

**Zoning Board of Adjustment**  
**Monday, November 1, 2021 6:30 p.m.**  
**City Hall Council Chambers**  
**3 Washington Street, 2<sup>nd</sup> Floor**

**AGENDA**

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

**ZBA 21-21:** Petitioner, PSNH, d/b/a Eversource, of 13 Legends Dr., Hooksett, requests a Variance for property located at 115 Park Ave., Tax Map #233-002-000-000-000 that is in the Conservation District. The Petitioner requests a Variance to permit a maximum impervious coverage not to exceed 23% where 20% is permitted in the Conservation District per Chapter 100, Article 7.3.3 of the Zoning Regulations.

**ZBA 21-22:** Petitioner, PSNH, d/b/a Eversource, of 13 Legends Dr., Hooksett, requests a Variance for property located at 115 Park Ave., Tax Map #233-002-000-000-000 that is in the Conservation District. The Petitioner requests a Variance to permit a 40 foot tall electrical enclosure, where 35 feet is permitted in the Conservation District per Chapter 100, Article 7.3.4 of the Zoning Regulations

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

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# 115 Park Ave. ZBA 21-21



Petitioner requests a Variance to permit maximum impervious coverage not to exceed 23% where 20% is permitted per Chapter 100, Article 7.3.3 of the Zoning Regulations.



**NOTICE OF HEARING**

**ZBA 21-21**

A meeting of the Zoning Board of Adjustment will be held on Monday, November 1, 2021 at 6:30 PM in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, PSNH, d/b/a Eversource, of 13 Legends Dr., Hooksett, requests a Variance for property located at 115 Park Ave., Tax Map #233-002-000-000-000 that is in the Conservation District. The Petitioner requests a Variance to permit a maximum impervious coverage not to exceed 23% where 20% is permitted in the Conservation District per Chapter 100, Article 7.3.3 of the Zoning Regulations.

This application is available for public review in the Community Development Department at City Hall, 3 Washington Street, Keene, NH 03431 between the hours of 8:00 am and 4:30 pm. or online at <https://ci.keene.nh.us/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk  
Notice issuance date October 22, 2021

# APPLICATION FOR APPEAL

Zoning Board of Adjustment  
3 Washington Street, Fourth Floor  
Keene, New Hampshire 03431  
Phone: (603) 352-5440

<b>For Office Use Only:</b>	
Case No.	<u>ZBA 21-21</u>
Date Filed	<u>10/15/21</u>
Received By	<u>GM</u>
Page	_____ of _____
Reviewed By	_____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

## TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

## **SECTION I - GENERAL INFORMATION**

Name(s) of Applicant(s) PSNH (DBA Eversource Energy) Phone: 603.634.3256  
Address 13 Legends Drive, Hooksett, NH 03106  
Name(s) of Owner(s) PSNH (DBA Eversource Energy)  
Address PO Box 270, Hartford, CT 06141-0270  
Location of Property 115 Park Avenue, Keene, NH 03431

## **SECTION II - LOT CHARACTERISTICS**

Tax Map Parcel Number 233-2 Zoning District Conservation (CON)  
Lot Dimensions: Front 271.52-ft Rear 544.28-ft Side 1,222.61-ft Side 2,768.41-ft  
Lot Area: Acres 15.28-ac Square Feet 665,710-sf  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 0.3% Proposed 0.8%  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 22% Proposed 23%  
Present Use Electric Transmission Substation  
Proposed Use Electric Transmission Substation

## **SECTION III - AFFIDAVIT**

I hereby certify that I am the owner 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.

 Date 9/14/2021  
(Signature of Owner or Authorized Agent)

Please Print Name Kurt Nelson, Sr. Land Use Licensing & Permitting Specialist, Eversource Energy

***APPLICATION FOR A VARIANCE***

- A Variance is requested from Section (s) 7.3.3 of the Zoning Ordinance to permit:  
a maximum impervious coverage not to exceed 23% where 20% is permitted in the Conservation (CON) Zoning District.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

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

Please see attached.

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

Please see attached.

3. Granting the variance would do substantial justice because:

Please see attached.

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

Please 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:

Please see attached.

and

ii. The proposed use is a reasonable one because:

Please 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.

Please see attached.



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

October 15, 2021

Joshua Gorman, Chairman  
City of Keene Zoning Board of Adjustment  
3 Washington Street, Fourth Floor  
Keene, NH 03431

Re: Variance Request - Keene Zoning Ordinance, Article 7, Section 7.3.3 – Maximum Impervious Lot Cover  
Eversource North Keene Substation  
115 Park Avenue, Keene, NH 03431  
Tax Map 233, Lot 2

### General Description

The ISO-New England (ISO-NE) Planning Advisory Committee has identified various reliability needs on the electric system in New Hampshire, broken into four geographical regions. In the western Region, ISO-NE has identified voltage and reliability concerns, which may result in voltage losses across the electric system. The North Keene Substation Project was chosen as the preferred project location to address these concerns, by providing dynamic voltage regulation and reliability across the system.

The project proposes electrical equipment upgrades within the existing North Keene Substation located on Tax Map 233, Lot 2 at 115 Park Avenue, to accommodate the construction of one (1) 40-foot-tall electrical enclosure, transformer, and additional electrical infrastructure upgrades. The new equipment will be used to regulate/balance the voltage on the electric power transmission grid serving the western New Hampshire Region. The construction of the proposed electrical equipment will be located within the existing gravel substation yard. In addition to the work within the yard, the project proposes to reconstruct a temporary gravel driveway to provide permanent access to the site and adjacent Utility Right-of-Way (ROW).

The existing site access is provided by a secure gravel drive through the City owned Wheelock Park, for which an Access Easement was granted at the time of the parcel's subdivision in 2014.

The existing stormwater management system will be enhanced to accommodate the permanent gravel driveway, to convey and treat stormwater runoff associated with impervious area in accordance with NHDES Alternation of Terrain (AoT) and City of Keene Regulations.

Relative to the improvements proposed, the applicant is respectfully requesting relief from Article 7, Section 7.3.3, to allow a maximum impervious coverage not to exceed 23% where 20% is permitted within the Conservation (CON) Zoning District. The existing impervious coverage is 22%, which accounts for the existing gravel access and parking areas along NH Route. 12.

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

To be contrary to the public interest, a variance must unduly and in a marked degree conflict with the zoning ordinance such that it violates the ordinance's basic zoning objectives. The requested variance to allow minimal additional lot coverage to provide safe, secure access to the substation and adjacent utility transmission corridor will not threaten the public health, safety or welfare, but will enhance it by allowing for timelier access to both locations to perform routine and emergency maintenance. Granting the variance for the minimal additional lot coverage associated with improvements for safe, secure site access would not alter the essential character of the locality, nor be contrary to the public interest as it facilitates the adequate provision of electricity, an essential public requirement.

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

The general purpose of the maximum lot coverage provision is to prevent adverse built conditions such as buildings taking up too much space given the lot size and context of its surroundings and to minimize stormwater runoff from impervious surfaces such as pavement or concrete which can have adverse impacts on water quality. Given the minimal increase in lot coverage to provide appropriate access improvements meeting safety and design standards set forth by the New Hampshire Department of Transportation (NHDOT) and the American Association of State Highway and Transportation Officials (AASHTO) and the appropriate provisions for stormwater management, granting relief would not frustrate the purpose of the ordinance and there would be no hazard to the health, safety or the general welfare of the public. The lot coverage presented is consistent with the spirit of the ordinance as there would be no negative cumulative impact on granting similar variances to others in the neighborhood who also share the same conditions as the subject property.

**3. Granting the variance would do substantial justice because:**

The guiding factor for substantial justice is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Under the specific design of the proposed site, the gain to the public will not outweigh the harm to the applicant as the public is protected equally in either case. The proposed infrastructure improvements and associated lot coverage will allow Eversource the ability to continue to use the property for the purposes of providing a safe, secure, substation built in accordance with National Electrical Safety Code (NESC) standards.

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

Specific to the variance requested, Eversource has continuously operated the site as an electrical substation dating back to 2014. As the industrial character of the site has already been established, the value of the surrounding properties already reflects the intended use and no diminution in value would be expected from the authorization of the requested 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 an 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:**

The overall purpose of the ordinance is to promote the health, safety, and general welfare of the public. Relief from the maximum impervious lot coverage criteria as specified by the ordinance can be provided without frustrating the purpose of the ordinance in that the overriding factor of the safety of the public is observed. The existing stormwater management system has been enhanced to provide adequate attenuation and treatment of stormwater runoff associated with the proposed impervious surfaces. Special conditions pertaining to this property that distinguish it from other properties includes; the existing use of the site as an electrical substation which requires an expansive gravel yard, its proximity to the existing transmission lines that need to be regulated, and the need for it to be located within the area it is intended to serve. Denial of the variance would result in an unnecessary hardship for the owner and would not promote a public interest.

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

The location and existing use of the property as an electrical substation makes the continued use of this property, to support an essential public utility, an appropriate selection. From a design standpoint, the proposed equipment to regulate and balance the voltage on the electric power transmission grid must be located at a transmission substation as well as be sited in the area it is intended to serve; this site accomplishes both objectives. Re-siting the substation elsewhere in the Town would not only create an economic hardship for the applicant but also present substantial electrical design challenges that could compromise the intent of the project.

- 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 the 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.**

This property is unique and has special conditions that meet the criteria of an unnecessary hardship as it is presently occupied by Eversource's North Keene Substation. A denial of this variance to provide appropriate access improvements to accommodate the proposed electrical infrastructure upgrades for the continued use of the property to serve its purpose as a conveyor of an essential public utility would negatively impact the ability of the property owner to have reasonable use of the lot.



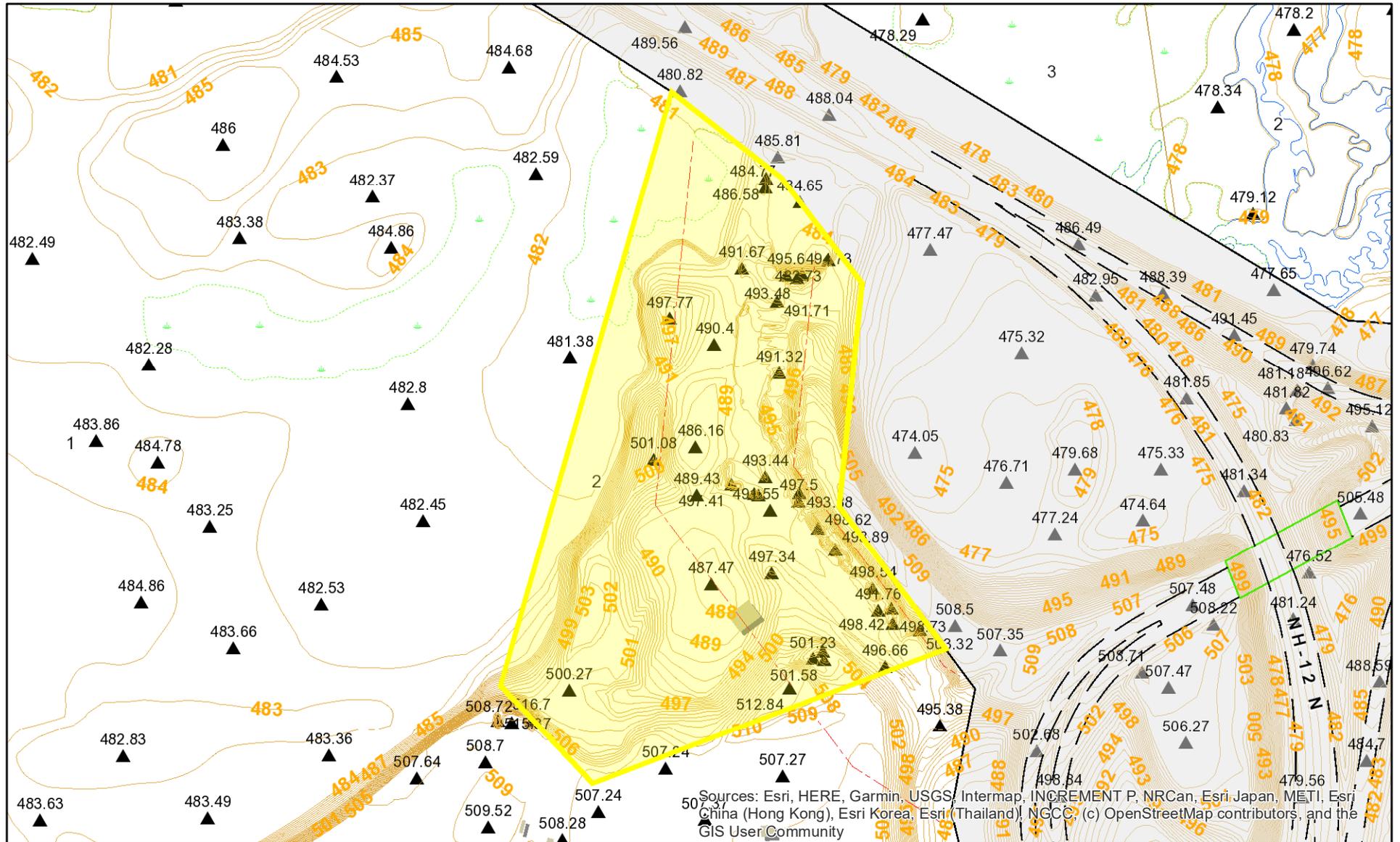
Keene, NH



October 21, 2021

1 inch = 275 Feet

www.cai-tech.com



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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# Eversource North Keene Substation Lot 233-2

Keene, NH

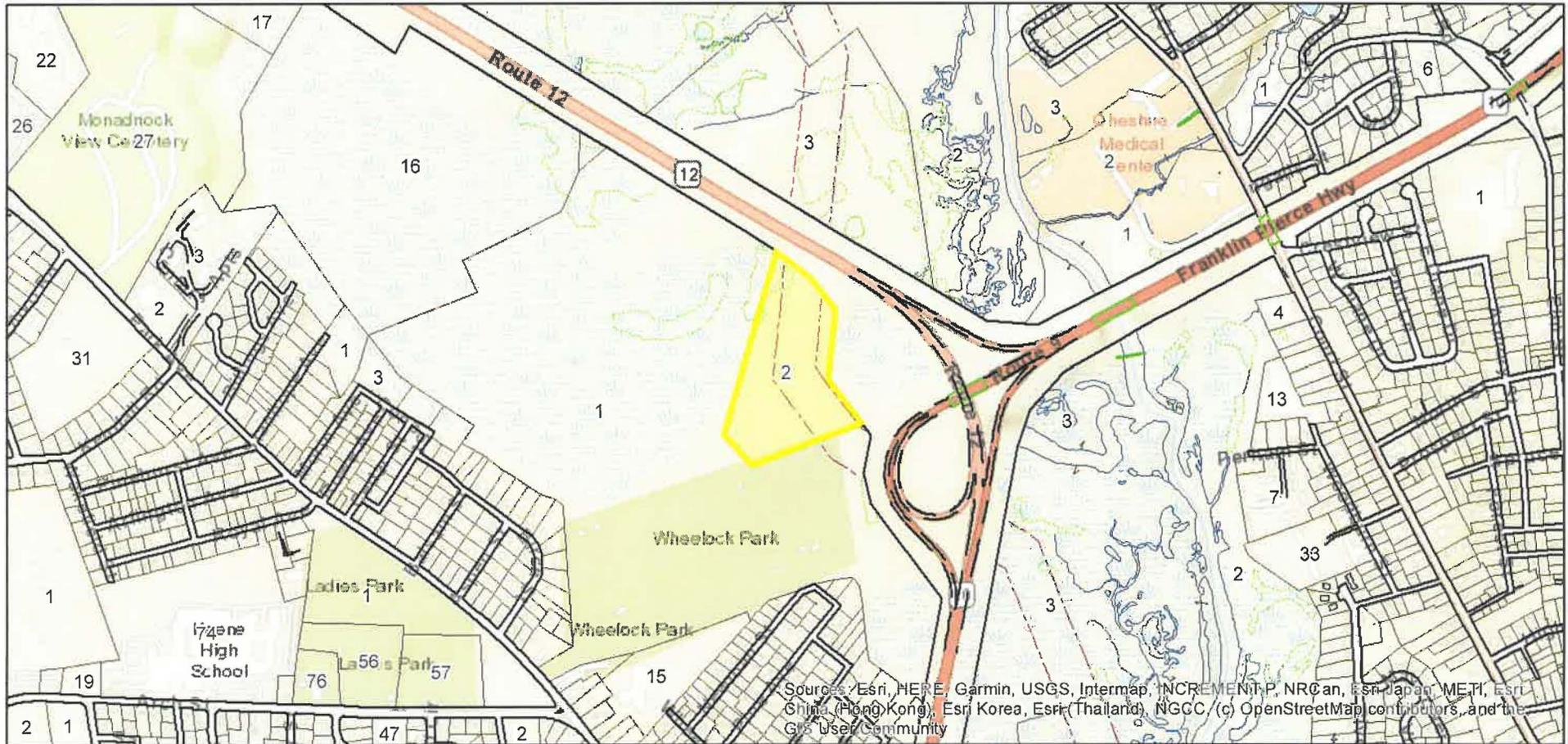


August 12, 2021

1 inch = 1000 Feet



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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Condo	Right of Way	PropNotPar	Wetland
PWater	Private Road ROW	Property Hook	WaterLines
Property Line	Utility	Property TIC	
Public Road	Bridge	RoadNotPar	

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# 115 PARK AVE.

**Location** 115 PARK AVE.

**Map/Lot #** 233 / 002/000 000/000

**Acct#** 233002000000000

**Owner** PSNH

**Building Name**

**Assessment** \$628,600

**Appraisal** \$628,600

**PID** 7123

**Building Count** 1

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$0	\$628,600	\$628,600

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$0	\$628,600	\$628,600

## Parcel Addresses

Additional Addresses
No Additional Addresses available for this parcel

## Owner of Record

**Owner** PSNH

**Sale Price** \$640,000

**Co-Owner**

**Book & Page** 2890/0484

**Address** PO BOX 270  
HARTFORD, CT 06141-0270

**Sale Date** 12/11/2014

## Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
PSNH	\$640,000	2890/0484	12/11/2014

## Building Information

**Year Built:**  
**Living Area:** 0  
**Replacement Cost:** \$0  
**Building Percent Good:**  
**Replacement Cost**  
**Less Depreciation:** \$0

**Building Photo**

 Building Photo  
 (http://images.vgsi.com/photos2/KeeneNHPhotos/default.jpg)

**Building Layout**

(ParcelSketch.ashx?pid=7123&bid=7123)

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade	
Stories	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Floor 1	
Interior Floor 2	
Heat Fuel	
Heat System	
AC	
Bedrooms	
Full Baths	
Half Baths	
Extra Fixtures	
Additional Stacks	
Daylight Basement	
ADU	
Bsmt Garage	
MH Park	
FBLA	
WBFP Stacks	
Prefab Fireplace	
WBFP Openings	
Usrfid 300	
Usrfid 301	

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

**Extra Features**

**Legend**

No Data for Extra Features

**Land**

**Land Use**

**Use Code** 400  
**Description** Utility  
**Zone** CON  
**Category**

**Land Line Valuation**

**Size (Acres)** 15.28  
**Depth**  
**Assessed Value** \$628,600  
**Appraised Value** \$628,600

**Outbuildings**

**Outbuildings**

**Legend**

No Data for Outbuildings

**Valuation History**

**Appraisal**

Valuation Year	Improvements	Land	Total
2020	\$0	\$628,600	\$628,600

**Assessment**

Valuation Year	Improvements	Land	Total
2020	\$0	\$628,600	\$628,600

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Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Scientists

Project Title: Eversource Energy North Keene Substation		DHR R&C #:
RPR FORM RPR PHOTO LOG		
Photo #	NH DHR Inventory # and/or locational information; Include a brief description of the photograph if necessary.	
1	Existing gated gravel access drive, looking northwest from Wheelock Park	
2	Existing gravel access drive, looking southwest towards Wheelock Park	
3	Existing gravel access drive and substation yard entrance, looking northeast towards substation	
4	Existing Eversource Energy North Keene Substation, looking northeast towards substation yard	
5	Existing substation yard and area of proposed electrical enclosure, looking northeast towards substation yard	
6	Existing substation yard, looking northwest towards substation	
7	Existing stormwater management area, looking northwest towards utility corridor	
8	Existing Utility ROW gravel access drive, looking northwest along Utility ROW	
9	Existing substation yard, looking south from gravel access drive	
10	Existing Utility ROW (left) and substation yard (right) looking southeast along Utility ROW	
11	Existing gravel access drive to NH Rt. 12, looking north towards NH Rt. 12 along Utility ROW	
12	Existing gravel access drive and parking area along NH Rt. 12, looking southeast towards Utility ROW	
13	Existing gravel access drive along NH Rt. 12, looking northwest along NH Rt. 12	
14	Google Aerial Imagery of Lot 233-2; boundary shown in blue, existing substation yard shown in red	



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

## Eversource Energy North Keene Substation – Site Photographs

Photo 1



Existing gated gravel access drive, looking northwest from Wheelock Park

Photo 2



Existing gravel access drive, looking southwest towards Wheelock Park



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 3



Existing gravel access drive and substation yard entrance, looking northeast towards substation

Photo 4



Existing Eversource Energy North Keene Substation, looking northeast towards substation yard



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 5



Existing substation yard and area of proposed electrical enclosure, looking northeast towards substation yard

Photo 6



Existing substation yard, looking northwest towards substation



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 7



Existing stormwater management area, looking northwest towards utility corridor

Photo 8



Existing Utility ROW gravel access drive, looking northeast along Utility ROW



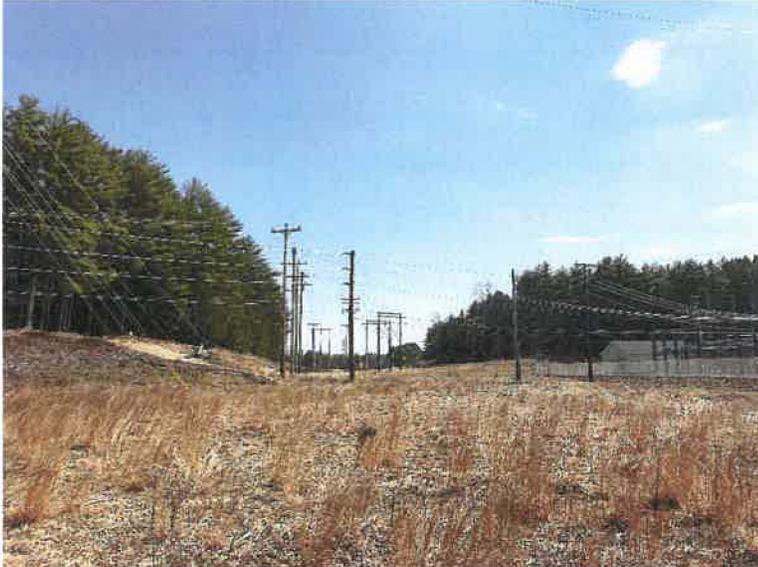
Civil Engineers  
Structural Engineers  
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Land Surveyors  
Landscape Architects  
Scientists

Photo 9



Existing substation yard, looking south from gravel access drive

Photo 10



Existing Utility ROW (left) and substation yard (right) looking southeast along Utility ROW



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 11



Existing gravel access drive to NH Rt. 12, looking north towards NH Rt. 12 along Utility ROW

Photo 12



Existing gravel access drive and parking area along NH Rt. 12, looking southeast towards Utility ROW



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 13



Existing gravel access drive along NH Rt. 12, looking northwest along NH Rt. 12



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

Photo 14



Google Aerial Imagery of Lot 233-2; boundary shown in blue, existing substation yard shown in red.

Eversource Energy North Keene Substation  
ZBA Variance Application  
115 Park Avenue, Keene, NH 03431  
Tax Map 233, Lot 2

115 Park Ave.  
ZBA 21-22



Petitioner requests a Variance to permit a 40 foot tall electrical enclosure where 35 feet is permitted per Chapter 100, Article 7.3.4 of the Zoning Regulations.



**NOTICE OF HEARING**

**ZBA 21-22**

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Corinne Marcou, Zoning Clerk  
Notice issuance date October 22, 2021

# APPLICATION FOR APPEAL

Zoning Board of Adjustment  
3 Washington Street, Fourth Floor  
Keene, New Hampshire 03431  
Phone: (603) 352-5440

### For Office Use Only:

Case No. ZBA 21-22  
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Page \_\_\_\_\_ of \_\_\_\_\_  
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- APPLICATION FOR CHANGE OF A NONCONFORMING USE
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Address 13 Legends Drive, Hooksett, NH 03106  
Name(s) of Owner(s) PSNH (DBA Eversource Energy)  
Address PO Box 270, Hartford, CT 06141-0270  
Location of Property 115 Park Avenue, Keene, NH 03431

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Lot Area: Acres 15.28-ac Square Feet 665,710-sf  
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 0.3% Proposed 0.8%  
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 22% Proposed 23%  
Present Use Electric Transmission Substation  
Proposed Use Electric Transmission Substation

### SECTION III - AFFIDAVIT

I hereby certify that I am the owner 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.

 Date 9/14/2021  
(Signature of Owner or Authorized Agent)

Please Print Name Kurt Nelson, Sr. Land Use Licensing & Permitting Specialist, Eversource Energy

***APPLICATION FOR A VARIANCE***

- A Variance is requested from Section (s) 7.3.4 of the Zoning Ordinance to permit:  
An 40-foot tall electrical enclosure, where 35-feet is permitted in the Conservation (CON) Zoning District.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

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

Please see attached.

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

Please see attached.

3. Granting the variance would do substantial justice because:

Please see attached.

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

Please 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:

Please see attached.

and

ii. The proposed use is a reasonable one because:

Please 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.

Please see attached.



Civil Engineers  
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 Scientists

October 15, 2021

Joshua Gorman, Chairman  
 City of Keene Zoning Board of Adjustment  
 3 Washington Street, Fourth Floor  
 Keene, NH 03431

Re: Variance Request - Keene Zoning Ordinance, Article 7, Section 7.3.4 – Maximum Building Height  
 Eversource North Keene Substation  
 115 Park Avenue, Keene, NH 03431  
 Tax Map 233, Lot 2

**General Description**

The ISO-New England (ISO-NE) Planning Advisory Committee has identified various reliability needs on the electric system in New Hampshire, broken into four geographical regions. In the western Region, ISO-NE has identified voltage and reliability concerns, which may result in voltage losses across the electric system. The North Keene Substation Project was chosen as the preferred project location to address these concerns, by providing dynamic voltage regulation and reliability across the system.

The project proposes electrical equipment upgrades within the existing North Keene Substation located on Tax Map 233, Lot 2 at 115 Park Avenue, to accommodate the construction of one (1) 40-foot-tall electrical enclosure, transformer, and additional electrical infrastructure upgrades. The new equipment will be used to regulate/balance the voltage on the electric power transmission grid serving the western New Hampshire Region. The construction of the proposed electrical equipment will be located within the existing gravel substation yard. In addition to the work within the yard, the project proposes to reconstruct a temporary gravel driveway to provide permanent access to the site and adjacent Utility Right-of-Way (ROW).

The existing stormwater management system will be enhanced to accommodate the permanent gravel driveway, to convey and treat stormwater runoff associated with impervious area to meet NHDES Alternation of Terrain (AoT) and City of Keene Regulations.

Relative to the improvements proposed, the applicant is respectfully requesting relief from Article 7, Section 7.3.4, to allow a maximum structure height not to exceed 40-feet where 35-feet is permitted within the Conservation (CON) Zoning District.

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

To be contrary to the public interest, a variance must unduly and in a marked degree conflict with the zoning ordinance such that it violates the ordinance’s basic zoning objectives. Undue and marked conflict exists if granting the variance would “alter the essential character of the neighborhood” or “threaten the public health, safety, or welfare”.

The height of the proposed electrical enclosure will not create hazards to the health, safety, or general welfare of the public. While the structure is greater in height than a standard single-story building, the required dimension is dictated by the required clear-distance between the electrical equipment and the structure which houses the units. The space above the equipment is not occupied and the building consists of only one story. As such, the additional height does not create a need for emergency responders to reach upper elevations of the structure for life safety.

The requested variance will allow for electrical upgrades for a safe, secure transmission substation with the purpose of providing an essential service to the general public. Granting the variance would not alter the

essential character of the locality as the site has been utilized for an essential public utility since construction in 2014 and the site currently consists of existing utility structures in excess of the requested 40-feet in height. The site is abutted by City owned property on three sides and NH Route 12 to the north. As such, the requested variance will not negatively impact visual sightlines of residential abutting properties.

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

It is assumed the general intent of any height restriction is to secure public safety and provide for appropriate emergency response, provide adequate circulation of light and air, and to protect the character of districts and the interests of the general public in important views. As previously stated, life safety issues are mitigated by the structure having no occupied space above a single-story, and in that the use of the site as an essential public utility electric substation has already been established, the proposed enclosure will have no negative impact on the character of the surrounding area.

The variance request fits within the spirit of the Zoning Ordinance in that the request will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood. Granting the variance would not be contrary to the public interest as it will facilitate the adequate provision of electricity, an essential public requirement.

**3. Granting the variance would do substantial justice because:**

The guiding factor for substantial justice is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Under the specific design of the proposed electrical enclosure, the gain to the public will not outweigh the harm to the applicant as the public is protected equally in either case. The proposed infrastructure improvements will allow Eversource the ability to continue to use the property for the purposes of providing a safe, secure, substation built in accordance with National Electrical Safety Code (NESC) standards.

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

Specific to the variance requested, Eversource has continuously operated the site as an electrical substation dating back to 2014. As the public utility character of the site has already been established, the value of the surrounding properties already reflects the intended use. As previously stated, the subject parcel does not have residential abutters, and no diminution in value would be expected from the authorization of the requested 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 an 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:**

The general purpose of the height limitation is to secure safety, to provide adequate circulation of light and air, and to protect the character of districts and the interests of the general public in important views. In that the height of the structure is a function of providing appropriate clearance distance from the proposed electrical equipment within the structure to the roof of the structure, its construction requires the height specified to accommodate the proposed electrical improvements.

Relief from the maximum structure height criteria as specified by the ordinance can be provided without frustrating the purpose of the ordinance in that the overriding factor of the safety of the public is observed. Special conditions pertaining to this property that distinguish it from other properties includes; the existing use of the site as an electrical substation within the Conservation Zoning District, its proximity to the existing transmission lines that need to be regulated, and the need for it to be located within the area it is intended to serve. Denial of the variance would result in an unnecessary hardship for the owner and would not promote a public interest.

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

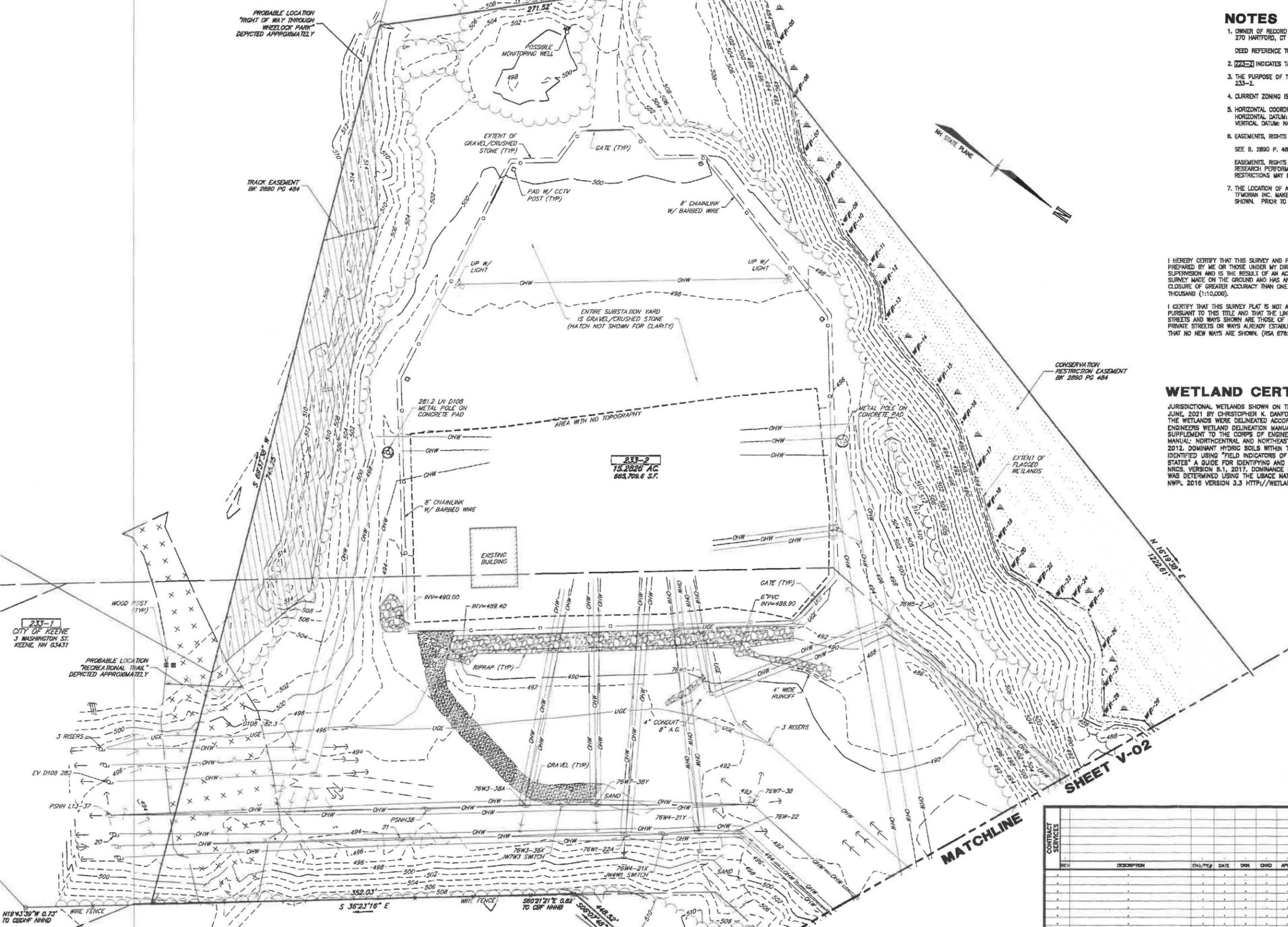
The location and existing use of the property as an electrical substation makes the continued use of this property, to support an essential public utility, an appropriate selection. From a design standpoint, the proposed equipment to regulate and balance the voltage on the electric power transmission grid must be located at a transmission substation as well as sited in the area it is intended to serve; this site accomplishes both objectives. Re-siting the substation elsewhere in the City would not only create an economic hardship for the applicant but also present substantial electrical design challenges that could compromise the intent of the project.

- 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 the 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.**

This property is unique and has special conditions that meet the criteria of an unnecessary hardship as it is presently occupied by Eversource's North Keene Substation. A denial of this variance to provide an appropriately sized structure to accommodate the proposed electrical infrastructure upgrades for the continued use of the property to serve its purpose as a conveyor of an essential public utility would negatively impact the ability of the property owner to have reasonable use of the lot.

9/16/2021 3:08 PM - F:\T.M. Projects\02568 - Eversource - North Keene Survey\02568-00\_CSD\PRODUCTION\NET\02568-00\_Survey\_Plot.dwg - Existing V-01  
 EVERSOURCE WEB: 04/7/15

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**REFERENCE PLANS**

- PUBLIC SERVICE OF NEW HAMPSHIRE SUBDIVISION PLAN OF LAND OFF PARK AVENUE MAP 612 BLOCK 17 LOT 18.0100 IN KEENE, NEW HAMPSHIRE 2/12/2014 AND LAST REVISED 10/23/14 BY V.H.B. C.C.R.D. PLAN #14114.
- PUBLIC SERVICE OF NEW HAMPSHIRE ACCESS EASEMENT PLAN OFF PARK AVENUE MAP 612 BLOCK 17 LOT 18.0100 IN KEENE, NEW HAMPSHIRE 10/23/14 BY V.H.B. C.C.R.D. PLAN #14115.

**NOTES**

- OWNER OF RECORD OF MAP 233 LOT 2 IS PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE PO BOX 270 HARTFORD, CT 06141-0270.  
DEED REFERENCE TO PARCEL IS BK. 2890 PG. 484 IN THE CORD.
- 233-2 INDICATES TAX MAP, BLOCK AND LOT NUMBER.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF AN EXISTING CONDITIONS SURVEY OF LOT 233-2.
- CURRENT ZONING IS CON- CONSERVATION DISTRICT.
- HORIZONTAL COORDINATES: PROJECTION: NH STATE PLANE  
HORIZONTAL DATUM: NAD 83/98  
VERTICAL DATUM: NAVD 1988
- EASEMENTS, RIGHTS AND RESTRICTIONS  
SEE B. 2890 P. 484 IN THE CORD.  
EASEMENTS, RIGHTS AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS. OTHER EASEMENTS, RIGHTS OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF THE SUBJECT PARCELS WOULD DETERMINE.
- THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 811.

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN TEN THOUSAND (1:10,000).  
 I CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN. (RSA 676:18-B)



10/15/2021

**WETLAND CERTIFICATION**

JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN WERE DELINEATED ON JUNE, 2021 BY CHRISTOPHER K. DANFORTH CWS #077. THE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1987) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH-CENTRAL AND NORTH-EAST REGION, VERSION 2, JANUARY 2012. DOMINANT HYDRIC SOILS WITHIN THE WETLAND(S) WERE IDENTIFIED USING "FIELD INDICATORS OF HYDRIC SOILS OF THE UNITED STATES" A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, NRCS, VERSION 8.1, 2017. DOMINANCE OF HYDROPHYTIC VEGETATION WAS DETERMINED USING THE USACE NATIONAL WETLAND PLANT LIST, NWPL, 2016 VERSION 3.3 HTTP://WETLAND\_PLANTS.USACE.ARMY.MIL



**SHEET V-02**

**MATCHLINE**

**TFM** CIVIL Engineers 48 Constitution Drive  
 Structural Engineers Bedford, NH 03110  
 Traffic Engineers Phone (603) 472-4488  
 Land Surveyors Fax (603) 472-9747  
 Landscape Architects www.tfmoran.com  
 Scientists ITCM Proj: 82566.00

TOPOGRAPHIC EXISTING CONDITIONS PLAN		T	#
<b>EVERSOURCE ENERGY</b>		DRAWN	JAT
NEW HAMPSHIRE		DESIGNED	-
TAX MAP 233 LOT 2 115 PARK AVENUE KEENE, NEW HAMPSHIRE NORTH KEENE SUBSTATION		CHECKED	HGM
		APPROVED	HGM
		DATE	7/30/21
SCALE 1"=40'	FILE: 02568-00 SURVEY-NET.DWG	DRAWING NO.	V-01

REV	DESCRIPTION	DATE	DRN	CHD	APPR



# VARIANCES

THE FOLLOWING VARIANCES FROM THE CITY OF KEENE ZONING ORDINANCE ARE REQUESTED FROM THE ZONING BOARD OF ADJUSTMENT:

- ARTICLE 7, SECTION 7.3.3 - MAXIMUM IMPERVIOUS COVERAGE  
TO PERMIT A MAXIMUM IMPERVIOUS COVERAGE NOT TO EXCEED 23% WHERE 20% IS ALLOWABLE
- ARTICLE 7, SECTION 7.3.4 - MAXIMUM BUILDING HEIGHT  
TO PERMIT A MAXIMUM STRUCTURE HEIGHT NOT TO EXCEED 40-FT WHERE 35-FT IS ALLOWABLE

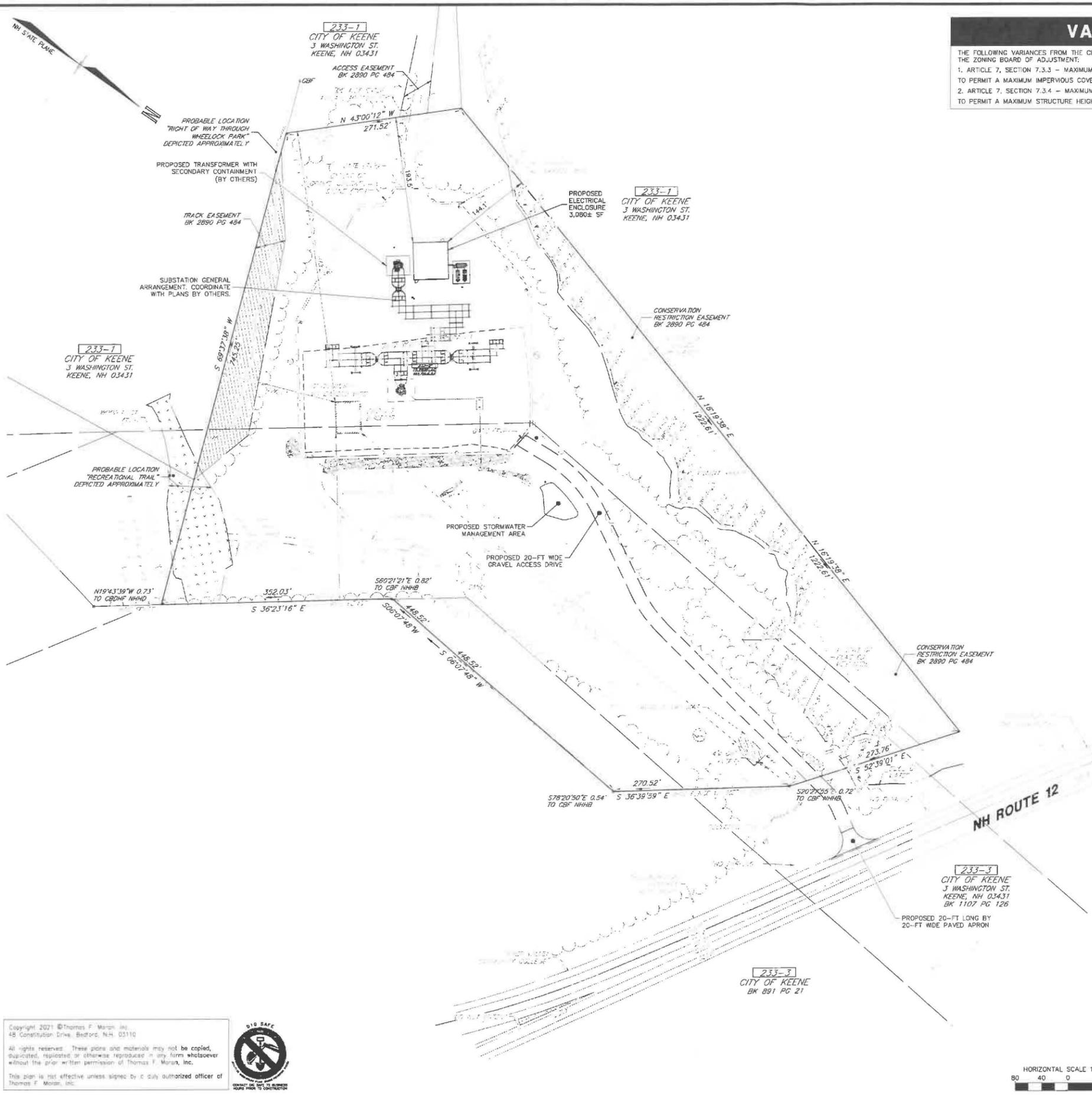


## NOTES

- OWNER OF RECORD OF MAP 233 LOT 2: PUBLIC SERVICE CO OF NH, PO BOX 270, HARTFORD, CT 06141-0270  
DEED REFERENCE TO PARCEL IS BK 2890 PG 484  
AREA OF PARCEL = 865.710± SF OR 15.3± ACRES
- THE PURPOSE OF THIS PLAN IS TO CONSTRUCT AN ELECTRICAL ENCLOSURE, INSTALL ELECTRIC EQUIPMENT UPGRADES AND RECONSTRUCT A GRAVEL ACCESS DRIVEWAY AT THE EXISTING EVERSOURCE ENERGY NORTH KEENE SUBSTATION.
- CURRENT ZONING IS CONSERVATION (CON) ZONING DISTRICT.
 

	REQUIRED	EXISTING/PROPOSED
MIN. LOT SIZE:	5.0 ACRES	15.3 ACRES/15.3 ACRES
MIN. LOT FRONTAGE:	50'	273.75'(NH ROUTE 12)
MIN. BUILDING SETBACKS:		
FRONT	50'	850.5'/850.5'
SIDE	50'	175.7'/144.1'
REAR	50'	418.2'/193.5'
MAX. BUILDING COVERAGE	10%	0.3%/0.6%
MAX. LOT COVERAGE:	20%	22%/23%
MAX. STORIES ABOVE GRADE:	2-STORIES	1-STORY/1-STORY
MAX. BUILDING HEIGHT:	35'	20'/40'

\*VARIANCE REQUESTED
- PARKING CALCULATIONS:  
REQUIRED: NOT REQUIRED BY ORDINANCE  
PROPOSED: ADEQUATE PARKING PROVIDED WITHIN SUBSTATION YARD.
- EXAMINATION OF THE FEMA FLOOD INSURANCE RATE MAP FOR CHESHIRE COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) MAP NUMBER 33005C0258E, EFFECTIVE DATE: MAY 23, 2006, INDICATES THAT A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN A FLOOD HAZARD AREA (ZONE X).
- IN THE EVENT THAT THE SNOW STORAGE AREAS PROVIDED ON THE SITE ARE COMPLETELY UTILIZED, EXCESS SNOW SHALL BE TRANSPORTED OFF SITE FOR DISPOSAL IN ACCORDANCE WITH N.H.D.E.S. REGULATIONS.
- THE CONTRACTOR SHALL BID AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL CODES, SPECIFICATIONS, REGULATIONS AND STANDARDS.
- WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN CASE OF CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWING AND/OR SPECIFICATION, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY TFMORAN, INC., DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE SEAL OF THE SURVEYOR OR ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PREPARE OR OBTAIN THE APPROPRIATE SAFETY SYSTEMS WHICH MAY BE REQUIRED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND/OR LOCAL REGULATIONS.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND ALL SURROUNDING CONDITIONS. THE CONTRACTOR SHALL ADVISE THE APPROPRIATE AUTHORITY OF HIS INTENTIONS AT LEAST 48 HOURS IN ADVANCE.
- THE CONTRACTOR SHALL MAINTAIN EMERGENCY ACCESS TO ALL AREAS AFFECTED BY HIS WORK AT ALL TIMES.
- LIGHTING, SIGNAGE, LANDSCAPING, AND SCREENING SHALL MEET THE REQUIREMENTS OF THE TOWN OF KEENE ZONING ORDINANCE AND SITE PLAN REGULATIONS.
- SITE WORK SHALL BE CONSTRUCTED FROM A COMPLETE SET OF PLANS, NOT ALL FEATURES ARE DETAILED ON EVERY PLAN. THE ENGINEER SHALL BE NOTIFIED OF ANY CONFLICT WITHIN THIS PLAN SET.
- IN THE EVENT OF A CONFLICT BETWEEN PLANS, SPECIFICATIONS, AND DETAILS, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATION.
- IF CONDITIONS AT THE SITE ARE DIFFERENT THAN SHOWN ON THE PLANS, THE ENGINEER SHALL BE NOTIFIED PRIOR TO PROCEEDING WITH THE AFFECTED WORK.
- THESE PLANS WERE PREPARED UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER. TFMORAN, INC. ASSUMES NO LIABILITY AS A RESULT OF ANY CHANGES OR NON-COMFORMANCE WITH THESE PLANS EXCEPT UPON THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD.
- TFMORAN, INC. ASSUMES NO LIABILITY FOR WORK PERFORMED WITHOUT AN ACCEPTABLE PROGRAM OF TESTING AND INSPECTION AS APPROVED BY THE ENGINEER OF RECORD.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF KEENE CONSTRUCTION STANDARDS AND DETAILS (LATEST ADDITION). THESE CONSTRUCTION STANDARDS SHALL TAKE PRECEDENCE IN THE EVENT OF CONFLICTS BETWEEN PLANS, DETAILS OR OTHER DRAWINGS.



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**TFM** Civil Engineers  
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Traffic Engineers  
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Landscape Architects  
Scientists

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TFM Proj: 82566-01

ZONING SITE LAYOUT PLAN		T	#
<b>EVERSOURCE ENERGY</b>		DRWN	JB
		ENGR	JB
NEW HAMPSHIRE		CHECKED	NG
TAX MAP 233 LOT 2 115 PARK AVENUE KEENE, NH 03431 NORTH KEENE SUBSTATION		APPROVED	NG
SCALE 1"=80'		DATE	10/15/21
FILE: 82566-01_DETCON_LAYOUT.DWG		DRAWING NO. <b>FIGURE 1</b>	

REV	DESCRIPTION	ENG/PL#	DATE	DRN	CHKD	APPR



