



City of Keene Zoning Board of Adjustment

AGENDA

Monday, April 7, 2025 6:30 p.m. City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: March 3, 2025
- III. Unfinished Business:
- IV. Hearings:

ZBA-2025-02: Petitioner, Marcia Parody of 61 Aldrich Road, represented by Wendy Pelletier of Cardinal Surveying & Land Planning, requests a variance for property located at 53 Aldrich Road, Tax Map #234-010-000. This property is in the Rural District and is owned by Marcia Parody. The Petitioner requests a variance to permit the replacement of an existing dwelling with a new dwelling while maintaining the current 38 foot setback where 50 feet is required per Article 3.1.2 of the Zoning Regulations.

- V. New Business:
- VI. Staff Updates:

Master Plan Update
Council Actions Annual Reporting
- VII. Communications and Miscellaneous:
- VIII. Non-Public Session: (if required)
- IX. Adjournment:

Page intentionally left blank

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

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

8 **Monday, March 3, 2025**

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Richard Clough, Chair
Edward Guyot, Vice Chair
Joseph Hoppock
Tad Schrantz
Adam Burke

Staff Present:

Evan Clements, Planner, Deputy Zoning
Administrator

Members Not Present:

Zach LeRoy, Alternate

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

12
13 Mr. Hoppock called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting.

15
16 **II) Voting: Chair and Vice Chair**

17
18 Mr. Hoppock stated that his term on the ZBA has expired, and he is serving until his replacement
19 arrives, which he believes will be next month.

20
21 Mr. Hoppock nominated Mr. Clough for Chair. Mr. Guyot seconded the motion, which passed
22 by unanimous vote.

23
24 Chair Clough nominated Mr. Guyot as Vice Chair. Mr. Hoppock seconded the motion, which
25 passed by unanimous vote.

26
27 **III) Minutes of the Previous Meeting: November 4, 2024**

28
29 Mr. Clough stated that the minutes of the previous meeting are from December 2, 2024.

30
31 Mr. Hoppock made a motion to approve the meeting minutes of December 2, 2024. Mr. Guyot
32 seconded the motion, which passed by unanimous vote.

33 **IV) Unfinished Business**

34
35 Mr. Clough asked if there was any unfinished business. Mr. Clements replied no.

36
37 **V) Hearings**

38 **A) ZBA-2025-01: Petitioner, Cedarcrest Inc., represented by Megan Ulin,**
39 **from ReVision Energy, requests a variance for property located at 91**
40 **Maple Ave., Tax Map #227-018-000. This property is in the Conservation**
41 **District and is owned by Cedarcrest Inc. The Petitioner requests a**
42 **variance to permit the installation of a medium scale solar energy**
43 **system in the Conservation District per Article 7.3.5 and Table 8-1of the**
44 **Zoning Regulations.**

45
46 Mr. Clough introduced ZBA-2025-01 and asked to hear from staff.

47
48 Mr. Burke stated that he needs to recuse himself due to a conflict. Mr. Clough replied that Mr.
49 Burke is recused and now they have a four-member Board. He asked the Applicant if they wish
50 to proceed.

51
52 Evan Clements, Planner, stated that the subject parcel is an existing five-acre lot at the location
53 of the Cedarcrest Center for Children with Disabilities, a residential care facility that provides
54 medical, therapeutic, and educational care for children with special needs. He continued that the
55 site is located on the eastern side of Maple Ave., approximately 600 feet from the Route 12
56 interchange in the Low Density District. The Applicant seeks a Variance to permit the
57 construction of a medium scale solar energy system on approximately 1.6 acres of land to be
58 acquired by Cedarcrest from the City of Keene and incorporated into the subject parcel via a lot
59 line adjustment. The 1.6-acre land area is currently zoned Conservation and is part of the
60 Monadnock View Cemetery. With the adoption of the Land Development Code (LDC) in 2021,
61 the entire city underwent a rezoning effort. The Conservation District allows two uses, open
62 space, which is undeveloped green space intended to stay that way, and cemetery. The intent of
63 zoning the Mountain View Cemetery as Conservation is to acknowledge the unique land use that
64 is a cemetery and what would be appropriate for it.

65
66 Mr. Clements continued that a medium-scale solar system is not permitted within the
67 Conservation District. It is worth noting that this portion of the cemetery is not viable for
68 cemetery plots, due to the presence of underground utility lines. This project came before the
69 ZBA on April 1, 2024, when the City of Keene intended to construct the solar project in the same
70 general location but keep the project on the cemetery parcel at 512 Park Ave. At that time, the
71 ZBA granted a Variance for large-scale solar energy system use and a dimensional variance to
72 encroach into the 50-foot setback required by the Conservation District, Article 7.3.5, and the
73 Solar Energy System Conditional Use Permit Ordinance, Article 16.2.3 of the LDC.

75 Mr. Clements continued that the surrounding land uses immediately adjacent to the subject
76 parcel includes religious uses to the north and east, single- and multi-family dwellings to the
77 south, single-family and a hospital use to the west, and cemetery to the southeast.

78
79 Mr. Guyot asked if it is correct that Cedarcrest is on a five-acre parcel, and if the 1.6 acres would
80 be added to that, for 6.6 acres in total. Mr. Clements replied that it is correct.

81
82 Mr. Guyot continued that his other question is about the previous solar energy system the ZBA
83 approved. He asked why Article 16.2.3 of the LDC does not apply here in this preamble. Mr.
84 Clements replied that in doing the lot line adjustment, the Applicant is acquiring enough land
85 area that they will not be able to site the array within the required 50-foot setback.

86
87 Mr. Hoppock asked if it is correct that the array is too big for the building's roof. Mr. Clements
88 replied yes, it is approximately 30,000 square feet.

89
90 Mr. Clough asked if the Board had any more questions for Mr. Clements. Hearing none, he asked
91 to hear from the Applicant.

92
93 Megan Ulin, Solar Project Developer with ReVision Energy, introduced herself. Jim Yannizze
94 stated that he is the Director of Finance at Cedarcrest. Ms. Ulin stated that as Mr. Clements
95 mentioned, this project has come out of the evolution of an agreement ReVision had with the
96 City to explore solar development on several parcels of land, one of which is this general area of
97 the cemetery. With the letter of intent, in agreement with the City, solar development was being
98 pursued to help achieve the goal of 100% renewable energy offset and to allow the opportunity
99 for local non-profits to be system owners and system off takers of solar energy systems. They
100 might not have the land necessary to do so, which is the case for Cedarcrest. Cedarcrest is
101 fortunately located in direct proximity to the cemetery area being explored for solar
102 development, which facilitates the project for several reasons.

103
104 Ms. Ulin continued that Cedarcrest's facility requires electricity demand of about 543 kilowatt
105 hours per year. Their lot size and building roof line are not sufficient to accommodate a system
106 that would meaningfully offset that electricity usage. The only way for them to install a solar
107 energy system to reduce their electricity bills and make use of solar energy is through acquiring
108 land and through a ground-mounted solar energy system, which they propose here. Through that
109 process, and because the system is proposed, the system location is directly proximate to
110 Cedarcrest, they can tie in behind their electricity meter for a direct reduction in their electricity
111 load. Because of that, and because Cedarcrest will have the opportunity to own the system down
112 the line – currently, they are in an agreement to purchase the power from it – it made sense to
113 pursue a Boundary Line Adjustment for ownership simplicity, rather than a long-term lease.

114
115 Ms. Ulin continued that the proposed location for this iteration of the project improves the
116 project because it no longer requires a dimensional Variance. It is a more efficient use of the land
117 space, and it brings it into further compliance with the Zoning Regulations for the Conservation

118 District. This project will offset about 67% of Cedarcrest’s electricity usage. This site is a benefit
119 because it is very similar to how accessory systems are treated in other areas. It will be able to
120 directly offset Cedarcrest’s electricity usage. As a larger user of electricity, they need a larger
121 system to accommodate it.

122

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

125

126 Ms. Ulin stated that the proposed use will not adversely affect surrounding properties or the
127 public interest. She continued that it is currently proposed on an undeveloped area at the rear
128 corner of the cemetery, and it is out of sight of most gravesites. The proposed location brings it
129 further out of visibility from the remainder of the property. Multiple uses and high intensity uses
130 surround this portion of the cemetery, including residential, municipal, commercial, and
131 institutional land uses. These include the Parkwood Apartments, the cemetery maintenance
132 building, the First Baptist Church, and the medical facility across the way. The proposed system
133 is screened from these neighboring properties with a mature line of trees existing to the north,
134 and a substantial buffer and carports screen it from the Parkwood Apartments, the only
135 neighboring residential use. The visibility of the solar energy system will be minimal. The only
136 abutter that will have visibility of the system is the cemetery property. They (ReVision) have
137 been working with Andy Bohannon, Deputy City Manager, on this project, and he has been very
138 helpful. He has submitted a letter of support for the location and the Parks and Recreation
139 Department’s support for the project not having a negative impact to the cemetery property and
140 the City property.

141

142 Ms. Ulin continued that similar to permitted uses in the Conservation District, solar is a passive
143 use. It does not produce any smoke, fumes, or noticeable levels of noise, and it will not increase
144 traffic. The land beneath the solar panels remains pervious and vegetated with grass, so it will
145 not have stormwater impacts. The use does not threaten public health, safety, or welfare. Solar
146 energy provides a benefit to public health by providing renewable energy, which is a goal of the
147 Keene Master Plan and is encouraged for local businesses and nonprofits.

148

149 Ms. Ulin continued that due to the mixed uses in the neighborhood, the limited visibility of the
150 solar energy system, and its passive nature, they believe the presence of the system does not alter
151 the essential character of the neighborhood. They suggest that it does not violate the Zoning
152 Ordinance’s objectives of the Conservation District. From Section 7.3.1 of the LDC, the
153 Conservation District’s purpose is “*to provide for lands which have been identified as necessary
154 to preserve as open space because of their critical or delicate environmental nature.*” This
155 portion of the property is not critical or sensitive in nature. There are no wetlands, wildlife
156 habitat, floodplains or other surface waters, or steep slopes in this portion of the property, nor are
157 there historical or cultural resources. The Applicant does not propose major changes, grading, or
158 tree removal. For these reasons, they believe the solar array will not violate the basic Zoning
159 objectives and it satisfies the first and second criteria.

160

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

162

163 Ms. Ulin stated that granting this Variance allows Cedarcrest to utilize an undeveloped portion of
164 land in a manner consistent with the spirit of the Ordinance and compatible with the many
165 surrounding land uses. Denying the Variance does not serve the public interest, as it prevents
166 Cedarcrest from moving forward with a renewable energy project that meets the City's goals and
167 meets Cedarcrest's goals for powering their facility with more renewable energy.

168

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

171

172 Ms. Ulin stated that compared to the existing high intensity uses, solar is a passive, quiet use.
173 She continued that the project would be in an area that has limited visibility from properties; it
174 will not provide a negative visual impact. It is located in a mixed-use neighborhood that
175 accommodates several land uses, some are high intensity, such as the high density apartments
176 and the medical facility. The solar array will be fully screened from neighboring properties to the
177 north and south by the existing vegetation. The visual impact on the cemetery will be minimal
178 due to the array's placement at the very rear corner and is a very small portion of the overall 46-
179 acre parcel.

180

181 Ms. Ulin continued that given the passive nature of the solar energy system and its limited
182 impact on the adjacent properties, the value of those surrounding properties would not be
183 diminished by the proposed use. The primary abutter is the City, which is the cemetery property.
184 That property is not taxed, and the value therefore might be immaterial. The presence of the solar
185 energy system does not detract from the aesthetics or value of it.

186

187 5. *Unnecessary Hardship*

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

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

194

195 Ms. Ulin stated that this is a unique property with several conditions that support the finding of
196 an unnecessary hardship. First, the property is in the Conservation District, which has only three
197 permitted uses by right, cemetery, conservation area, and telecommunications facility by special
198 exception. However, this portion of the cemetery is not viable for use as cemetery because of the
199 underground utilities. It is also unsuitable as a conservation area because it lacks the sensitive,
200 natural features found in other properties more suited to be considered conservation. This is an
201 open field that is mowed and maintained. The only reasonable permitted use for this area would
202 be telecommunications facility, which has a greater visual impact on the surrounding properties

203 than a ground-mounted solar array. This portion of the property is also unique because it is flat,
204 clear of trees and vegetation, and already contains some naturally existing visual buffer.

205
206 Ms. Ulin continued that if literally enforced, this land would be practically unusable due to the
207 limited uses allowed in the Conservation District and due to the special conditions of the parcel.
208 This result would not have a fair and substantial relationship with the purpose of Article 7.3.5,
209 which is related to the use of the Conservation District. This is primarily because its intention is
210 to protect open spaces that have a critical or delicate environmental nature, which does not apply
211 here. Therefore, strictly applying those permitted uses of the property will not further the
212 intention of the Zoning and there is not a substantial relationship between the Ordinance
213 provision and its application to this property.

214
215 *and*

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

217
218 Ms. Ulin stated that the proposed use is reasonable because solar energy is a passive use, similar
219 to the existing passive uses that are allowed, and it will not adversely affect the cemetery
220 property or the surrounding properties with no environmental or cultural features in this area that
221 are sensitive. The site is proximate to intense residential and commercial development, which
222 makes it less suitable for conservation and protection. A solar energy system is a reasonable way
223 to use this undeveloped portion of land with minimal impact on the site and adjacent lands.

224
225 Ms. Ulin continued that they note that a small portion of the property is being used by the Parks
226 and Recreation Department as community garden plots. However, the proposed location for solar
227 system allows that use to continue to the southeast, and it allows the solar proposal to meet the
228 dimensional requirements of the Ordinance and avoids bisecting City lands with a solar use that
229 is less contiguous to the property that it is serving. They suggest that adding solar to this area is a
230 further beneficial use of a portion of the property that cannot be used for burial purposes.

231
232 *B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary*
233 *hardship will be deemed to exist if, and only if, owing to special conditions of the*
234 *property that distinguish it from other properties in the area, the property cannot be*
235 *reasonably used in strict conformance with the ordinance, and a variance is therefore*
236 *necessary to enable a reasonable use of it.*

237
238 Ms. Ulin stated that they have established the criteria in subparagraph A. However, because of
239 the special conditions of the property, which include the underground utilities, the Conservation
240 District requirements and the lack of sensitive features, a denial of the Variance would render the
241 property unusable for the purposes for which it is zoned. Therefore, a Variance is necessary to
242 make reasonable use of it.

243
244 Mr. Clough asked if the Board had questions for the Applicant.

245

246 Mr. Hoppock stated that he did not hear Ms. Ulin mention anything about glare, but he
247 remembers that it came up when the Board last heard a case similar to this. He continued that he
248 heard that the panels themselves are made in a way that does not emit glare.

249
250 Ms. Ulin replied that it is correct. She continued that solar panels are designed to absorb the
251 sunlight rather than reflect it, having an anti-reflective surface. ReVision Energy has
252 documentation from the manufacturer that shows the reflectivity, which is very minimal – less
253 than the reflectivity of standing water or window glare. The solar panels reflect less than 2% of
254 incoming sunlight received. In general, glare is a concern more for air traffic. The panels are
255 tilted, so the reflection is generally upwards and above most residential or commercial uses.
256 Visual buffers exist on the south side of the panels, screening the apartments. They do not
257 believe glare is a significant issue here.

258
259 Mr. Schrantz stated that regarding the parcel, last time, the Applicant looked for a Variance for
260 setbacks. He continued that he wonders why they are not doing that this time. If they are only
261 achieving 67% of their goal, he wonders why they would not look for a Variance and try to use
262 the entire site if it meets all the criteria Ms. Ulin is speaking to.

263
264 Ms. Ulin replied that they designed the system to fit within Cedarcrest’s existing service size.
265 She continued that they would need costly facility upgrades to expand the system any further.
266 They deemed it appropriate to build a system that would meet the dimensional requirements,
267 because it would be difficult to justify a dimensional Variance when they are drawing in the new
268 property lines by choice.

269
270 Mr. Schrantz stated that the abutter on the south side is the City. He continued that he went to the
271 area this weekend to check it out, and saw trees right on the property line, which looked like they
272 are part of the City land. He wonders how that impacts the solar array in the future. Pine trees
273 grow quickly and create challenges for solar arrays. His question is whether (neither Cedarcrest
274 nor ReVision) owns those trees, whether they would have to ask the City to cut them down at
275 some point, and whether that impacts their land. Ms. Ulin talked about value and non-taxable
276 parcels, but he is curious about how that might impact that property in the long term.

277
278 Ms. Ulin replied that they have modeled the existing vegetation surrounding the proposed solar
279 array, as part of ReVision’s production modeling and design and where they chose to place it.
280 She continued that they would not expect to ask the City for any vegetation management on their
281 property in the years to come.

282
283 Mr. Schrantz stated that Ms. Ulin spoke about this portion of the property not having any
284 conservation value, no habitat, and no steep slopes. He asked if studies were done to validate
285 habitat, wetlands, and so on and so forth, by either the City or ReVision, or if that is anecdotal
286 information.

287

288 Ms. Ulin replied that ReVision used several GIS resources to screen the project, including the
289 NH Fish and Game Department’s Wildlife Habitat Program and Wildlife Corridors, and they
290 submitted a data check with the NH Heritage Bureau to screen for rare plants or rare animal
291 communities. Those are the resources they used to determine that it was a viable location from
292 that perspective. There are wetlands elsewhere on the property, but this particular corner has
293 been maintained and disturbed and has had garden plots on it. Therefore, there is no habitat that
294 would be affected by the array.

295
296 Mr. Clough asked if the Board had any further questions. Hearing none, he asked for public
297 comment in opposition to or in favor of the project.

298
299 Mr. Clements stated that he will read the letter of support into the record, dated February 13,
300 2025, from Andy Bohannon, Deputy City Manager:

301
302 *“This letter is to serve as a letter of support for the requested variance for the installation of a*
303 *medium-scale solar energy system on approximately 1.6 acres of undeveloped land in the*
304 *Conservation District located in Monadnock View Cemetery. The City Manager has been*
305 *authorized by the City Council to execute an agreement for the land sale, and the project is*
306 *consistent with the efforts of the Comprehensive Master Plan and Energy and Climate*
307 *Committee’s renewable energy initiatives.*

308
309 *This project has been in development for several years after the City began working with*
310 *ReVision Energy to identify parcels within the City that could support medium to large scale*
311 *projects. Monadnock View Cemetery presented a prime opportunity to not only meet that need*
312 *but provide support to a local non-profit organization as an energy off taker. As the project*
313 *developed, the City determined that a relocation of the project and land purchase would provide*
314 *the best path forward for everyone involved in the project. Cedarcrest operates as a specialized*
315 *pediatric medical facility and school which has limited space to provide solar power, and with*
316 *this proposal, it meets our community goals to provide more sustainable energy and reduce our*
317 *carbon footprint by 2030.*

318
319 *The City supports the request for a use variance, without installation of an additional visual*
320 *buffer, due to the nature of the location. Currently located in the northwest corner of Monadnock*
321 *View Cemetery, the parcel is not in view of the public way and is buffered to the south by large*
322 *pinetrees and carports from Parkwood Apartments. To the north is a vegetated buffer along the*
323 *property line of the First Baptist Church. To the east is the cemetery operations building and*
324 *row of trees buffering Section N of the cemetery. The remaining open 1.5-acre field will be*
325 *converted into new community garden plots supported by the Parks and Recreation Department.*

326
327 *The solar location provides continued passive use, no different than the current use as garden*
328 *plots, and will allow the City to redevelop and create a stronger community garden program.*
329 *This project provides a win-win for the community in many ways, and we hope that you find the*

330 *spirit of this variance in alignment with our current zoning practices and the Comprehensive*
331 *Master Plan.”*

332

333 Mr. Hoppock stated that in the application, the Applicant identifies the unique characteristics of
334 the property as the limitations of zoning. In other words, there are three uses permitted:
335 conservation, telecommunications, and cemetery. He continued that, however, he thinks the
336 criterion speaks to the characteristics of the property, not of the zoning regulation.

337

338 Ms. Ulin replied that she understood it to be the specific application of the Ordinance provision
339 to this property, which they determined to be not a fair and substantial relationship, due to the
340 conditions of the property; primarily, the property not having the critical and sensitive features
341 that are proposed to be features of conservation lands that would be protected by the District.

342

343 Mr. Clough asked for further questions or public comments. Hearing none, he closed the public
344 hearing and asked the Board to deliberate.

345

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

347

348 Mr. Hoppock stated that he does not see anything here that presents a problem where this
349 Variance is contrary to the public interest. He continued that the opposite is true, as the Applicant
350 is using land that cannot be used for any other purpose in the zoning district. They are proposing
351 to apply solar panels to it, which meets the Comprehensive Master Plan goals of energy
352 independence. That is in favor of the public interest. The standard is for (a Variance) to “not be
353 contrary” to the public interest, and that is met. He thinks it goes beyond that, and although the
354 Applicant does not need to prove that he thinks it is worth mentioning. This criterion is satisfied.

355

356 Mr. Guyot stated that he would support that there is nothing contrary to the public interest here.
357 He continued that in fact, the (Variance) enhances the public interest because the other use, if not
358 solar, would be telecommunications infrastructure, which is allowed but not as favorable.
359 Certainly, it is not as favorable visually, as the Applicant pointed out.

360

361 Mr. Clough stated that he agrees with both of those.

362

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

364

365 Mr. Hoppock stated that this proposal does not alter the essential character of the neighborhood
366 in any fashion or to any degree. He continued that it (the location) is so secluded that no one will
367 see it. It poses no threat to public health, safety, or welfare. As Mr. Guyot mentioned, putting a
368 telecommunications facility there could have the opposite effect, as it would affect the essential
369 character of the neighborhood and be an eyesore there. Solar panels do not have that (concern).
370 Thus, he thinks the two questions of the second criterion are satisfied. There is no alteration to
371 the neighborhood and no risk to the health, safety, or welfare of the area. This criterion is met.

372

Mr. Clough stated that he sees and nods in agreement.

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

374

375 Mr. Hoppock stated that here the issue is that any loss to the individual that is not outweighed by
376 a gain to the public is an injustice. He continued that if this project were approved, 67% of the
377 Applicant's electrical needs will be met by this operation, and without that, the Applicant would
378 have a significantly higher electrical cost. Therefore, the loss to Cedarcrest would be significant,
379 without any corresponding gain to the public. In his view, that is an injustice, and granting this
380 Variance would do substantial justice because it would allow Cedarcrest to use that electricity on
381 land that is otherwise unusable. The loss to the individual would be significant without a gain to
382 the general public, which would be corrected by granting the Variance. The third criterion is met.

383

384 Mr. Clough stated that he agrees. He continued that the big issue here is balancing it out, and
385 there is no public gain to be had by denying this Variance.

386

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

389

390 Mr. Hoppock stated that with this criterion, he looks for whether there is any evidence or a
391 commonsense reason why an application, if granted, would diminish property values. He
392 continued that here, there is none. Again, the location is relatively secluded. There are tree
393 barriers; a lot of space, as the photos in the agenda packet indicate; and no noise, glare, or
394 anything else that would impact the values of surrounding properties, whether the properties are
395 taxable or not. He does not see anything that would have a negative effect. This criterion is
396 satisfied.

397

398 Mr. Clough replied yes and compared to the previous time the ZBA heard of the City's plan for a
399 much larger array in that same space and had to seek Variances for setbacks, this is sited in such
400 a way that it is even less likely to cause any sort of issues with any neighbors. He continued that
401 the Applicant specifically set is so they would not even have to come to the ZBA with any other
402 setback Variances. It would be very bizarre to find some way that this would adversely affect
403 any other property values.

404

405 5. *Unnecessary Hardship*

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

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

412

413 Mr. Hoppock stated that he agrees with Ms. Ulin's remarks in answer to his question about the
414 other parcels. He continued that the cemetery piece being parceled out for this use is not
415 appropriate for cemetery use because of the underground utilities, which is a unique

416 characteristic of that piece. It cannot be used for cemetery or conservation. It could be used as a
417 telecommunications facility, but no one really wants that there.

418

419 Mr. Hoppock continued that another unique feature is a lot size on the small side, a building on
420 the large side in relation to the smaller lot size, and the underground utilities on the other piece
421 that is coming in. Cedarcrest will obtain that parcel of land; it will be their own land at some
422 point, and they will be able to use it in a reasonable fashion. This is a reasonable fashion. The
423 unique features are the small lot size and a larger building that cannot accommodate the solar
424 panels. With the new 1.5 acres of land coming in, they will be able to do that. These
425 characteristics are unique to this property and the 1.5-acre parcel. When you consider those
426 unique features, applying the terms of the Ordinance to this piece of property does not make
427 sense in terms of what the Applicant wants to use it for. Denying the Variance would create
428 unnecessary hardship, and he does not think that is appropriate. Criterion 5.A.i is met.

429

430 Mr. Guyot stated that he wholeheartedly agrees with Mr. Hoppock's observations and
431 commentary. Mr. Clough replied yes, and actually, when the City first came to the ZBA (with a
432 solar project in this location), the City would have had to run the power out to Maple Ave. and it
433 would have been awkward. He continued that this solution is much more elegant, running the
434 power right to a user, right there. He remembers that how the City was going to try and run
435 power was one of the most awkward aspects of (the previous project proposed), and that is gone
436 now with this solution, and it is because of the uniqueness of the placement. Thus, he agrees (the
437 criterion is met).

438

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

440

441 Mr. Hoppock stated that he agrees, given what the ZBA heard tonight in terms of how the
442 Applicant will use that large section of land that is basically unusable, by putting it to good use
443 and saving some electricity.

444

445 Mr. Clough asked if there were any further comments. Hearing none, he asked for a motion.

446

447 Mr. Hoppock made a motion to approve without conditions ZBA-2025-01, for Petitioner
448 Cedarcrest Inc., for property located at 91 Maple Ave., Tax Map #227-018-000. The request is
449 for a variance to permit the installation of a medium scale solar energy system in the
450 Conservation District, which without the variance would be contrary to Article 7.3.5 and Table
451 8-1 of the Zoning Regulations. Mr. Guyot seconded the motion.

452

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

454

455 Met with a vote of 4-0.

456

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

458

Met with a vote of 4-0.

459
460 3. *Granting the Variance would do substantial justice.*

461
462 Met with a vote of 4-0.

463
464 4. *If the Variance were granted, the values of the surrounding properties would not be*
465 *diminished.*

466
467 Met with a vote of 4-0.

468
469 5. *Unnecessary Hardship*
470 *A. Owing to special conditions of the property that distinguish it from other*
471 *properties in the area, denial of the variance would result in unnecessary hardship*
472 *because*

473 *i. No fair and substantial relationship exists between the general public*
474 *purposes of the ordinance provision and the specific application of that provision*
475 *to the property*

476
477 Met with a vote of 4-0.

478
479 *and*

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

481
482 Met with a vote of 4-0.

483
484 The motion to approve ZBA-2025-01 passed with a vote of 4-0.

485
486 **VI) New Business – Adoption of the 2025 calendar year meeting schedule**

487
488 Mr. Clough asked if everyone has looked at the proposed 2025 meeting schedule. He continued
489 that the (meeting that would have been on) Labor Day is on Tuesday (instead). All the other
490 dates are on the first Monday. He asked if that is correct. Mr. Clements replied yes, the
491 September 2 meeting is a Tuesday.

492
493 Mr. Clough noted that Mr. Burke has rejoined the meeting. He asked for a motion regarding the
494 meeting schedule.

495
496 Mr. Hoppock made a motion to accept the 2025 calendar year meeting schedule. Mr. Guyot
497 seconded the motion, which passed by unanimous vote.

498
499 **VII) Communications and Miscellaneous**

500

501 Mr. Clough stated that he would like to thank Mr. Hoppock for all his dedication to this Board.
502 He continued that he feels much more comfortable being able to (chair) this Board after having
503 observed Mr. Hoppock for a number of years. Jane Taylor is not present tonight, but he also
504 extends a big thank you to her. She has brought some real insight into many ZBA hearings.

505

506 Mr. Hoppock replied that he enjoyed every minute of his time on the ZBA.

507

508 **VIII) Non-public Session (if required)**

509

510 **IX) Adjournment**

511

512 There being no further business, Chair Clough adjourned the meeting at 7:21 PM.

513

514 Respectfully submitted by,

515 Britta Reida, Minute Taker

516

517 Reviewed and edited by,

518 Corinne Marcou, Board Clerk

Page intentionally left blank

52 ALDRICH ROAD ZBA-2025-02



Petitioner requests a Variance to permit new construction while maintaining the current 38 foot setback where 50 is required per Article 3.1.2 of the Zoning



NOTICE OF HEARING

ZBA-2025-02

A meeting of the Zoning Board of Adjustment will be held on **Monday, April 7, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-02: Petitioner, Marcia Parody of 61 Aldrich Road, represented by Wendy Pelletier of Cardinal Surveying & Land Planning, requests a variance for property located at 53 Aldrich Road, Tax Map #234-010-000. This property is in the Rural District and is owned by Marcia Parody. The Petitioner requests a variance to permit the replacement of an existing dwelling with a new dwelling while maintaining the current 38 foot setback where 50 feet is required per Article 3.1.2 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 March 28, 2025

ZBA-2025-02 – Dimensional Variance – Side Yard Setback, 53 Aldrich Rd

Request:

Petitioner, Marcia Parody of 61 Aldrich Road, represented by Wendy Pelletier of Cardinal Surveying & Land Planning, requests a variance for property located at 53 Aldrich Road, Tax Map #234-010-000. This property is in the Rural District and is owned by Marcia Parody. The Petitioner requests a variance to permit the replacement of an existing dwelling with a new dwelling while maintaining the current 38 foot setback where 50 feet is required.

Background:

The subject parcel is an existing 12.2 acre lot with an existing single-family residence, detached garage, and associated site improvements. The existing single-family residence was constructed in 1960, contains approximately 1,257 SF of living area, and is located approximately 38' from the side property line. The majority of the lot is characterized by steep slopes and wetlands. The applicant states in their narrative that the existing house location is the only relatively flat portion of the lot suitable for development.

The applicant is seeking a Variance to demolish the existing single-family residence and construct a new single-family residence in the general building area, but not the same footprint of the existing residence. The new residence will be located 38' from the property line so as not to encroach further into the side yard setback than the current site condition. A Variance is required for the new residence to be located within the side yard setback as this proposal is categorized as the relocation of a nonconforming structure, which is only allowed without a Variance if the relocation would make the structure conforming.

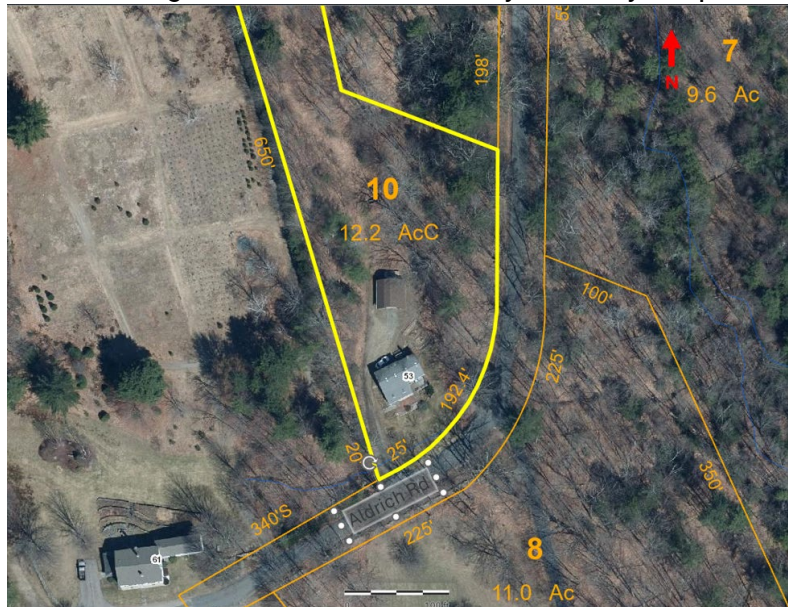


Fig. 1: 53 Aldrich Rd outlined in yellow

Surrounding Uses:

- Single-family residential to the north, south, east, and west
- Undeveloped land to the east

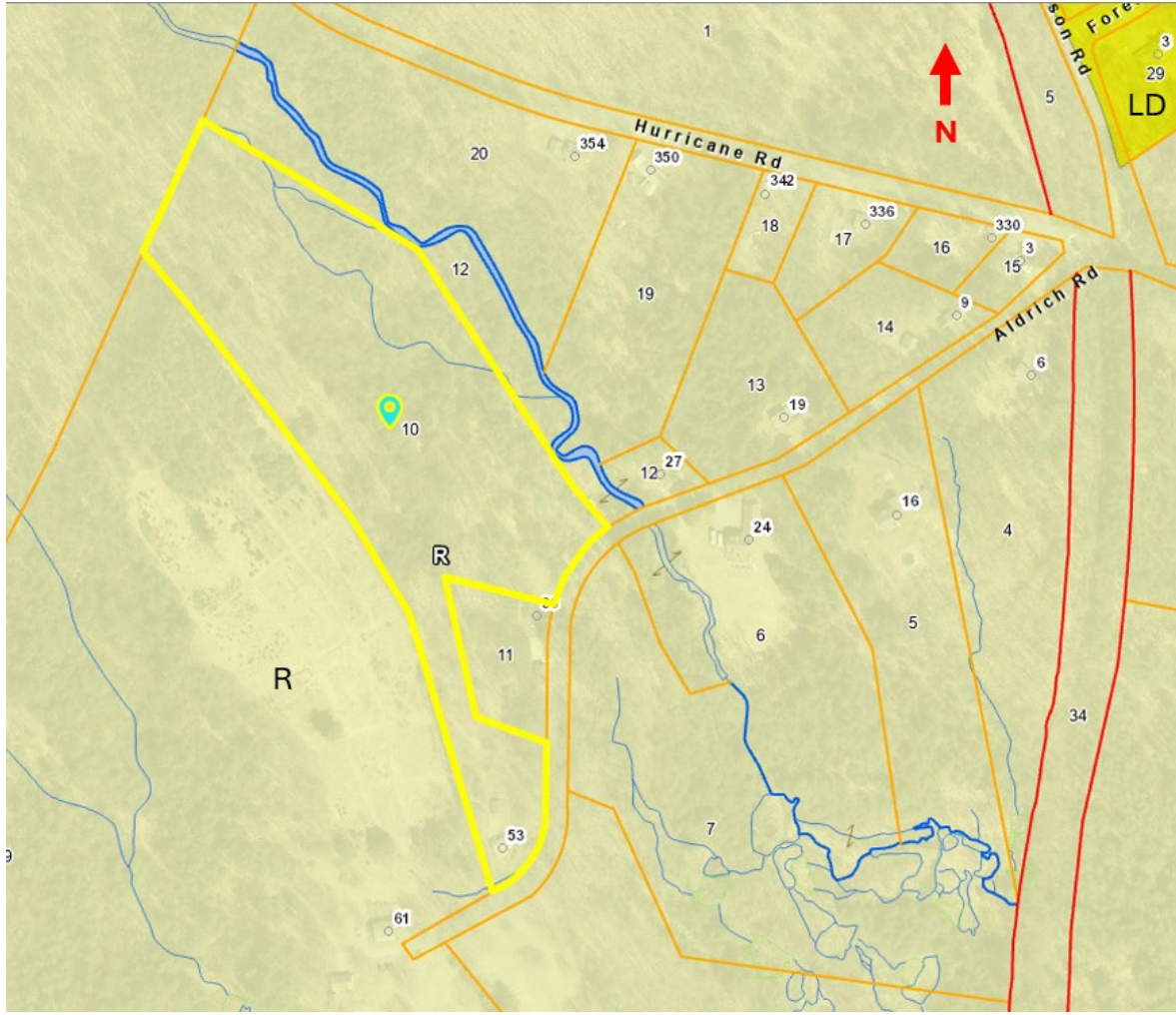


Fig. 2: 53 Aldrich Rd outlined in yellow with surrounding zoning districts

Application Analysis: The following is a review of the relevant sections of the Zoning Ordinance:

3.1.1 Purpose – The Rural (R) District is intended to provide for areas of very low-density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.

3.1.2 Dimensions & Siting – All yard setbacks are 50'

19.3.3 Relocation – A nonconforming structure may not be relocated, in whole or part, to any other location on the same lot, unless such relocation would make the structure conforming.

Suggested Conditions If Approved:

None

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:
Case No. <u>ZBA-2025-02</u>
Date Filled <u>3/21/2025</u>
Rec'd By <u>CJM</u>
Page <u>1</u> of <u>11</u>
Rev'd by <u>EC</u>

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: **Marcia Parody**
MAILING ADDRESS: **61 Aldrich Rd**
PHONE: **(603) 762-1117**
EMAIL: **ronparodi22@gmail.com**
SIGNATURE: *Marcia Parody*
PRINTED NAME: **MARCIA PARODY**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: **Cardinal Surveying & Land Planning (Wendy Pelletier)**
MAILING ADDRESS: **PO Box 160**
PHONE: **(603) 209-1989**
EMAIL: **wendy@cardinalsurveying.net**
SIGNATURE:
PRINTED NAME: **Wendy Pelletier**

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **See Applicant**
MAILING ADDRESS:
PHONE:
EMAIL:
SIGNATURE:
PRINTED NAME:

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 3.1.2 of the Zoning Regulations to permit:

The owner is looking to replace an existing dwelling with a new dwelling. A variance is requested from the 50ft side setback to maintain the current 38ft setback.

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:

There is an existing dwelling on the property with the new dwelling placed no closer than the existing dwelling. It does not threaten public health, safety or welfare.

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

The spirit of the ordinance would be observed because the replacement (new) dwelling would not be any closer to the property line than what already exists, and still maintains the rural character of the neighborhood.

3. Granting the variance would do substantial justice because:

Substantial justice would be given because it does not alter the character of the neighborhood. It will remain a single family dwelling that is no closer to the side setback than what already exists.

Due to the unique shape and slopes on the lot this is the only practical building area.

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

The values of surrounding properties are not diminished because the use is not changing. The property would still be used as a single family home, the request is a reasonable one. The character of the neighborhood would not be changed by granting the variance.

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:

Due to the shape of the lot and the existing dwelling there are limited options for siting a new dwelling on the lot other than into the side setback as the existing house is. The slope of the land, wetlands and shape of the lot and front setback would impact the ability to build in another locations. Those features distinguish it from other lots in the area and result in an unnecessary hardship.

The 50' side setback that is applied to the property does not serve this lot in a fair and substantial way due to those features above. We find this is a reasonable place to put a new house on the lot.

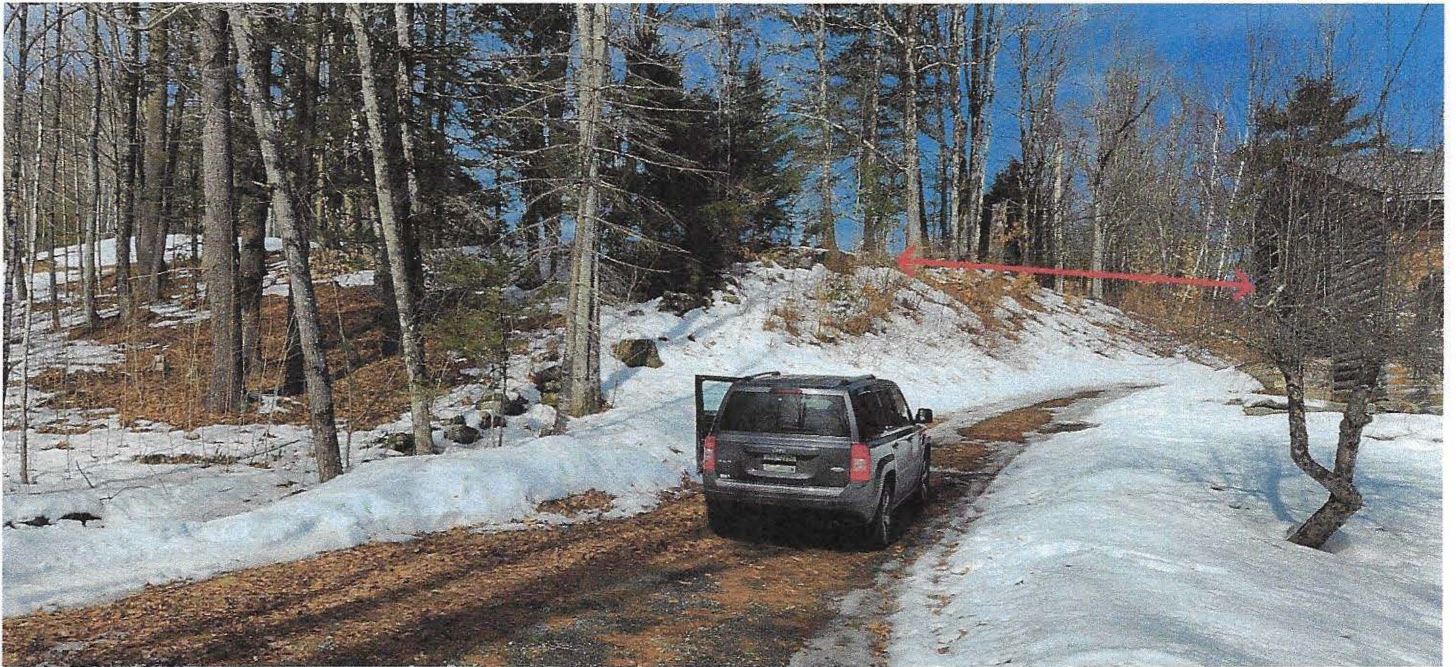
and

ii. The proposed use is a reasonable one because:

The proposed use is reasonable because it is an existing use. No change in use is proposed. The non-conformity will not be increased.

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.

N/A



Surveyor/Applicant
Wendy Pelletier
Cardinal Surveying & Land Planning
PO Box 160
SULLIVAN, NH 03445

225-001-000
HECKER BARBARA J REV TRUST
400 HURRICANE RD
KEENE, NH 03431

234-006-000
GOSNELL JONAH
GOSNELL MICHELLE
24 ALDRICH RD.
KEENE, NH 03431

234-007-000
GREEN DOUGLAS F.
GREEN JULIENNE F.
54 ALDRICH RD.
KEENE, NH 03431

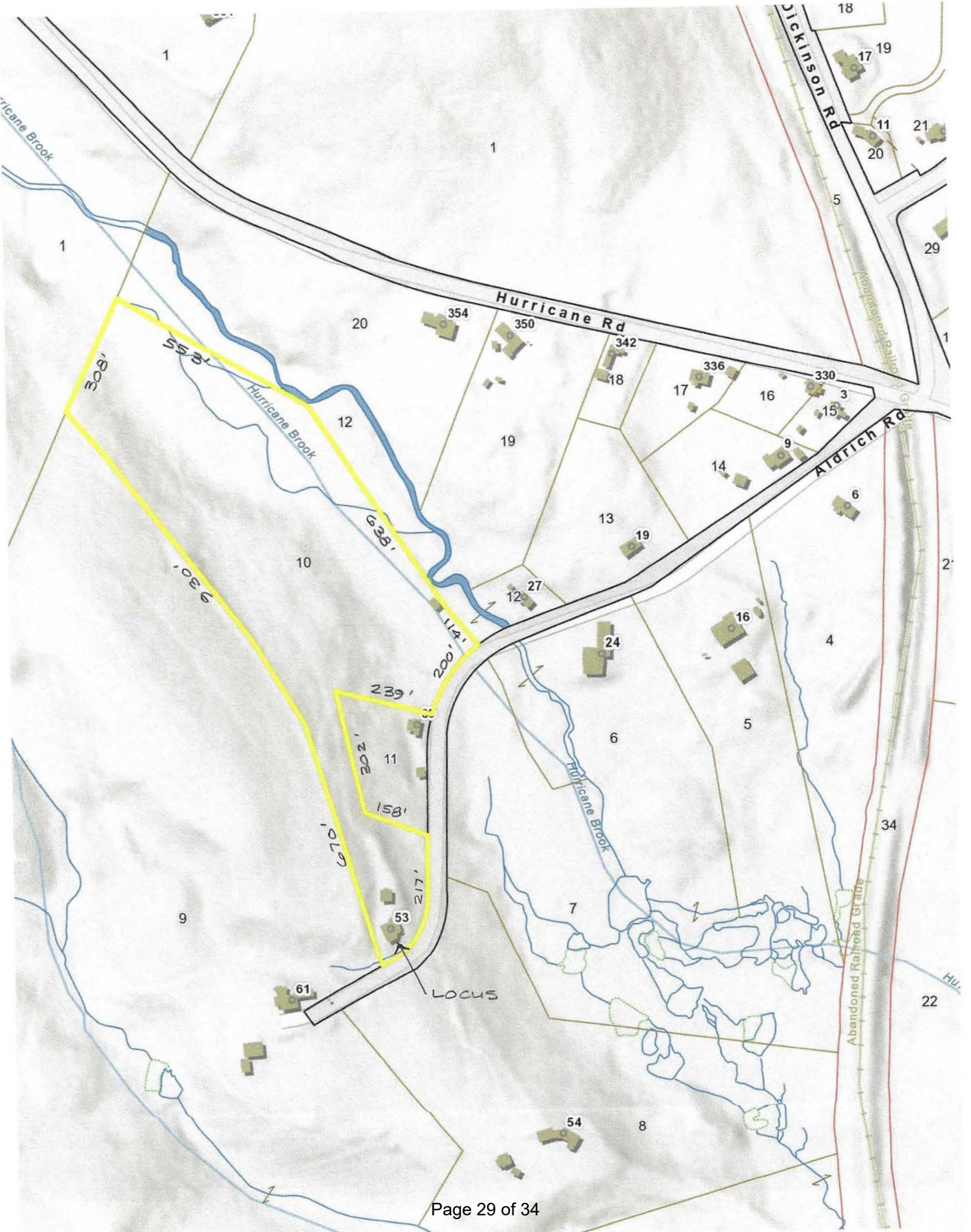
234-009-000
PARODY MARCIA A.
61 ALDRICH RD.
KEENE, NH 03431

234-011-000
SARFIELD CHRISTOPHER
DEMOND KATANNA
39 ALDRICH RD.
KEENE, NH 03431

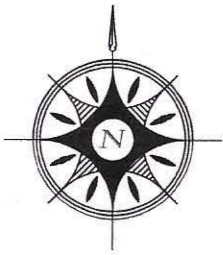
234-012-000
CLAY FAMILY REV TRUST
27 ALDRICH RD
KEENE, NH 03431

234-019-000
ALDERMAN KAY M.
350 HURRICANE RD.
KEENE, NH 03431

234-020-000
RHOADES MARK & SHARON REV.
TRUST
MARK E. & SHARON L. RHOADES
354 HURRICANE RD.
KEENE, NH 03431

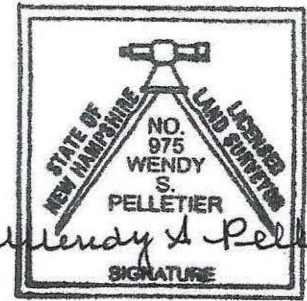


THIS IS NOT A BOUNDARY SURVEY

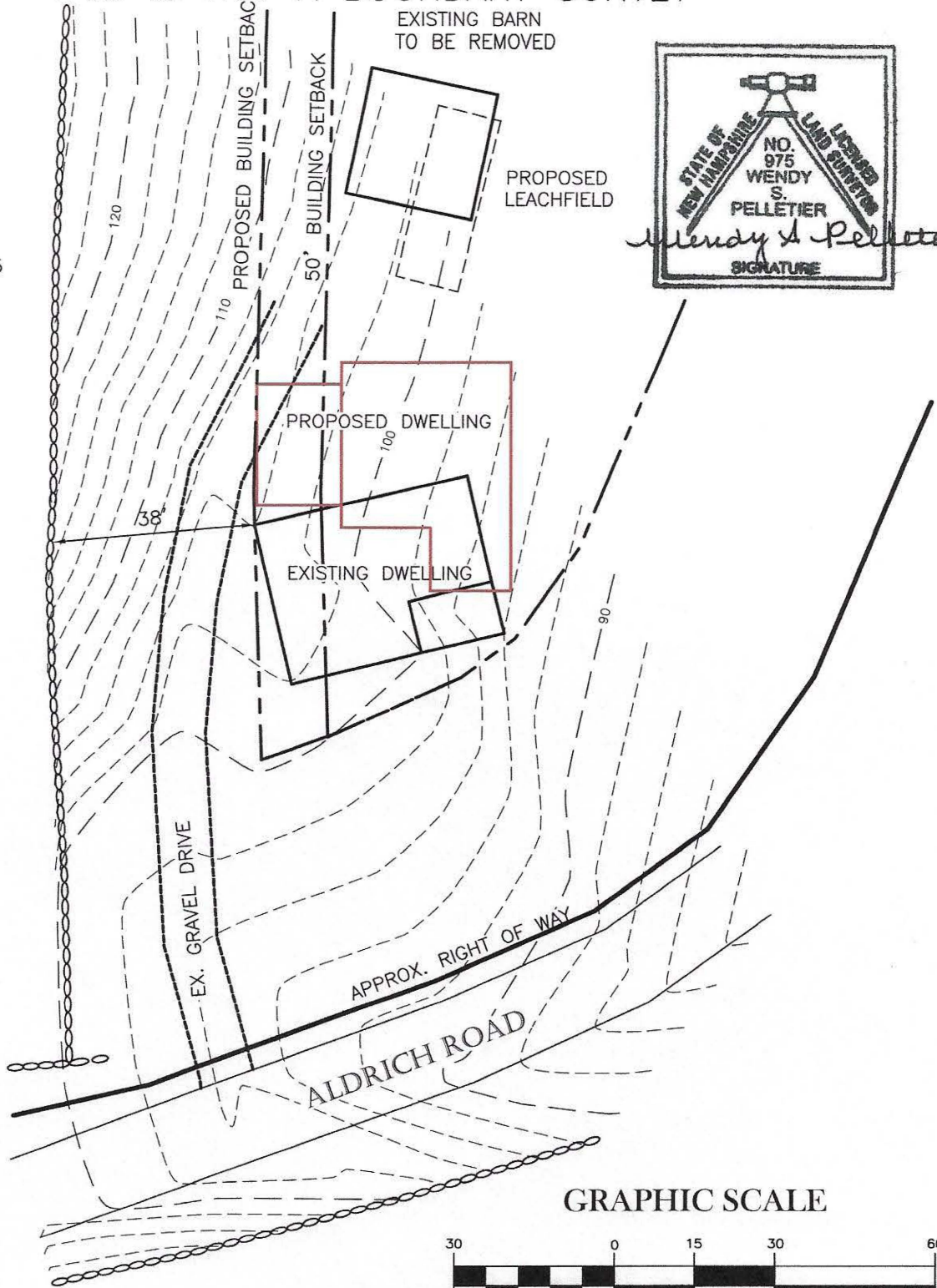


MAGNETIC MAR. 2025

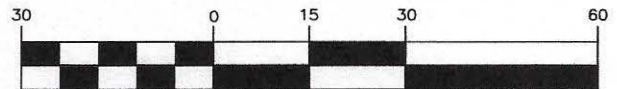
EXISTING BARN
TO BE REMOVED



PROPOSED
LEACHFIELD



GRAPHIC SCALE



(IN FEET)

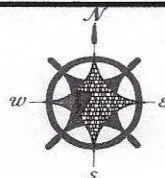
1 inch = 30 ft.

THIS IS NOT A RECORDABLE BOUNDARY PLAT.
THIS IS A SKETCH OF THE LOCATION OF EXISTING
STRUCTURES AND BUILDING SETBACKS FOR AN
APPLICATION TO THE ZBA.

JOB NO: 622A

SCALE: 1"=30'
DATE: MAR 18, 2025

PLOT PLAN
MARCIA PARODY
53 ALDRICH ROAD
KEENE, NH 03431



CARDINAL SURVEYING & LAND PLANNING
Sullivan, New Hampshire 03445
Tel. (603) 209-1989

114 Jordan Road
Keene, NH 03431

December 17, 2024

Keene City Council
City Clerk Office
Keene, NH 03431

Council Agenda Item:
Request for Annual Reports

Honorable Mayor and City Council:

A strength of our local government and community capabilities are the twenty-six Committees, Commissions, and Boards that make up the advisory service to the City staff and Council.

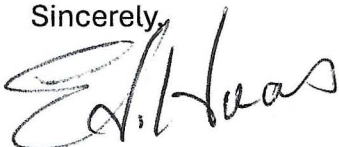
Unfortunately, many of these groups labor in quiet, without worthwhile public acknowledgement. Likewise, after a time some may have been concluded or no longer have relevance.

I ask the City Council to initiate a routine of each Commission, Board, or Committee presenting a brief annual report of their activities, accomplishments, challenges, and goals and ideas for the coming year. These reports could be as brief as desired by the submitters, and should be presented at a Council meeting, spaced out over the year for time efficiency.

The same annual reporting could at some time soon be extended to the Standing Committees as well as City departments.

I believe having this public forum will improve the visibility of the work done by these groups and will keep all Councilors aware of their accomplishments and goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Haas". The signature is written in a cursive, flowing style.

Ed Haas
Councilor-at-Large
603 633 8832



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: January 16, 2025
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Annual Reports of Boards and Commissions

Council Action:

In City Council January 16, 2025.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council request that City Boards and Commissions submit an annual report to the City Council on or about July 1st, 2025.

Attachments:

None

Background:

Councilor Haas stated he is before the committee on behalf of the volunteers who serve on of the various City Boards and Commissions. He felt these individuals don't get the recognition and appreciation they deserve. He stated he would like to call for an annual report from these various Bodies, giving them a chance to bring forward their challenges, their goals, and how they can do a better job in advising the city.

The Councilor also suggested deleting from the website those public bodies that don't meet anymore, such as the Agriculture Commission. He asked to resurrect the City College Commission. He felt the same extends to Standing Committees. He felt this could be a one-page description of what they did and what they want to do.

The Manager stated she likes the idea of requesting an annual report, but wasn't sure it can be required based on different statutes.

Councilor Lake felt it was a good idea to get periodic reports from the committees. He asked what the process for requesting these reports would look like. The City Manager suggested a motion be made that the Council requests annual reports from Boards and Commissions – staff can then pass that message along.

Councilor Jones began by thanking Councilor Haas for recognizing the City College Commission which the Councilor stated he had served on. He stated during the tenure of Mayor Lane there was a

process to obtain such reports from Board and Commissions. Further, it is a process that worked in the past and he felt it is something that could be accomplished by staff and the Mayor.

The Manager stated she did speak with the City Clerk about this and added it was a process to request all Bodies to come before Council and that is not what staff is proposing here. What staff is proposing now is an annual report and if there is a committee that Council would like to hear from, they could be requested to attend a Council meeting. In addition, there could be a topic the Council is deciding on and would like input from a specific Board or Commission, staff could also coordinate that.

Mayor Kahn addressed the committee and stated he wanted to assure the public that the City has on its website is information regarding all its Boards and Commissions. He indicated that recommendations that need to reach the Council are being conveyed to the Boards and Commissions. He felt that if staff could obtain this information in a less labor-intensive manner that would be prudent. He also suggested adding an expected date as well. With respect to the City College Commission, he noted there is a lot of dialogue that goes on between the City and the college. It is an important part of the City. He stated the City Manager and Mayor meet with college staff frequently and the college will be presenting their master plan to the Planning Board later this month. He stated there is continuing dialogue that happens with the college regarding housing, neighborhoods – there is Keene Police Officer working on neighborhood issues.

The Mayor indicated if there is purpose, it will be brought back to the City Council because that charge was written in 2008; it is a dated charge and needs to be refreshed if there is going to be an ongoing effort.

Councilor Chadbourne made the following motion, which was seconded by Councilor Lake.

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Council request that City Boards and Commissions submit an annual report to the City Council on or about July 1st, 2025.