structure in the Downtown Core a two family residence
3. Granting the variance would do substantial justice because:
 - a. This two family development can be easily achieved with no changes to the exterior of the building. Not changing the exterior of the building is important as it is ranked as a primary resource in the Historic District Resource Ranking. Complying with zoning, developing the property as a multifamily, would require changes to the exterior of the structure.
4. If the variance were granted, the values of the surrounding properties would not be diminished because:
 - a. The proposed use would be similar to the use of neighboring properties. The two family use will not be injurious, obnoxious or offensive to neighboring properties.
5. Unnecessary Hardship
 - A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

The structure is unique due to its age and construction. The fact that it is listed as a primary historic resource make it difficult to renovate the structure in a manner that complies with current zoning. Allowing a two family residence development will allow the owner to bring the structure to more closely align with zoning within any impact to the historic exterior of the building.

1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:
 - a. The proposed use exists within the neighborhood and the proposed two family development is more in keeping with the spirit of the ordinance than the existing use. The proposed use is also consistent with other uses which are allowed. The proposed two family is simply a less dense residential use.
 2. The proposed use is a reasonable one because:
 - a. The proposed use is similar to other residential uses which are allowed in the Downtown Core. Granting the variance would allow the development of a unique property to more closely align with current zoning. Given the unique and historic nature of the structure a two family residence is a reasonable approach to renovating the building to be consistent with the neighborhood and zoning requirements.
- B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if an only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property can not be reasonably used in strict conformance with the ordinance and a variance is therefor necessary to enable aa reasonable use of it:
- a. Given the ranking of the structure as a primary historic resource, the development of the structure into a use that is allowed by current zoning would be difficult as it would require significant changes to the exterior of the building. Given the location in the downtown core and the way the structure is situated on the small site it is not a desirable single family residence.

Parcel Number: 584-060-000-000-000 147-151 MAIN STREET LLC PO BOX 575 WEST SWANZEY, NH 03469	Parcel Number: 584-057-000-000-000 CHESHIRE PROPERTIES LLC 61 HILLTOP DR. KEENE, NH 03431	Parcel Number: 584-002-000-000-000 OBSIDIAN ML 7 LLC C/O EG AMERICA 165 FLANDERS RD WESTBOROUGH, MA 01581
Parcel Number: 584-058-000-000-000 21 DAVIS STREET LLC 11 RIVER ST. SUITE 300 WELLESLEY, MA 02481-2021	Parcel Number: 575-005-000-001-102 CORY, DEBORAH J. PO BOX 372 JACKSONVILLE, VT 05342	Parcel Number: 584-006-000-000-000 ROMAN CATHOLIC BISHOP OF 153 ASH ST. MANCHESTER, NH 03104
Parcel Number: 584-056-000-000-000 37 DAVIS STREET LLC 268 ROWLAND RD. FAIRFIELD, CT 06824	Parcel Number: 584-055-000-000-000 DAVIS STREET LLC 2 NORTHSIDE PIERS APT. 23L BROOKLYN, NY 11249	Parcel Number: 584-066-000-000-000 SANEL REALTY COMPANY INC PO BOX 504 CONCORD, NH 03302
Parcel Number: 575-005-000-000-995 7 EMERALD STREET LLC 7 EMERALD ST KEENE, NH 03431	Parcel Number: 575-005-000-001-205 DUTEAU COURTNEY DUTEAU AUGUSTA 7 EMERALD ST. #205 KEENE, NH 03431-3661	Parcel Number: 575-005-000-001-201 SCHUMANN REINHARD 7 EMERALD ST #201 KEENE, NH 03431
Parcel Number: 575-005-000-001-104 7 EMERALD STREET LLC 7 EMERALD ST KEENE, NH 03431	Parcel Number: 584-001-000-000-000 ELLIS ROBERTSON CORP PO BOX 188 CHESTERFIELD, NH 03443	Parcel Number: 575-005-000-001-204 TORSELLI MARK 7 EMERALD ST. #204 KEENE, NH 03431-3661
Parcel Number: 584-063-000-000-000 ADELPHIA INC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-005-000-001-202 GILLESPIE, BEAU 122 BRICKYARD RD. NELSON, NH 03457	
Parcel Number: 575-005-000-001-103 ALBERTINI JOANN S. 7 EMERALD ST. #103 KEENE, NH 03431-3661	Parcel Number: 575-005-000-001-101 LACOMBE SYLVIA CHAPPELL 7 EMERALD ST. UNIT #101 KEENE, NH 03431	
Parcel Number: 584-064-000-000-000 ANOPOLIS-G LLC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-005-000-001-203 MALKIN JUSTIN 7 EMERALD ST #203 KEENE, NH 03431	
Parcel Number: 584-062-000-000-000 ATHENS PIZZA HOUSE INC 133 MAIN ST. KEENE, NH 03431	Parcel Number: 575-006-000-000-000 MCGREER HOLDINGS LLC 115 MAIN ST. KEENE, NH 03431	
Parcel Number: 585-003-000-000-000 BEAUREGARD FAMILY REV. TR 127 WASHINGTON ST. KEENE, NH 03431-3106	Parcel Number: 584-065-000-000-000 MONADNOCK AFFORDABLE HOUS 831 COURT ST. KEENE, NH 03431	

Parcel Number: 584-060-000-000-000
147-151 MAIN STREET LLC
PO BOX 575
WEST SWANZEY, NH 03469

Parcel Number: 584-057-000-000-000
CHESHIRE PROPERTIES LLC
61 HILLTOP DR.
KEENE, NH 03431

Parcel Number: 584-002-000-000-000
OBSIDIAN ML 7 LLC
C/O EG AMERICA
165 FLANDERS RD
WESTBOROUGH, MA 01581

Parcel Number: 584-058-000-000-000
21 DAVIS STREET LLC
11 RIVER ST. SUITE 300
WELLESLEY, MA 02481-2021

Parcel Number: 575-005-000-001-102
CORY, DEBORAH J.
PO BOX 372
JACKSONVILLE, VT 05342

Parcel Number: 584-006-000-000-000
ROMAN CATHOLIC BISHOP OF
153 ASH ST.
MANCHESTER, NH 03104

Parcel Number: 584-056-000-000-000
37 DAVIS STREET LLC
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-055-000-000-000
DAVIS STREET LLC
2 NORTHSIDE PIERS APT. 23L
BROOKLYN, NY 11249

Parcel Number: 584-066-000-000-000
SANEL REALTY COMPANY INC
PO BOX 504
CONCORD, NH 03302

Parcel Number: 575-005-000-000-995
7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 575-005-000-001-205
DUTEAU COURTNEY
DUTEAU AUGUSTA
7 EMERALD ST. #205
KEENE, NH 03431-3661

Parcel Number: 575-005-000-001-201
SCHUMANN REINHARD
7 EMERALD ST #201
KEENE, NH 03431

Parcel Number: 575-005-000-001-104
7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 584-001-000-000-000
ELLIS ROBERTSON CORP
PO BOX 188
CHESTERFIELD, NH 03443

Parcel Number: 575-005-000-001-204
TORSELLI MARK
7 EMERALD ST. #204
KEENE, NH 03431-3661

Parcel Number: 584-063-000-000-000
ADELPHIA INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-005-000-001-202
GILLESPIE, BEAU
122 BRICKYARD RD.
NELSON, NH 03457

Parcel Number: 575-005-000-001-103
ALBERTINI JOANN S.
7 EMERALD ST. #103
KEENE, NH 03431-3661

Parcel Number: 575-005-000-001-101
LACOMBE SYLVIA CHAPPELL
7 EMERALD ST. UNIT #101
KEENE, NH 03431

Parcel Number: 584-064-000-000-000
ANOPOLIS-G LLC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-005-000-001-203
MALKIN JUSTIN
7 EMERALD ST #203
KEENE, NH 03431

Parcel Number: 584-062-000-000-000
ATHENS PIZZA HOUSE INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-006-000-000-000
MCGREER HOLDINGS LLC
115 MAIN ST.
KEENE, NH 03431

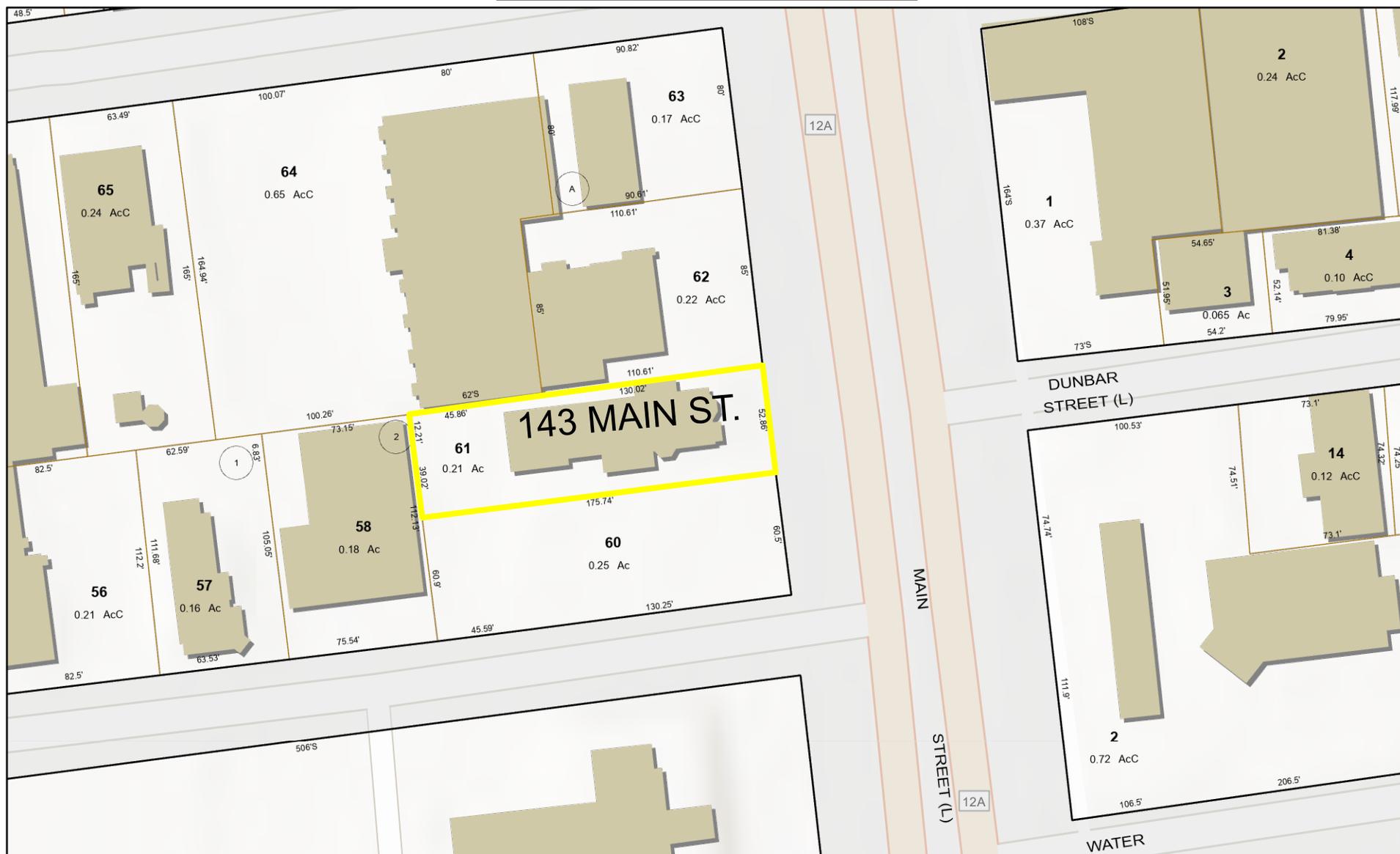
Parcel Number: 585-003-000-000-000
BEAUREGARD FAMILY REV. TR
127 WASHINGTON ST.
KEENE, NH 03431-3106

Parcel Number: 584-065-000-000-000
MONADNOCK AFFORDABLE HOUS
831 COURT ST.
KEENE, NH 03431



July 22, 2024

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These drawings are LIMITED SCOPE and are intended only to describe general design intent, scale, overall spatial relationships and material where indicated. These drawings shall be considered preliminary for purposes of design review, comment, or budget pricing only, unless expressly released for other purposes as indicated in the issue log. The architect assumes responsibility for errors in the information provided, and not for omissions.

Architect:
Sampson Architects
 11 King Ct Suite 1E
 Keene, NH 03431
 603 769 7736

Engineer:

© **SAMPSON ARCHITECTS**
 2018 WO# 18-033

Prepared For
143 Main St LLC
 143 Main Street
 Keene, NH 03431

PROJECT
Renovations to 143 Main Street
 Keene, NH 03431

TITLE
Site Plan

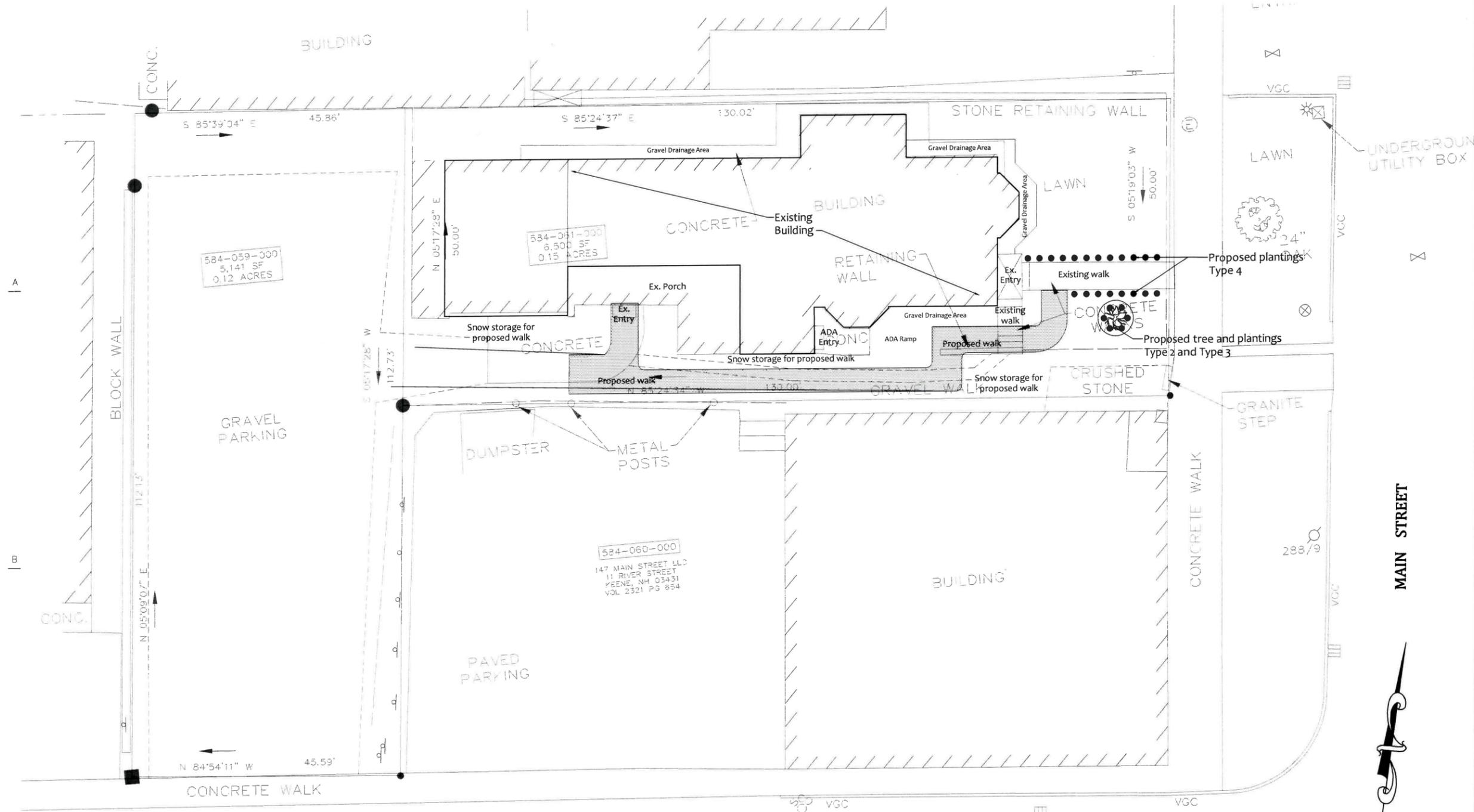
Date:	Revisions:
7.25.18	Planning /HDC
8.9.18	Planning / HDC R1
10.30.18	Planning Board
3.18.20	HDC Submission
6.14.24	Variance Application

SCALE as noted

DATE 6.14.24

SHEET NUMBER

A1



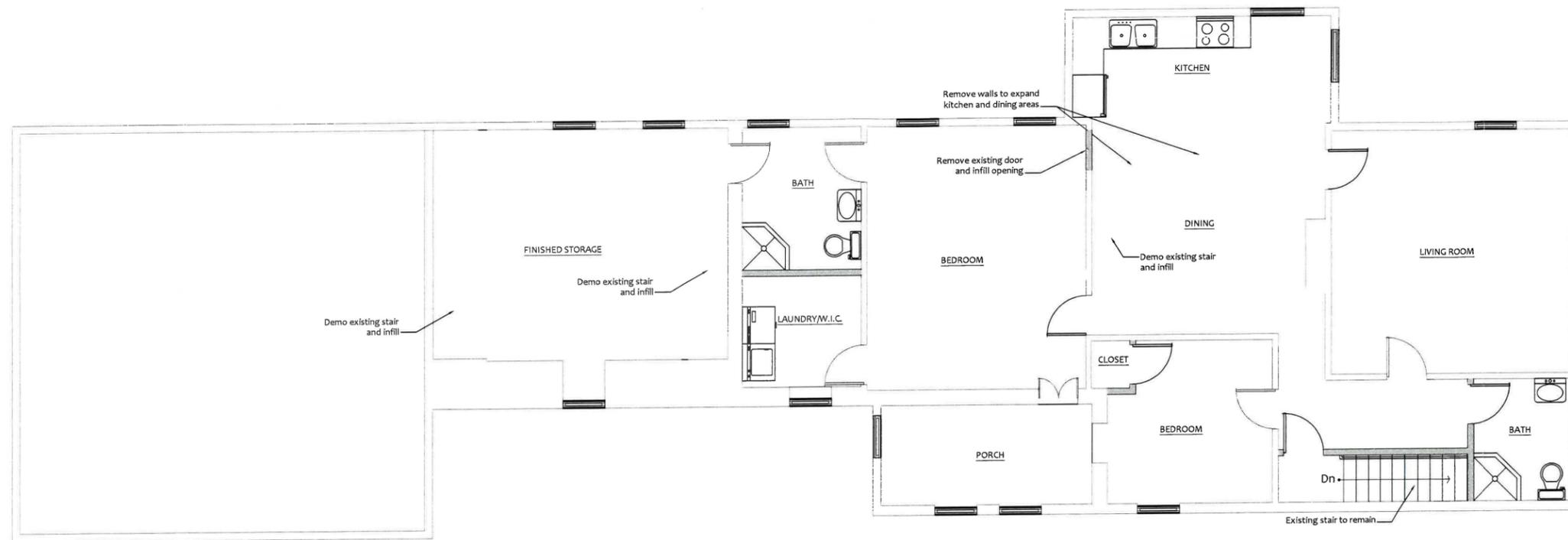
DAVIS STREET

MAIN STREET

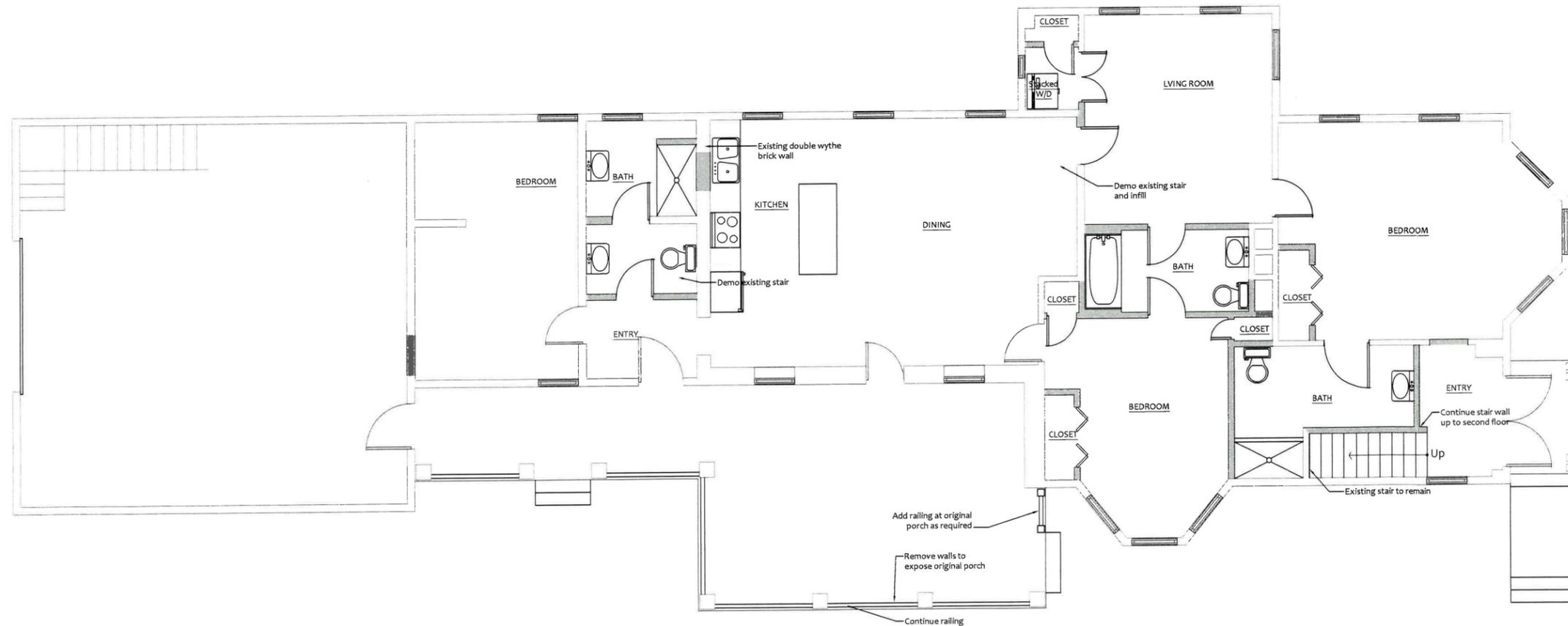
Zoning Data:
 Parcel ID: Tax Map 584-060-000
 Owner: 143 Main St LLC
 Zoning: Downtown Core
 Lot Area: .21 Acres / 6,200 sf +/-

	Required	Existing Structure	Proposed Structure
Structure 1:	00 sf +/-	00 sf +/-	00 sf +/-
Structure 2:	00 sf +/-	00 sf +/-	00 sf +/-
Total Building SF:	00 sf	00 sf	00 sf
Max. Building Height:	4 Stories / 55 feet	3 Story / 30 +/- feet	3 Story / 30 +/- feet
Min. Lot Area:	10,000 SF	6,200 SF +/-	6,200 SF +/-
Frontage:	None	45' +/-	45' +/-
Min. front setback:	20'	25' +/-	25' +/-
Min. side setback:	20'	27' +/-	27' +/-
Min. rear setback:	20'	5' +/-	5' +/-
Maximum percentage of lot occupied by structures:	60%	43%	43%
Maximum percentage of lot covered by impermeable materials (including building):	80%	60%	60%
Minimum percentage of green/ open space:	20%	40%	40%





Second Floor Plan
Scale: 1/4" = 1'-0"



First Floor Plan
Scale: 1/4" = 1'-0"

These drawings are LIMITED SCOPE and are intended only to describe general design intent, scale, overall spatial relationships and material where indicated. These drawings shall be considered preliminary for purposes of design review, comment, or budget pricing only, unless expressly released for other purposes as indicated in the issue log. The architect assumes responsibility for errors in the information provided, and not for omissions.

Architect:
Sampson Architects
11 King Ct Suite 1E
Keene, NH 03431
603 769 7736



Engineer:

SAMPSON ARCHITECTS
2018 WO#18-033

Prepared For
143 Main St LLC
143 Main Street
Keene, NH 03431

PROJECT
**Renovations to
143 Main Street**
Keene, NH 03431

TITLE
**Preliminary
Floor Plans**

Date:	Revisions:
7.25.18	Planning /HDC
8.9.18	Planning / HDC R1
10.30.18	Planning Board
3.18.20	HDC Submission
6.14.24	Variance Application

SCALE as noted

DATE 6.14.24

SHEET NUMBER

A2



February 26, 2024

Brickstone Land Use Consultants
c/o: Mr. Jim Phippard
185 Winchester St
Keene, NH 03431
jhippard@ne.rr.com

RE: **CORRECTED** - Notice of Final Planning Board approval for:

S-11-23 – Boundary Line Adjustment & Street Access Permit – 143 & 147 Main St & 0 Davis St – Applicant Brickstone Land Use Consultants, on behalf of owners 143 Main LLC & 147-151 Main Street LLC, proposes to merge the 0.12-ac parcel at 0 Davis St (TMP# 584-059-000) with the existing 0.15-ac parcel at 143 Main St and the 0.19-ac parcel at 147 Main St (TMP#s 584-061-000 & 584-060-000) and adjust the common lot line between these two parcels. A new curb cut is also proposed along Main St to access the parcel at 143 Main St. All parcels are located in the Downtown Core District.

Dear Mr. Phippard,

This letter replaces the original final approval letter for the Boundary Line Adjustment & Street Access Permit applications for 143 & 147 Main St & 0 Davis St, S-11-23, that was dated January 22, 2024. The original letter incorrectly stated that this project received conditional approval on November 28, 2023, instead of November 27, 2023.

At its meeting on January 22, 2024, the Planning Board voted to issue final approval for the above-referenced application. The conditional approval letter and approved meeting minutes of the November 27, 2023 Planning Board meeting where this application was conditionally approved, and which state the factual basis and the reasoning for the Board's decision, are included as an attachment to this letter.

In accordance with RSA 677:15, any person directly affected has a right to appeal this decision within 30 days after the date upon which the board voted to approve or disapprove the application to the superior court, or to the zoning board of adjustment if the issue involves an interpretation of the zoning ordinance.

Sincerely,

Harold Farrington
Planning Board Chair, City of Keene

cc: Mike Pappas, Property Owner
Mike Hagan, Plans Examiner
Arelis Quinones, Assessing Dept.
Donald Lussier, City Engineer
Project File



November 28, 2023

Brickstone Land Use Consultants
c/o: Mr. Jim Phippard
185 Winchester St
Keene, NH 03431
jhippard@ne.rr.com

RE: S-11-23 – Boundary Line Adjustment & Street Access Permit – 143 & 147 Main St & 0 Davis St – Applicant Brickstone Land Use Consultants, on behalf of owners 143 Main LLC & 147-151 Main Street LLC, proposes to merge the 0.12-ac parcel at 0 Davis St (TMP# 584-059-000) with the existing 0.15-ac parcel at 143 Main St and the 0.19-ac parcel at 147 Main St (TMP#s 584-061-000 & 584-060-000) and adjust the common lot line between these two parcels. A new curb cut is also proposed along Main St to access the parcel at 143 Main St. All parcels are located in the Downtown Core District.

Dear Mr. Phippard,

At its meeting on November 27, 2023, the Planning Board voted to approve S-11-23 as shown on the plan set identified as “Boundary Line Adjustment” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 20 feet, dated September 28, 2023 and approve the Street Access Permit for 143 Main Street, as shown on the plan identified as “Driveway Plan” prepared by Brickstone Land Use Consultants at a scale of 1 in = 20 ft, with the following conditions:

1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:
 - A. Submittal of an updated plan showing the revised driveway configuration with the 9'-wide section with protective bollards.
 - B. Owner's signature appears on the plan.
 - C. 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.
 - D. Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.
 - E. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover recording fees.

In accordance with the Planning Board Regulations, the applicant is allowed 180 days beginning the day following conditional approval to meet the conditions established by the Planning Board or the plan shall automatically expire. The expiration date of this conditionally approved plan is **May 26, 2024.**

Please be aware that this is not the final approval for this project. The boundary line adjustment and Street Access Permit will not be final unless and until the Planning Board votes to affirm that all the conditions precedent have been met and a final decision has been issued and the plans have been signed by the Planning Board chair.

Sincerely,



Jesse Rounds,
Community Development Director

cc: Mike Pappas, Property Owner
Mike Hagan, Plans Examiner
Arelis Quinones, Assessing Dept.
Donald Lussier, City Engineer
Project File

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, November 27, 2023

6:30 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

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

Members Not Present:

Gail Somers, Alternate
Tammy Adams, Alternate

I) Call to Order – Roll Call

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

II) Minutes of Previous Meeting – October 23, 2023

A motion was made by Mayor George Hansel that the Planning Board approve the October 23, 2023 meeting minutes. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III) Final Vote on Conditional Approvals

Chair Farrington stated 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 for the project and will start the 30-day appeal clock.

Senior Planner, Mari Brunner, stated there were no applications ready for final approval at tonight’s meeting.

IV) **Extension Request**

- a. **S-04-22 & SPR-04-22 – Conservation Residential Development Subdivision and Site Plan – 0 Drummer Rd – Applicant Fieldstone Land Consultants, on behalf of owner C. Eric Farris, requests a second extension to the deadline to satisfy the precedent conditions of approval for the proposed 6-lot subdivision of the property located at 0 Drummer Rd (TMP # 515-015-000) and construction of four, 5-unit multifamily residences and one, 6-unit multifamily residence. The property is 13.1 acres and is located in the Low Density District**

Mr. Eric Farris, the property owner, addressed the Board and stated that he did not have much to add to the extension request description that was read by Chair Farrington and said that he was open to answering questions. He stated the consultant has been unusually busy and that the project has also been delayed due to speaking with the NH Housing Finance Authority about how that funding would impact this project.

Chair Farrington stated the extension request indicates that the applicant is looking to satisfy the precedent conditions and asked whether there were any non-Planning Board issues that could be delaying this project as well. Mr. Farris stated that as he had mentioned earlier, he is working with the NH Housing Finance Authority to keep this project affordable. The Chairman stated the City is encouraging development and would like to know the issues developers are facing and thanked Mr. Farris for considering this project.

A motion was made by Mayor George Hansel that the Planning Board grant a 180-day extension to the timeframe to satisfy the precedent conditions of approval for the Timberlane Woods CRD Subdivision and Site Plan applications, S-04-22 & SPR-04-22. The motion was seconded by Councilor Michael Remy and was unanimously approved.

V) **Boundary Line Adjustment**

- a. **S-11-23 – Boundary Line Adjustment & Street Access Permit – 143 & 147 Main St & 0 Davis St – Applicant Brickstone Land Use Consultants, on behalf of owners 143 Main LLC & 147-151 Main Street LLC, proposes to merge the 0.12-ac parcel at 0 Davis St (TMP# 584-059-000) with the existing 0.15-ac parcel at 143 Main St and the 0.19-ac parcel at 147 Main St (TMP#s 584-061-000 & 584-060-000) and adjust the common lot line between these two parcels. A new curb cut is also proposed along Main St to access the parcel at 143 Main St. All parcels are located in the Downtown Core District.**

A. **Board Determination of Completeness**

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

A motion was made by Mayor George Hansel to accept application S-11-23 as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Board on behalf of the property owners, 143 Main LLC & 147-151 Main Street LLC. He indicated both of these entities are controlled by Michael Pappas, who is present tonight. The subject parcels consist of three tracts of land located at the corner of Davis Street and Main Street.

Mr. Phippard explained that the vacant gravel lot at the rear is for parking. The corner lot used to be the site of the Cobblestone building, which burnt down and the brick building on the third parcel is also being salvaged. Mr. Phippard stated the plan is to take the land area of the rear lot and combine it with the parcels with frontage along Main Street. The common boundary line between 143 & 147 Main Street will then be moved two feet to the south, which will provide space for a driveway. Mr. Phippard noted the brick house at 143 Main Street was constructed in the 1700's and is a historic building. The applicant is looking to salvage, renovate, and add uses to this property.

Mr. Phippard stated the request he submitted is for a boundary line adjustment and the second request is to approve a curb cut for 143 Main Street, which historically was the driveway for this parcel. When Main Street was reconstructed in 2007/2008, there was confusion as to whether this was an abandoned driveway or if it was still in use. During the reconstruction, the City installed a crosswalk at this location as well as 2'-wide strips of pavement on both sides. After much back and forth between the City and the applicant, the applicant decided they would not give up this curb cut. In order to use this as an active driveway to access the property, Public Works is requiring that the applicant to relocate the crosswalk further to the south so that it will be across from 147 Main Street. The applicant will replace this section with concrete, which is the City standard for sidewalks.

Mr. Phippard stated initially they had intended to construct a 12'-wide driveway leading from Main Street to the rear of the property where four parking spaces would be located to service this building. He referred to the porch that extends out from the south side of the building, which is in poor condition and has to be torn down and rebuilt. Mr. Phippard stated his recommendation to the applicant was to shorten the porch and cut it back by three feet. This way, the architectural design of the porch could still be maintained. He noted that the applicant is aware he would have to go to the Historic District Commission (HDC) to change the dimensions of the porch. By shortening the porch, the driveway could be maintained at a width of 12 feet for its entire length.

Mr. Phippard stated that staff explained that the HDC may not allow the porch to be altered, given its age, even though it needs to be completely rebuilt. He noted the property owner is working hard to preserve all existing features of the brick house and explained that he has already rebuilt the barn at the rear of the property. Mr. Phippard stated that in reviewing the driveway regulations, you are allowed a driveway for this type of use, as long as it is less than 20 feet wide. This means that the driveway can be less than 12' wide, but it cannot be made 20' wide or wider. He indicated that they are going to put a choke point in the driveway that will reduce it to 9' wide where it passes the porch and there will be a bollard on either corner to protect the porch. Between this and

the boundary line being relocated further to the south, there will still be adequate room to pass and repass through this area to exit onto Main Street.

He indicated that when the parcel at 147 Main Street is developed, the applicant's intent is to come back before the Planning Board with a new building design for that location. They will be installing bollards to protect the new building along the southern side of the driveway, so there won't be any issues with maintenance of the new building. Mr. Phippard explained that the previous building was designed so that the northeast corner was cut out and noted that the design for the new building will maintain this feature. The applicant has indicated that he is able to drive an F-150 truck with construction mirrors along the existing 9'-wide driveway. Mr. Phippard felt that with the choke point, people will be forced to slow down. He added that there are other steps that can be taken, if they see any safety concerns when the parcel at 147 Main Street gets redeveloped.

Following the boundary line adjustment, 143 Main Street will go from 0.15 acres in size to 0.21 acres. The parcel at 147 Main Street will go from 0.19 acres to 0.25 acres and each lot will be in compliance with the Downtown Core zoning dimensional requirements. This concluded Mr. Phippard's comments.

Staff comments were next. Mr. Clements addressed the Board and began with Traffic and Access Management. He indicated that Mr. Phippard is correct in that the City doesn't have a minimum width for driveways, so the nine foot pinch point is permitted under the regulations. He added, however, that staff does have concerns related to the use of that driveway in all weather conditions, specifically during the snowy season where that drive aisle may narrowed further. He reminded the Board that during the site visit, Mr. Phippard explained that they are planning on keeping the driveway at nine feet wide for now and at a future date adjusting the size of the historic porch to widen that pinch point back up to 12 feet.

Mr. Clements stated staff believes there is an opportunity right now with the undeveloped nature of 147 Main Street to provide the space for a 12'-wide drive aisle. When the new building is constructed, it would create a potential hardship if that 9'-wide drive aisle is insufficient. He added that staff also feels that it would put the Historic District Commission in the precarious situation of having to approve something that they would not ordinarily approve because of a hardship that was created when the new building was constructed.

He added that staff is looking for the Board to deliberate about whether this 9'-wide pinch point with the bollards protecting the porch is an acceptable permanent solution to this issue. He added that staff is also going to recommend tabling this application, so the applicant can either receive an approval or denial for the modification of that porch from the HDC. This concluded staff comments.

Mayor Hansel asked to clarify if the City's standards permit a 9' wide driveway and whether this would be reviewed during the driveway permit application process. Mr. Clements explained that the Street Access Permit application (Driveway Permit application) is part of this application, and the issue is proving that there is safe access from Main Street to the rear of the site. The Planning Board regulations for traffic and access management contemplate safe and effective travel throughout the site. He stated that it would ultimately be up to the Board to decide whether the 9'

wide pinch point is acceptable for safe travel in all weather conditions for all potential uses of the site. He added that this might be adequate for the current property owner, but felt that the City is unintentionally creating a hardship down the line where the only solution would be a potential impact to a historic resource in the downtown. The Mayor clarified that City Code does allow for 9'-wide driveways. Mr. Clements answered in the affirmative and added that there is no minimum driveway width specified in City Code.

Ms. Brunner added that what staff is recommending is that if this is intended to be a temporary solution and in the long run, they want to modify the porch, then the correct process would be to go to the HDC first for their approval. However, if this is meant to be a permanent solution, it does meet City standards.

Councilor Remy stated he does not have much concern about the 9'-wide driveway and did not feel that the Board needs to require that a vehicle should be able to pass in a driveway. He also felt that the entryway to the driveway does have visibility on both sides. He stated that he could not see delaying this application and felt the applicant could always come back for a modification to their site plan after HDC approval/denial.

Mr. Clancy asked whether the Board had considered looking at access from the back of the lot or just maintaining a driveway in this location. Ms. Brunner stated that with a Street Access Permit, the standards in City Code are geared towards the curb cut at the public right-of-way. The Street Access Standards are focused on the right-of-way, but tonight the Board is reviewing a plan that shows the full length of the driveway. The driveway connects the parking area to the road and includes the section that narrows down to nine feet.

Ms. Lavigne-Bernier clarified that when someone turns right into this driveway, it will be 12' wide and asked how long this section would be before you would get to the 9' pinch point. She also asked whether two cars could pass on this driveway. Mr. Phippard stated that from the edge of the travel lane on Main Street to the pinch point is about 86 feet. Ms. Lavigne-Bernier asked whether two cars could pass comfortably in a 12'-wide driveway and Mr. Phippard noted that he did not feel they could. He added that when someone is exiting the driveway and someone is entering the driveway, they would have to wait to prevent the driver coming in from having to back out onto Main Street.

Mayor Hansel felt that staff was asking the Board to look at hypothetical scenarios, which he felt places the Board in a difficult position. He felt the applicant is complying with the regulations and felt that the driveway they are proposing will meet their needs.

Mr. Clancy asked whether vehicle size could be considered a hardship in the future. Ms. Brunner answered in the negative. She added that staff's concern is that this is a temporary solution, and that the applicant would be coming back in the future with a request to reduce the porch size. She stated that if that is true, then the correct process would be to go before the HDC first. Mr. Clancy asked whether there was a way to create a one way driveway. He noted his knowledge of the property is that they exit a different way.

In response, Mr. Phippard stated that when they looked at redeveloping the corner lot at 147 Main Street, they considered a different configuration. The tenant that the property owner has an agreement with needs room for a drive through, so a drive through with one-way in and one-way out was designed and approved as a Special Exception by the Zoning Board. The one-way driveway option was not feasible for the property at 143 Main St if the drive through was to be accommodated on the adjacent parcel.

Councilor Remy referred to the northbound pedestrian crossing over the existing driveway on the parcel at 143 Main St and noted that he felt the idea of having the new building designed with a cutout similar to the previous building is a great way to solve this issue. He indicated that the Board is reviewing changes to the 143 Main Street site and wasn't sure if they could rely on the new proposed design for 147 Main Street to maintain the proposed cutout feature if they aren't reviewing that application at tonight's meeting. Mr. Phippard stated that the parcel at 147 Main Street cannot be redeveloped unless it comes back before the Planning Board for review. Councilor Remy stated that he was concerned because this is an existing condition on another lot. If for some reason the lot was sold before it is redeveloped, the new owner could raise the point that this is an existing condition on a neighboring property.

Ms. Brunner stated that staff would encourage the Board to look at this plan without considering the building that is going to be constructed at a future date and noted that the Downtown Core District calls for this type of use. If you look further up Main Street closer to Central Square, there are a few examples of alley type driveways and she noted that she felt City standards actually encourage this sort of situation to occur.

Mr. Clancy asked if the Board was to approve this request whether the property owner of 143 Main Street could permit patrons of the property at 147 Main Street to use this driveway without coming to the Planning Board for their drive through. Ms. Brunner stated when the 147 Main Street property is redeveloped, it would need to come before the Board for review and approval. The Zoning Board of Adjustment did grant a special exception to permit a drive through as an accessory use for this property. This use has been permitted, but the actual design has yet to come to the Planning Board for review. They could propose using their neighbor's driveway, if they wanted to and as long as the Board is amenable to that request, a cross easement could be granted.

Mr. Clements added that the applicant would have to go back to the Zoning Board of Adjustment for another Special Exception for 143 Main Street to incorporate that property as part of the drive through. He also noted that there is a zoning change under review that would prohibit drive throughs in the downtown, which means that they would not be able to do that until the zoning change has been resolved.

Councilor Remy asked why the City Engineer wanted the crosswalk to tilt south instead of north. Mr. Clement stated his understanding is that the property owner and the City Engineer went back and forth a couple different times in regard to the location of that crosswalk, and the City Engineer ultimately decided that the southbound location was best from his point of view. Engineering Staff had two comments related to the crosswalk, but neither one of them were really pertinent to the final proposed location. One was for the submittal of a ramp detail that meets the public right-of-

way accessibility guidelines and the second was the direction of the style of bars being referred to as continental; which is the same style that currently exists at that location.

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

A. Board Discussion and Action

A motion was made by Mayor George Hansel that the Planning Board approve S-11-23 as shown on the plan set identified as “Boundary Line Adjustment” prepared by Cardinal Surveying & Land Planning at a scale of 1 inch = 20 feet, dated September 28, 2023 and approve the Street Access Permit for 143 Main Street, as shown on the plan identified as “Driveway Plan” prepared by Brickstone Land Use Consultants at a scale of 1 in = 20 ft, with the following conditions:

- b. *Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:*
 - i. *Submittal of a revised plan to show the revised driveway configuration with the 9’-wide section with protective bollards.*
 - ii. *Owner’s signature appears on the plan.*
 - iii. *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.*
 - iv. *Submittal of four (4) full sized paper copies, two (2) mylar copies, and a digital copy of the final plan set.*
 - v. *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 Councilor Michael Remy, who stated he sees no regional impact from this project. The motion was unanimously approved.

VI) Public Hearing

- a. **CLSS-CUP-03-23 – Congregate Living & Social Services Conditional Use Permit – Keene Serenity Center, 24 Vernon St - Applicant Keene Serenity Center, on behalf of owner Monadnock Area Peer Support Agency, proposes to operate a group resource center on the property at 24 Vernon St (TMP #568-058-000). The site is 0.28 ac and is located in the Downtown Core District. VII. Master Plan Steering Committee.**

A. Board Determination of Completeness

Planner, Evan Clements, explained that the applicant has requested exemptions from providing existing & proposed conditions plans; grading, landscaping, and lighting plans; building elevations; and technical reports. Staff have determined that the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

A motion was made by Mayor George Hansel to accept the application, CLSS-CUP-03-23, as “complete.” The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Sam Lake, Executive Director of the Keene Serenity Center, addressed the Board. He indicated that the Serenity Center has been operating in Keene for the past ten years and is a nonprofit peer support agency. He indicated that they were approved for a Congregate Living & Social Services (CLSS) License last year at their previous location. He indicated that because they moved from Mechanic Street to Vernon Street, they are required to reapply for their license and a CLSS Conditional Use Permit (CUP), which they have not had to apply for in the past. This concluded the applicant’s comments.

Staff comments were next.

Mr. Clements stated that the Keene Serenity Center is a Recovery Community Organization that offers peer support for individuals experiencing a substance use disorder. The organization offers recovery coaching programs facilitated by Certified Recovery Support Workers. These programs include individual sessions, group sessions, and telehealth formats. The Center also offers a transportation program called “Road to Recovery” that provides ride services to members for appointments and other services to aid in their recovery. Currently, 80 rides are provided per week utilizing an organization-owned vehicle that is stored in a parking spot provided for their use on site.

He explained that the subject property at 24 Vernon Street is an office building located on the south side of Vernon Street, behind 10 Vernon Street and adjacent to the City of Keene Fire Department building. The 12,640-sf building contains the Monadnock Area Peer Support Agency, an existing clinic and large group home, that utilizes approximately 9,140-sf of the building area, a small outdoor activity area, and most of the parking lot. The Monadnock Area Peer Support Agency has obtained a Congregate Living and Social Service Conditional Use Permit (CUP) through the Planning Board to operate a large group home on the site; however, the Keene Serenity Center is required to obtain their own CUP because their use is separate from that of Monadnock Peer Support.

He indicated the purpose of this application is to seek a Congregate Living and Social Service Conditional Use Permit to operate a group resource center within 3,500-sf of leased space within the building at 24 Vernon Street. The Keene Serenity Center has a separate entrance from the other uses in the building and utilizes one parking space within the existing parking lot. No exterior alterations to the building or site are proposed as part of this application.

Mr. Clements then moved on to the application analysis for the CUP.

Following are the criteria:

- A. *“The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City’s Comprehensive Master Plan, and complies with all the applicable standards in this LDC for the particular use in Section 8.3.4.*
- B. *The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.*
- C. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*
- D. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*
- E. *The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.*
- F. *The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.*
- G. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.*
- H. *The proposed use will be located in proximity to pedestrian facilities (e.g. multiuse trails and sidewalks), public transportation, or offer transportation options to its client population.”*

With respect to the application being consistent with the Master Plan – Mr. Clements stated this property is located in the Downtown Core (DT-C) district. The intent of this district is to accommodate the highest intensity of development in the City and promote a mix of uses. The applicant proposes to create a group resource center as a principal use in the leased space provided by the property owner, which is an allowed use within this district. This site is also within the Downtown Historic District; however, no changes are proposed to the exterior of the building or site and no impacts to the historic district are anticipated from this application. Hence, staff feels this standard has been met.

“The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.” Mr. Clements explained that the applicant states in their narrative that they are a day program that only operates Monday – Friday from 9:00 am to 5:00 pm with occasional evening and weekend trainings and groups that typically do not last for more than two hours. Members will have access to the Monadnock Area Peer Support Agency facilities located on the property. Staff consists of four fulltime and one parttime employee. The program does not include beds or overnight support. Staff will be on-site during business and activity hours and members utilize on-street public parking or alternative modes of transportation to get to the facility. The existing site includes lighting on the Vernon Street side of the building to enhance pedestrian safety to navigate the site. This standard has been met.

“The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area.” Mr. Clements stated this site is located in a densely populated area of the downtown. Adjacent uses include a mix of commercial, multi-family, office, institutional, and social service uses. The existing outdoor activity area is screened from the public right-of-way and adjacent properties. Both the parking area and outdoor activity area existed prior to this proposed

use and are not proposed to be altered or expanded as part of this application. This standard has been met.

“The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.” The proposed use will be located entirely inside the existing building. It is not expected that it will generate noise, odors, glare, or vibration that would adversely affect the surrounding area. Staff believes this standard has been met.

“The proposed use will not place an excessive burden on public infrastructure, facilities, services, or utilities.” Mr. Clements stated the applicant is not proposing any changes to the existing water or sewer access for the building and City Engineering Staff did not express any concerns about the capacity of the City’s sewer and water facilities to accommodate the additional load from the proposed use. In regard to City services, this site is located in a dense area that is well-served by both fire and police. This standard has been met.

With reference to the destruction or loss of relevant features, Mr. Clements stated there are no features of natural or scenic importance on this site. He noted this building is located in the Downtown Historic District and has been before the HDC to seek approval for exterior improvements, but this project has not moved forward yet. As part of this application, no exterior changes to the historic nature of the building is being proposed. Staff feels this standard has been met.

“The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.” Mr. Clements stated that in working with Engineering Staff, it was concluded that the ITE Trip Generation Estimate for traffic would resemble that of a small office building use. Based on these calculations, the estimate is approximately 14.39 vehicle trips per 1,000-sf of gross floor area. With 3,500-sf of gross floor area for the proposed use, this will generate approximately 50 vehicle trips per day. This is less than the Planning Board threshold of 100 trips per day for a full traffic study. The applicant also noted that most of their care seekers use alternative modes of transportation to get to the site, so the real traffic impact is estimated to be less than what is being projected. This standard appears to be met.

“The proposed use will be located in proximity to pedestrian facilities.” Mr. Clements stated that this use is located in the Downtown Core District, which is easily accessed by multiple modes of transportation including walking, bicycling, and public transportation. He noted that many care seekers use these modes of transportation to access the site. Staff feels this standard has been met.

Mr. Clements then went over the proposed motion. This concluded staff comments.

The Chairman asked for public comment next.

Mr. Gary Kinyon, who owns property at 50 Washington Street, addressed the Board. He indicated that he is part of a law practice with other attorneys at this location. He stated that he does not oppose this project and did not oppose it when it was initially proposed in 2022. He added, however, that he has concerns. He felt that the reason an annual license is required is so that the

Board can have a fresh look at this use each year to make sure it is conforming with the necessary standards.

Mr. Kinyon stated that in January 2022, a Conditional Use Permit was approved and at that time the application stated there would be no activities outside the building – it was all going to be inside. By September 2022, it became obvious to neighbors that there were significant activities taking place outside the building. Mr. Kinyon referred to the standards for the granting of a CLSS CUP, which state that, “*outdoor activity areas and waiting areas associated with this will be adequately screened from adjacent properties and through public rights of way.*” He felt that as a result, outdoor areas associated with the proposed use, such as this, are part of the use and need to be reviewed by the Board and complied to by the applicant. These were not addressed as part of the initial application. Mr. Kinyon stated he sent a letter to Code Enforcement Staff addressing this issue. The applicant then submitted an updated CUP application in September with a modified use proposal, which indicated that there would be screened areas outside in the existing parking lot that would be designated as smoking and non-smoking areas.

Mr. Kinyon stated that he is not aware of any application being submitted in late 2022 or 2023 to renew their CLSS License, but explained that the applicant is before the Board today for a renewal for 2024. He stated that his concern for the property is because when he filed his complaint, it resulted in a modification to the Monadnock Area Peer Support’s CLSS CUP application in September 2022. He explained that his concerns stem from the deterioration that he has observed in the neighborhood since the proposed use was established. He indicated that what he is seeing now is instead of a waiting room or the outdoor activity area being limited to the screened parking area, now virtually every day for a substantial part of the day, there are people standing or sitting on the curb. He said that this is not presenting a good atmosphere for the rest of the neighborhood.

Mr. Kinyon talked about some of the encounters he has had with various individuals, including people sitting under the porch of his building; kids playing in the parking lot and the unpleasant exchange he and his staff had with the parents; a man camping out with clothes spread around him in the parking spots; and the landscaper who maintains the property got a hypodermic needle stuck in his palm and had to be treated with medication.

Mr. Kinyon felt that the agency needs to try to work with their clients to be more respectful of neighboring properties.

In response, Mr. Clements stated that the Planning Board reviews the CLSS Conditional Use Permit application, which is a one-time permanent approval related to a special use contemplated in the zoning code. The City of Keene has linked that with an annual license renewal process completed by the Congregate Living & Social Services Licensing Board. This is the license that has to be renewed annually. Organizations have to come in and provide additional documentation related to their use, including a neighborhood plan for how they intend to be good neighbors. This document, along with everything else, is reviewed annually by the Licensing Board, which is not a land use board, and abutters are not notified when the item comes up for renewal. He noted that what Mr. Kinyon was referring to is the Conditional Use Permit for the Monadnock Area Peer Support Resource facility, which is the organization that owns 24 Vernon Street.

When the Monadnock Area Peer Support Agency went through this process, they indicated that there would not be any outdoor activities and came back to the Planning for a modification to their CLSS CUP to include the outdoor activity areas, which was reviewed and approved. Mr. Clements noted that the application before the Board this evening is for a different use that will be operated on the property at 24 Vernon Street. Jesse Rounds, the Community Development Director, added that he hears the concerns from abutters about the activity happening on neighboring properties and will have Code Enforcement staff look into this, as well as the Police and Fire Departments.

Chris Freeman, owner of Bell Tower Property Management located at 11 Vernon Street, addressed the Board next. Mr. Freeman stated that his company specializes in co-living rentals, which explained as being partway between congregate living and conventional rentals. He explained that they take traditional apartments, furnish them, and offer them to people on a room-by-room basis, typically for a one-year contract. He indicated that what they are doing is providing affordable housing alternatives at market rates by breaking the units down and giving people access to housing.

Mr. Freeman stated that he was not before the Board to oppose the renewal of the license. He noted that he thinks this is a great program and is grateful that it is available in the community to address the serious issue of substance abuse. However, he stated that he would be remiss if he did not share the experiences that they have had as neighbors to the Serenity Center and Monadnock Area Peer Support Agency. Since purchasing this property in March, they have been subjected to trespassing, drug dealing, theft, littering, loitering, public urination, and public defecation. Mr. Freeman felt that most of those infractions are likely being committed by people who are associated with the Center.

He explained that in a single two week period, they documented more violations of their property rights at 11 Vernon Street than they have at all of the other locations they own in Keene over the past seven years. He went through some of the issues they have experienced on their property including nearly stepping into human feces, drug dealing (he noted that this was the third time he has had to break up such an activity), flood barriers being strewn all over Vernon Street and their storage container being stolen (he noted that a report was filed with KPD), and an accumulation of trash being stored behind their building consisting of items that were stolen from nearby dumpsters.

He stated that these types of activities have impacted their use of the property and their sense of safety when on the property. From a business standpoint, these activities are affecting the marketability of their rental spaces. There is substantial square footage at his property on Vernon Street that he would like to make available, but he has been sitting on an empty building for eight months, which is causing a financial hardship.

Mr. Freeman stated that he would like to ask the staff of the center to emphasize to their patrons the importance of being a good neighbor and perhaps encourage a neighborhood trash pickup. He noted that the fence that was erected is not serving the purpose it was intended for and he suggested extending the fencing around the outdoor areas and making this a condition of the license renewal.

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

Mayor Hansel deferred to staff. He explained that because the Congregate Living & Social Services Licensing Board is relatively new, he was looking for an interpretation as to where some of these issues should best be addressed. Is it with the Planning Board or with the Licensing Board?

Ms. Brunner stated that most of the issues that have been raised tonight are most likely related to the other use in this building, not the proposed use that is before the Board tonight. She indicated that Monadnock Peer Support (MPS) did receive a CUP to operate a large group home at this location and they did modify that their CUP to include screened outdoor activity areas. In addition to this, MPS has to get their annual license renewed through the Licensing Board. The issues that were raised tonight appear to be related to that use and not necessarily the Group Resource Center.

Mr. Rounds added that a Neighborhood Outreach Plan is required as part of the CLSS license review process and added that staff could reach out to the manager of MPS and Mr. Lake and address this through their Neighborhood Outreach Program. Chair Farrington encouraged members of the public to attend the Licensing Board meeting scheduled for tomorrow night. Mr. Rounds stated that he would also be addressing these issues with Code Enforcement, Police and Fire Department Staff.

Mr. Lake stated that they have been attending the MSFI meetings for the past two months focusing on their relationship with the residents of the east side of Keene. He indicated that it does look like the individuals the abutters are raising concerns about belonging to the Serenity Center, but they are actually people in the community. He added that this is an issue in most areas of Keene where other social service organizations are located. He added that their staff often pick up trash and have invited people who are hanging around their facility to join them, but that they have not had much success. He added that homelessness is increasing drastically in Keene, which is adding to these issues.

Mayor Hansel stated that he has not seen any one individual being targeted and noted that as regulators, the City is trying to figure out how they can best contribute overall to all of these individual organizations trying to do the best they can for the community. One mechanism the City has are these Neighborhood Outreach Plans that are reviewed and approved through the annual licensing process. He thanked the organizations for what they are doing in the community.

A motion was made by Mayor George Hansel that the Planning Board approve the Congregate Living & Social Services Conditional Use Permit, CLSS-CUP-03-23, for a group resource center as depicted in the application materials received October 20, 2023 with the following conditions:

- b. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:*
 - i. The Applicant shall obtain a Congregate Living and Social Services License, which shall be renewed annually in accordance with Chapter 46 of the City Code of Ordinances.*

The motion was seconded by Councilor Michael Remy, who indicated that there is no regional impact from this application.

Councilor Remy noted that in reviewing the Neighborhood Outreach Plan, it is reading more like a community engagement plan explaining how clients can find the organization. He asked for clarity as to what these plans should look like. He did not feel that it was a proactive plan.

Ms. Markelon asked whether abutters are notified about the Licensing Board meetings. Ms. Brunner stated the public hearings for Congregate Living & Social Services Licensing Board are noticed according to RSA 91-A (which requires that the meeting notice be posted at two public venues 24 hours prior to the meeting). She did not recall that an abutter mailing is done. Mr. Rounds stated that the intention with CLSS Renewals is that over the next two years they will be on a cycle and all resource centers will come on for their renewal at the same meeting, so that neighbors will be aware. He agreed that the City needs to do a better job informing people about these individual centers. That is the purpose of the licensing process, and this is the reason Council put this in place a few years ago.

The motion made by the Mayor was unanimously approved.

7. Master Plan Steering Committee

Ms. Brunner addressed the Board and stated that this item is to establish a Steering Committee to guide the next Master Plan update and appoint members to that Committee. She noted that the Board's packet included a proposed roster of individuals that have been recommended by the Mayor, which has been revised slightly. There are now 14 individuals instead of 16 and 11 of these individuals would be regular members and 3 would be alternates.

The reason why staff is recommending that the Planning Board establish this committee is because under RSA 674-2, it is the duty of the Planning Board to both prepare and amend a Master Plan every few years to guide the development of the municipality.

After consulting with the City Attorney, staff felt that the most appropriate path for this project was for the Planning Board to guide the Master Plan update. Rather than having this full board be involved in detail, what the City has done in the past and what is being recommended today is to establish a special Steering Committee comprised of a mix of individuals, including Planning Board members, City Council members and members of the Community to provide that guidance. Ultimately when the Master Plan has gone through the full process and there is a draft document ready, the committee would make a recommendation back to the Planning Board and ultimately the Planning Board would be the one to adopt the Master Plan. In the City of Keene, the Master Plan would also be sent to the City Council for their endorsement.

Mr. Clancy stated that he was under the impression that in New Hampshire, the Planning Board is not permitted to establish a Steering Committee. The Board is allowed to set up special committees comprised of Board members, but not establish a Steering Committee. Ms. Brunner stated staff has consulted with the City Attorney and the State RSA does give the Planning Board broad authority to put in place what needs to be done with respect to a Master Plan update.

She agreed that for a regulatory function, the Board has to act as its body, but for a Master Plan update, the City Attorney felt that the Board can form its own Steering Committee; however, all members have to be Keene residents.

With respect to all sectors being represented, Ms. Lavigne-Bernier noted that she sees just one voting member who is a woman and there are a lot of men who have had their voices heard in the community for a long time. As a young resident, homeowner, and future business owner of the community, she asked whether this was the direction Keene was moving towards. The Mayor and Chairman agreed this was a great observation. The Mayor explained that he works with staff to come up with a list of names. The new Mayor-elect also wanted to have a voice and that is how the membership was formulated. He added Ms. Lavigne-Bernier's comments bring up an important concern that needs to be discussed.

Mr. Clancy asked why Judy Rogers and Phil Wyzik were omitted from the updated list. Ms. Brunner stated that when it was decided to shift certain people to be alternates and staff reached out to these two individuals, they declined to participate because they wanted to participate as regular members and not as alternates. Mr. Clancy stated that in reviewing the list, if the City is looking for a diverse group, he sees three City Councilors, three Planning Board members, plus the Mayor-elect being involved in the committee. He noted the 2007 committee only had one Board member. He added that if the Board wants the community to assist in the update, then maybe community members should be allowed to participate rather than City Councilors and Board members who will eventually have a say when it is finally ready to be approved. The Mayor stated people always feel being an alternate is a lesser role, but in this case alternates are those you rely on at each meeting to fill that vacant spot.

Ms. Lavigne-Bernier stated she would like more female participation. She referred to mental health, substance abuse, and homelessness and questioned who represents those sectors. Ms. Brunner stated that Phil Wyzik from Monadnock Family Services was on the original list, but he has been removed. She referred to the Planning Board members and City Councilors on the Committee. She explained that in addition to these members, other proposed members include Joe Walier from Walier Chevrolet, Cody Morrison from the Monadnock Economic Development Corporation, Marc Doyon from Keene State College, Josh Meehan from Keene Housing, Alex Henkel who is a local business owner, Beth Wood who is also a local business owner, Jay Kahn who is the Mayor-Elect, and Sparky Von Plinsky from the Conservation Commission.

The Mayor asked that this item be put on more time so he could come back with a revised list of members.

Councilor Remy asked whether the composition of the committee can ultimately be the choice of the Planning Board. Mayor Hansel stated that it could, but rather than debate the merits of the composition of the committee in a public session, it would be better to come up with a list and then debate the list as was done today. Chair Farrington noted that not every segment of the community can be represented on the committee, but felt that those groups should be heard from during the community outreach process.

Mr. Clancy stressed his desire to see a more diverse group of individuals to serving on the committee.

Ms. Brunner stated that everyone could serve as regular members, but explained that having a 14-member committee could create a logistical challenge for scheduling. She explained that having alternates helps to ensure that there will be a quorum present for meetings, but stated that she did not realize how asking someone to serve as an alternate would be received. As far as having Board involvement in creating the steering committee, the City is anxious to start this process in January and wasn't sure how that would work with respect to the established timeframe for this process.

Mr. Kost suggested that the creation of a sub-committee also be considered as part of the steering committee process to address issues people would like considered.

Mr. Clancy stated that he would like to see just one Planning Board member and City Councilor on the steering committee and felt he does not see a diverse group to represent the future of Keene serving on the committee. He stated that the City has waited this long to update the Master Plan and felt that another month or two to get the right representation was necessary. He noted that the Board and Council would eventually have a voice on the approval of the Master Plan.

Councilor Remy stated he does not have a position on the number of Planning Board members, but cautioned that the City Council does not get a vote on this. The Council may be asked to endorse the plan at the end, but they will not change it. However, if the Council found that they did not agree with the Master Plan and did not endorse it, it could lead to other challenges, so perhaps keeping the Council involved in the process would be prudent. He added that it is good to have individuals who are not involved in City processes as part of the steering committee, but felt that there is some advantage to having individuals involved who are aware of the City's formal processes.

Chair Farrington felt that starting with a brand new list was not a practical option at this time. He suggested that if there are names Boards members wanted to add to the steering committee roster that they should forward those names to staff to be discussed at the Board's next Steering Committee meeting on December 5th. Ms. Brunner stated that if there are new names, staff would need those names soon based on the date of the next Board meeting on December 18th) because of the holiday. She suggested that Board members have an initial conversation with individuals they are putting forward, so that they have an idea what would be expected of them.

A motion was made by Mayor George Hansel that the Planning Board continue the Master Plan Steering Committee discussion to its next scheduled meeting for December 18th. The motion was seconded by Councilor Michael Remy and was unanimously approved.

VII) Staff Updates

None

VIII) New Business

None

IX) Upcoming Dates of Interest

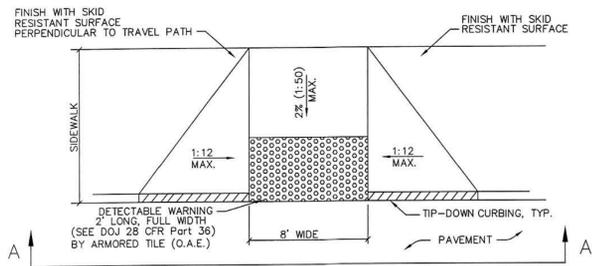
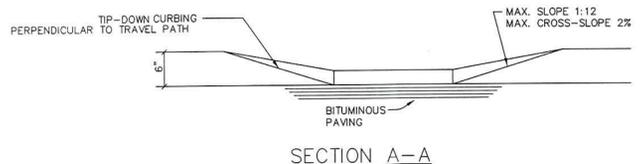
- Joint Committee of the Planning Board and PLD – December 11th, 6:30 PM
- Planning Board Steering Committee – December 5th, 11:00 AM
- Planning Board Site Visit – December 13th, 8:00 AM – To Be Confirmed
- Planning Board Meeting – December 18th, 6:30 PM

Adjournment

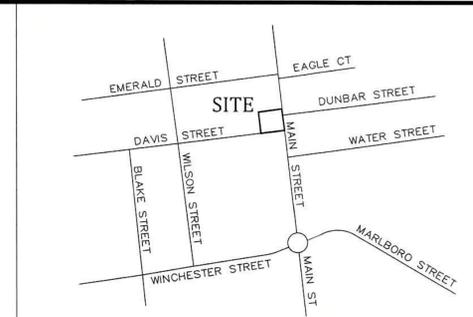
There being no further business, the Chairman adjourned the meeting at 8:46 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

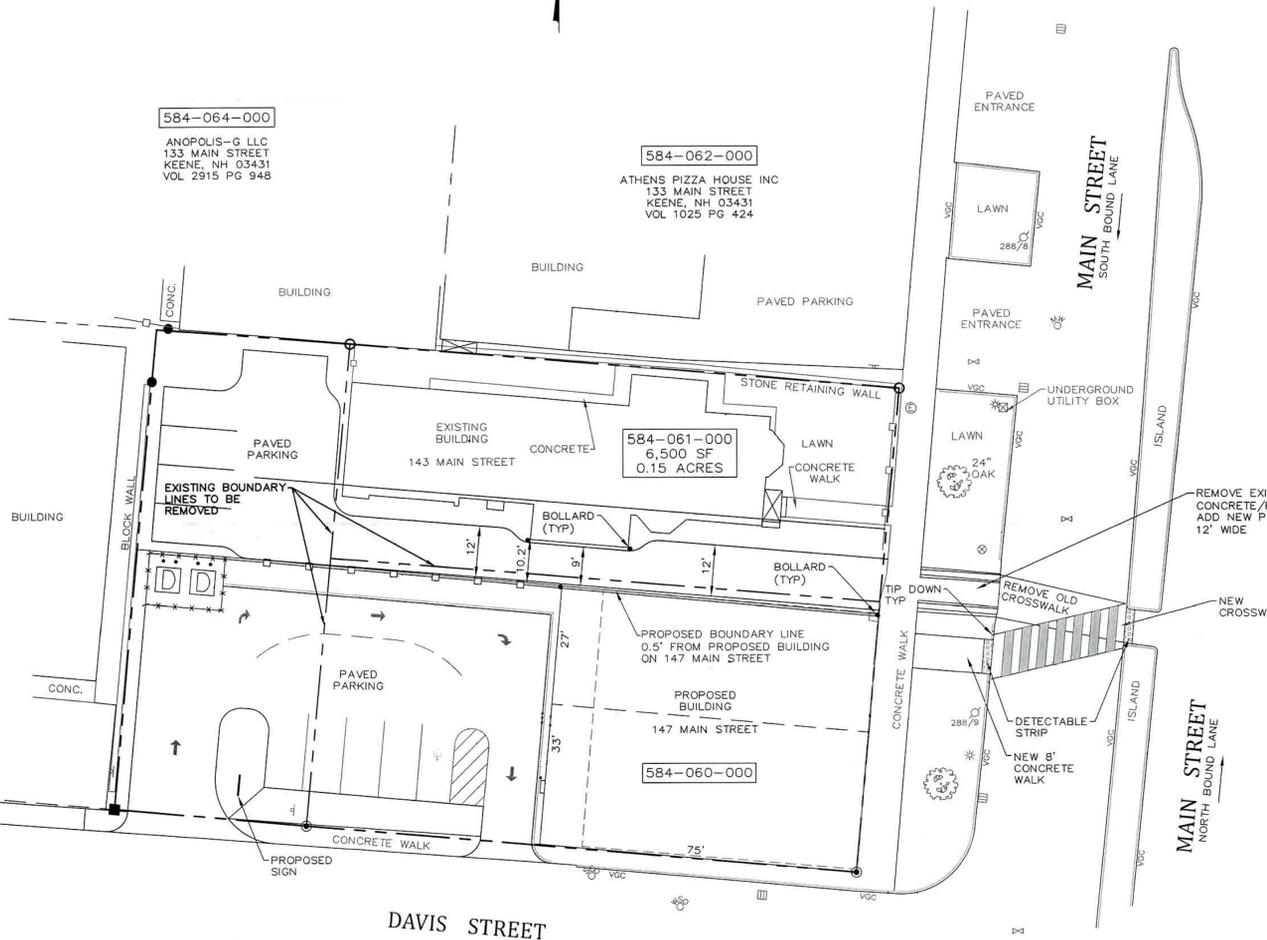
Reviewed and edited by,
Megan Fortson, Planning Technician



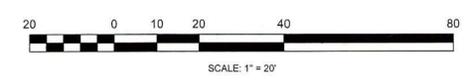
NOTE: TACTILE WARNINGS REQUIRED ONLY FOR CURB RAMPS THAT ACCESS A VEHICULAR WAY. A 3 FOOT WIDE STRIP OF TACTILE MATERIAL IS RECOMMENDED FOR ANY ACCESSIBLE ROUTE THAT CONNECTS TO A HAZARDOUS AREA SUCH AS A PARKING LOT.



REVISIONS:
 ▲ NOVEMBER 21, 2023
 REVISE DRIVEWAY AT PORCH
 ▲ NOVEMBER 28, 2023
 REVISE CROSSWALK, HC RAMP
 DETAIL AND SIGNATURE BLOCKS



- LEGEND**
- - PIN FOUND
 - - MONUMENT FOUND
 - - CAPPED REBAR (RBS) / SPIKE SET (SS)
 - ⊙ - DRILL HOLE SET (DHS)
 - - - - - SIGN
 - ⊠ - UNDERGROUND UTILITY BOX
 - ⊡ - UTILITY POLE
 - ⊙ - LIGHT POLE
 - ⊙ - ELECTRIC MANHOLE
 - ⊙ - IRRIGATION VALVE
 - ⊙ - WATER VALVE
 - ⊙ - MONITOR WELL
 - ⊙ - WATER SHUT OFF
 - ⊙ - DRAIN MANHOLE
 - ⊙ - CATCH BASIN
 - ⊙ - SEWER MANHOLE
 - ⊙ - SEWER CLEAN OUT
 - ⊙ - VERTICAL GRANITE CURB
 - ⊙ - WOOD FENCE
 - - - - - APPROXIMATE ABUTTER LINE



APPROVED BY THE APPLICANT:
[Signature]
 ON 1-04-2024
 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 1-22-24
 CERTIFIED BY CHAIRMAN *[Signature]*

FINAL

OWNER/DEVELOPER:
143 MAIN LLC & 147-151 MAIN STREET LLC
 PO BOX 575
 WEST SWANZEY, NH 03469

PLANNER:
Brickstone Land Use Consultants LLC
 Site Planning, Permitting and Development Consulting
 185 Winchester Street, Keene, NH 03431
 Phone: (603) 357-0116

143 MAIN STREET,
 147 MAIN STREET &
 0 DAVIS STREET
 KEENE, NH

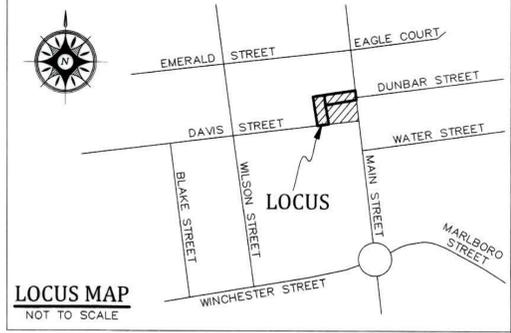
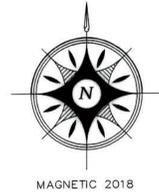
DRIVEWAY PLAN

SCALE: 1"=20'
 DATE: NOVEMBER 14, 2023

SHEET 1

see also: 8-11-23

Docket#: 240p



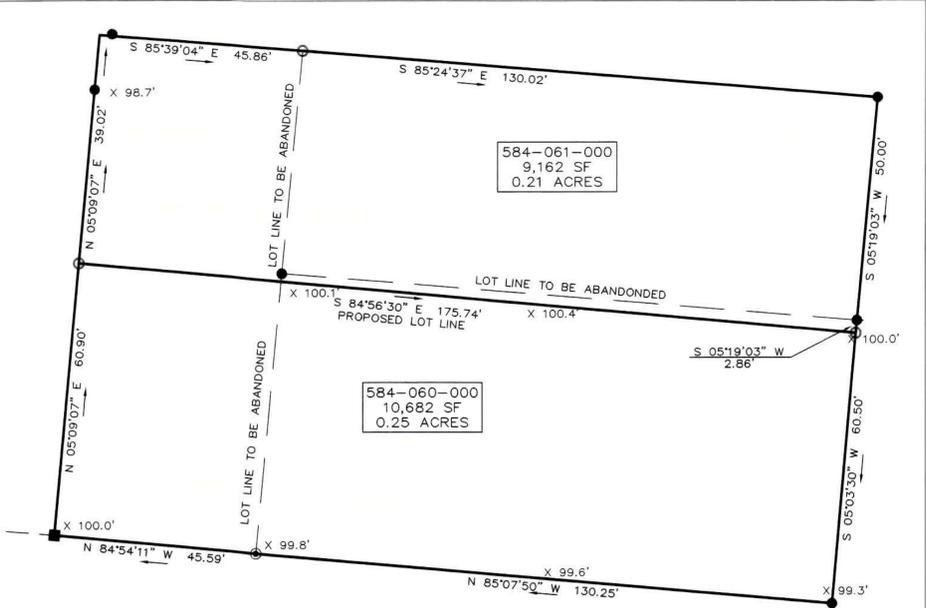
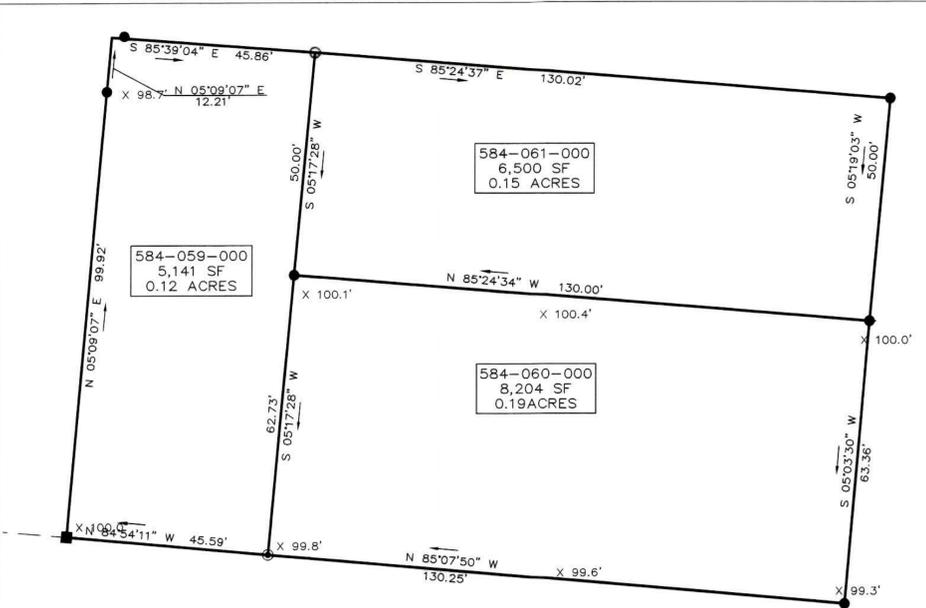
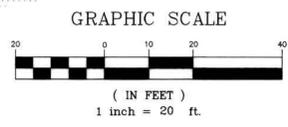
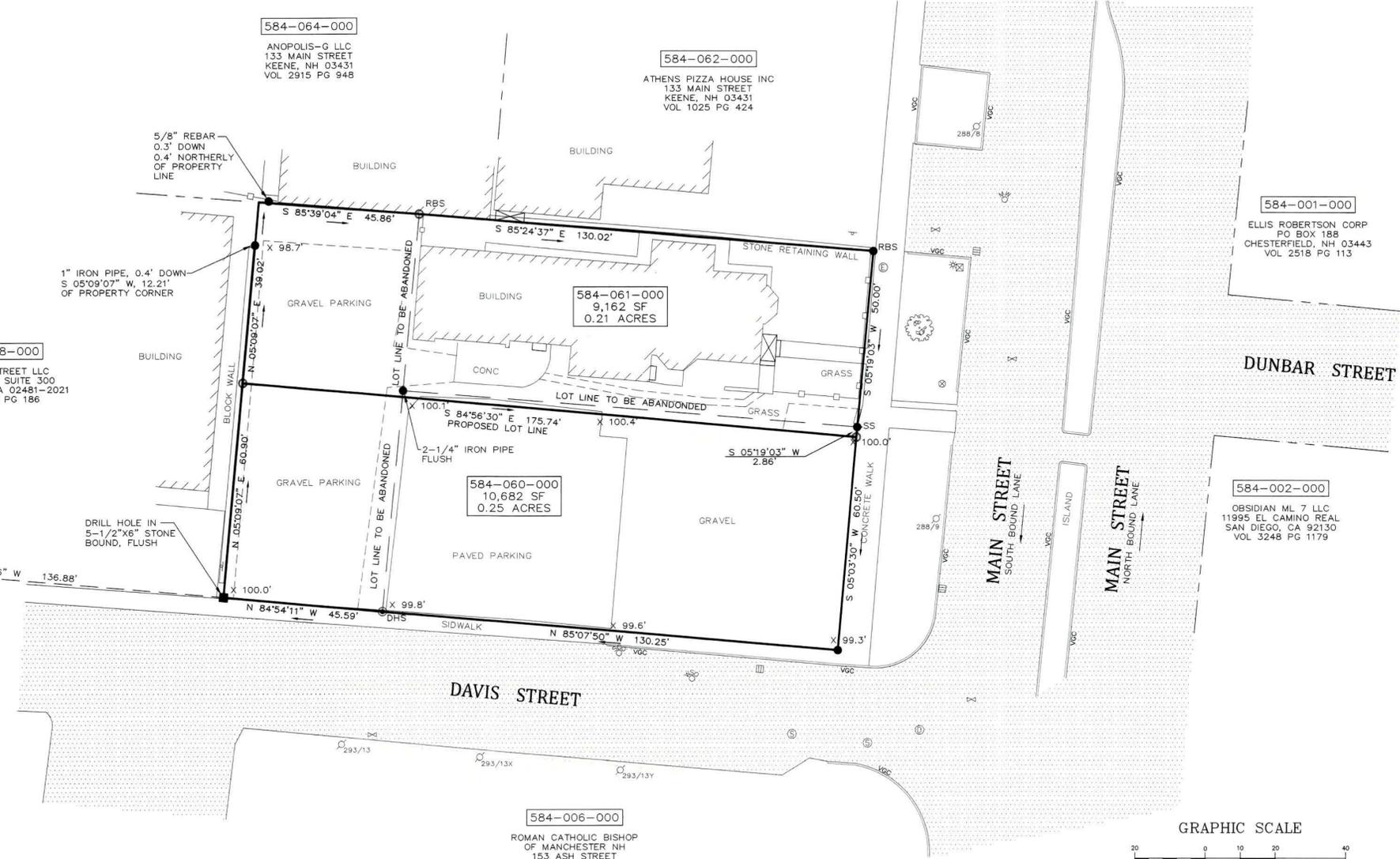
LOCUS MAP
NOT TO SCALE

- NOTES**
- THE PURPOSE OF THIS PLAN IS TO ADJUST THE BOUNDARY LINES BETWEEN LOTS 584-059-000, 584-060-000 AND LOT 584-061-000.
 - OWNERS OF RECORD:
 LOT 584-059-000 LOT 584-060-000
 LOT 584-061-000 147-151 MAIN STREET LLC
 143 MAIN LLC PO BOX 575
 PO BOX 575 WEST SWANZEY, NH 03469
 WEST SWANZEY, NH 03469 VOL. 3203 PG. 1337
 VOL. 3091 PG. 857
 - MAP AND LOT NUMBERS REFER TO THE CITY OF KEENE TAX MAPS.
 - CURRENT ZONING: DOWNTOWN CORE (DT-C)
- MIN. LOT AREA - NONE
 MIN. LOT WIDTH - NONE
 MIN. FRONTAGE - 80 FEET
- SETBACKS:
 FRONT - 0 FEET
 SIDE - 0 FEET
 REAR - 0 FEET
- LOTS 584-059-000, 584-060-000 AND 584-061-000 ARE NOT WITHIN THE 100 YEAR FLOOD PLAIN.

- DISCLAIMERS**
- THE PARCEL MAY BE SUBJECT TO OTHER EASEMENTS AS THEY EXIST OF RECORD OR IN FACT. CARDINAL SURVEYING AND LAND PLANNING DOES NOT INTEND OR REPRESENT THAT ALL RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY ARE SHOWN. A SPECIFIC TITLE EXAMINATION IS SUGGESTED TO DETERMINE THE NATURE AND EXTENT OF RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY.
 - THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. CARDINAL SURVEYING & LAND PLANNING MAKES NO CLAIMS TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. FIELD VERIFICATION IS REQUIRED PRIOR TO ANY EXCAVATION ON THE SITE.
 - MAGNETIC BEARINGS SHOWN HEREON ARE BASED ON A COMPASS OBSERVATION TAKE IN JULY, 2018 AND ARE FOR REFERENCE ONLY AND SERVE TO PROVIDE AN ANGULAR RELATIONSHIP BETWEEN LINES. VARIATIONS IN MAGNETIC BEARINGS MAY BE AFFECTED BY A CONSTANTLY CHANGING MAGNETIC DECLINATION AND LOCAL ATTRACTION.

- REFERENCE PLANS**
- "BOUNDARY SURVEY PLAN, PREPARED FOR ROBERT A. EADES & ATHENS PIZZA HOUSE, INC., EMERALD STREET & MAIN STREET, KEENE, N.H."; PREPARED BY DAVID A. MANN; DATED OCTOBER 9, 2004; REVISED THROUGH 10-23-2004; SCALE 1"=20'; RECORDED AT CCRD CABINET 12 DRAWER 10 NUMBER 97.
 - "PROPERTY OF BESSIE F. BERGERON ESTATE, DOROTHY HARRIS, LEGATEE"; PREPARED BY THOMAS W. FLAVIN JR.; DATED FEBRUARY 6, 1986; SCALE 1"=20'; RECORDED AT CCRD PLAN BOOK 53 PAGE 53.
 - "PLAT OF HELEN CAROLINE & ANSEL NILS ANDERSON, SUBDIVISION, 21 & 29 DAVIS ST., KEENE, N.H."; PREPARED BY THOMAS W. FLAVIN JR.; DATED DECEMBER 5, 1984; SCALE 1"=10'; RECORDED AT CCRD CABINET 6 DRAWER 0 NUMBER 40.

- LEGEND**
- - PIN FOUND
 - - MONUMENT FOUND
 - - CAPPED REBAR (RBS) / SPIKE SET (SS)
 - ⊙ - DRILL HOLE SET (DHS)
 - X 100.0' - SPOT GRADE
 - - SIGN
 - - UNDERGROUND UTILITY BOX
 - - UTILITY POLE
 - - LIGHT POLE
 - - ELECTRIC MANHOLE
 - - IRRIGATION VALVE
 - - WATER VALVE
 - - MONITOR WELL
 - - WATER SHUT OFF
 - - DRAIN MANHOLE
 - - CATCH BASIN
 - - SEWER MANHOLE
 - - SEWER CLEAN OUT
 - - VERTICAL GRANITE CURB
 - - WOOD FENCE
 - - - - - APPROXIMATE ABUTTER LINE



OWNER CERTIFICATION

I, MICHAEL PAPPAS, CERTIFY THAT I AM THE AGENT FOR 143 MAIN LLC AND 147-151 MAIN STREET LLC OWNER OF MAP 584-059-000, 584-060-000 AND 584-061-00 AND APPROVE OF THIS BOUNDARY LINE ADJUSTMENT.

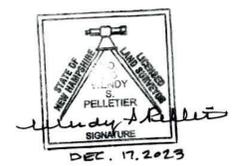
Michael Pappas 12-19-23
 AGENT DATE

Heidi Chair
 Chair's Signature

SURVEYOR'S CERTIFICATION

THIS SURVEY IS THE RESULT OF A RANDOM TRAVERSE USING AN ELECTRONIC TOTAL STATION AND MEETS THE MINIMUM REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN NH LAN TABLE 500.1.

I HEREBY CERTIFY THAT THIS PLAT CONFORMS TO ALL APPLICABLE LOCAL ZONING ORDINANCES AND RULES.



FINAL

NO.	DATE	REVISION	BY

BOUNDARY LINE ADJUSTMENT
 LOTS 584-059-000, 584-060-000 & 584-061-000
 MAIN STREET & DAVIS STREET
 KEENE, NH 03431
 DATE: SEPT 28, 2023 SCALE: 1"=20'

PREPARED FOR:
 MICHAEL PAPPAS, 143 MAIN LLC & 147-151 MAIN STREET LLC

CARDINAL SURVEYING & LAND PLANNING
 Sullivan, New Hampshire 03445
 Tel. (603) 209-1989 SHT 1/1

57 MARLBORO ST.
ZBA-2024-21



Petitioner requests a Variance to permit new construction outside the build-to zone per Article 4.4.1.C of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-21

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-21: Petitioner, George Hansel of Tailfeather Strategies, requests a variance for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The Petitioner requests a variance to permit new construction outside of the 0-20 foot build to zone that is required in the Downtown Edge District per Article 4.4.1.C of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024



7/16/2024

City of Keene, Community Development Department
3 Washington St., Keene, NH 03431
Attn: Mari Brunner, Zoning Administrator

Re: 57 Marlboro Street development – Narrative for Variance Request No. 1: Relief from the 0-20’ Build-to zone

Administrator Brunner,

Tailfeather Strategies, on behalf of property owner Mr. Jared Goodell, submit the following information to aid in the decision to grant a variance for a proposed development on the lot located at 57 Marlboro Street (TMP#: 590-093-000-000-000), which is in the Downtown Edge (DT-E) zoning district. The proposed development intends to construct (3) new duplexes on the site, adding (6) new units of housing. We are seeking relief from the requirement for a 0-20’ Build-to zone in the Downtown Edge zoning district as described on page 4-10, Article 4.4.1.C “Dimensions and Siting” of Keene’s Land Development Code (LDC).

It’s clear that the Build-to zone requirements were created to regulate the border between private building lots and public streets. The parcel at 57 Marlboro Street does not have a border to regulate as it does not have frontage on a public street; Therefore, it is impractical to apply this regulation on a parcel that is otherwise able to accommodate development.

We look forward to presenting this information to the Zoning Board of Adjustment for their consideration. Please let me know if there are any clarifying questions or concerns.

Thanks and best regards,

A handwritten signature in blue ink, appearing to read "George Hansel", written over a horizontal line.

George Hansel, Tailfeather Strategies

Submitted with permission on behalf of:

A handwritten signature in black ink, appearing to read "Jared Goodell", written over a horizontal line.

Jared Goodell, Property Owner

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	<u>ZBA-2021-21</u>
Date Filled	<u>7/19/21</u>
Rec'd By	<u>CSM</u>
Page	<u>1</u> of <u>19</u>
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

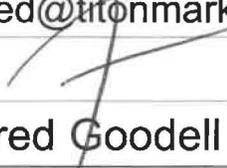
OWNER / APPLICANT

NAME/COMPANY: **Jared Goodell**

MAILING ADDRESS: **PO Box 305, Keene NH 03431**

PHONE: **(603) 762-0202**

EMAIL: **jared@titonmarketing.com**

SIGNATURE: 

PRINTED NAME: **Jared Goodell**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

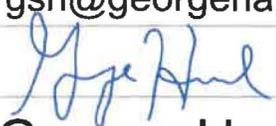
AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **George Hansel/Tailfeather Strategies**

MAILING ADDRESS: **PO Box 283, Keene, NH 03431**

PHONE: **(603) 903-3677**

EMAIL: **gsh@georgehansel.com**

SIGNATURE: 

PRINTED NAME: **George Hansel**

SECTION 2: PROPERTY INFORMATION

Property Address: **57 Marlboro St., Keene, NH 03431**

Tax Map Parcel Number: **590-093-000-000-000**

Zoning District **Downtown - Edge**

Lot Dimensions: Front: **76.3'** Rear: 111.2' Side: 197.96' Side: 106.21'

Lot Area: Acres: **.30** Square Feet: 13016

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **10.44%** Proposed: 25.19%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 11406 Proposed: **8,245**

Present Use: **Residential**

Proposed Use: **Residential**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See attached.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4.4.1.C of the Zoning Regulations to permit:

New construction outside of the 0-20' Build-to zone that's required in the Downtown Edge (DT-E) zoning district.

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. Granting the variance would not be contrary to the public interest because:

See attached.

2. If the variance were granted, the spirit of the ordinance would be observed because:

See attached.

3. Granting the variance would do substantial justice because:

See attached.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

See attached.

5. Unnecessary Hardship

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

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

See attached.

and

ii. The proposed use is a reasonable one because:

See attached.

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

See attached.



We offer the following responses to the criteria outlined in Article 25.5.4.A of Keene’s LDC:

SECTION 3: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

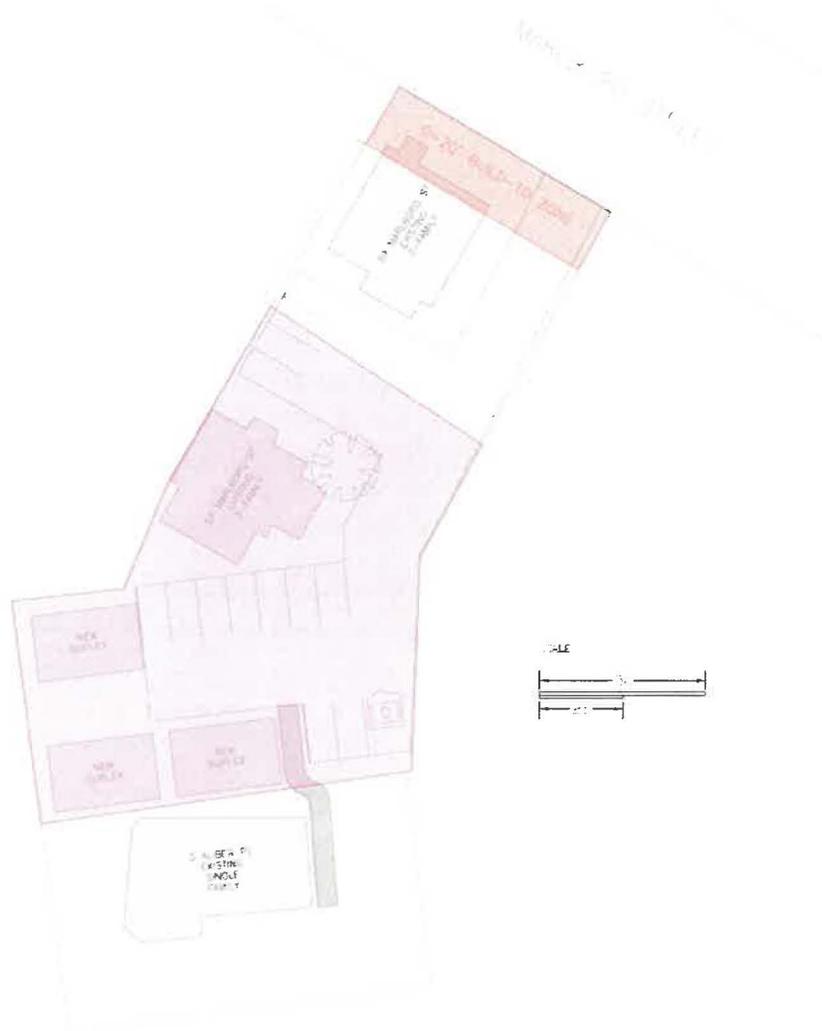
Property Location: 57 Marlboro Street (TMP#: 590-093-000-000-000)

Property Owner: Jared Goodell, PO Box 305, Keene NH 03431

The subject property currently has a three-family structure and no street frontage. It is accessed by a private road (Aliber Place) that connects to Marlboro Street and acts as a shared driveway for three residential properties: 57 Marlboro Street, 59 Marlboro Street, and 3 Aliber Place. All three parcels are served by city water and sewer. The subject parcel is sandwiched between a lot with a single-family residence to the rear and a lot with a two-family residential property with frontage on Marlboro Street.

The proposed development will add (3) two-family structures to a currently vacant section of 57 Marlboro Street. In total, (6) new housing units will be added. These units will be marketed as workforce housing. While unusual, development without frontage is permissible under RSA 674.41 with approval by the City Council. Mr. Goodell is seeking this approval through a separate application and process.

We are requesting the granting of a variance from complying with the 0-20’ Build-to zone requirement as described on page 4-10, Article 4.4.1 “Dimensions and Siting” of Keene’s LDC. The subject parcel is 56.5’ away from the edge of the 0-20’ Build-to zone, so compliance with this requirement is not possible. [See illustration on Page 3]:



As shown in the illustration, the closest lot line is more than 56.5' from the edge of Build-to zone. These unusual site characteristics make it impossible for any new development to comply with the 0-20' Build-to zone requirement. Additionally, an existing 2-family structure, located at 59 Marlboro Street (TMP#: 590-094-000-000-000), is within the 0-20' Build-to zone. The convenient location of this structure on an adjoining lot currently meets the intent of the ordinance for all practical purposes. This existing condition will not be impacted by the proposed development.



SECTION 4-1: *Granting the variance would not be contrary to the public interest because:*

It will facilitate the addition of (6) new workforce housing units

A recent Housing Needs Assessment and Strategy prepared by Camoin Associates and commissioned by the City found that there is a need for the creation of approximately 1,400 new housing units in Keene over the next ten years. The granting of this request will help address this housing shortage by creating new workforce housing units.

It will promote infill development and smart growth practices

The proposed new structures represent infill development, rather than urban sprawl. The new parking configuration and development will reduce impervious surfaces on the site by more than 3,000 SF, replacing aging asphalt and gravel with green space.

It will minimize the visual impact of the development from the public right of way

The public's view of the new buildings from Marlboro Street will be largely blocked by existing structures, mitigating the visual impact of the new development from the public right of way. As it relates to the Build-to zone requirement, the public's interest in having a consistent line of building facades along Marlboro Street is already met by the building located on an adjoining property (59 Marlboro Street). The proposed development will have no impact on this existing condition.

SECTION 4-2: *If the variance were granted, the spirit of the ordinance would be observed because:*

The spirit of the ordinance is to encourage the development and utilization of appropriate land for building construction and to ensure that new structures maintain a consistent line of building facades along public streets. As 57 Marlboro Street does not have frontage, this development will have no impact on the existing line of building facades along Marlboro Street. The consistency that already exists with current structures will remain and the proposed development will be minimally visible from the public right of way. Granting this variance is necessary for the appropriate utilization of this land for building construction, which is essential for realizing the full intent of this ordinance.

SECTION 4-3: *Granting the variance would do substantial justice because:*

The Build-to zone requirement in the LDC does not consider parcels that don't have frontage, like 57 Marlboro Street, so granting this variance request will do substantial justice by allowing the property owner to fully utilize their property. To that end, the proposed development will allow the property at 57 Marlboro Street to be utilized to its highest and best use in a way that is consistent with surrounding properties.

The granting of this variance will also do substantial justice to the surrounding neighborhood. The placement of the new buildings will be largely out of public view, which will increase privacy for the new residents and protect the public from any visual impacts from the new development.



SECTION 4-4: *If the variance were granted, the values of the surrounding properties would not be diminished because:*

The granting of this variance and the addition of new housing units in this area will not diminish values of the surrounding properties for the following reasons:

Architectural consistency

The new buildings have been designed to be consistent with other buildings in the neighborhood. While these buildings will be the only structures in the surrounding area built in the last 30+ years, they have been designed to be visually consistent with existing residential structures.

On-site infrastructure improvements

This development presents an opportunity to replace aging water and sewer lines, asphalt, and landscaping. The new development will also add more than 3,000 SF of green space to the site. These improvements are sure to increase the surrounding property values.

Highest and best use

The addition of (6) new housing units on this site will more than double the current property value. The current lack of affordable workforce housing in Keene is limiting economic growth. The addition of new housing units creates housing opportunities for new and existing residents, which in turn supports community vitality.

Rather than diminish values of the surrounding properties, this project will likely increase values and may inspire other property owners to pursue similarly creative and low-impact solutions to add housing units to existing underutilized parcels throughout the City.

SECTION 4-5: *Unnecessary Hardship*

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

The unique characteristics of this parcel, the lack of frontage, coupled with the existence of a currently undeveloped area that is well suited to housing development, presents a great opportunity for the property owner to create desperately needed housing for our community.

Denial of this variance request would constitute an unnecessary hardship as it will prevent any new development on this parcel, or full utilization of the property owner's land. Such a denial would not be consistent with the intent of the Build-to zone requirement, which encourages development and utilization of the available space for structures.

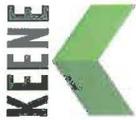


i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because the subject parcel doesn't have street frontage. It's clear that the build-to zone requirements were created to regulate the border between private building lots and public streets. It is impractical to apply this regulation when such a border does not exist.

ii. The proposed use is a reasonable one because:

The proposed use is reasonable because residential uses such as those being proposed are allowed by right in the Downtown-Edge (DT-E) zoning district. These additional housing units are consistent with other residential uses in the neighborhood and should have minimal impact on the existing conditions. The addition of these buildings represents a creative use of currently vacant space that will create more workforce housing within walking distance of downtown.



200 feet Abutters List Report

Keene, NH
July 16, 2024

Subject Property:

Parcel Number: 590-093-000
CAMA Number: 590-093-000-000-000
Property Address: 57 MARLBORO ST.

Mailing Address: GOODELL JARED
PO BOX 305
KEENE, NH 03431

Abutters:

Parcel Number: 585-045-000
CAMA Number: 585-045-000-000-000
Property Address: 84 MARLBORO ST.

Mailing Address: SAVINGS BANK OF WALPOLE
PO BOX 517
WALPOLE, NH 03608

Parcel Number: 585-083-000
CAMA Number: 585-083-000-000-000
Property Address: 36 MARLBORO ST.

Mailing Address: TOUSLEY DORIS C. REV. TRUST
PO BOX 626
KEENE, NH 03431

Parcel Number: 585-084-000
CAMA Number: 585-084-000-000-000
Property Address: 50-54 MARLBORO ST.

Mailing Address: TOUSLEY CHARLES D. REV. TRUST
PO BOX 626
KEENE, NH 03431

Parcel Number: 585-085-000
CAMA Number: 585-085-000-000-000
Property Address: 56 MARLBORO ST.

Mailing Address: NORCROSS ARTHUR & JOAN LIVING
TRUST
PO BOX 10123
SWANZEY, NH 03446

Parcel Number: 585-086-000
CAMA Number: 585-086-000-000-000
Property Address: 33 MARLBORO ST.

Mailing Address: KEYSTONE AMERICA INC.
1929 ALLEN PKWY.
HOUSTON, TX 77019

Parcel Number: 590-078-000
CAMA Number: 590-078-000-000-000
Property Address: 18-22 ELLIOT ST.

Mailing Address: CN3 PROPERTIES LLC
45 DICKINSON RD.
KEENE, NH 03431

Parcel Number: 590-079-000
CAMA Number: 590-079-000-000-000
Property Address: 32 ELLIOT ST.

Mailing Address: FORTE DONNA J
134 DAVIS ST
KEENE, NH 03431

Parcel Number: 590-080-000
CAMA Number: 590-080-000-000-000
Property Address: 36 ELLIOT ST.

Mailing Address: SCOTT RICHARD R REVOC TRUST OF
2023
RICHARD R SCOTT TTEE 26 KELLEHER
ST
KEENE, NH 03431

Parcel Number: 590-081-000
CAMA Number: 590-081-000-000-000
Property Address: 42 ELLIOT ST.

Mailing Address: FORTE DONNA J
134 DAVIS ST
KEENE, NH 03431

Parcel Number: 590-082-000
CAMA Number: 590-082-000-000-000
Property Address: 48 ELLIOT ST.

Mailing Address: GREENWALD JOSHUA A. GREENWALD
JENNIFER E.
39 CONCORD HILL DR.
KEENE, NH 03431



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200 feet Abutters List Report

Keene, NH
July 16, 2024

Parcel Number: 590-083-000
CAMA Number: 590-083-000-000-000
Property Address: 23 ADAMS ST.

Mailing Address: ASSET DEN I LLC
C/O KELLY CLUETT 201 HIGH ST
ACTON, MA 01720

Parcel Number: 590-084-000
CAMA Number: 590-084-000-000-000
Property Address: 17 ADAMS ST.

Mailing Address: VALLANTE EUGENE C.
PO BOX 2002
SEABROOK, NH 03874-2002

Parcel Number: 590-085-000
CAMA Number: 590-085-000-000-000
Property Address: 11 ADAMS ST.

Mailing Address: ASHER PROPERTIES LLC
77 NASHUA RD.
SHARON, NH 03458

Parcel Number: 590-088-000
CAMA Number: 590-088-000-000-000
Property Address: 83-87 MARLBORO ST.

Mailing Address: WEIN, NAUROZ A.
58 WASHINGTON ST.
CLAREMONT, NH 03743

Parcel Number: 590-089-000
CAMA Number: 590-089-000-000-000
Property Address: 71-81 MARLBORO ST.

Mailing Address: ELLIOT & ISAAC PROPERTIES LLC
184 TALBOT HILL RD.
SWANZEY, NH 03446

Parcel Number: 590-090-000
CAMA Number: 590-090-000-000-000
Property Address: 67 MARLBORO ST.

Mailing Address: TOUSLEY REALTY LLC
PO BOX 626
KEENE, NH 03431-0626

Parcel Number: 590-091-000
CAMA Number: 590-091-000-000-000
Property Address: 00ff MARLBORO ST.

Mailing Address: FORTE DONNA J
134 DAVIS ST
KEENE, NH 03431

Parcel Number: 590-092-000
CAMA Number: 590-092-000-000-000
Property Address: 3 ALIBER PL.

Mailing Address: GOODELL JARED
PO BOX 305
KEENE, NH 03431

Parcel Number: 590-094-000
CAMA Number: 590-094-000-000-000
Property Address: 59 MARLBORO ST.

Mailing Address: GOODELL JARED
PO BOX 305
KEENE, NH 03431

Parcel Number: 590-095-000
CAMA Number: 590-095-000-000-000
Property Address: 53 MARLBORO ST.

Mailing Address: LEANAI LLC
152 CONCORD RD
KEENE, NH 03431

Parcel Number: 590-096-000
CAMA Number: 590-096-000-000-000
Property Address: 47 MARLBORO ST.

Mailing Address: WOODCOCK HOLDINGS LLC
13 MCKINLEY ST.
KEENE, NH 03431

Parcel Number: 590-098-000
CAMA Number: 590-098-000-000-000
Property Address: 226 MAIN ST.

Mailing Address: UNIVERSITY SYSTEM OF NH KEENE
STATE COLLEGE
5 CHENELL DR #301
CONCORD, NH 03301



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200 feet Abutters List Report

Keene, NH
July 16, 2024

Parcel Number: 590-099-000
CAMA Number: 590-099-000-000-000
Property Address: 232 MAIN ST.

Mailing Address: UNIVERSITY SYSTEM OF NH KEENE
STATE COLLEGE
5 CHENELL DR #301
CONCORD, NH 03301

Parcel Number: 590-100-000
CAMA Number: 590-100-000-000-000
Property Address: 246 MAIN ST.

Mailing Address: HISTORICAL SOCIETY OF CHESHIRE
COUNTY
246 MAIN ST.
KEENE, NH 03431

Parcel Number: 590-101-000
CAMA Number: 590-101-000-000-000
Property Address: 238-260 MAIN ST.

Mailing Address: UNIVERSITY SYSTEM OF NH KEENE
STATE COLLEGE
5 CHENELL DR #301
CONCORD, NH 03301

Parcel Number: 590-102-000
CAMA Number: 590-102-000-000-000
Property Address: 26 PROCTOR CT.

Mailing Address: KEMPF LYNN M
1645 SOUTH COUNTY RD 52E
AVON, IN 46123

Parcel Number: 590-103-000
CAMA Number: 590-103-000-000-000
Property Address: 28 PROCTOR CT.

Mailing Address: FORTE DONNA J
134 DAVIS ST
KEENE, NH 03431

Parcel Number: 590-104-000
CAMA Number: 590-104-000-000-000
Property Address: 46 PROCTOR CT.

Mailing Address: FORTE DONNA
134 DAVIS ST
KEENE, NH 03431

Parcel Number: 590-105-000
CAMA Number: 590-105-000-000-000
Property Address: 47 PROCTOR CT.

Mailing Address: HAZEL JACK R. HAZEL JUDITH A.
47 PROCTOR CT.
KEENE, NH 03431

Parcel Number: 590-106-000
CAMA Number: 590-106-000-000-000
Property Address: 33 PROCTOR CT.

Mailing Address: CHESHIRE PROPERTIES LLC
61 HILLTOP DR.
KEENE, NH 03431

Parcel Number: 590-107-000
CAMA Number: 590-107-000-000-000
Property Address: 27 PROCTOR CT.

Mailing Address: HINSDALE HOLDINGS LLC
C/O HOMEFRONT REALTY LLC 1
HORIZON DR
BEDFORD, NH 03110

Parcel Number: 590-108-000
CAMA Number: 590-108-000-000-000
Property Address: 25 PROCTOR CT.

Mailing Address: EVANGJELLO MARGARITA F.
25 PROCTOR CT.
KEENE, NH 03431

Parcel Number: 590-109-000
CAMA Number: 590-109-000-000-000
Property Address: 266 MAIN ST.

Mailing Address: WELDON & FOXWELDON FAMILY LIVING
TRUST
165 SOUTH LINCOLN ST.
KEENE, NH 03431

ADDITIONAL PARTIES TO BE NOTICED:
AUTHORIZED AGENT:
GEORGE HANSEL
TAILFEATHER STRATEGIES
PO BOX 283
KEENE, NH 03431

PROJECT ARCHITECT:
TIM SAMPSON
SAMPSON ARCHITECT
11 KING COURT, SUITE 1E
KEENE, NH 03431



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City of Keene, NH

1 inch = 50 Feet



July 22, 2024

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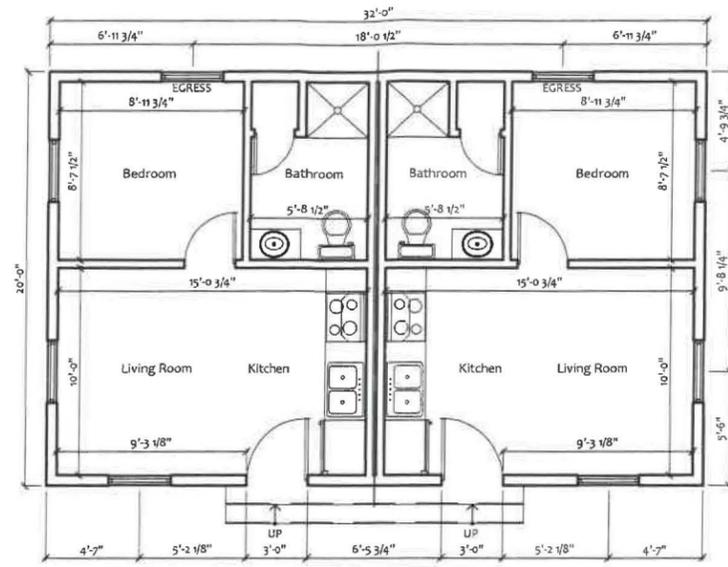
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

GENERAL NOTES:

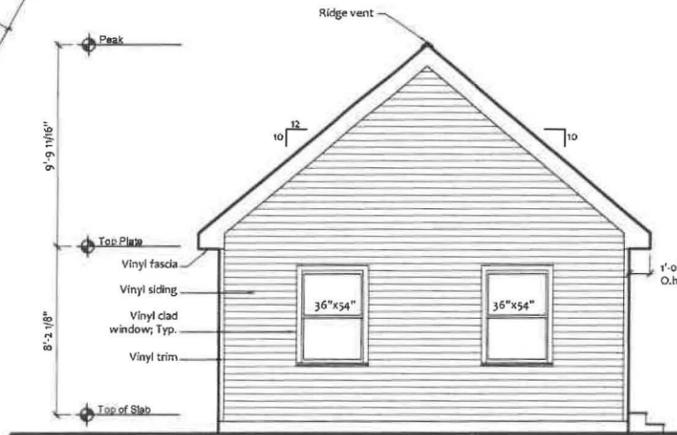
- Contractor shall review existing conditions by field visit prior to submitting bid.
- Dimensions shown are approximate only. All dimensions shall be field verified and coordinated with existing conditions.
- Contact architect / engineer for decisions related to variation from information shown.
- Contractor shall certify that all work is in accordance with the 2021 version of the International Residential Code. All other local or national codes and requirements and good construction practices.
- Insulation to be provided to achieve the following values:
Walls: R-20
Floors: R-30
Sloped Ceilings: R-30
Flat Ceiling: R-38
Windows: U-35
- Contractor to verify R.O. of doors and windows prior to purchase.
- All electrical installation in the common wall shall be protected and comply with IRC section R302.4 and Chapters 34-43.

Zoning Data:

Parcel ID:	590-093-000-000-000	Proposed Structure
Owner:	Goodell, Jared	1 Stories, 1.11 feet
Zoning:	Downtown Edge	
Lot Area:	13,268 sf	
Max. Building Height:	1 Stories, 11.11 feet	1 Stories, 11.11 feet
Min. Lot Area:	10,000 SF	1120 SF
Min. Lot Area per Dwelling Unit:		
Min. Lot width at building line:	50 feet	
Min. Front Setback:	0-20 feet	11.3 feet
Min. Rear Setback:	0 feet	3.5 feet
Min. Side Setback:	0 feet	1.1 feet
Max. Percentage of Lot Occupied by Structures:	0%	75%
Max. Percentage Impervious Materials:	60%	34%
Min. Percentage of green space:	40%	55%



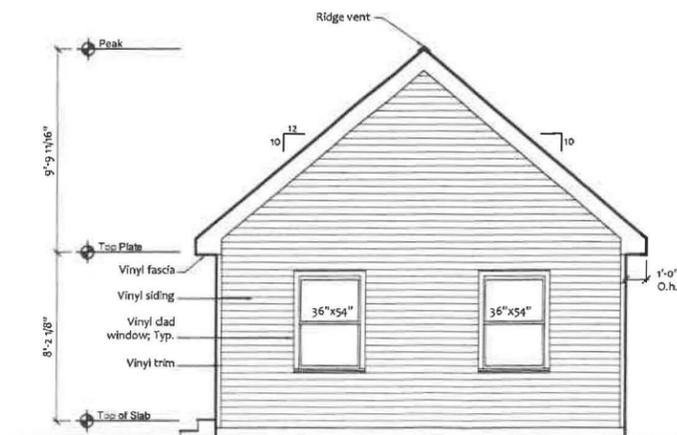
First Floor Plan
Scale: 1/4" = 1'-0"



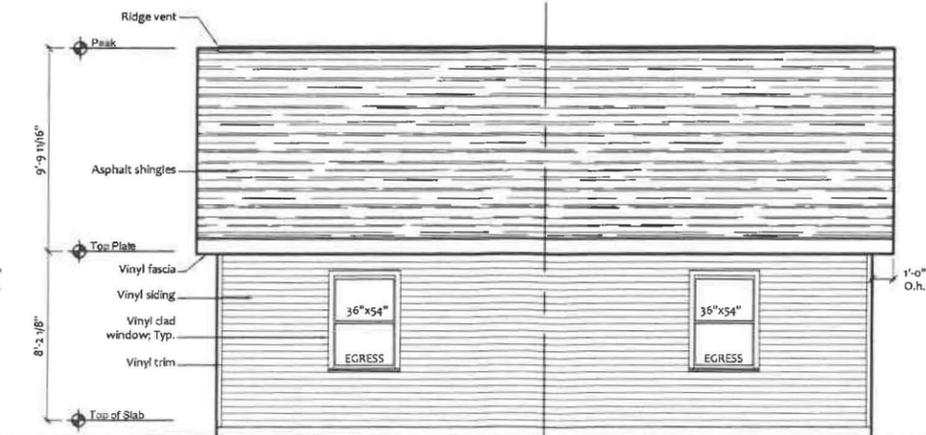
Left Side Elevation
Scale: 1/4" = 1'-0"



Front Elevation
Scale: 1/4" = 1'-0"



Right Elevation
Scale: 1/4" = 1'-0"



Rear Elevation
Scale: 1/4" = 1'-0"



Site Plan
Scale: 1/32" = 1'-0"

These drawings are LIMITED SCOPE and are intended only to describe general design intent, scale, overall spatial relationships and material where indicated. These drawings shall be considered preliminary for purposes of design review, comment, or budget pricing only, unless expressly released for other purposes as indicated in the issue log. The architect assumes responsibility for errors in the information provided, and not for omissions.

Architect:
Sampson Architects

Timothy Sampson
NCARB, LEED AP
11 King Court
Suite 1E
Keene, NH
603 769 7736

Engineer:

SAMPSON ARCHITECTS
2024 WFO#24-026

Prepared For:
Jared Goodell
PO Box 305
Keene, NH 03431

PROJECT
Proposed Development
57 Marlboro Street
Keene, NH 03431

TITLE
Site/Floor Plan Elevations Details/Notes

Date:	Revisions:
7.16.24	Zoning Submission

SCALE as noted

DATE 7.16.24

SHEET NUMBER

A1



General Notes

No.	Revision/Issue	Date

Firm Name and Address
 Tailfeather Strategies
 PO Box 283
 Keene, NH 03431

Project Name and Address
 57 Marlboro Street
 Keene, NH

Project	Concept 1	Sheet
Date	7/13/2024	001
Scale		

57 MARLBORO ST.
ZBA-2024-22



Petitioner requests a Variance to permit new construction within 20' of the minimum interior side setback per Article 4.4.1.E of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-22

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-22: Petitioner, George Hansel of Tailfeather Strategies, requests a variance for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The Petitioner requests a variance to permit new construction within 20 feet of the minimum interior side setback that is required when a parcel in the Downtown Edge District abuts a parcel in the Downtown Transition District per Article 4.4.1.E of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024



7/16/2024

City of Keene, Community Development Department
3 Washington St., Keene, NH 03431
Attn: Mari Brunner, Zoning Administrator

Re: 57 Marlboro Street development – Narrative for Variance Request No. 2: Relief from the 20’ minimum interior side setback requirements when a parcel in the Downtown-Edge zoning district is abutting a parcel in the Downtown-Transition zoning district

Administrator Brunner,

Tailfeather Strategies, on behalf of property owner Mr. Jared Goodell, submit the following information to aid in the decision to grant a variance for a proposed development on the lot located at 57 Marlboro Street (TMP#: 590-093-000-000-000), which is in the Downtown-Edge zoning district. The site currently has a three-family residential structure and no commercial uses. The property has no street frontage and is sandwiched between a single-family home to the rear and a two-family building along Marlboro Street. All residences on these three parcels are accessed using Aliber Place, a private road that connects to Marlboro Street.

The proposed development intends to construct (3) new duplexes on the site, adding (6) new units of housing. We are seeking relief from the requirement for a 20’ minimum interior side setback as described on page 4-10, Article 4.4.1.E “Dimensions and Siting” of Keene’s Land Development Code (LDC). Accommodating this request will allow for more than 3,000 SF of new green space to be created on the site while reducing visual impacts of the new development from the public right of way.

We look forward to presenting this information to the Zoning Board of Adjustment for their consideration. Please let me know if there are any clarifying questions or concerns.

Thanks and best regards,

A handwritten signature in blue ink, appearing to read "George Harsel", written over a horizontal line.

George Harsel, Tailfeather Strategies

Submitted with permission on behalf of:

A handwritten signature in black ink, appearing to read "Jared Goodell", written over a horizontal line.

Jared Goodell, Property Owner

Zoning Board of Adjustment Variance Application



For Office Use Only:	
Case No.	ZBA-2021-22
Date Filled	7/19/21
Rec'd By	cam
Page	1 of 23
Rev'd by	

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Jared Goodell

MAILING ADDRESS: PO Box 305, Keene NH 03431

PHONE: (603) 762-0202

EMAIL: jared@titonmarketing.com

SIGNATURE: 

PRINTED NAME: Jared Goodell

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

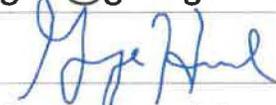
AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: George Hansel/Tailfeather Strategies

MAILING ADDRESS: PO Box 283, Keene, NH 03431

PHONE: (603) 903-3677

EMAIL: gsh@georgehansel.com

SIGNATURE: 

PRINTED NAME: George Hansel

SECTION 2: PROPERTY INFORMATION

Property Address: **57 Marlboro St., Keene, NH 03431**

Tax Map Parcel Number: **590-093-000-000-000**

Zoning District **Downtown - Edge**

Lot Dimensions: Front: **76.3'** Rear: 111.2' Side: 197.96' Side: 106.21'

Lot Area: Acres: **.30** Square Feet: 13016

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **10.44%** Proposed: 25.19%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 11406 Proposed: **8,245**

Present Use: **Residential**

Proposed Use: **Residential**

SECTION 3: WRITTEN NARRATIVE

Article 25.5.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

See attached.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 4.4.1.E of the Zoning Regulations to permit:

New construction within 20' of the Min Interior Side Setback that's required when a parcel in the Downtown Edge (DT-E) zoning district is abutting a parcel in the Downtown Transition (DT-T) zoning district.

Briefly describe your responses to each criteria, using additional sheets if necessary:

1. Granting the variance would not be contrary to the public interest because:

See attached.

2. If the variance were granted, the spirit of the ordinance would be observed because:

See attached.

3. Granting the variance would do substantial justice because:

See attached.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

See attached.

5. Unnecessary Hardship

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

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

See attached.

and

ii. The proposed use is a reasonable one because:

See attached.

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

See attached.



Responses to the criteria outlined in Article 25.5.4.A of Keene’s LDC:

SECTION 3: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed variance.

Property Location: 57 Marlboro Street (TMP#: 590-093-000-000-000)

Property Owner: Jared Goodell, PO Box 305, Keene NH 03431

The subject property currently has a three-family structure and no street frontage. It is accessed using a private road (Aliber Place) that connects to Marlboro Street and acts as a shared driveway for three residential properties: 57 Marlboro Street, 59 Marlboro Street, and 3 Aliber Place. All three parcels are served by city water and sewer. The subject parcel is sandwiched between a lot with a single-family residence to the rear and a lot with a two-family residential property with frontage on Marlboro Street. All three properties are owned by Mr. Jared Goodell. He plans to voluntarily merge 57 Marlboro Street and 3 Aliber Place as part of this proposed development.

The proposal will add (3) two-family structures to a vacant section of 57 Marlboro Street. In total, (6) new housing units will be created. These units will be marketed as workforce housing. While unusual, development without frontage is permissible under RSA 674.41 with approval by the City Council. Mr. Goodell is seeking this approval through a separate request and process.

We are requesting a variance from compliance with the 20’ minimum interior side setback as described on page 4-10, Article 4.4.1.E “Dimensions and Siting” of Keene’s LDC. This will allow the new building to be 5’ from the western-most property line that abuts a parking lot owned by the University System of New Hampshire [see the illustration on page 3].

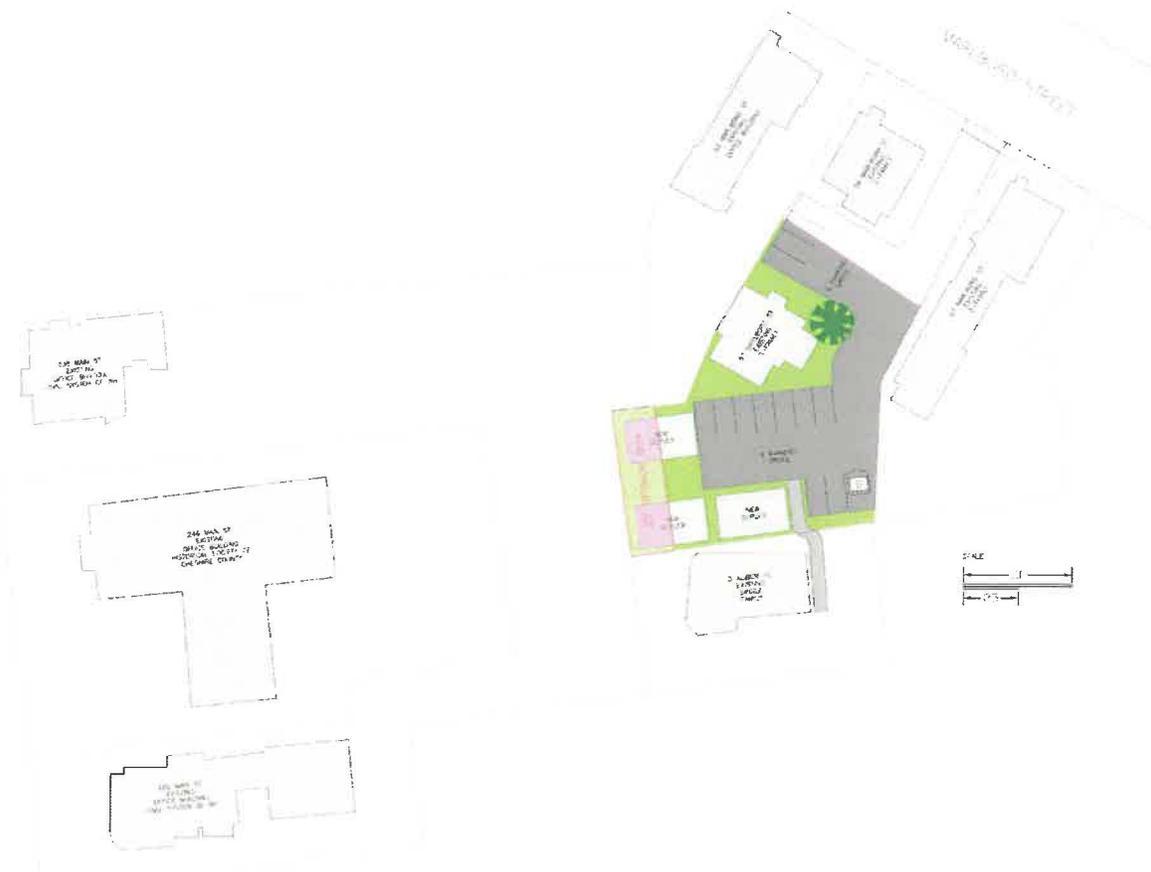
57 Marlboro Street is in the Downton-Edge zoning district, but abutting properties have various zoning designations: Downtown-Edge, Downtown-Transition, and Residential Preservation. This is somewhat unusual because three distinct zoning districts come together around this property, which has no frontage. The proposed building site is 130’ from the public way on Proctor Court, 170’ from the public way along Marlboro Street, and 280’ from the public way along Main Street.

Keene’s Land Development Code requires a 20’ interior side setback when the Downtown-Edge zoning district abuts the Downtown-Transition district. We are requesting a variance to reduce the setback to 5’. This reduction will allow for the lowest impact and most economical design for this new development, adding new housing units while also creating green space. Without this variance, the plan would need to be reconfigured, negatively impacting the development in the following ways:

- Awkward and inconsistent building density
- Challenging maneuvers for vehicles accessing the site
- Increased paved area to accommodate the new development.

- Increased visibility of the new buildings from the public right of way

The abutting property most impacted by this request is owned by the University System of New Hampshire and identified as 238-260 Main Street (TMP#: 590-101-000-000-000). This area is currently used as accessory parking for their properties along Main Street. The border is currently heavily vegetated, which mostly blocks the view from nearby properties on Main Street [refer to illustration on page 5].



Siting the new buildings within 20' of the setback requirement will allow the new development to decrease impervious surface on the site by more than 3,000 SF, replacing areas that are currently paved with greenspace. The proposed building locations will also minimize the visual impact of the new development from the public rights of way on Marlboro Street and Main Street [See illustrations on Pages 4-6].



SECTION 4-1: *Granting the variance would not be contrary to the public interest because:*

It will create new green space

The proposed configuration will create more than 3,000 SF of green space. Should the 20' setback need to be observed, it's likely the current amount of paved area would need to be increased.

It will facilitate the addition of (6) new workforce housing units

A recent Housing Needs Assessment and Strategy prepared by Camoin Associates and commissioned by the City found that there is a need for the creation of approximately 1,400 new housing units in Keene over the next ten years. The granting of this request will help address this housing shortage by creating new workforce housing units.

It will minimize the visual impact of the development from the public right of way

The public's view of the new buildings from Marlboro Street will be largely blocked by existing structures, mitigating the visual impact of the new development from the public right of way. If the 20' setback is observed, it would require a relocation of the proposed buildings to a more visible location, taking away privacy for the new residents and creating more visual impact for the public.

SECTION 4-2: *If the variance were granted, the spirit of the ordinance would be observed because:*

The intent of both the Downtown-Edge and Downtown-Transition districts is to facilitate a gradual transition from higher density in the downtown core, to lower density in the surrounding residential areas. Ironically, because of the unique features of this site, complying with the 20' setback requirement would do the opposite by clustering the building density to the east side of the parcel, away from the downtown and Main Street. Granting this variance request will allow for more balanced building density on the site that is more in line with the intent of both the Downtown Edge and Downtown-Transition districts. Therefore, the spirit of the ordinance will be observed.

SECTION 4-3: *Granting the variance would do substantial justice because:*

The granting of this variance will do substantial justice to the surrounding neighborhood. The placement of the new buildings will be largely out of public view, which will increase privacy for the new residents and protect the public from any visual impacts from the new development.

SECTION 4-4: *If the variance were granted, the values of the surrounding properties would not be diminished because:*

The granting of this variance and the addition of new housing units in this area will not diminish values of the surrounding properties for the following reasons:



Architectural consistency

The new buildings have been designed to be consistent with other buildings in the neighborhood. While these buildings will be the only structures in the surrounding area built in the last 30+ years, they have been designed to be visually consistent with existing residential structures.

On-site infrastructure improvements

This development presents an opportunity to replace aging water and sewer lines, asphalt, and landscaping. The new development will also add more than 3,000 SF of green space to the site. These improvements are sure to increase the surrounding property values.

Highest and best use

The addition of (6) new housing units on this site will more than double the current property value. The current lack of affordable workforce housing in Keene is limiting economic growth. The addition of new housing units creates housing opportunities for new and existing residents, which in turn supports community vitality.

Rather than diminish values of the surrounding properties, this project will likely increase values and may inspire other property owners to pursue similarly creative and low-impact solutions to add housing units to existing underutilized parcels throughout the City.

SECTION 4-5: Unnecessary Hardship

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

This site is unique because it does not have frontage. Although the parcel is located in a moderately dense part of the city, it is 130' from the nearest public street. The part of the site proposed for new development is largely out of the public view, so any adverse visual impacts to the public will be muted. Denial of this variance request will serve no public purpose and will therefore represent an unnecessary hardship for the property owner.

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

There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property because enforcing the 20' setback requirement would actually be contrary to the intent of the zoning districts being regulated. The Downtown-Edge zoning district is described in the LDC as "providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area" [page 4-2, Article 4.1.1.C]. Similarly, the Downtown-Transition district is described in the LDC as, "intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene" [page 4-2, Article 4.1.1.E]. Granting this proposed variance will allow the



buildings to be well-distributed on the lot and will serve as a better, less jarring, transition between uses to the west on Main Street, and the less dense mixed uses along Marlboro Street to the east.

ii. The proposed use is a reasonable one because:

The proposed use is reasonable because these additional housing units are consistent with other residential uses in the neighborhood. The addition of these units should have minimal impact on the existing conditions and represents a creative use of space to create more workforce housing within walking distance of downtown.



Illustration of public view of the new development from the sidewalk in front of 53 Marlboro Street.



Illustration of view of the new development from the interior parking lot of 246 Main Street (the rear entrance of the Historical Society of Cheshire County).



Illustration of public view of the new development from the sidewalk in front of 59 Marlboro Street.

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57 MARLBORO ST.
ZBA-2024-23



Petitioner requests a Special Exception to permit the major parking reduction per Article 9.2.7.C of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2024-23

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 5, 2024, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2024-23: Petitioner, George Hansel of Tailfeather Strategies, requests a special exception for property located at 57 Marlboro St., Tax Map #590-093-000. This property is in the Downtown Edge District and is owned by Jarod Goodell. The Petitioner requests a special exception to permit the major parking reduction per Article 9.2.7.C of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 23, 2024



7/16/2024

City of Keene, Community Development Department
3 Washington St., Keene, NH 03431
Attn: Mari Brunner, Zoning Administrator

Re: 57 Marlboro Street development – Narrative for Special Exception: Major reduction request for onsite parking

Administrator Brunner,

Tailfeather Strategies, on behalf of property owner Mr. Jared Goodell, submit the following information to aid in the decision to grant a special exception for a proposed development on the lot located at 57 Marlboro Street (TMP#: 590-093-000-000-000), which is in the Downtown-Edge zoning district. The site currently has a three-family residential structure and no commercial uses.

The proposed development intends to construct (3) new duplexes on the site, adding (6) new units of housing. We are seeking relief from the requirement for 2 onsite parking spaces per unit for duplexes as described on page 9-3, Table 9-1: "Minimum On-site Parking Requirements" of Keene's Land Development Code (LDC). Accommodating this request will allow for the creation of (6) new housing units near downtown Keene and Main Street. Our plan calls for providing (11) parking spaces for (10) housing units on the site. This represents a 45% reduction from the (20) parking spots that are required according to Table 9-1 in the LDC. There will be a total of (11) bedrooms on the site, creating a 1:1 parking space/bedroom ratio. The small scale of the new single-bedroom housing units (320 SF ea.), in conjunction with the proximity of the parcel to Main Street and downtown amenities, justifies a reduction in the number of onsite parking spots that are needed.

We look forward to presenting this information to the Zoning Board of Adjustment for their consideration. Please let me know if there are any clarifying questions or concerns.

Thanks and best regards,

A handwritten signature in blue ink, appearing to read "George Hansel", is written over a horizontal line.

George Hansel, Tailfeather Strategies

Submitted with permission on behalf of:

A handwritten signature in black ink, appearing to read "Jared Goodell", is written over a horizontal line.

Jared Goodell, Property Owner

Zoning Board of Adjustment Special Exception Application



For Office Use Only:	
Case No.	<u>ZBA-2024-23</u>
Date Filled	<u>7/19/24</u>
Rec'd By	<u>CM</u>
Page	<u>1</u> of <u>35</u>
Rev'd by	_____

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

SECTION 1: CONTACT INFORMATION

I hereby certify that I am the owner, applicant, or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law. If applicant or authorized agent, a signed notification from the property owner is required.

OWNER / APPLICANT

NAME/COMPANY: Jared Goodell

MAILING ADDRESS: PO Box 305, Keene

PHONE: (603) 762-0202

EMAIL: jared@titonmarketing.com

SIGNATURE: 

PRINTED NAME: Jared Goodell

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

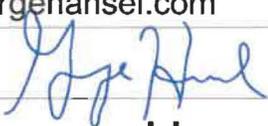
AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: George Hansel/Tailfeather Strategies

MAILING ADDRESS: PO Box 283

PHONE: (603) 903-3677

EMAIL: gsh@georgehansel.com

SIGNATURE: 

PRINTED NAME: George Hansel

SECTION 2: GENERAL PROPERTY INFORMATION

Property Address: **57 Marlboro St., Keene, NH 03431**

Tax Map Parcel Number: **590-093-000-000-000**

Zoning District: **Downtown - Edge**

Lot Dimensions: Front: **76.3'** Rear: **111.2'** Side: **197.96'** Side: **106.21'**

Lot Area: Acres: **.30** Square Feet: **13,016**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **10.44%** Proposed: **25.19%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **11,406** Proposed: **8,245**

Present Use: **Residential**

Proposed Use: **Residential**

SECTION 3: WRITTEN NARRATIVE

Article 25.6.4.A.: Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed special exception.

See attached.

SECTION 4: APPLICATION CRITERIA

Article of the Zoning Ordinance under which the Special Exception is sought:

Article 9.2.7.C Major Reduction Request for Parking

The Zoning Board of Adjustment shall have the authority to hear and decide special exceptions from the provisions of the Zoning Regulations of the City's Land Development Code, subject to the requirements of Article 25.6, Zoning Special Exception, 25.6.3 Authority and NH RSA 674:33.

Briefly describe your responses to each criteria, using additional sheets if needed:

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.

See attached.

2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare.

See attached.

3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of adjacent property.

See attached.

4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

See attached.

5. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

See attached.

6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance.

See attached.

7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

See attached.



Responses to the criteria outlined in Article 9.2.7.C.2 of Keene's LDC:

In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings in addition to those required for a special exception:

a. The specific use or site has such characteristics that the number of required parking spots is too restrictive.

There are no commercial uses in the immediate vicinity that should be impacted by this request. All abutting properties that are accessible from 57 Marlboro Street contain residential uses with long-term rentals. They currently operate in harmony with each other, with each tenant finding a regular spot to park. Parking spots on the site are not currently well marked. This will be remedied as part of the new development as the whole parking area will be repaved and striped.

The proposed development includes the construction of three small duplexes. Each unit will be a total of 320 square feet with a single bedroom. These single-bedroom units are too small to be an attractive housing option for families or more than two unrelated adults, so it is unlikely that multiple cars per dwelling unit will be necessary. In such a case, the City of Keene has overnight parking permits available in city-owned parking lots and garages that are all accessible within a 10-minute walk from the proposed development.

The most likely occupants of these units will be single people, or couples looking for an economical living option within walking distance to downtown amenities. These units will be a short walking distance from Main Street (approximately 500'). The rail trail and other multimodal transportation opportunities are also available in the surrounding area. Multiple two-hour public parking spots are available along Marlboro Street, which can help serve the needs of short-term visitors to the site.

This site is located on the border between areas intended to have high density and activity downtown (where in some cases no onsite parking is required) and mixed residential neighborhoods to the east along Marlboro Street. Granting the request to reduce the number of parking spaces by 45% reflects a compromise and recognition of the duality on either side of the subject property.

b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.

After the construction of these three new duplexes, the site will be completely developed with little (if any) opportunity for expansion or the addition of new buildings or uses. The two primary abutting properties, 59 Marlboro Street and 67 Marlboro Street, each contain two-family residential structures and have limited opportunity for new construction or expansion in the future. A parking and traffic study prepared by VHB Engineering is attached to this application and provides analysis of the new development as it relates to all three properties that use Aliber Place for primary access:



57 Marlboro Street, 59 Marlboro Street, and 3 Aliber Place. The study found that the new development would have a minimal impact on vehicle trips and that the 13 spaces provided across all three lots is enough to accommodate the average parking demands on the site.

Current conditions do not clearly delineate the shared property lines between 57 Marlboro Street, 59 Marlboro Street, and 67 Marlboro Street. The planned new development will repave, stripe, and relocate a dumpster. These enhancements will improve the current site conditions and ensure the parking spots are better defined. This will be a benefit to adjacent property owners and their tenants by reducing the possibility of parking encroachment by the future 57 Marlboro Street tenants.

SECTION 3: Article 25.6.4.A - Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed special exception.

Property Location: 57 Marlboro Street (TMP#: 590-093-000-000-000)

Property Owner: Jared Goodell, PO Box 305, Keene NH 03431

The subject property currently has a three-family structure and no street frontage. It is accessed using a private road (Aliber Place) that connects to Marlboro Street and acts as a shared driveway for three residential properties: 57 Marlboro Street, 59 Marlboro Street, and 3 Aliber Place. All three parcels are served by city water and sewer. The subject parcel is sandwiched between a lot with a single-family residence to the rear and a lot with a two-family residential property with frontage on Marlboro Street. All three properties are owned by Mr. Jared Goodell. He plans to voluntarily merge 57 Marlboro Street and 3 Aliber Place as part of this proposed development.

The proposal will add (3) two-family structures to a vacant section of 57 Marlboro Street. In total, (6) new housing units will be created. These single-bedroom units will be marketed as workforce housing.

We are requesting a major reduction in the number of parking spaces required for the new development, from (20) onsite parking spaces that are required according to Keene's LDC to (11) onsite parking spaces that are proposed. This represents a 45% reduction from the required spaces according to Table 9-1 in the LDC. There will be a total of (11) bedrooms on the site, creating a 1:1 parking space/bedroom ratio. The small scale of the new single-bedroom housing units (320 SF ea.), in conjunction with the proximity of the parcel to Main Street and downtown amenities, justifies a reduction in the number of onsite parking spots that are needed.

After analyzing the proposed development at 57 Marlboro Street, a NH licensed traffic engineer concluded that "ITE methodologies indicate that the proposed 13 on-site parking spaces would be able to accommodate the average parking demands of the proposed development." [See page 4, VHB Memorandum]. It's important to note that the study included 59 Marlboro Street in the analysis. 59 Marlboro Street has (2) existing housing units and (2) existing parking spaces. This



property is also owned by Mr. Goodell and is accessed using Aliber Place. While 59 Marlboro Street will remain a separate parcel, the decision to include it in the parking and traffic analysis was made to provide a more complete picture of the residential uses impacted by this new development.

SECTION 4-1: The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use:

The proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan for the following reasons:

It will facilitate the addition of (6) new workforce housing units

A recent Housing Needs Assessment and Strategy prepared by Camoin Associates and commissioned by the City of Keene found that there is a need for the creation of approximately 1,400 new housing units in Keene over the next ten years. The granting of this request will help address this housing shortage by creating new workforce housing units.

Keene's 2010 Comprehensive Master Plan (Master Plan) emphasizes that "A diversity of housing types is important to maximizing the community's appeal to all ages" [Master Plan, Page 42]. Later the Plan expands on this idea saying, "Each of Keene's neighborhoods should be encouraged to have a mix of uses, not only in the village activity centers, but also in range of housing choice and types. Single-family homes, townhomes, condominiums, apartments, accessory dwelling units, small cottages, etc. – all should be considered for inclusion in Keene's neighborhoods in a manner that fits each neighborhood's scale and density goals" [Master Plan, Page 63]. The proposed development, and the small cottage-style community it will create, represents a creative housing solution that lends itself to the diverse housing types promoted in the Master Plan. Furthermore, the proposed development has been designed to be consistent with existing residential uses in the surrounding neighborhood.

It promotes infill development practices

The Master Plan points out that "Since most of the community's available residentially zoned land has been developed, housing needs have to be addressed through infill development and the rehabilitation and redevelopment of existing stock" [Master Plan, Page 49]. The proposed design represents infill development as opposed to urban sprawl, increasing density on an underutilized part of the 57 Marlboro Street parcel that is consistent with the existing uses in the vicinity. Later in the same section, the Master Plan emphasizes that "Focus should be placed on providing housing choices that meet the needs of young professionals, artists, and executives, which were identified as a current gap in Keene's housing stock" [Master Plan, Page 49]. The proposed development will be marketed as workforce housing that will be an attractive housing option for young professionals and artists looking for an affordable place to live within walking distance to downtown amenities.



It will create new green space

The proposed configuration will create more than 3,000 SF of green space replacing existing pavement and gravel with semi-permeable lawn. Adding unnecessary parking to the current plan would have an unintended environmental cost, requiring the replacement of ecologically active space with pavement. Increased water pollution, flooding and heat island effects (higher local temperatures) would result. Community aesthetics and adjacent property values could also be negatively impacted.

It is consistent with other uses where 1 parking space/unit is allowed by right in the LDC

1 parking space/unit is allowed by right for residential uses in the Downtown-Growth (DT-G), and Downtown-Limited (DT-L) zoning districts. The DT-G zoning district allows for “standards for new construction and infill that complement the walkable, urban form of Keene’s downtown” [LDC, Page 4-2]. The closest parcel that is zoned DT-G is only 260’ from the property line of 57 Marlboro Street. It’s clear that the subject parcel is in a location that is meant to transition from the more intense uses in the downtown (where little or no onsite parking is required) and the mixed neighborhoods to the east along Marlboro Street (where more onsite parking is required). Granting this 45% reduction in the parking requirement seems a fair compromise to reflect the fact that this property lies on the border between these distinct areas of the city.

SECTION 4-2: The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare:

The project has been designed to comply with relevant standards in the LDC related to Driveway Design Standards and Parking Lot Design Standards [Articles 9.3 and 9.4]. As part of the development, 57 Marlboro Street and 3 Aliber Place will be voluntarily merged by the property owner. This will ensure that use of this section of Aliber Place, a private road, will now be limited to residents of the new consolidated property. This will clearly place responsibility for maintaining this section of Aliber Place and the new parking area on a single entity. This clarity should protect the public’s interest in quickly addressing any potential health or safety issues that may arise in the future, as this area will no longer be “shared” by multiple properties.

SECTION 4-3: The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of adjacent property:

The proposed use is consistent with existing uses on the site and the surrounding area. All three properties that are accessible from Aliber Place are owned by Mr. Jared Goodell. They each have residential buildings and are operated as long-term rentals by Mr. Goodell. The expansion of this existing use with the construction of the new housing units will not change the current uses on the site or surrounding properties; Therefore, this development will be harmonious with the use in the



surrounding area. The planned improvements to the site as part of this development (repaving, replacing water and sewer lines, and increasing green space) should have a positive effect on the surrounding properties and community at-large.

The granting of this variance will do substantial justice to the surrounding neighborhood. The reduced number of required parking spaces allows for the placement of the new buildings to be largely out of public view, which will increase privacy for the new residents and protect the public from any visual impacts from the new development.

SECTION 4-4: The proposed use will be of a character the does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area:

After construction is completed, no additional noise, odors, glare, or vibration are anticipated as part of this development.

SECTION 4-5: The proposed use will not place an excessive burden on public improvements, facilities, services or utilities:

The addition of (6) housing units will not pose an excessive burden on public improvements, facilities, services or utilities. The proposed development plan has been reviewed by city department staff including Police, Fire, and Public Works. No comments or concerns were brought forward as it relates to access to the site for emergencies or the anticipated increase in public sewer discharge and water use.

SECTION 4-6: The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic or historic importance:

The proposed development will not be modifying or removing any existing structures on the site. Construction of the new buildings will occur on an existing paved parking area that is in very poor condition and has no scenic or historic value.

SECTION 4-7: The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use:

A review by a NH licensed traffic engineer concluded that the traffic generation from the new development is estimated to be between 5-7 vehicle trips per hour. This is far below the 100 vehicle trips per hour threshold that would constitute a noticeable impact, based on current ITE and NHDOT methodologies. In other words, "...standard traffic engineering practice suggests that the proposed development would be expected to result in negligible impacts to the adjacent roadway system" [See page 1, VHB Memorandum].

To: Chad Branon
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055

Date: July 19, 2024

Project #: 53127.00

From: Jason R. Plourde, PE, PTP

Re: Traffic and Parking Assessment
Proposed Marlboro Street Residential Development
Keene, New Hampshire

Introduction

As proposed, a multi-family residential development will be located off Marlboro Street in Keene, New Hampshire. The site currently contains a two-family residence at 59 Marlboro Street, a three-family residence at 57 Marlboro Street, and a single-family home at 3 Aliber Place. The build program consists of constructing three new two-family residential structures, maintaining the existing residences, and providing 13 on-site parking spaces. Based on preliminary research, Marlboro Street is under City of Keene jurisdiction and Aliber Place is a private roadway. Therefore, review and approval are required with respect to traffic through the City of Keene permitting process. This Traffic and Parking Assessment has been prepared to summarize the estimated site trips generated by the proposed development and the associated parking demand.

Trip Generation Estimates

To estimate the volume of traffic to be generated by the proposed project, trip rates were reviewed from the Institute of Transportation Engineers (ITE) Trip Generation Manual.¹ Table 1 summarizes the trip-generation estimates of the existing and proposed uses. As shown, the proposed development would result in traffic volume increases in the range of 2 to 3 vehicle trips per hour and between 28 and 42 vehicle trips per day (Additional Site Trips column in Table 1). The trip-generation calculations are provided in the Appendix.

In accordance with ITE methodologies² and New Hampshire Department of Transportation (NHDOT) guidance,³ a development may result in a change in vehicular operations if the addition of site trips would increase peak hour traffic volumes at an intersection by 100 vehicles or more. In general, traffic increases less than this threshold could be attributed to the fluctuation of vehicles due to driver patterns that occur during the day, on different days of the week, or different months of the year. The estimated site trips associated with the three proposed multifamily residential structures are not anticipated to exceed this threshold. Further, the combination of the existing and proposed site trips would not exceed the 100 vehicle per hour threshold (Total Site Trips column in Table 1: 5 to 7 vehicle trips per hour). Therefore, standard traffic engineering practice suggests that the proposed development would be expected to result in negligible impacts to the adjacent roadway system.

¹ Institute of Transportation Engineers. Trip Generation Manual, 11th ed. Washington, DC. Sept. 2021.

² Institute of Transportation Engineers. ITE Recommended Practice: Multimodal Transportation Impact Analysis for Site Development. Washington, DC. 2023.

³ Bollinger, Robert E. Inter-Department Communication. New Hampshire Department of Transportation, Bureau of Traffic. 17 Feb. 2010.

Table 1 Trip-Generation Summary

Time Period/Direction	Existing Uses			Total Site Trips
	Single-Family Trips ^a	Multi-Family Trips ^b	Additional Site Trips ^c	
Weekday Daily				
Enter	5	17	21	43
Exit	5	17	21	43
Total	10	34	42	86
Weekday AM Peak Hour				
Enter	0	0	1	1
Exit	1	2	2	5
Total	1	2	3	6
Weekday PM Peak Hour				
Enter	1	2	2	5
Exit	0	1	1	2
Total	1	3	3	7
Saturday Daily				
Enter	5	12	14	31
Exit	5	12	14	31
Total	10	24	28	62
Saturday Peak Hour				
Enter	1	1	1	3
Exit	0	1	1	2
Total	1	2	2	5

a ITE Land Use Code 210: Single-Family Detached Housing for 1 dwelling unit.

b ITE Land Use Code 220: Multifamily Housing (Low-Rise) for 5 dwelling units.

c ITE Land Use Code 220: Multifamily Housing (Low-Rise) for 6 dwelling units.

Parking Demand Estimates

An evaluation was conducted in determining the on-site parking demand for the full build-out program. Table 2 provides an hourly distribution of the average parking demand rates for the existing and proposed residential uses based on ITE methodologies.⁴ The parking demand data are provided in the Appendix.

Table 2 Peak Parking Demand Summary

Start Time	Existing Single-Family Home ^a	Existing Multifamily Homes ^b	Proposed Multifamily Homes ^c	Total On-Site Parking Demand
12:00-4:00 AM	1	5	7	13
5:00 AM	1	5	7	13
6:00 AM	1	5	7	13
7:00 AM	1	4	6	11
8:00 AM	1	3	5	9
9:00 AM	1	3	4	8
10:00 AM	1	2	3	6
11:00 AM	1	2	3	6
12:00 PM	1	2	3	6
1:00 PM	1	2	3	6
2:00 PM	1	2	3	6
3:00 PM	1	2	3	6
4:00 PM	1	2	3	6
5:00 PM	1	3	4	8
6:00 PM	1	3	4	8
7:00 PM	1	4	5	10
8:00 PM	1	4	5	10
9:00 PM	1	4	6	11
10:00 PM	1	5	6	12
11:00 PM	1	5	7	13

a ITE Land Use Code 215: Single-Family Attached Housing for 1 dwelling unit (no ITE parking data available for Land Use Code 210: Single-Family Detached Housing).

b ITE Land Use Code 220: Multifamily Housing (Low-Rise) for 5 dwelling units.

c ITE Land Use Code 220: Multifamily Housing (Low-Rise) for 6 dwelling units.

As shown, the proposed site development would be expected to experience the highest weekday parking demand of 13 vehicles between 11:00 PM and 7:00 AM which is common for residential developments (i.e., late evening and

⁴ Institute of Transportation Engineers. Parking Generation Manual, 6th ed. Washington, DC. 20 Oct 2023.

overnight parking). Therefore, ITE methodologies suggest that the proposed 13 on-site parking spaces would accommodate the parking demand of the development.

Conclusion

In summary, ITE and NHDOT methodologies suggest that a development may have a noticeable impact if the addition of site trips increases traffic volumes at an intersection by 100 vehicles per hour or more. Based on the findings of this Traffic and Parking Assessment, the total site trips for the proposed development are far below this threshold (5 to 7 vehicle trips per hour). These minimal site trips added to the roadway system are considered to be representative of the typical fluctuation of traffic volumes within the area. Therefore, the proposed development is anticipated to result in negligible impacts to the adjacent roadway. In addition, ITE methodologies indicate that the proposed 13 on-site parking spaces would be able to accommodate the average parking demands of the proposed development.

Appendix

Trip-Generation Data
Parking Demand Data

Trip-Generation Data

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Single-Family Detached Housing
LANDUSE CODE: 210
SETTING/LOCATION: General Urban / Suburban
JOB NAME:
JOB NUMBER:

Independent Variable --- Number of Dwelling Units

1 dwelling units

WEEKDAY

RATES:		# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	174	0.95	9.43	4.45	22.61	246	10	2,945	50%	50%
	AM PEAK OF GENERATOR	169	0.91	0.75	0.34	2.27	217	10	2,945	26%	74%
	PM PEAK OF GENERATOR	178	0.92	0.99	0.49	2.98	203	10	2,945	64%	36%
	AM PEAK (ADJACENT ST)	192	0.90	0.70	0.27	2.27	226	10	2,945	25%	75%
	PM PEAK (ADJACENT ST)	208	0.92	0.94	0.35	2.98	248	10	2,945	63%	37%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	10	5	5	16	8	8
	AM PEAK OF GENERATOR	1	0	1	8	2	6
	PM PEAK OF GENERATOR	1	1	0	1	1	1
	AM PEAK (ADJACENT ST)	1	0	1	1	0	1
	PM PEAK (ADJACENT ST)	1	1	0	1	1	0

SATURDAY

RATES:		# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	63	0.91	9.48	3.36	16.52	179	15	1,000	50%	50%
	PEAK OF GENERATOR	42	0.89	0.92	0.41	1.78	152	15	644	54%	46%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	10	5	5	12	6	6
	PEAK OF GENERATOR	1	0	0	11	6	5

SUNDAY

RATES:		# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
				Average	Low	High	Average	Low	High	Enter	Exit
	DAILY	60	0.94	8.48	2.61	16.44	186	15	1,000	50%	50%
	PEAK OF GENERATOR	40	0.92	0.83	0.36	1.67	163	15	644	53%	47%

TRIPS:		BY AVERAGE			BY REGRESSION		
		Total	Enter	Exit	Total	Enter	Exit
	DAILY	10	5	5	-62	-31	-31
	PEAK OF GENERATOR	1	0	0	6	3	3

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Multifamily Housing (Low-Rise): 2-3 Story - Not Close to Rail Transit
LANDUSE CODE: 220 Independent Variable --- Number of Dwelling Units
SETTING/LOCATION: General Urban/Suburban
JOB NAME: _____ 5 dwelling units
JOB NUMBER: _____

WEEKDAY

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	22	0.86	6.74	2.46	12.50	229	33	494	50%	50%
AM PEAK OF GENERATOR	40	0.76	0.47	0.25	0.98	234	12	1,103	24%	76%
PM PEAK OF GENERATOR	38	0.80	0.57	0.25	1.26	231	12	1,103	62%	38%
AM PEAK (ADJACENT ST)	49	0.79	0.40	0.13	0.73	249	12	1,103	24%	76%
PM PEAK (ADJACENT ST)	59	0.84	0.51	0.08	1.04	241	12	1,103	63%	37%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	34	17	17	108	54	54
AM PEAK OF GENERATOR	2	1	2	30	7	23
PM PEAK OF GENERATOR	3	2	1	37	23	14
AM PEAK (ADJACENT ST)	2	0	2	24	6	19
PM PEAK (ADJACENT ST)	3	2	1	23	14	8

SATURDAY

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	4.55	4.55	4.55	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.41	0.41	0.41	282	282	282	51%	49%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	24	12	12	--	--	--
PEAK OF GENERATOR	2	1	1	--	--	--

SUNDAY

RATES:	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	3.86	3.86	3.86	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.36	0.36	0.36	282	282	282	55%	45%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	20	10	10	--	--	--
PEAK OF GENERATOR	2	1	1	--	--	--

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Multifamily Housing (Low-Rise): 2-3 Story - Not Close to Rail Transit
LANDUSE CODE: 220 Independent Variable --- Number of Dwelling Units
SETTING/LOCATION: General Urban/Suburban
JOB NAME: _____ 6 dwelling units
JOB NUMBER: _____

WEEKDAY

RATES:	# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	22	0.86	6.74	2.46	12.50	229	33	494	50%	50%
AM PEAK OF GENERATOR	40	0.76	0.47	0.25	0.98	234	12	1,103	24%	76%
PM PEAK OF GENERATOR	38	0.80	0.57	0.25	1.26	231	12	1,103	62%	38%
AM PEAK (ADJACENT ST)	49	0.79	0.40	0.13	0.73	249	12	1,103	24%	76%
PM PEAK (ADJACENT ST)	59	0.84	0.51	0.08	1.04	241	12	1,103	63%	37%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	42	21	21	114	57	57
AM PEAK OF GENERATOR	3	1	2	30	7	23
PM PEAK OF GENERATOR	3	2	1	37	23	14
AM PEAK (ADJACENT ST)	2	1	2	25	6	19
PM PEAK (ADJACENT ST)	3	2	1	23	15	9

SATURDAY

RATES:	# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	4.55	4.55	4.55	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.41	0.41	0.41	282	282	282	51%	49%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	28	14	14	--	--	--
PEAK OF GENERATOR	2	1	1	--	--	--

SUNDAY

RATES:	# Studies	R ²	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	1	--	3.86	3.86	3.86	282	282	282	50%	50%
PEAK OF GENERATOR	1	--	0.36	0.36	0.36	282	282	282	55%	45%

TRIPS:	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	24	12	12	--	--	--
PEAK OF GENERATOR	2	1	1	--	--	--

Parking Demand Data

ITE Parking Generation: Time of Day Distribution for Peaking Demand

ITE Land Use Code 215: Single-Family Housing			ITE Land Use Code 220: Multifamily Housing (Low-Rise)		
Existing Single-Family Residence			Existing Multifamily Residences		
Dwelling Units = 1			Dwelling Units = 5		
Weekday Peak Parking Demand = 1			Weekday Peak Parking Demand = 5		
Start Time	% of Peak Parking Demand	Parking Demand	Start Time	% of Peak Parking Demand	Parking Demand
12:00-4:00 AM	100%	1	12:00-4:00 AM	97%	5
5:00 AM	98%	1	5:00 AM	100%	5
6:00 AM	97%	1	6:00 AM	96%	5
7:00 AM	85%	1	7:00 AM	85%	4
8:00 AM	78%	1	8:00 AM	67%	3
9:00 AM	70%	1	9:00 AM	54%	3
10:00 AM	70%	1	10:00 AM	48%	2
11:00 AM	63%	1	11:00 AM	45%	2
12:00 PM	64%	1	12:00 PM	45%	2
1:00 PM	64%	1	1:00 PM	42%	2
2:00 PM	59%	1	2:00 PM	42%	2
3:00 PM	60%	1	3:00 PM	47%	2
4:00 PM	66%	1	4:00 PM	49%	2
5:00 PM	70%	1	5:00 PM	56%	3
6:00 PM	81%	1	6:00 PM	64%	3
7:00 PM	84%	1	7:00 PM	72%	4
8:00 PM	92%	1	8:00 PM	77%	4
9:00 PM	96%	1	9:00 PM	85%	4
10:00 PM	97%	1	10:00 PM	92%	5
11:00 PM	99%	1	11:00 PM	95%	5

ITE Land Use Code 220: Multifamily Housing (Low-Rise)				
Proposed Multifamily Residences				
Dwelling Units = 6				
Weekday Peak Parking Demand = 7				
Start Time	% of Peak Parking Demand	Parking Demand	Start Time	Total Parking Demand
12:00-4:00 AM	97%	7	12:00-4:00 AM	13
5:00 AM	100%	7	5:00 AM	13
6:00 AM	96%	7	6:00 AM	13
7:00 AM	85%	6	7:00 AM	11
8:00 AM	67%	5	8:00 AM	9
9:00 AM	54%	4	9:00 AM	8
10:00 AM	48%	3	10:00 AM	6
11:00 AM	45%	3	11:00 AM	6
12:00 PM	45%	3	12:00 PM	6
1:00 PM	42%	3	1:00 PM	6
2:00 PM	42%	3	2:00 PM	6
3:00 PM	47%	3	3:00 PM	6
4:00 PM	49%	3	4:00 PM	7
5:00 PM	56%	4	5:00 PM	8
6:00 PM	64%	4	6:00 PM	8
7:00 PM	72%	5	7:00 PM	10
8:00 PM	77%	5	8:00 PM	10
9:00 PM	85%	6	9:00 PM	11
10:00 PM	92%	6	10:00 PM	12
11:00 PM	95%	7	11:00 PM	13