

**Zoning Board of Adjustment
Monday, March 7, 2022 6:30 p.m.
City Hall Council Chambers
3 Washington Street, 2nd Floor**

AGENDA

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: February 7, 2022
- III. Unfinished Business:
- IV. Hearings:

ZBA 22-03: Petitioner, Norman Miller, Jr. & Rebecca Miller, requests a Variance for property located at 1 Tanner Road, Tax Map #558-055-000-000-000 that is in the Low Density District. The Petitioner requests a Variance to install the in-ground pool/patio and utility pad five feet from the rear and five feet from the side of the property, per Chapter 100, Article 3.3.2 of the Zoning Regulations.

ZBA 22-04: Petitioner, G2 Holdings, of 250 North Street, Jaffrey, NH, requests a Special Exception for property located at 0 Route 9, Keene, Tax Map #21-007-000-000-000 that is in the Rural District. The Petitioner requests a Special Exception to permit a gravel pit use as defined in Chapter 100, Article 8.3.6.F, per Article 3.1.5, Permitted Uses in the Rural District of the Zoning Regulations.

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

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1 City of Keene
2 New Hampshire

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5 ZONING BOARD OF ADJUSTMENT
6 MEETING MINUTES
7

8 **Monday, February 7, 2022**

6:30 PM

**Council Chambers
City Hall**

Members Present:

Joshua Gorman, Chair
Joseph Hoppock, Vice Chair
Michael Welsh
Richard Clough
Jane Taylor

Staff Present:

John Rogers, Zoning Administrator
Corinne Marcou, Zoning Clerk
Michael Hagan, Plans Examiner

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10
11 **I) Introduction of Board Members**
12

13 Chair Gorman called the meeting to order at 6:30 PM and explained the procedures of the
14 meeting. He welcomed new member Richard Clough. Roll call was conducted.
15

16 **II) Voting Chair and Vice Chair for 2022**
17

18 Ms. Taylor nominated Josh Gorman as Chair. Mr. Welsh seconded the motion, which passed by
19 unanimous vote.
20

21 Mr. Welsh nominated Mr. Hoppock as Vice Chair. Mr. Clough seconded the motion, which
22 passed by unanimous vote.
23

24 **III) Minutes of the Previous Meeting December 6, 2021**
25

26 Ms. Taylor stated that a notation at the bottom of the draft meeting minutes says “Reviewed and
27 edited by Jane Taylor, Board Member.” She continued that to be clear, she read the minutes only
28 to look for typos so she would not take up meeting time by going line by line and saying, for
29 instance, “It should say ‘of’ instead of ‘or.’” She would not want anyone to think she actually
30 edited the minutes. Chair Gorman thanked her for the clarification and for proofreading.
31

32 Mr. Hoppock made a motion to approve the meeting minutes of December 6, 2021. Chair
33 Gorman seconded the motion, which passed with a vote of 4 to 0. Chair Gorman stated that Mr.
34 Clough would not vote on this because he was not a Board member at the December 6 meeting.

35 **IV) Unfinished Business**

36

37 Chair Gorman asked staff if there is any unfinished business. John Rogers, Zoning
38 Administrator, replied that the Rules of Procedure would be addressed later on in the agenda.

39

40 **V) Hearings**

41

42 **A) ZBA 22-01: Petitioner, Jessica Aguirre, 164 Mountain Rd., Greenfield, NH,**
43 **requests a Variance for property located at 127 Cross Street, Tax Map #554-034-**
44 **000-000-000 that is in the High Density District. The Petitioner requests a Variance**
45 **to permit the conversion of a multi-family dwelling with three units into a multi-**
46 **family dwelling with four units on a lot size of 10,800 sq. ft. where 21,000 sq. ft. is**
47 **required per Chapter 100, Article 3.6.2 of the Zoning Regulations.**

48

49 Chair Gorman asked to hear from staff. Michael Hagan, Plans Examiner, stated that this is a pre-
50 existing, non-conforming, 3-family unit, located in the High Density District. He continued that
51 one needs 6,000 square feet for the first unit and 5,000 square feet for every additional unit.
52 Currently, the applicant has 10,800 square feet. Right now it would require 16,000 for the three
53 units that currently exist. It is a legally non-conforming lot.

54

55 Mr. Welsh asked if a Variance was applied for and approved for it to have the three dwelling
56 units. Mr. Hagan replied that there was no Variance; it was a pre-existing nonconformity.

57

58 Mr. Hoppock asked about the parking. Mr. Hagan replied that he believes the applicant has a
59 plan. He continued that [the City] has aerial views that show onsite parking for what is there
60 now. There is a plan on file that they can ask questions about when the applicants are applying
61 for four units. Chair Gorman asked Mr. Hagan what the required parking would be for four
62 units. Mr. Hagan replied eight spaces.

63

64 Chair Gorman asked if Board members had more questions for Mr. Hagan. Hearing none, he
65 asked to hear from the applicant.

66

67 Jessica Aguirre introduced her husband, Nicholas Roga, and stated that they live at 164
68 Mountain Rd., Greenfield, NH. She continued that they recently purchased 127 Cross St.,
69 Keene, and intend it to be their primary residence. The property currently has tenants who had a
70 condominium lined up but that fell through at the last minute, and she and her husband did not
71 want to kick them out, so they are waiting to move in.

72

73 Ms. Aguirre stated that she and her husband just closed on 127 Cross St. and they are submitting
74 this request to the Board because the property is a large home with an attached barn and one of
75 the three units is built on the second and third floor of the barn, with the first floor unused. They
76 would like to convert that unused space into a small studio. It would be a good opportunity to

77 provide different kinds of apartments and her parents or her husband’s parents could eventually
78 stay there.

79
80 Ms. Aguirre read her application aloud:

81
82 *“I am applying for a variance to permit the conversion of a multi-family dwelling with three*
83 *units into a multi-family dwelling with four units on a lot size of 10,800 sq. ft., where 21,000 sq.*
84 *ft. is required per section 3.6.2 of the land development code.*

85
86 *I just purchased the property in mid-January, with the intention of renovating and upgrading it*
87 *to meet the standards of the neighborhood. Mostly, I intend to use one of the units as my family*
88 *residence, where I will live with my husband and our daughter. The building consists of a main*
89 *house and an attached barn. Currently there are three units, each with two bedrooms. They are*
90 *in the main house and on the 2nd floor of the barn. I would like to transform the first floor of the*
91 *barn into a studio unit.*

92
93 *The LDC supports high density residential districts, and the '2010 Keene Comprehensive Master*
94 *Plan' describes the purpose of such a district. It is to provide housing of various styles, various*
95 *sizes and at different price points. Since the district is already fully developed, further*
96 *development should be in accordance with the existing urban fabric; the usages should support*
97 *each other and the intensity of use shouldn't inflict disturbance on the neighborhood. I believe*
98 *that transforming the unused barn space into a small residential unit supports the idea of the*
99 *LDC and the Master Plan in their true spirit. The restrictions defined in section 3.6.2 of the*
100 *LDC, 'Dimensions & Siting,' are supposed to ensure the character of the neighborhood. Open*
101 *spaces should be preserved, the urban tissue should remain permeable and the streetscape*
102 *should remain open and 'airy.'*

103
104 *I believe the variance I’m applying for supports all of these criteria.*

105
106 *The shape and volume of the building will remain intact and the number of people living at the*
107 *property won't increase beyond an acceptable measure. The impervious coverage will stay low,*
108 *at around 50%, where 75% is permitted; this will allow for high quality open spaces that are*
109 *comfortable to be in, that allow for natural seepage and that maintain local ecologies. The*
110 *different apartment sizes I will be able to offer if the variance is granted will range from a studio*
111 *to a three-bedroom apartment, providing housing for various needs. Furthermore, the variance*
112 *is in line with the city's expressed desire for sustainable moderate densification within the center*
113 *of the city. Currently underused spaces in the building that are already built up will be*
114 *upgraded. Only a minimal amount of additional construction material will be needed. Moreover,*
115 *the existing units will benefit because resources like water and heat will be used more efficiently*
116 *with four instead of three units, and the insulation of the barn will help minimize emissions of the*
117 *existing units.”*

118
119 Ms. Aguirre continued that she would address each of the five criteria. She read:

120 “1. Granting the variance would not be contrary to the public interest because:
121

122 *The existing use and the proposed use are both residential uses. 127 Cross Street is composed of*
123 *a six-bedroom, three-bathroom house that is connected to town gas, water and sewer. There is*
124 *already ample parking for eight vehicles when they are parked behind each other, but it is easily*
125 *possible to improve the lot so that each vehicle can easily drive in and out. The variance would*
126 *not create a higher density of the built-up area, since the shape and volume of the existing*
127 *building would remain the same. Granting the variance would allow use of the existing space in*
128 *a more sustainable manner, without disturbing the integrity of the current urban fabric or the*
129 *usages and character of the neighborhood. Additionally, since the variance would allow for the*
130 *conversion and repurpose of the barn, it would facilitate its rehabilitation and support the*
131 *preservation and viability of an historic structure.”*
132

133 Ms. Aguirre added that the building is from 1854. She continued:
134

135 “2. If the variance were granted, the spirit of the ordinance would be observed because:
136

137 *The ordinance intends to create a coherent residential neighborhood that includes single family,*
138 *two-family and multi-family dwellings, along with the supporting uses. Therefore, the proposed*
139 *variance creates a condition that is substantially compatible with the neighborhood as it*
140 *currently exists. The LDC states: ‘The High Density (HD) District is intended to provide for high*
141 *intensity residential development,’ and the ‘2010 Keene Comprehensive Master Plan’ points out*
142 *the need to create housing options for various income groups and various household sizes.*
143 *Furthermore, the ‘Master Plan’ stresses the importance of sustainable further development of*
144 *the city. Moderate densification is suggested, especially in the central areas, and the conversion*
145 *of bigger houses into smaller units is explicitly encouraged.*
146

147 *The property is located within the High Density District, and its location provides excellent*
148 *connection to the city center and services. The proposed layout would provide a wider range in*
149 *apartment size and would make use of currently unused spaces. Granting the variance would*
150 *therefore support the spirit of the ordinance.*
151

152 3. Granting the variance would do substantial justice because:
153

154 *The benefit to the petitioner outweighs any potential loss caused by it to the general public. I*
155 *believe the denial of the proposal has no likely benefit to the public; in fact I believe the*
156 *neighborhood, as well as the city, would profit from the small expansion of this allowed use as it*
157 *supports the intent of both the Land Development Code and the Comprehensive Master Plan.*
158 *The attached list shows that several other nearby properties are also varying in a similar*
159 *manner from the current ordinance. Out of the 30 abutting properties, 18 (on the list within the*
160 *box) have duplex or multi-family dwellings, 16 (marked in blue and yellow on the list) are on lots*
161 *smaller than permitted in the high density district and seven (marked in blue on the list) vary*

162 *similarly or more dramatically than the property on 127 Cross Street (in green on the list) would*
163 *if the variance was granted.*

164
165 *Granting of the variance would not cause an increase in impacts to the neighborhood or general*
166 *public that doesn't already exist. Additionally, the benefit that would be granted to the petitioner*
167 *is not greater than that permitted to other two-family and multi-family property owners in the*
168 *neighborhood, yet it would significantly outweigh any negative impact to the general public.*
169 *Granting the variance would allow the property on 127 Cross Street to be similarly used as other*
170 *surrounding properties and would therefore do substantial justice.*

171
172 4. If the Variance were granted, the values of the surrounding properties would not be
173 diminished.

174
175 *Currently the barn is in slight disrepair. A renovation of the barn would upgrade the appearance*
176 *of the building with a positive impact on its surrounding. The intensity of the usage, and the*
177 *usage of the building, remain in a similar scope, and the volume of the building would not*
178 *change. The changes are in accordance with the spirit of the surrounding apartment buildings*
179 *and single-family houses, and the upgraded house would support the overall character of the*
180 *neighborhood. Allowing the variance could therefore have a positive impact on the value of the*
181 *surrounding houses and could even serve as model for future variances in the neighborhood. The*
182 *value of the surrounding properties would therefore not diminish.*

183
184 5. Unnecessary Hardship

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

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

190
191 *The conditions and structures of this property are unique in various ways. First, the structures*
192 *have existed for more than 150 years. They precede the modern ordinance. The property has a*
193 *main building that dates back to 1854, which consists of about 2,600 square feet of living area*
194 *and has a full basement; the two-story barn offers about 900 square feet and was built at a*
195 *similar time. The upper floor of the barn was recently converted into living space but the first*
196 *floor is unused. Furthermore, the physical state of this specific property is worse than many of*
197 *the surrounding properties. The relevant part of the building, in particular, is in urgent need of*
198 *renovation, which can only be reasonably financed if it comes with a benefit for the petitioner.*
199 *Due to unique features in the floor plan, the first floor of the barn remains inaccessible from*
200 *other parts of the building. It is behind the stairway and separated by the bathrooms of units two*
201 *and three; therefore, the space cannot be added in a reasonable way to either of the existing*
202 *units, which would be allowed by the ordinance and would not require a variance.*

203

204 *Denial of this variance would effectively disallow reasonable use of the first floor of the barn,*
205 *thus creating a hardship. When the structure was built, a barn was an adequate use in the area,*
206 *but today it lays empty and is consequently in disrepair. Although a variance is required to allow*
207 *for four units on a 0.25-acre lot, the ordinance provision already allows for the current use –*
208 *multi-family housing - which would not change.*

209
210 *The main building - along with the 2nd floor of the barn, which is currently in use - has three*
211 *units with two bedrooms each. I believe the restriction of units per lot set forth in the code is a*
212 *means of preventing overcrowding within a building. This is not applicable to this specific*
213 *property, as the additional unit would not affect any of the other units or change the footprint of*
214 *the building.*

215
216 *In addition, the necessary amount of parking spaces can be provided on the lot without coming*
217 *close to the allowed margin of impervious coverage. Seventy-five percent coverage is allowed,*
218 *but with the proposed additional parking places only about 50% of the lot would have an*
219 *impervious coverage.*

220
221 and

222 ii. The proposed use is a reasonable one because:

223
224 *The proposed use is a sensible expansion of an already existing and permitted use, and the*
225 *expansion is well supported by the property and its existing infrastructure. The use is also*
226 *supported by the intent of the Land Development Code as well as the Comprehensive Master*
227 *Plan. The Master Plan specifically mentions conversion of larger buildings into smaller flats ‘...’*
228 *For example, in-law apartments or the conversion of a large home into condominiums can fit*
229 *seamlessly into the built environment, without drastic change to the outward appearance...this*
230 *type of residential infill allows for a change in density, not a change in intensity of residential*
231 *use, which in turn supports the community's goal to create a compact, walkable community and*
232 *provide choice in housing’*

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

239
240 *If this variance is not granted, the first floor of the barn cannot be reasonably used for any*
241 *purpose, which creates an unfair and unnecessary hardship. All other permitted uses in the zone*
242 *would have a much more dramatic and negative impact on the neighborhood and would also*
243 *require variances. Additionally, other permitted uses would have a negative impact on the*
244 *current use of the property. Given that there is no other reasonable use that would be allowed*
245 *for the existing structure within this zone, I am applying for the variance for an additional unit,*

246 *as I believe it has the smallest impact while providing the greatest gain for the property, its*
247 *abutters, and the community.”*

248
249 Chair Gorman asked if the Board had questions for the Applicants.

250
251 Ms. Taylor asked about the square footage of the first floor of the barn and what they propose to
252 have in it. Mr. Roga replied that it is about 500 square feet and they propose a small studio unit.
253 He continued that it would have a kitchen and a separate sleeping area and bathroom.

254
255 Ms. Taylor asked what the area is being used for now. Mr. Roga replied that the use right now is
256 non-existent. It is empty, with trash in it from the former owner. The windows are broken and it
257 is in total disrepair.

258
259 Ms. Taylor asked if it could be used for storage. Mr. Roga replied not right now; it would also
260 have to be changed for that. He continued that the building has a basement. He does not know
261 what kind of storage would be usable there. Ms. Aguirre stated that there is a significant amount
262 of space in the basement for storage, so there would be no additional benefit to using this first
263 floor as storage space. Ms. Taylor replied that that was not her question; her question was
264 whether this space could be used for storage. Mr. Roga replied yes, any space could be used for
265 storage. He continued that it has to be changed in any case if it is to be used for something that
266 has to stay dry.

267
268 Ms. Taylor stated that they mentioned that the upstairs was recently converted to a two-bedroom
269 unit. Mr. Roga replied that the upstairs of the barn is one bedroom and the living room of a two-
270 bedroom unit. The rest of the unit is in the main house. The former owner made some
271 interesting changes to the overall structure that he and Ms. Aguirre have to review anyway. It is
272 only the bedroom and living room in the top part of the barn. Ms. Taylor asked if he and Ms.
273 Aguirre know whether the former owner received the proper approvals for the living unit. Mr.
274 Roga replied that he and Ms. Aguirre bought it as a 3-unit, 2-bedroom. He continued that the
275 former owner did not need to apply for a Variance because it was a three-unit before that. He
276 only enlarged one of the three units; he did not change the amount of units. Mr. Roga stated that
277 he assumes that the former owner got the permissions to change that.

278
279 Chair Gorman asked the Applicants if they checked City records before purchasing the property
280 to see if those renovations were done under permit. Mr. Roga replied no, but the City record
281 knows that it is a 3-unit, 2-bedroom. Chair Gorman replied that typically, the assessment is of
282 what is there, but the Code Department says what is *permitted* to be there. He continued that
283 sometimes reality and permissibility pass like strangers in the night. The Applicants may want to
284 look into this and check City records, available on the 4th floor of City Hall.

285
286 Mr. Rogers stated that staff did a quick review of the files and determined, as Mr. Hagan said
287 earlier, that it is in the files as a 3-unit building. He continued that he cannot speak to the
288 number of bedrooms per unit, but the files recognize it as a non-conforming, 3-unit building.

289 Chair Gorman asked Mr. Hagan about the minimum square footage requirements for the
290 dwelling unit. Mr. Hagan replied that one room requires 120 square feet according to Building
291 Code. There has to be a separate bathroom. Bathrooms can be a minimum of 25 square feet,
292 depending on what you configure. There is more than enough. That is larger than some tiny
293 homes and meets the State Building Code under Appendix Q for the current Code requirements.
294 You can build up to a 300 square foot tiny home and meet all the Code requirements.
295

296 Ms. Taylor asked about the chart of the abutting properties provided for in the agenda packet and
297 asked if size refers to the size of the lot. Mr. Roga replied yes, the first size is the size of the lot,
298 and the second is the amount of units on the lot, and the third is the size that would be needed if
299 it were according to Code. The last number is how much it is over. His and Ms. Aguirre's
300 property on 127 Cross St. would be at 193%, so it is significantly over size, which they know.
301 However, there are other properties that are 254% over, and so on and so forth. Ms. Aguirre
302 stated that again, the green is where her and Mr. Roga's property would be if the Variance were
303 granted. She continued that currently, they are what is shown, in yellow.
304

305 Ms. Taylor asked if it is correct that this chart does not reflect the actual size of the structures
306 that are on the property. Mr. Roga replied that is correct, because they are not applying to have a
307 bigger structure. He continued that the section they are varying from does not say how big the
308 units are; it only says how many units. Thus, the chart only says how many units are on the
309 property, not how big they are. Ms. Taylor replied that one of the Board's jobs is to determine
310 whether a request is reasonable. Thus, having four units in a 10,000 square foot structure, for
311 example, is probably more reasonable than having, say, four units in a 4,000 square foot
312 structure. Mr. Roga replied that he looked into that number, too, and it would be even more in
313 his and Ms. Aguirre's favor. Their property would vary less than other properties in the area.
314 However, he did not put it in the chart because they are not applying for that specific Variance.
315 They would not have the smallest properties compared to abutting units, nor would they have the
316 biggest units. Additionally, the attic has two rooms that are unused, which are not part of the
317 current square footage of the house. They would also like to transform these rooms eventually
318 into living space, for the same reason – the space is already there, and in their minds, it makes
319 sense to use existing built space to house people. They want densification in the city center and
320 in the High Density District. Therefore, they applied for this Variance and then the units would
321 not be as small as they might appear now.
322

323 Chair Gorman asked about the eight parking spaces. He stated that Ms. Aguirre and Mr. Roga
324 said they had a solution where the vehicles would not be stacked. He asked if they have a
325 drawing of that. Mr. Roga replied that it is shown on the screen – the right side has eight
326 vehicles. He continued that he wants to be clear that it is bigger than most parking spaces on the
327 surrounding properties. It is not according to Code, that specific parking, but this is what they
328 would suggest, because they would not cover as much ground. Even if they offered parking to
329 Code, they would still only be at approximately 53% impervious coverage where 75% is
330 permitted. It is easily doable. They think that the specific layout on the screen would make
331 more sense, because it ends with a potential terrace and so on and so forth. The property

332 currently has only 42% impervious coverage and 75% is permitted, which shows how much
333 potential there is for additional parking if they wanted to do that.

334
335 Chair Gorman stated that Ms. Aguirre and Mr. Roga said they could not otherwise develop the
336 barn and add it to another unit. His question is, if they already have dwelling space in the barn
337 and dwelling space to one side of the barn, how is it possible that they could not continue an
338 existing unit into that space to justify the improvements, without adding a unit? Mr. Roga
339 replied that it would be difficult to do that to the side. He continued that the drawing shows that
340 the barn is in the top of the building, toward the garden, and goes until the first line, and right at
341 that line are the toilets and then staircases. Thus, you cannot go from the first floor into the barn.
342 You would have to move either the toilets or the staircase, which is theoretically possible but
343 would be a different kind of hardship. It would be very complicated and change the structure of
344 the building. The second floor is the bedroom and living room. The bedroom would be too
345 small to put staircases in there. The living room might be possible but extremely difficult. It is
346 not a lot of space. There would have to be external staircases and it would change the volume of
347 the building, which they do not want to do.

348
349 Chair Gorman asked if they are aware that if they add a fourth unit they would have to address
350 fire safety code and add sprinklers to the entire building. Mr. Roga replied yes, they have talked
351 with the Fire Department already. He continued that he and Ms. Aguirre would review with
352 them what would be needed, if they receive this Variance.

353
354 Mr. Welsh stated that regarding the parking, what they are looking at now is a concept drawing.
355 Mr. Roga replied yes. Mr. Welsh replied that the concept drawing would not necessarily satisfy
356 Code. Mr. Roga replied that is correct. Mr. Welsh stated that there is space to expand on the lot
357 in a way that brings it into Code. He continued that were the Board to consider approval of the
358 Variance, and not want to get into the configuration of the parking and the various scenarios, he
359 would like to know if it is possible for the Board to ask Code Enforcement to negotiate with the
360 landowners to come up with a satisfactory configuration that the Board could approve as a
361 concept tonight.

362
363 Mr. Rogers replied that if the Variance were granted tonight, this would require a building permit
364 for some of the work occurring. He continued that at that time, since this would become a 4-unit
365 building and more of a commercial-type structure, it would also trigger a possible Planning
366 review. Planning would look to make sure parking, lot coverage, and so on and so forth, meet
367 the Zoning Code and the parking standards within it.

368
369 Chair Gorman asked if the Board had any more questions for the Applicants. Hearing none, he
370 asked for feedback from members of the public. Hearing none, he closed the public hearing and
371 asked the Board to deliberate on the criteria.

- 372
373 1. *Granting the Variance would not be contrary to the public interest.*
374 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

375 Ms. Taylor stated that she has concerns that this may not be in the public interest, because of the
376 intensity of the use for the lot and the structure, and the intensity of already residential uses in the
377 neighborhood. She drove in this area looking at the number of single-family and multi-family
378 dwellings and their sizes, and thinks that one of the reasons the densities are put in the Code is to
379 help control some of the intensity of use and overcrowding. She thinks this application does not
380 jive with the spirit of the Ordinance.

381
382 Mr. Hoppock stated that he is not convinced that the application is not in the public interest. He
383 continued that he thinks this *does* fit the character of the neighborhood. The intensification issue
384 would be nominal, although it does eventually pile up. This would only be a studio unit and it
385 sounds like only one person would be living there. Of the eight cars, they saw, one would be for
386 this unit. He does not see a threat to public health, safety, or welfare from the information
387 presented. Regarding the first two criteria, he has a difference of opinion from Ms. Taylor.

388
389 Mr. Welsh stated that he was the chair of the Master Plan Committee that this application cites
390 numerous times. He continued that he specifically remembers the discussions around in-law
391 additions and finding creative ways to utilize space in a way that increases intensity without
392 density, and he thinks this is an example of that. He was concerned about the size of the
393 proposed unit, but he is now convinced it is consistent with other small-sized units and has no
394 problem there. He was also concerned about parking but is now convinced that it is fine. They
395 may see this again if there is a question about parking, but they probably will not. He also thinks
396 Mr. Hoppock is right that they will see seven cars at this location, not the eight that will be built
397 into the parking lot. He is convinced that this is not contrary to the public interest.

398
399 Mr. Clough stated that all the questions he had have been addressed.

400
401 3. *Granting the Variance would do substantial justice.*

402
403 Mr. Hoppock stated that setting aside the ‘intensity versus densification’ problem, he thinks Mr.
404 Welsh’s observation is right; there is an intensification without increasing density. Thus, he is
405 hard pressed to find a benefit to the public if this were denied. He is looking for it but not seeing
406 it. Right now, he thinks the loss to the individual is not outweighed by a gain to the public, and
407 that suggests this criterion is satisfied.

408
409 Mr. Welsh stated that he agrees with Mr. Hoppock. He continued that in addition, he finds the
410 comparison with other properties a compelling piece of evidence put forward by the Applicant.
411 He does not know whether that piece of evidence fits into the third criterion or the fourth,
412 regarding surrounding property values, but it is seemingly a practice of density and a practice of
413 building that is consistent with other properties in the area.

414
415 4. *If the Variance were granted, the values of the surrounding properties would not be*
416 *diminished.*

417

418 Mr. Hoppock stated that to follow up on Mr. Welsh’s comments, it would seem to reason that the
419 values of surrounding properties would not be diminished in light of the comparison laid out
420 here. He continued that in fact, they could be enhanced.

421
422 Ms. Taylor stated that she does not know how to judge this one, because the Board has not been
423 presented with any evidence on the value issue. She continued that they have statements that
424 “the barn is in slight disrepair” so renovation might improve the value of this property, and if you
425 improve the value of one property you are likely to improve, just by implication, at least the
426 abutting property values. That probably weighs in favor of the application.

427
428 Chair Gorman stated that he could go either way on this criterion. He continued that on one
429 hand, the improvements, if done nicely, probably add to the value. On the other hand, the
430 addition of a unit and the creation of a commercial-type setting means increased activity, and all
431 the things that could adversely impact a neighborhood and its values. He will have to decide, but
432 he could go either way on this one. The Board was not given a lot of evidence regarding this. In
433 addition, regarding some of the baseline for the existing properties and what is there today, he
434 can look at that either way. He believes some of the buildings on the lower part of Cross St., on
435 the Washington St. end, are overcrowded. He thinks those properties are a great case in point as
436 to why they established Zoning Ordinances. In addition, although those properties are
437 grandfathered in, he thinks that when a building is non-conforming, you need to be cautious
438 when you make it more non-conforming. This already has a reasonable use. It has three units.
439 Moving a toilet and staircase would probably be less invasive than re-creating an entire barn to
440 add a unit. He thinks the space can be used, and the Applicants could find other ways to make
441 use of their space in a wise manner. Adding a unit could mean having one person, or it could be
442 three people, and there is no way to mandate that. If you end up with another unit, you are
443 increasing the chances of overcrowding. The intent of the Ordinance, in his view, is to reduce
444 overcrowding.

- 445
446 5. *Unnecessary Hardship*
447 A. *Owing to special conditions of the property that distinguish it from other*
448 *properties in the area, denial of the variance would result in unnecessary*
449 *hardship because:*
450 i. *No fair and substantial relationship exists between the general public*
451 *purposes of the ordinance provision and the specific application of that*
452 *provision to the property because:*
453 *and*
454 ii. *The proposed use is a reasonable one because:*
455

456 Mr. Hoppock stated that he is not persuaded that there are special conditions to the property. He
457 continued that he does not consider age of the building a unique feature, especially in that
458 neighborhood where all the homes are old. The square footage could be a special condition, but
459 there is no comparable evidence. He agrees with Chair Gorman. If the barn were inaccessible to

460 other parts of the building, relocating a toilet and staircase would be easier than renovating the
461 entire thing. He is troubled by the lack of that piece of information.

462
463 Ms. Taylor stated that she agrees with Mr. Hoppock. She continued that she is not persuaded
464 that there is a special condition of the property that distinguishes it from any of the other
465 properties. It already has reasonable use of the property, through three units. She agrees that
466 there is potential to make use of that space, with another unit, or storage, or something else.
467 “Reasonable use” goes to the property as a whole, not just to a 500 square foot area. She is at a
468 loss to see the hardship here.

469
470 Mr. Welsh stated that he is not sure if “hardship” is the phrase he would use, but it feels kind of
471 in that direction. He continued that he finds it compelling, if not convincing, that renovation of
472 this space needs to be motivated by something. The renovation of the space for the purpose of
473 developing storage does not seem like it is going to motivate the kind of investment that would
474 bring the other benefits - improvement of the property, property values of the surrounding area,
475 and so on and so forth. If he is thinking about the motivation of renovation that would allow the
476 space to be used, this is the best purpose for that renovation, of all the choices that are available
477 in the current Code. Everything else would require a variance and probably not be consistent
478 with the neighborhood.

479
480 Ms. Taylor stated that running through the explanation the Applicant provided regarding
481 hardship is the financial need, and as the Board has discussed previously on a number of
482 Variance requests, financial need can be a consideration, but it cannot be the sole reason for the
483 hardship. She continued that that is another concern she has with this application.

484
485 *B. Explain how, if the criteria in subparagraph (A) are not established, an*
486 *unnecessary hardship will be deemed to exist if, and only if, owing to special*
487 *conditions of the property that distinguish it from other properties in the area, the*
488 *property cannot be reasonably used in strict conformance with the ordinance, and*
489 *a variance is therefore necessary to enable a reasonable use of it.*

490
491 Chair Gorman stated that he thinks the Board covered this.

492
493 Mr. Hoppock stated that he has the same problem with this one – there is not a special condition
494 of the property identified. He continued that he is not sure how far they would get with that
495 problem at the forefront.

496
497 Chair Gorman stated that in his view, the Applicants have the ability to renovate the space and
498 find a way to add it to an existing unit, which could potentially save a substantial amount of
499 resources and still perhaps get more revenue or more use out of the building. He continued that
500 he does not think it is mandated that if you have unused space it automatically means you have to
501 turn it into another unit. You can certainly develop it, but turning it into an entirely separate unit
502 when you are already non-conforming; he does not see a hardship there.

503 Chair Gorman asked if Board members had more to say. Hearing none, he asked for a motion.

504

505 Mr. Hoppock made a motion to approve ZBA 22-01, which was seconded by Ms. Taylor.

506

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

508

509 Met with a vote of 3-2. Chair Gorman and Ms. Taylor were opposed.

510

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

512

513 Met with a vote of 3-2. Chair Gorman and Ms. Taylor were opposed.

514

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

516

517 Met with a vote of 4-1. Ms. Taylor was opposed.

518

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

521

522 Met with a vote of 5-0.

523

524 5. *Unnecessary Hardship*

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

528 i. *No fair and substantial relationship exists between the general public*
529 *purposes of the ordinance provision and the specific application of that*

530 *provision to the property because:*

531 *and*

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

533

534 Not met with a vote of 1-4. Mr. Welsh voted in favor.

535

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

541

542 Not met with a vote of 1-4. Mr. Welsh voted in favor.

543

544 The motion to approve ZBA 22-01 failed with a vote of 1-4. Mr. Welsh voted in favor.

545

546 Mr. Hoppock made a motion to deny ZBA 22-01. Ms. Taylor seconded the motion, which
547 passed with a vote of 4-1. Mr. Welsh was opposed.

548

549 **B) ZBA 22-02: Petitioner, Alec Doyle, of the Colonial Theater, 95 Main St.,**
550 **requests a Variance for property located at 95 Main St., Tax Map #575-008-000-**
551 **000-000 that is in the Downtown Core District. The Petitioner requests a Variance to**
552 **permit an internally illuminated, electronically activated changeable copy sign**
553 **where electronically activated changeable copy signs are a prohibited sign per**
554 **Chapter 100, Article 10.3 of the Zoning Regulations.**

555

556 Chair Gorman asked to hear from Staff. Mr. Hagan stated that there is an existing sign, although
557 he does not know if it is conforming or non-conforming. He continued that it has been there for
558 a long time. It is a changeable copy sign that is manually taken down and put up. The
559 Applicants are seeking to put in an electronically activated, changeable copy sign.

560

561 Mr. Welsh asked why the Sign Ordinance does not permit electronically activated, changeable
562 copy signs. Mr. Hagan replied that this is the way the Ordinance was written. He continued that
563 there is a lot of history behind Ordinances, which they could go into, but his answer now is that
564 the Ordinance as written does not permit these signs.

565

566 Ms. Taylor asked if Staff could explain something about this particular district the property is in.
567 Mr. Rogers replied that it is in the Downtown Core, one of the newer districts that were created
568 with the new Land Development Code. He continued that it is clear that electronically activated
569 changeable copy signs are prohibited in any district in the city. Some districts allow certain
570 kinds of signs. There are additional requirements for the Downtown Core that Staff would be
571 looking at if this Variance were to be granted and a sign permit applied for, such as the
572 requirements for specific colors to be adhered to in the Downtown Core, which is not necessarily
573 a requirement in other districts. Another concern Staff would be looking at, if this were granted,
574 is making sure this sign would not trigger an “animated sign,” which is a prohibited sign
575 everywhere in the city. Some electronically activated, changeable copy signs come with
576 elaborate functions.

577

578 Ms. Taylor stated that she was looking through the new Code, which will take her a long time to
579 get used to, and noticed that the Downtown Core is just one small paragraph. She asked how
580 they cross-reference to know what is allowed or not allowed. Mr. Rogers replied that a specific
581 section under Article 10.3 has a list of prohibited signs. He continued that within the Code, there
582 are different requirements for the different districts, but as he stated earlier, this is a case where
583 this type of sign is prohibited throughout the whole city. That is covered under Article 10.3,
584 Prohibited Signs. Ms. Taylor replied that she found that, but if the Board is supposed to be
585 looking at things like the “spirit of the Ordinance,” she is not sure how they are supposed to
586 figure out what the spirit of the Ordinance is when the Ordinance is described in one short
587 paragraph that does not really say anything. Mr. Rogers replied that if the Board wants, Staff can
588 go through the Code with them, but again, but there is a section within the Sign Code portion that

589 speaks to the Downtown Core. He continued that it is the one that has more limitations and
590 restrictions on signs, mostly about colors, but there are sections that speak to signs' sizes as well.
591 This is covered under Article 10.3, Prohibited Signs, regardless of the district.

592

593 Mr. Hoppock asked if the Downtown Core extends down to Cumberland Farms. Mr. Hagan
594 replied that the Downtown Core has expanded a bit. It used to stop right at The Works. From
595 that point, it was Central Business Limited, which was part of the Commerce Limited and so on
596 and so forth. That is where you see more internally illuminated signs. Mr. Rogers stated that
597 now the Downtown Core goes to Eagle Ct. and thus does not make it to Cumberland Farms.

598

599 Mr. Hoppock asked what the difference is between electronically activated changeable copy
600 signs and internally illuminated signs. Mr. Rogers replied that illuminated signs do not have
601 changeable copy. They see this in many other districts, where the sign face, typically plastic or
602 Plexiglas, has lighting behind it but is not changeable. With an electronically activated,
603 changeable copy sign, you can change the sign's copy electronically, as opposed to what the
604 Colonial Theater currently has to do: have someone go up a ladder to slide the letters out. They
605 would be able to change the sign's wording from inside, from a computer.

606

607 Mr. Hoppock stated that he sees that for internally illuminated signs there are a number of
608 exceptions. He continued that none of them applies to tonight's application. Mr. Rogers replied
609 that currently, the Colonial Theater's sign would probably be non-conforming, in that he believes
610 it is already internally lit, with the sign copy over it. It sounds like that part is not going to
611 change. He continued that most internally illuminated signs in the Downtown Core are restricted
612 and are meant to only be inside the window. Mostly what it is trying to allow is the "open"
613 signs, typically LED, internally lit.

614

615 Mr. Hoppock asked if he knows how many electronically activated, changeable copy signs the
616 City has approved. Mr. Rogers replied that he knows there have been several before the Board
617 over the past few years; the last that comes to mind is the one for Agway. Mr. Hoppock asked if
618 it is correct that Burger King and Cumberland Farms were also on the list at some point. Mr.
619 Rogers replied not that he was aware. Chair Gorman stated that he thinks Burger King was
620 allowed to have an electronically activated, changeable copy sign but wanted two of them. He
621 continued that he thinks Wendy's and McDonald's have applied for that as well. Mr. Rogers
622 replied that many drive-thru businesses have come before the Board to ask for a second "menu
623 board" sign. He continued that the Code was changed to allow those, because Staff was seeing
624 that as a trend; many of the drive-thru businesses were trying to create two lanes to free up some
625 stacking. That would be a different type of sign than what tonight's Applicant is asking for.

626

627 Mr. Welsh stated that he knows there is an illuminated sign on Spaulding Gym at Keene State
628 College and it did not come before the Board or City review because it is Keene State, but that is
629 an animated sign. He continued that he is not sure if Keene Middle School's sign is changeable
630 copy or also an animated sign. Mr. Rogers replied that Mr. Welsh is correct. He continued that
631 he is not sure about the sign at Keene State, but Keene State is not subject to the City's Zoning

632 Code, which is where the Sign Code resides, and the same for the School District. The middle
633 school's sign is an electronic copy sign that does have some animation available. The Board
634 would need to take into consideration, along that line, that the Applicant is not asking for a
635 Variance from one of the other prohibited signs, which would be an animated sign.
636

637 Ms. Taylor asked if the Board could get in their agenda packets next month an 11"x17" version
638 of the map that is on the screen now. She continued that she could look at it on her computer at
639 home, but she loses reference. Mr. Rogers replied that the map in front of them should be in
640 their books, toward the front, under "Zoning Maps." One page shows the previous zones and the
641 next page shows the current zones, such as Downtown Core. He continued that they could get
642 members a bigger copy if necessary.
643

644 Brian Warner of 34 California St., Swanzey, stated that he believes Kapiloff Insurance on Rt. 10,
645 just past the roundabout, has an electric, changeable copy sign. He continued that he is not sure
646 if that qualifies for the zoning.
647

648 Chair Gorman asked to hear from the Applicants.
649

650 Alec Doyle of 56 Elm St. stated that he is the Executive Director of the Colonial Theater, joined
651 by Brian Warner, Colonial Theater staff; and representatives from Sousa Signs and Watchfire,
652 the manufacturer of the sign in question. He continued that he would assume the Board is
653 familiar with his written application and will not go through the five criteria point by point,
654 unless they need him to. He will add to the summary that has already been provided. He does
655 not think it is necessary to talk a lot about the place The Colonial holds in the community, as the
656 last remaining historic theater. The sign in question is also a historic landmark. It was added
657 mid-century; it is not the original sign. It has been in operation since then, with all the good and
658 bad that goes with that, including the maintenance requirements and inability to find replacement
659 parts.
660

661 Mr. Doyle continued that the The Colonial's sign has three illuminated parts: the top portion, the
662 neon "Colonial" sign, which they continually maintain; the chase lights, which are little flashing
663 lights that run around two edges of the actual signage area; and the signboard itself. All they are
664 talking about is the signboard itself. The signboard itself already has rear illumination. The
665 fluorescent bulbs sit behind a quasi-opaque plastic material. The actual lettering is a variety of
666 aluminum, plastic, and other materials; it is very difficult to find these in this day and age. The
667 letters are hand-placed on the sign. Every time there is a change it requires a staff member to
668 climb onto a ladder and make that change, and many of those changes occur during the bad
669 weather months because most of their programming is between October and May. There is a life
670 safety issue with that, for the employees and the public. The changes often have to occur twice
671 in one day, because of the nature of the programming, which occurs at night. It is prepped for
672 the evening show and then prepped again after the show for the next morning, and so on and so
673 forth.
674

675 Mr. Doyle continued that the technology that has been described is automatically changeable,
676 which means no one has to go outside; it is all changed from within the building, electronically.
677 This is a great advantage, not only for life safety but also for The Colonial's ability to be current
678 and to provide messaging and signage not just for The Colonial Theater, but also for community
679 members and supporting businesses. In addition, there is a 23-letter limit per line on the sign.
680 That essentially turns them into a telegraph operator. When there is a business there or corporate
681 and a show title as well, they have to be very creative with abbreviations and try to get messages
682 across. With a digital sign, they could manipulate that in ways to increase or decrease font size
683 and the problem of the 23-letter limit will go away automatically.

684
685 Mr. Doyle continued that as part of The Colonial's big project, major renovations of the entire
686 theater, this sign is one of the key pieces. The overall sign itself will be undergoing a lot of
687 internal work, because the wiring is mid-century and there are always problems with it. They are
688 hoping to address many of those problems. They decided early on that neon is not easy to
689 maintain, but they made a commitment that they feel as though the most iconic piece of the
690 marquee is the neon "Colonial," as well as the chaser lights. However, it is called a "sign" for a
691 reason: it is supposed to provide information to people. The proposed, electronic, changeable, lit
692 sign is going to allow The Colonial to increase their ability to message, and to be responsive in
693 messaging. They have community messages up on their sign. The ability to change the message
694 at a moment's notice, from inside, because of their location on Main St., could also be used for
695 messaging for general public good as well. If there were an emergency downtown, say, The
696 Colonial could plug a message into their sign very quickly. It is amazing how many people
697 notice the sign. For instance, when they put signs up there during COVID-19, trying to build
698 community spirit, many people responded to that.

699
700 Mr. Doyle continued that is the major rationale behind The Colonial wanting to make this
701 improvement to the sign. It already is an illuminated sign. They are simply asking that the
702 illuminated, central message portion be changed to an easily changeable, contemporary
703 technology. The illumination of a center message will not change. It will not be brighter than
704 the fluorescent tubes that are lighting that center section now. They like to leave their animation
705 and entertainment for inside the theater, so they do not contemplate having a big animated
706 content out on the sign as well.

707
708 Chair Gorman stated that he is thrilled to hear they are keeping the cool, old parts of the sign,
709 because he has been seeing that sign since he was a little kid, and it is certainly part of the
710 history. He asked if the section they are discussing would be streaming or static words. Mr.
711 Doyle replied that it would be static lettering, a still image, not unlike what they see now. He
712 continued that they would have the capability to replicate the font of the existing sign.

713
714 Chair Gorman asked if it would be black and white like it is now. Mr. Doyle replied that they
715 can do black and white, but they might want to have a little color. They put colors up on the
716 marquee as it is; during the holidays, they put colored bulbs in all of the chaser lights. Perhaps

717 they would do something along those lines. Again, the sign will not be drawing more attention
718 to itself than it does already.

719
720 Ms. Taylor asked if this has to go before the Historic District Commission as well. Mr. Doyle
721 replied that The Colonial's understanding is that it does not. All of the rest of the renovation, of
722 the façade and the back of the house, went before the Historic District Commission.

723
724 Chair Gorman asked if the Board had any further questions. Hearing none, he asked to hear
725 from the public. Hearing no public input, he closed the public hearing and asked the Board to
726 deliberate on the criteria.

727
728 *1. Granting the Variance would not be contrary to the public interest.*

729
730 Mr. Hoppock stated that the application says the only change will be the technology utilized to
731 light and create the signage area. He continued that, to him, says that the only difference
732 between what this sign will do and what the sign presently there does is save the employee the
733 trouble of going up a ladder between October and May. He hopes and assumes no one will be
734 losing a job over this. His main point is that if that is the only issue, there is no harm to the
735 public interest if the Variance is granted. There is a nostalgic harm, but for the Board's
736 purposes, that is irrelevant. It will look the same, from what he can see; The Colonial will just
737 have an easier way to change the letters and promote their programs. Technology being the only
738 change, he cannot imagine that the Board cannot accommodate that. He does not see any harm
739 to the general public. If that is the only change, it will not alter the character of the
740 neighborhood. It will be the same. The lighting will not be any brighter or darker and certainly
741 will not be noisy.

742
743 Mr. Welsh stated that this gets to the nature of the question he had at the very beginning about
744 why these signs might be prohibited. He continued that he was imagining a distracting, animated
745 sign with things running across, and imagining something bright, which might be a detriment to
746 the experience of walking downtown. He understands now that it will not have animation.
747 However, what about the brightness? Will it be set into the sign itself? How does the Board
748 know it will not be brighter than now?

749
750 Mr. Doyle replied that a representative from Sousa or the sign manufacturer could address that
751 question. Erik King from Watchfire Signs stated that the company is based in Danville, IL, and
752 he is from Manchester, NH. He continued that Watchfire signs are equipped with a photocell, so
753 they adjust to the ambient light. When the mid-day sun is directly on the sign, the sign runs at
754 100% brightness, which allows you to see the image and not have the image look dim or dull.
755 When it is twilight or night, the sign automatically dims, down to 10% of its maximum
756 brightness. The brightness level is not offensive, and is a benefit, in the sense that the brightness
757 of internally illuminated signs is static and cannot be changed. This Watchfire sign will
758 automatically adjust to ambient light and be more pleasing for the downtown area.

759

760 Mr. Welsh thanked Mr. King and stated that that helps convince him that this would not be
761 contrary to the public interest in the ways that he had imagined.

762

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

764

765 Mr. Hoppock stated that this sign will not alter the essential character of the neighborhood and
766 will not be a threat to public health, safety, or welfare. He continued that he couldn't imagine
767 any set of facts that would support any of those conclusions, from what they have seen tonight
768 and what they have read in the application. He supports the second criterion being satisfied.

769

770 Ms. Taylor stated that she agrees with Mr. Hoppock. She continued that she is surprised by how
771 the Ordinance is written, because it seems to not allow technology to be upgraded.

772

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

774

775 Mr. Hoppock stated that maybe this case illustrates how all of the criteria are interlinked. He
776 continued that seeing that there are no issues with the first two criteria, he is hard pressed to find
777 a gain to the public by denying this application, whereas the loss to the individual would be
778 higher costs to maintain outdated and antique systems and safety issues that Mr. Doyle
779 mentioned. He finds this criterion satisfied. There would be no gain to the public by denying it,
780 but there would be a loss to the property owner.

781

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

784

785 Chair Gorman stated that he is thrilled about The Colonial's efforts to maintain the historical
786 integrity of the sign by keeping the neon "Colonial" and the chaser lights. He continued that
787 when he first saw this application, like Mr. Welsh, he had visions of something like a Jumbotron
788 sign, but now he thinks this will be tastefully done and will not adversely impact anything. The
789 renovations are looking great and inarguably add value.

790

791 Mr. Hoppock stated that he agrees with Chair Gorman.

792

793 5. *Unnecessary Hardship*

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

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

800 *and*

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

802

803 Mr. Hoppock stated that special conditions of the property are that it is a downtown theater, and
804 it has been operating for about 100 years. Coupled with those two unique features is the
805 technology piece, which is all this is going to amount too. With that unique property, with the
806 non-unique changes that technology goes through, he thinks this ought to be permitted to evolve
807 naturally in the way that anyone would use technology today. The impact on the entire area will
808 be almost nominal. Those are at least two special conditions they can utilize to support an
809 unnecessary hardship.

810
811 Ms. Taylor stated that she agrees. She continued that also, regarding the special conditions and
812 the way that this is going to be developed, there does not seem to be a relationship between how
813 they want to renovate and upgrade the sign with the way the Ordinance was written. She thinks
814 this fits quite well with that, and she thinks it is a reasonable request.

815
816 Chair Gorman stated that he, too, thinks it is reasonable.

817
818 Mr. Hoppock made a motion to approve ZBA 22-02. Mr. Clough seconded the motion.

819
820 1. *Granting the Variance would not be contrary to the public interest.*

821
822 Met with a vote of 5-0.

823
824 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

825
826 Met with a vote of 5-0.

827
828 3. *Granting the Variance would do substantial justice.*

829
830 Met with a vote of 5-0.

831
832 4. *If the Variance were granted, the values of the surrounding properties would not be*
833 *diminished.*

834
835 Met with a vote of 5-0.

836
837 5. *Unnecessary Hardship*

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

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

844 *and*

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

846 Met with a vote of 5-0.

847

848 The motion to approve ZBA 22-02 passed unanimously.

849

850 **VI) New Business**

851 **Rules of Procedure**

852

853 Chair Gorman asked to hear from Staff.

854

855 Corinne Marcou, Zoning Clerk, stated that the draft Rules of Procedure in the agenda packet has
856 one line that Staff would like to strike. She continued that this would be to have the Board's
857 Rules of Procedure more in line with the Land Use Code and the requirements for Zoning
858 applications. The line they propose striking states that the 200 feet shall not include the width of
859 any street or streams. They would like that removed since it is not noticed in any of the
860 requirements for abutter submittals for all of the applications.

861

862 Mr. Hoppock stated that the definition of "abutter" in the State statutes includes streams and
863 streets. Ms. Marcou replied that the City has the same definitions in its Land Use Code as the
864 State RSA.

865

866 Mr. Rogers stated that yes; a "direct abutter" would still be somebody directly across a street or a
867 stream. He continued that what they are trying to eliminate is the problem created by the way it
868 was worded. The 200 feet that is there is minus streets and streams, so many times you end up
869 pulling in people to the notice calculation unnecessarily. For example, the Main St./Rt. 101
870 intersection is a very wide right-of-way, so if you were to use that, you would be going to the
871 other side of the street and then going another 200 feet even further. For example, if an
872 application came in from 15 King Ct., obviously they would have to notify businesses directly
873 across the highway, like Andy's and Agway, but also they would be required to go another 200
874 feet even further beyond that, which is not what the RSA says. It is also not the requirements the
875 City has in place for other boards that require abutter notification. Staff are trying to align these
876 requirements so they are the same. Especially when development professionals come in,
877 sometimes applying for Variances or to the Planning Board, they get confused because each
878 board has a different abutter notification requirement. They are just trying to line them up, and it
879 does line up with what the State RSA requires for direct abutters and abutter notification.

880

881 Mr. Hoppock stated that he agrees, and is looking at NH RSA 672:3. He asked if Staff wants the
882 Board to vote on this tonight. Mr. Rogers replied that he leaves that up to the Board. If they are
883 comfortable voting on the change tonight, that is fine, or this can be put off until the next agenda.

884

885 Ms. Taylor stated that this was before the Board originally in December, and because no one had
886 looked at it, they put it off. She continued that she is comfortable voting on it tonight. Chair
887 Gorman stated that he sees the others nodding.

888

889 Ms. Taylor made a motion to adopt the change to the Rules of Procedure for applications, on
890 page 5. Mr. Hoppock seconded the motion, which passed by unanimous vote.

891

892 There being no further business, Chair Gorman adjourned the meeting at 8:38 PM.

893

894 Respectfully submitted by,
895 Britta Reida, Minute Taker

896

897 Reviewed and edited by,
898 Corinne Marcou, Zoning Clerk

899

900 Proofread by
901 Jane Taylor, Board Member

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1 TANNER RD. ZBA 22-03



Petitioner requests a Variance to permit the installation of an in-ground swimming pool within setbacks per Chapter 100, Article 3.3.2 of the Zoning Regulations.



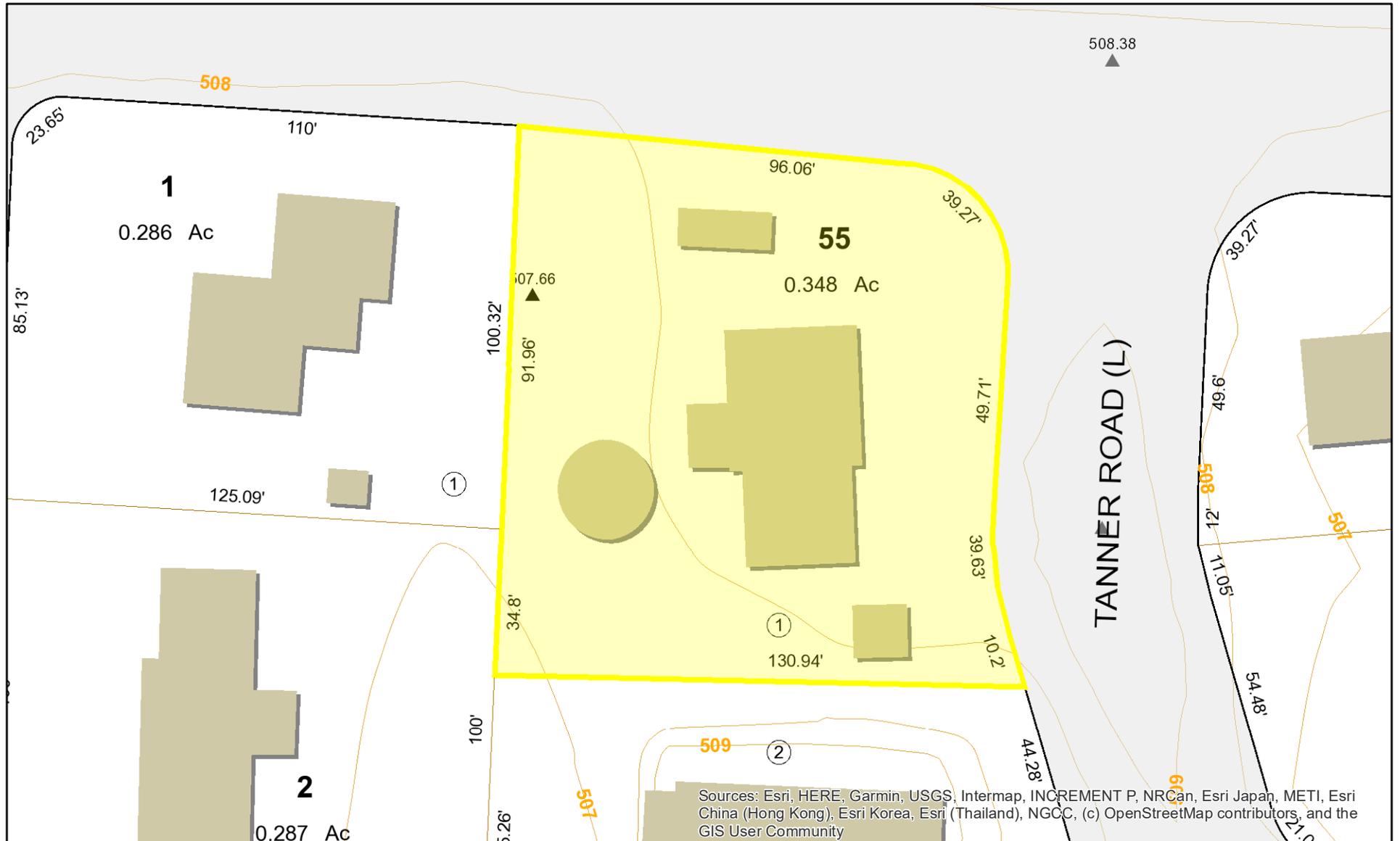
Keene, NH



February 25, 2022

1 inch = 34 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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City of Keene

New Hampshire

NOTICE OF HEARING

ZBA 22-03

A meeting of the Zoning Board of Adjustment will be held on Monday, March 7, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, Norman Miller, Jr. & Rebecca Miller, requests a Variance for property located at 1 Tanner Road, Tax Map #558-055-000-000-000 that is in the Low Density District. The Petitioner requests a Variance to install the in-ground pool/patio and utility pad five feet from the rear and five feet from the side of the property, per Chapter 100, Article 3.3.2 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date February 25, 2022

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.	<u>ZBA 22-03</u>
Date Filed	<u>2/22/22</u>
Received By	<u>CM</u>
Page	<u>1</u> of <u>11</u>
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

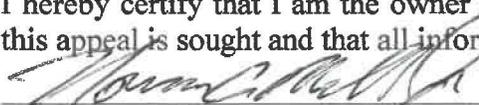
Name(s) of Applicant(s) Norman Miller Jr. & Rebecca Miller Phone: 603-903-4810
Address 1 Tanner Rd, Keene, NH, 03431
Name(s) of Owner(s) Norman Miller Jr. & Rebecca Miller
Address 1 Tanner Rd, Keene, NH, 03431
Location of Property 1 Tanner Rd, Keene, NH, 03431

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 558-055 000-000-000 Zoning District Low Density
Lot Dimensions: Front 138.81 Rear 135.12 Side 130.94 Side 96.06
Lot Area: Acres 0.348 Square Feet 15,158.88
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 16.62% Proposed 17.05%
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 25.65% Proposed 31.04%
Present Use Above ground swimming pool set 13.6 ft. from rear property line/fence; utilities set 7 ft. from rear
Proposed Use Inground swimming pool set 10 feet from rear property line/fence; utility pad set 5 ft. from rear

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.


(Signature of Owner or Authorized Agent) Date 2-22-2022

Please Print Name Norman Miller Jr.

Corinne Marcou

From: Rebecca Miller <rebeccamiller1915@gmail.com>
Sent: Thursday, February 24, 2022 5:49 PM
To: Corinne Marcou
Subject: Re: ZBA Variance Application

A variance to install the inground pool/patio and utility pad 5 feet from the rear and 5 feet from the side of the property.

Is this wording ok or do you need something else?

Sent from my iPhone

On Feb 24, 2022, at 10:45 AM, Corinne Marcou <cmarcou@keenenh.gov> wrote:

Hi,

Thank you for taking a few minutes to complete this. The section of the application missing is

A Variance is request from Sections 3.3.2 of the Zoning Ordinance to permit:

Please complete this and return to me as soon as possible.

Thank you,

Please note the City emails have changed as of December 14, 2021. My email address, cmarcou@ci.keene.nh.us, is now cmarcou@keenenh.gov.

Corinne Marcou

Corinne Marcou
City of Keene
Community Development Department
3 Washington St.
Keene, NH 03431
603.352.5440
603.283.5654 (fax)
www.keenenh.gov

PROPERTY ADDRESS 1 Tanner Road Keene, NH

APPLICATION FOR A VARIANCE

- A Variance is requested from Section (s) 3.3.2 of the Zoning Ordinance to permit:

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH VARIANCE CRITERIA:

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

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

3. Granting the variance would do substantial justice because:

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

5. Unnecessary Hardship

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

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

and

ii. The proposed use is a reasonable one because:

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.

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

The rear of the property is fully enclosed with a 6-7 foot privacy fence, so the pool and pad would not be visible to the public. This is replacing an above ground pool that was positioned in the same area for 10+ years with no public complaints.

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

The inground swimming pool and patio is intended for single-family residential use only, which is the spirit of the variance.

3. Granting the variance would do substantial justice because:

Due to the odd shape of the property and the placement of the city utilities, there is no alternative area for the project. This project would increase the property value and allow full intended use for a residential development.

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

It would not be visible to the other properties given the privacy fence as well as the privacy trees planted along the rear and side in question.

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:

It is too restrictive due to the size of the parcel and the placement of the house on the lot.

The north side of the property is the largest area, but this is where the electric and city sewer is supplied to the home, making excavation impossible. There is also a guy-wire to the telephone pole on the north side. Additionally, this is a not a desirable location due to proximity to Arch St. and the distance from our existing patio & deck.

The south side is too narrow given only 19 feet from garage to property border.

The rear or west side is angled on the back property line and there is only 40 feet from the existing deck to the fence/property line. A 20-foot minimum would mean removing the existing deck, and having no safety area between the house and pool.

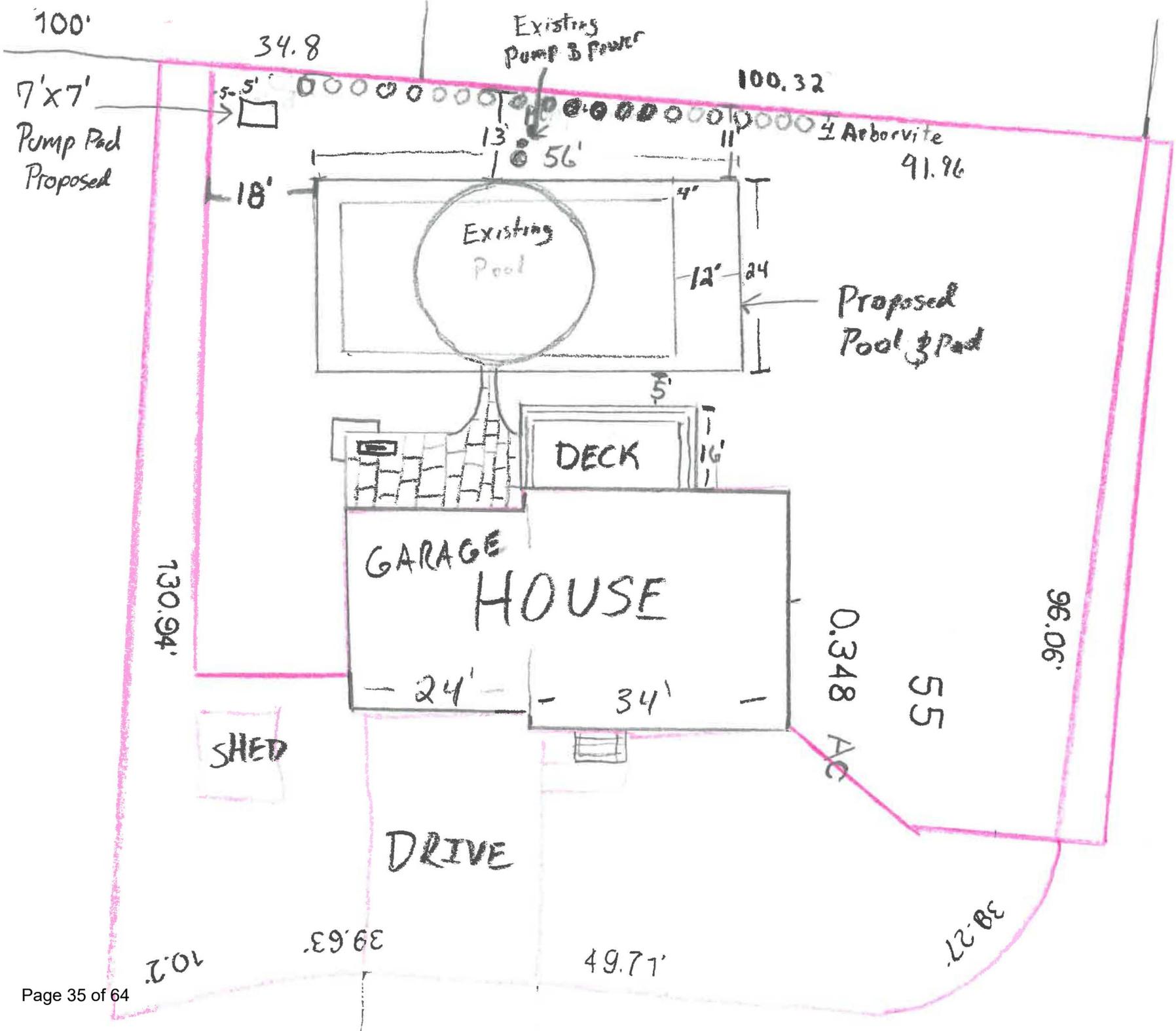
ii. The proposed use is a reasonable one because:

By moving the pool location closer to the rear fence, it creates a sufficient safety area between the deck and pool, which allows for the safety cover. It is replacing the previous pool with only a 3.5 ft. difference in proximity to rear property line, which never posed any issues.

It is also the only option given the odd placement of the home on the property and the utilities mentioned above.

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.

The unnecessary hardship is that we are unable to add an inground pool to our single-family residence as there is no alternative location that meets strict conformance of the ordinance.





200 foot Abutters List Report

Keene, NH
February 18, 2022

4

Subject Property:

Parcel Number: 558-055-000
CAMA Number: 558-055-000-000-000
Property Address: 1 TANNER RD.

Mailing Address: MILLER, NORMAN A. JR. MILLER,
REBECCA L.
1 TANNER RD.
KEENE, NH 03431

Abutters:

Parcel Number: 558-048-000
CAMA Number: 558-048-000-000-000
Property Address: 2 TANNER RD.

Mailing Address: ASHTON THOMAS L. ASHTON ELEANOR
315 EAST 86TH ST. APT 21HE
NEW YORK, NY 10028

Parcel Number: 558-049-000
CAMA Number: 558-049-000-000-000
Property Address: 4 TANNER RD.

Mailing Address: COMMERET, KARIN A.
4 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-050-000
CAMA Number: 558-050-000-000-000
Property Address: 6 TANNER RD.

Mailing Address: CROTEAU, RACHEL ELIZABETH
6 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-051-000
CAMA Number: 558-051-000-000-000
Property Address: 8 TANNER RD.

Mailing Address: MOYLAN JAMES V. JR. MOYLAN GINA
M.
8 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-052-000
CAMA Number: 558-052-000-000-000
Property Address: 7 TANNER RD.

Mailing Address: MORGAN, CHRISTOPHER
YARBROUGH-MORGAN, STEPHANIE
7 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-053-000
CAMA Number: 558-053-000-000-000
Property Address: 5 TANNER RD.

Mailing Address: XUE, STEPHEN MA, CLARE
5 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-054-000
CAMA Number: 558-054-000-000-000
Property Address: 3 TANNER RD.

Mailing Address: JOHNSON, ALAN
3 TANNER RD.
KEENE, NH 03431

Parcel Number: 558-056-000
CAMA Number: 558-056-000-000-000
Property Address: 29 ARCH ST.

Mailing Address: UNION SCHOOL DISTRICT
193 MAPLE AVE.
KEENE, NH 03431-1602

Parcel Number: 559-001-000
CAMA Number: 559-001-000-000-000
Property Address: 2 WORCESTER ST.

Mailing Address: CLOUTIER DARREN C. CLOUTIER
MICHELLE L.
2 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-002-000
CAMA Number: 559-002-000-000-000
Property Address: 6 WORCESTER ST.

Mailing Address: BOBRICK, MITCHELL D.
6 WORCESTER ST.
KEENE, NH 03431



www.cai-tech.com

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



200 foot Abutters List Report

Keene, NH
February 18, 2022

Parcel Number: 559-003-000
CAMA Number: 559-003-000-000-000
Property Address: 10 WORCESTER ST.

Mailing Address: GLENN JOHN & CHRISTINA REV. TRUST
10 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-004-000
CAMA Number: 559-004-000-000-000
Property Address: 14 WORCESTER ST.

Mailing Address: BARROWS JONATHAN T.
14 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-022-000
CAMA Number: 559-022-000-000-000
Property Address: 9 WORCESTER ST.

Mailing Address: PATNODE LINDA J.
9 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-023-000
CAMA Number: 559-023-000-000-000
Property Address: 5 WORCESTER ST.

Mailing Address: KURTZ BEVERLY R.
5 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-024-000
CAMA Number: 559-024-000-000-000
Property Address: 3 WORCESTER ST.

Mailing Address: FOWLER MARTIN T. FOWLER JANE L.
3 WORCESTER ST.
KEENE, NH 03431

Parcel Number: 559-075-000
CAMA Number: 559-075-000-000-000
Property Address: 37 ARCH ST.

Mailing Address: FESSENDEN BRET ALAN BENNER-
FESSENDEN CYNTHIA D.
37 ARCH ST.
KEENE, NH 03431

Parcel Number: 559-076-000
CAMA Number: 559-076-000-000-000
Property Address: 35 ARCH ST.

Mailing Address: ROMAN CATHOLIC BISHOP OF
MANCHESTER NH
153 ASH ST.
MANCHESTER, NH 03104



www.cai-tech.com

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0 ROUTE 9
ZBA 22-04



Petitioner requests a Special Exception for a gravel pit use as defined in Article 8.3.6.F, per Article 3.1.5 Permitted Uses in the Rural District of the Zoning Regulations.



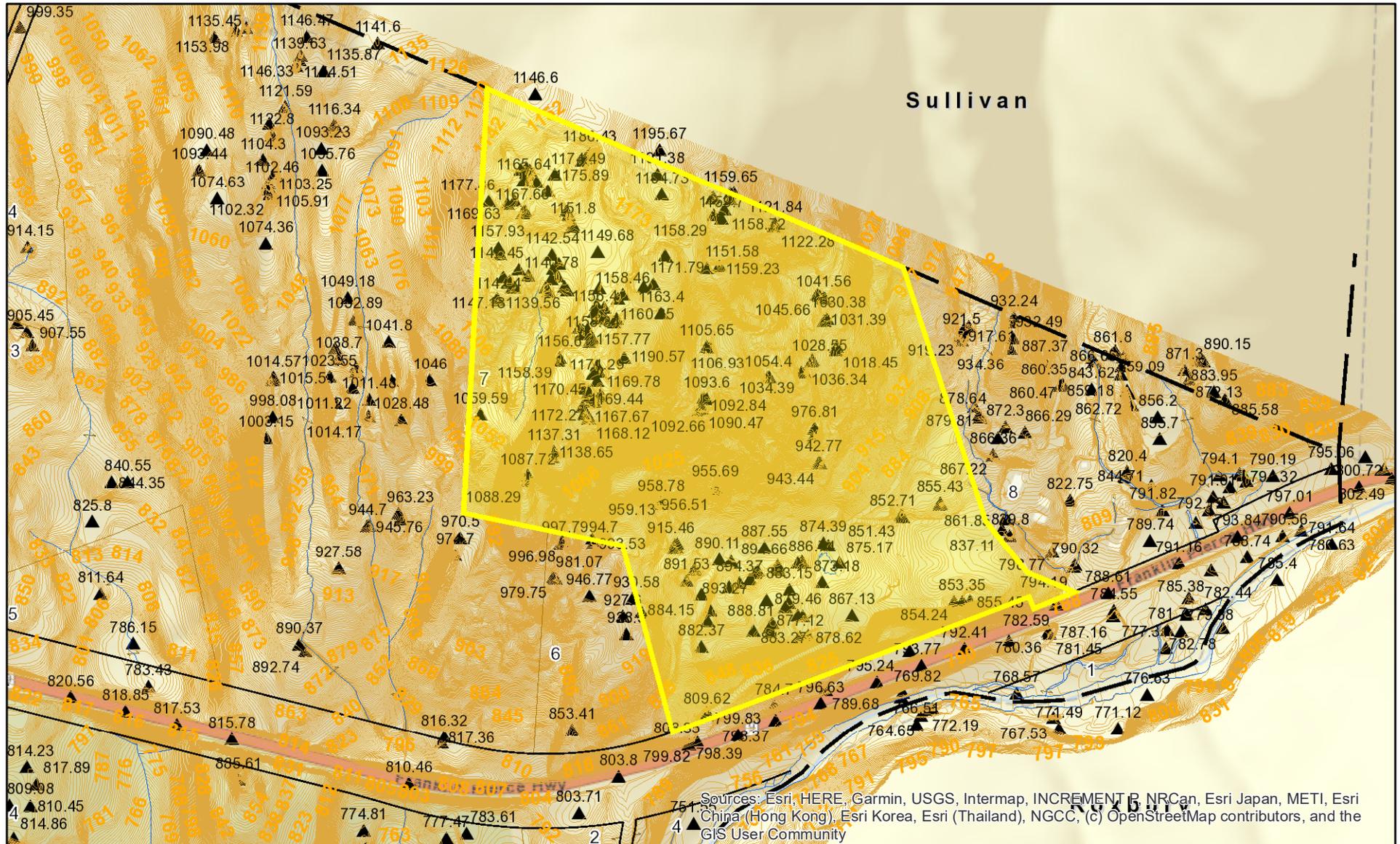
Keene, NH



February 25, 2022

1 inch = 551 Feet

www.cai-tech.com



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



NOTICE OF HEARING

ZBA 22-04

A meeting of the Zoning Board of Adjustment will be held on Monday, March 7, 2022, at 6:30 PM in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition. Petitioner, G2 Holdings, of 250 North Street, Jaffrey, NH, requests a Special Exception for property located at 0 Route 9, Keene, Tax Map #21-007-000-000-000 that is in the Rural District. The Petitioner requests a Special Exception to permit a gravel pit use as defined in Chapter 100, Article 8.3.6.F, per Article 3.1.5, Permitted Uses in the Rural District 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://keenenh.gov/zoning-board-adjustment>

Corinne Marcou, Zoning Clerk

Notice issuance date February 25, 2022

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.	_____
Date Filed	_____
Received By	_____
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

- 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

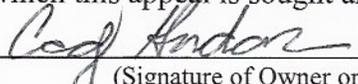
Name(s) of Applicant(s) G2 Holdings LLC Phone: (603) 532-7397
Address 250 North Street, Jaffrey, NH 03452
Name(s) of Owner(s) Same as Applicant
Address _____
Location of Property 0 Route 9

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 215-7 Zoning District Rural
Lot Dimensions: Front 2216± sf Rear 1714± sf Side 2678± sf Side 1596± sf
Lot Area: Acres 84± Square Feet 3,689,968±
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing N/A Proposed N/A
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing <1% Proposed <1%
Present Use Undeveloped
Proposed Use Gravel Pit

SECTION III - AFFIDAVIT

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

 Date 2/17/22
(Signature of Owner or Authorized Agent)

Please Print Name Cody Gordon

APPLICATION FOR A SPECIAL EXCEPTION

- Section of the Zoning Ordinance under which the Special Exception is sought:

§3.1.5 Permitted Uses (Special Exception for Gravel Pit Use as defined in §8.3.6.F)

The Zoning Board of Adjustment shall have the power to hear and decide Special Exceptions to the terms of the Zoning Ordinance, and in doing so, may grant approval in appropriate cases and subject to appropriate conditions and safeguards for the protection of the public health, safety and welfare. Special Exceptions may be approved if the Board can make the following findings. All four conditions must be completed and satisfied.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION.

1. The proposed use is similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.

The gravel pit use is only permitted in the Rural zone and is complementary to other uses in the district. Several permitted open space uses, such as cemeteries, solar energy systems, and greenhouses would be largely unaffected by gravel pit operations. The subject property is located in a remote area, surrounded by undeveloped forested land. The property driveway provides direct access to Route 9, an ideal location for a proposed gravel pit. The nearest property lines of parcels not owned by the Applicant are located at the following approximate distances:
North: 2350 l.f. South: 300 l.f.
East: 1650 l.f. West: 600 l.f.

2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.

The proposed gravel pit is not anticipated to negatively impact property values. It is located within a large undeveloped lot which is surrounded by other undeveloped properties. The project includes measures to prevent environmental damages, excessive noise, and unsightly views and is therefore not expected to be injurious, obnoxious, or offensive to the neighborhood. Significant vegetated buffers as well as natural and constructed earth berms will serve as barriers for noise and runoff.

3. There will be no nuisance or serious hazard to vehicles or pedestrians.

The proposed gravel pit will generate minimal traffic, primarily consisting of its own employees and contractors. A trip generation memorandum has been provided to illustrate the minor impacts. There is no current or expected pedestrian traffic on Route 9. However, sight distance from the project driveway allows adequate visibility to prevent collisions with both pedestrians and vehicles on the road. Significant vegetated buffers are proposed between the gravel pit operations area and the public way. Both naturally occurring and proposed constructed earth berms will control runoff from the site and contribute to noise mitigation. The site will be gated for security during non-operational hours.

4. Adequate and appropriate facilities (i.e., sewer, water, street, parking, etc.) will be provided for the proper operation of the proposed use.

Route 9 can support traffic from the proposed use with no improvements, other than an updated driveway permit which will be obtained from NH-DOT. Direct access to Route 9 is ideal for the proposed use. Gravel pit operations will not require public water or sewer, and on-site parking will easily accommodate employees of the proposed use. The excavation process will establish management practices to protect water supply wells (nearest well 1900 ft away) and wetlands/water bodies (Otter Brook).



Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

February 18, 2022

ZBA Narrative
Proposed Gravel Pit – G2 Holdings, LLC
Route 9, Keene, NH

Existing Condition: The subject property is located on Route 9, on Map 215 Lot 7. The parcel is 84.71± acres in size and located in the Rural Zone with portions in the Hillside Protection and Surface Water Protection Overlay Districts. The property currently has a gravel access road with some existing cleared areas and trails. The land slopes generally upward from Route 9 to the northern property boundary and is mostly wooded. The existing access point is a gravel drive off Route 9. The applicant is utilizing the existing clearing as a laydown area for their landscape and site work business.

Proposed Excavation Operation: The applicant proposes to expand to the gravel pit operation on a 10± acre portion of the parcel, which is a permitted use by special exception in the Rural Zone. The initial phase of the operation will be approximately 5 acres. The excavation will include blasting ledge and mixing with the overburden material to create material for commercial sale. As that area is brought to grade, it will be stabilized via over-blasting by two feet, then adding loam and seed. The applicant anticipates 30-40 trucks per day and hours of operation from 7am-5pm Monday through Friday, with Saturday operations 7am-12pm. The existing drive will be improved to support the operation.

Natural vegetation will be preserved to the maximum extent feasible between the proposed expanded gravel pit and Route 9. Legal disposal methods will be utilized for any stumps and debris. The project will also provide adequate buffers to separate the gravel pit operations from surface waters and property lines.

The applicant proposes to provide a system of swales, terraced grading, and drainage pond to manage stormwater runoff on the site. The drainage design will contain and treat runoff from the gravel pit area such that adjacent areas are protected from sedimentation and erosion. The general drainage pattern on the property will remain the same as the existing condition.

Relief/Action Needed: The applicant requests to reduce the wetlands buffer from 250 feet to a minimum of 75 feet, commensurate with the buffer required for site uses other than excavation. This is appropriate because the applicant proposes to leave a natural berm between the operations and the wetlands on the west side of the pit, such that no runoff will impact the wetland areas. The applicant proposes to construct a berm on the eastern side to similarly protect wetlands in that area. The project will require City approvals for an Excavation Permit and Hillside Protection Conditional Use Permit, as well as Zoning Board approval of the use by Special Exception.

TEST BORING LOG



2 Commerce Drive; Suite 110
Bedford, New Hampshire 03110
603-668-1654

PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-1	SHEET: 1 of 1
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	FIELD TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	<input type="checkbox"/>
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	<input type="checkbox"/>
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	<input type="checkbox"/>
HAMMER FALL (IN)	--	--	30	--	<input type="checkbox"/> NO GROUNDWATER ENCOUNTERED	<input type="checkbox"/>

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
1					FILL	
2						
3						
4	S1	6	2	Loose dark brown medium to fine SAND, some Silt, trace organics, slight organic odor, moist.	4.5	
5			4	Loose red-brown coarse to fine SAND, little SILT, trace Gravel, no structure, no odor, moist.		
6			3			
7			4			
8				Auger action indicates strata change at ±8'		8
9						
10	S2	22	15	Dense grey-brown medium to fine SAND, some Silt, trace Gravel, well blended in-situ, no odor, moist.		
11			18			
12			27			
13			30			
14						
15	S3	24	26	Very dense grey-brown medium to fine SAND, some Silt, trace (+) Gravel, well blended in-situ, no odor, moist.		
16			40			
17			79			
18			74	Auger cuttings indicate wet material at ±17'		
19				Auger action indicates material change at ±18'		18
20	S4	16	31	Very dense grey medium to fine SAND, little (-) Silt, trace Gravel, Clay, layered with frequent fine SAND partings/lenses and clay varves,		
21			47			
22			57	Bottom of Exploration at ± 20.5'		20.5
				No Refusal		

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50 + = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBlog.xls

TEST BORING LOG



2 Commerce Drive; Suite 110
Bedford, New Hampshire 03110
603-668-1654

PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-2	SHEET: 1 of 1
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	FIELD TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	<input type="checkbox"/>
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	<input type="checkbox"/>
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	<input type="checkbox"/>
HAMMER FALL (IN)	--	--	30	--	<input checked="" type="checkbox"/> NO GROUNDWATER ENCOUNTERED	<input type="checkbox"/>
						<input type="checkbox"/> LABORATORY TESTING
						<input type="checkbox"/> MONITORING WELL INSTALLED
						<input type="checkbox"/> PID SCREENING

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
1						
2						
3						
4						
5	S1	5	29 50/2"	Very dense olive-brown coarse to fine SAND, little (+) Silt, trace Gravel, no structure, no odor, moist.		5
6				Auger refusal at ±5' Bottom of Exploration at ± 5'		
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50 + = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 -15 = STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBlog.xls

TEST BORING LOG



2 Commerce Drive, Suite 110
Bedford, New Hampshire 03110
603-668-1654

PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-3	SHEET: 1 of 2
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS			
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	0		<input type="checkbox"/> FIELD TESTING
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	25		<input type="checkbox"/> LABORATORY TESTING
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	DRY		<input type="checkbox"/> MONITORING WELL INSTALLED
HAMMER FALL (IN)	--	--	30	--	<input checked="" type="checkbox"/> NO GROUNDWATER ENCOUNTERED			<input type="checkbox"/> PID SCREENING

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
1				Auger probe to determine groundwater Granular Fill	FILL	
2						2
3				Grey coarse to fine SAND, some Silt, trace Gravel	TILL	
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50 + = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBlog.xls

TEST BORING LOG



PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-3	SHEET: 2 of 2
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	0
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	25
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	DRY
HAMMER FALL (IN)	--	--	30	--	<input checked="" type="checkbox"/> NO GROUNDWATER ENCOUNTERED	

- FIELD TESTING
- LABORATORY TESTING
- MONITORING WELL INSTALLED
- PID SCREENING

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
23						
24						
25				Bottom of Exploration at ± 25', No Refusal.		25
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50+ = VERY DENSE	N = 0-2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8-15 = STIFF 30+ = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: J:\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBlog.xls

TEST BORING LOG



PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-4	SHEET: 1 of 1
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	FIELD TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR) 0	<input type="checkbox"/>
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT) 14	<input type="checkbox"/>
HAMMER WT (LB)	--	--	140	--	DEPTH (FT) 13	<input type="checkbox"/>
HAMMER FALL (IN)	--	--	30	--	<input type="checkbox"/> NO GROUNDWATER ENCOUNTERED	<input type="checkbox"/>

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
1						
2						
3						
4						
5	S1	16	21	Dense brown coarse to fine SAND and Gravel, trace Silt, redoximorphic staining, no odor, moist. Note coarse gravel in spoon tip.	5.7	
			20			
			24			
6			50/3"			
7						
8						
9						
10	S2	4	100/4"	Very dense brown coarse to fine SAND and Gravel, trace Silt, no structure, no odor, moist.		
11						
12						
13						
14	S3	0	100/1"	Very dense, No Recovery. Auger refusal at ±14.7' Bottom of Exploration at ± 14.7'	14.7	
15						
16						
17						
18						
19						
20						
21						
22						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50 + = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30 + = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBLog.xls

TEST BORING LOG



PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-5	SHEET: 1 of 2
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR) 0.2	<input type="checkbox"/> FIELD TESTING
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT) 28	<input type="checkbox"/> LABORATORY TESTING
HAMMER WT (LB)	--	--	140	--	DEPTH (FT) DRY	<input type="checkbox"/> MONITORING WELL INSTALLED
HAMMER FALL (IN)	--	--	30	--	<input checked="" type="checkbox"/> NO GROUNDWATER ENCOUNTERED	<input type="checkbox"/> PID SCREENING

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION		STRATUM CHANGE DESCRIPTION	PID (PPM)
				BURMISTER SYSTEM (SOIL)	U.S. CORPS OF ENGINEERS SYSTEM (ROCK)		
1							
2							
3							
4	S1	17	13	Dense olive-brown coarse to fine SAND, some Gravel, trace (+) Silt, no structure, no odor, moist.			
5			20				
6			25				
7			30				
8				Auger action indicates cobble at ±8.5'		8.5	
9	S2	16	12	Dense brown coarse to fine SAND, little Gravel, trace (+) Silt, well blended in-situ, no odor, moist.			
10			15				
11			15				
12			17				
13							
14	S3	24	13	Dense olive-grey and red-brown SILT, trace fine Sand, trace Clay, layered with frequent fine sand partings and clay varves, no odor, moist.			
15			17				
16			21				
17			34				
18							
19	S4	16	10	Very dense olive-grey and red-brown SILT, little (-) fine SAND, trace Clay, layered with frequent fine SAND partings/lenses and clay varves, no odor, moist.			
20			20				
21			30				
22							

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS N = 0 - 4 = VERY LOOSE 4 - 10 = LOOSE 10 - 30 = MEDIUM 30 - 50 = DENSE 50 + = VERY DENSE	COHESIVE SOILS N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30 + = HARD	SAMPLE TYPE C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	PROPORTIONS trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%
	FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBLog.xls			

TEST BORING LOG



PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-5	SHEET: 2 of 2
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS			<input type="checkbox"/> FIELD TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	0.2	<input type="checkbox"/> LABORATORY TESTING	
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	28	<input type="checkbox"/> MONITORING WELL INSTALLED	
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	DRY	<input type="checkbox"/> PID SCREENING	
HAMMER FALL (IN)	--	--	30	--	<input checked="" type="checkbox"/> NO GROUNDWATER ENCOUNTERED			<input type="checkbox"/>

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
23						
24	S5	18	12	Very dense grey and red-brown SILT, little fine SAND, frequent fine sand partings, occasional fine sand lenses, no odor, moist.		
25			24			
26			40		Auger action indicates coarse gravel/cobble at ±26'	26
27						
28				Auger refusal at 28' Bottom of Exploration at ± 28'		28
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic FILE: \\6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBlog.xls	COHESIONLESS SOILS N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50 + = VERY DENSE	COHESIVE SOILS N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30 + = HARD	SAMPLE TYPE C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	PROPORTIONS trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%
--	---	---	--	---

TEST BORING LOG



PROJECT: Proposed Sand & Gravel Pit	BORING NO.: SLR-6	SHEET: 1 of 1
LOCATION: Franklin Pierce Highway	CONTRACTOR: New England Boring Contractors	
PROJ. NO: 144.16535.00023	FOREMAN: M. Thompson	
CLIENT: TF Moran	INSPECTOR: E. Adler	
DATE: December 9, 2021	GROUND SURFACE ELEVATION:	

EQUIPMENT:	AUGER	CASING	SAMPLER	COREBRL.	GROUNDWATER OBSERVATIONS	FIELD TESTING
TYPE	HSA	--	S	--	ELAPSED TIME (HR)	<input type="checkbox"/>
SIZE ID (IN)	3 1/4	--	1 3/8	--	CASING AT (FT)	<input type="checkbox"/>
HAMMER WT (LB)	--	--	140	--	DEPTH (FT)	<input type="checkbox"/>
HAMMER FALL (IN)	--	--	30	--	<input type="checkbox"/> NO GROUNDWATER ENCOUNTERED	<input type="checkbox"/>
						<input type="checkbox"/> LABORATORY TESTING
						<input type="checkbox"/> MONITORING WELL INSTALLED
						<input type="checkbox"/> PID SCREENING

Depth (FT)	SAMPLE NUMBER	RECOVERY (IN)	BLOWS PER 6"	SOIL AND ROCK CLASSIFICATION-DESCRIPTION BURMISTER SYSTEM (SOIL) U.S. CORPS OF ENGINEERS SYSTEM (ROCK)	STRATUM CHANGE DESCRIPTION	PID (PPM)
1						
2						
3						
4						
5	S1	18	15	Very dense brown coarse to fine SAND, little Gravel, little Silt, no structure, no odor, moist to wet.		
6			22			
7			33			
8			40			
9				Auger action indicates strata change at ±7'		7
10	S2	6	26	Very dense olive-grey to brown coarse to fine SAND and SILT, trace Gravel, well blended in-situ, no odor, wet.		
11			100/3"			
12				Auger refusal at ±10'		
13				Bottom of Exploration at ± 10'		
14						
15						
16						
17						
18						
19						
20						
21						
22						

Notes: 1) TYPE OF RIG: CME 550X, ATV Mounted 2) HAMMER/HOIST TYPE: Automatic	COHESIONLESS SOILS	COHESIVE SOILS	SAMPLE TYPE	PROPORTIONS
	N = 0 - 4 = VERY LOOSE 4-10 = LOOSE 10-30 = MEDIUM 30-50 = DENSE 50+ = VERY DENSE	N = 0 - 2 = VERY SOFT 2 - 4 = SOFT 4 - 8 = MEDIUM 8 - 15 = STIFF 30+ = HARD	C = ROCK CORE S = SPLIT SPOON UP = UNDISTURBED PISTON UT = UNDISTURBED THINWALL	trace = 0% - 10% little = 10% - 20% some = 20% - 35% and = 35% - 50%

FILE: \6535 TFM\6535-23 Keene\2021 Borings\144.16535.00023 TBLog.xls

TEST PIT REPORT

for
Gordon Services
Route 9
Keene, NH

PREPARED FOR

Cody Gordon
82549.00

PREPARED BY

TFMoran, Inc.
48 Constitution Drive
Bedford, NH 03110

September 10, 2020



Test Pit #1 9/10/2020

0-5' Fill Sandy Loam, Massive, Friable
5-15' Fine Sandy Loam, Cobbles/angular rock Fragments
 Compact till-hardpan, Coarse, Platy, Firm

ESHWT: Obs @ 6' 7.5YR 5/8 Redox Concentrations
 Few, Distinct

Seeps: None observed at 15'
No Refusal @ 15' Restrictive, compact till

Test Pit #2 9/10/2020

0-6' Sandy Loam, gravelly, Granular, Friable
6-15' Fine Sandy Loam, Cobbles/angular rock Fragments
 Compact till-hardpan, Coarse, Platy, Firm

ESHWT: Obs @ 6' 7.5YR 5/8 Redox Concentrations
 Few, Distinct

Seeps: None observed at 15'
No Refusal @ 15' Restrictive, compact till

Test Pit #3 9/10/2020

0-3' Sandy Loam, Gravelly, Granular, Friable
3-5' Fine Sandy Loam, Cobbles/angular rock Fragments
 Fine, Platy, Firm
5-14' Fine Sandy Loam, Coarse Platy, Firm, Hardpan

ESHWT: Obs @ 5' 7.5YR 5/8 Redox Concentrations
 Common, Distinct

Seeps: None observed at 14'
No Refusal @ 14' Restrictive, compact till

Test Pit #7 9/10/2020

0-1' Sandy Loam, Granular, Friable-topsoil
1-2' Sandy Loam, Granular, Friable, Angular rock fragments
2-4' Sandy Loam, Gravelly Single Grain, Loose,
4-12' Fine Sandy Loam, Sub-angular, Blocky, Firm,
 Large boulder encountered at 12'

ESHWT: Obs @ 5' 7.5YR 5/8 Redox Concentrations
 common, Distinct

Seeps: None observed at 12'
Refusal @ 12' to Large Boulder

Test Pit #8 9/10/2020

0-3' Sandy Loam, gravelly, Friable

ESHWT: Obs @ 3' 7.5YR 5/8 Redox Concentrations
 common, Distinct

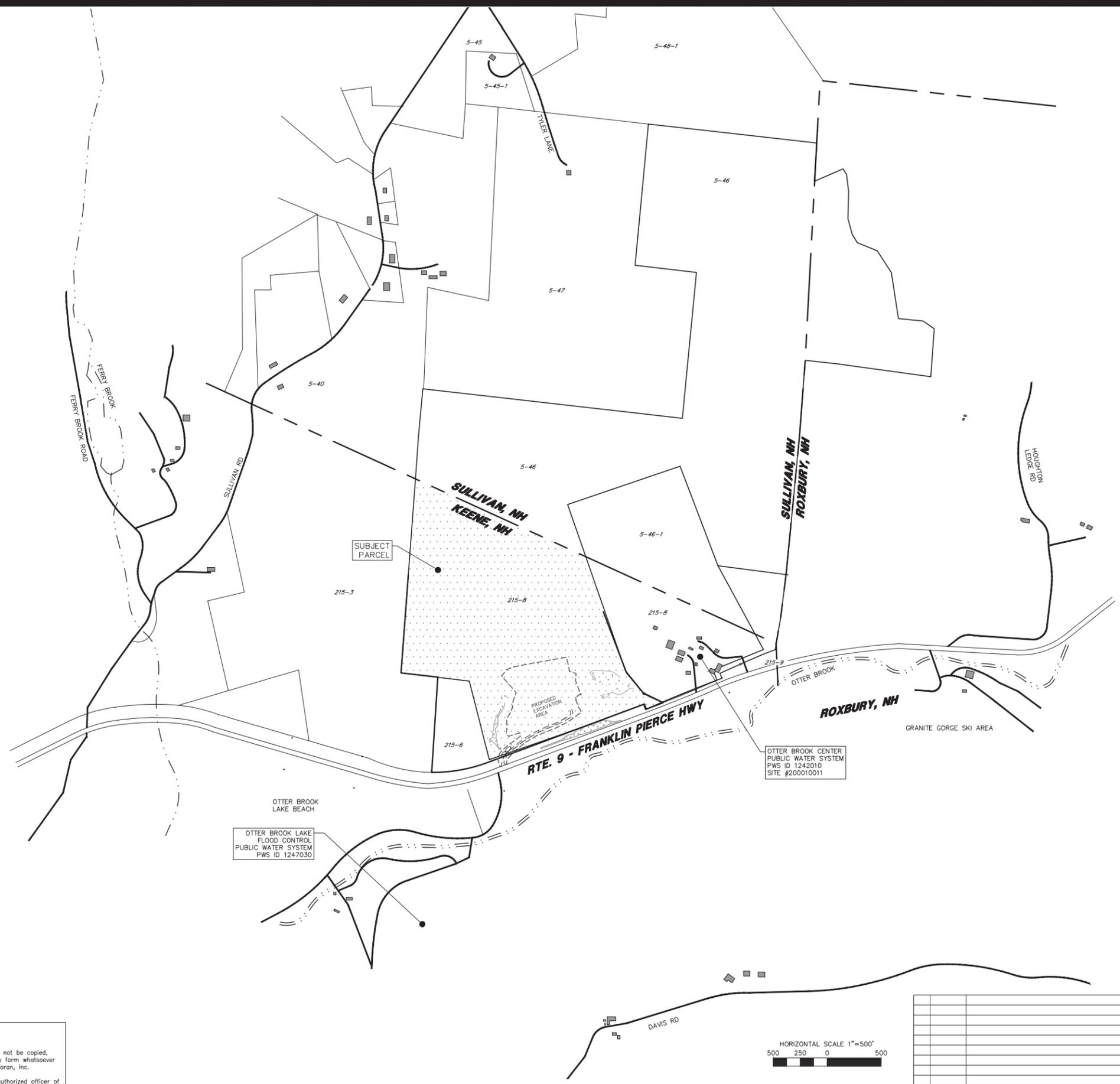
Seeps: None observed at 3'
Refusal @ 3' Paralithic bedrock refusal

Test Pit #9 9/10/2020

0-1.5' Sandy Loam, Granular, Friable-topsoil
1.5-3' Sandy Loam, Massive, slightly firm, Angular rock fragments
3-9' Sandy Loam, Gravelly Single Grain, Loose,

ESHWT: Obs @ 20" 7.5YR 5/8 Redox Concentrations
 common, Distinct

Seeps: None observed at 9'
Refusal @ 9' Paralithic bedrock refusal

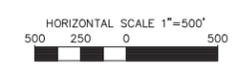


- NOTES**
1. PLAN IS A RESULT OF EXISTING PLANS, AERIAL PHOTOGRAPHY, AND TOWN GIS.
 2. PUBLIC WATER SYSTEMS PER NHDES ONE STOP DATABASE.

TAX MAP 215 LOT 7
PLOT PLAN
EXCAVATION SITE
RTE. 9, KEENE/SULLIVAN/ROXBURY, NH
 OWNED BY/PREPARED FOR
G2 HOLDINGS LLC

SCALE: 1"=500' **FEBRUARY 18, 2022**

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REV.	DATE	DESCRIPTION	DR	CK

TFM	Civil Engineers	48 Constitution Drive Bedford, NH 03110 Phone (603) 472-4488 Fax (603) 472-9747 www.tfmoran.com
	Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists	
PROJECT NO. 82549.00	DR SRP CK JK	FB GADFILE 82549 PLOT PLAN
		SHEET 1 OF 6



NOTES

1. PLAN IS A RESULT OF EXISTING PLANS, AERIAL PHOTOGRAPHY, AND TOWN GIS.
2. PUBLIC WATER SYSTEMS PER NHDES ONE STOP DATABASE.

TAX MAP 215 LOT 7
PLOT PLAN
EXCAVATION SITE
RTE. 9, KEENE/SULLIVAN/ROXBURY, NH
 OWNED BY/PREPARED FOR
G2 HOLDINGS LLC

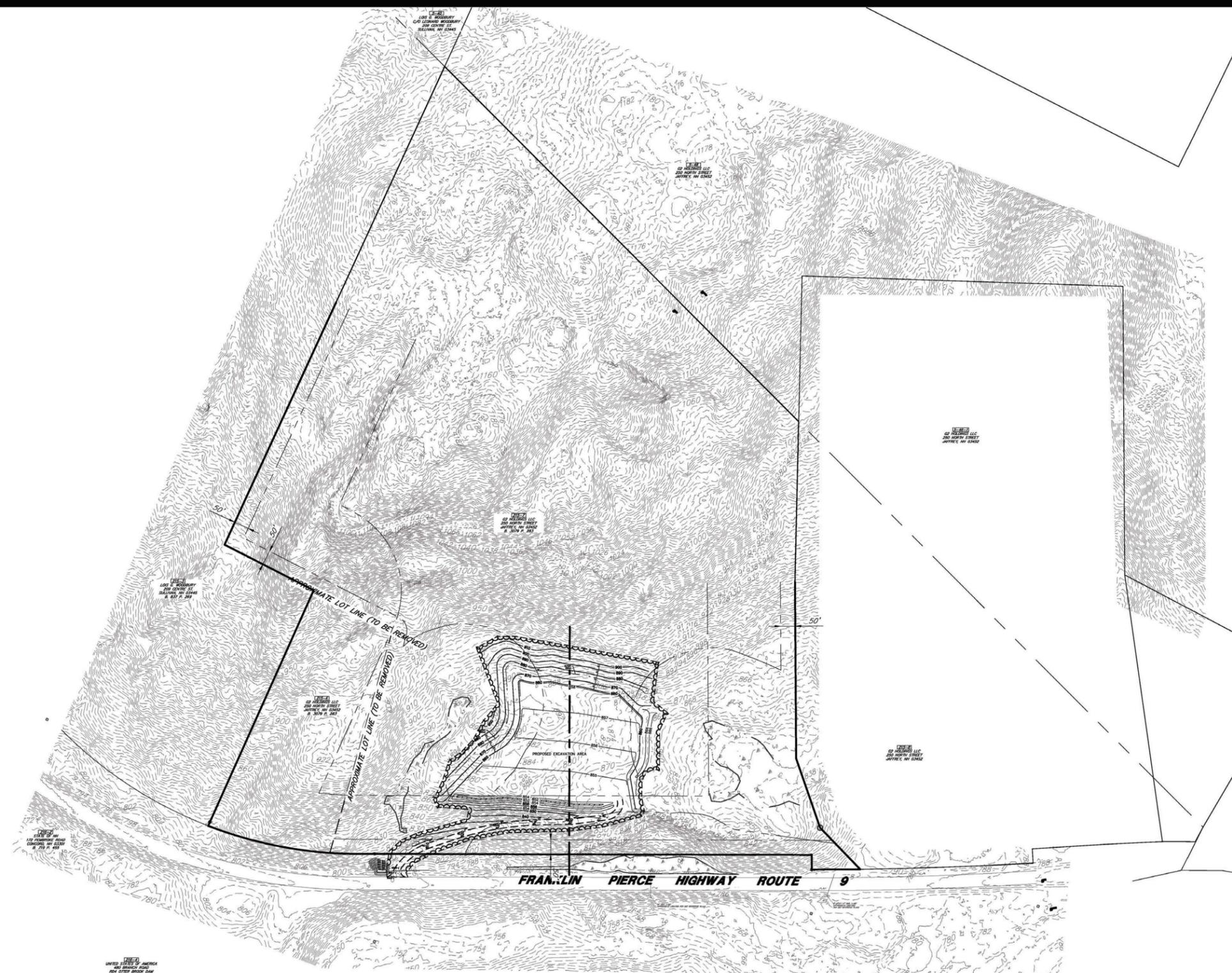
SCALE: 1"=500' **FEBRUARY 18, 2022**

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REV.	DATE	DESCRIPTION	DR	CK

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	
PROJECT NO. 82549.00	DR SRP FB	—
CK JK GADFILE	82549 PLOT PLAN	SHEET 2 OF 6



REFERENCE PLANS

1. BOUNDARY SURVEY: LAND OF SEAFIELD PINES HOSPITAL CORPORATION; KEENE, SULLIVAN & ROXBURY, COUNTY OF CHESHIRE, STATE OF NEW HAMPSHIRE, DATED JUNE, 1989; SCALE 1" = 300'; PREPARED BY C.T. MALE ASSOCIATES, P.C.

NOTES

1. OWNER OF RECORD OF MAP 215 LOT 7: G2 HOLDINGS, LLC, 250 NORTH ST., JAFFREY, NH 03452. DEED REFERENCE TO PARCEL IS BK. 3079 PG. 273. AREA OF PARCEL = 84.71 ACRES±
2. [215-7] INDICATES TAX MAP AND LOT NUMBER.
3. THE PURPOSE OF THIS PLAN IS TO SHOW THE APPROXIMATE EXISTING CONDITIONS ON MAP 215, LOT 7.
4. CURRENT ZONING IS RURAL.
 - MIN. LOT SIZE 5 ACRES
 - MIN. LOT FRONTAGE 50'
 - MIN. WIDTH 200' AT BUILDING LINE
 - MIN. BUILDING SETBACKS ARE 50' FRONT, 50' SIDE AND 50' REAR
5. EXAMINATION OF THE FLOOD INSURANCE RATE MAP FOR CHESHIRE COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS), MAP NUMBER 33005, EFFECTIVE DATE 5/23/2006, INDICATES THAT THE SUBJECT PARCELS ARE NOT LOCATED WITHIN A FLOOD HAZARD AREA.
6. TOPOGRAPHIC INFORMATION ON THIS PLAN WAS TAKEN FROM TOWN OF KEENE, NH GIS PLANS, AND LIDAR TOPOGRAPHY FROM NH GRANIT. BOUNDARY INFORMATION IS BASED ON KEENE GIS AND REFERENCE PLAN #1
7. WETLANDS SHOWN ON THIS PLAN WERE LOCATED BY A SITE WALK AND SCHEMATIC SKETCH, AND ARE NOT THE RESULT OF GROUND SURVEY.
8. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
9. 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.

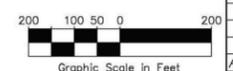
TAX MAP 215 LOT 7
ZBA VICINITY PLAN
EXCAVATION SITE
RTE. 9, KEENE/SULLIVAN/ROXBURY, NH
 PREPARED FOR
G2 HOLDINGS, LLC

SCALE: 1"=100' **FEBRUARY 18, 2022**



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CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION



REV.	DATE	DESCRIPTION	DR	CK

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

82549.00 DR MCK FB
 CK JK CADFILE 82549-00 Base SHEET 3 OF 6



215-3
LOIS G. WOODBURY
209 CENTRE ST.
SULLIVAN, NH 03445
B. 837 P. 269

215-7
G2 HOLDINGS LLC
250 NORTH STREET
JAFFREY, NH 03452
B. 3079 P. 283

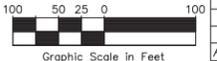
215-6
G2 HOLDINGS LLC
250 NORTH STREET
JAFFREY, NH 03452
B. 3079 P. 283



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CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

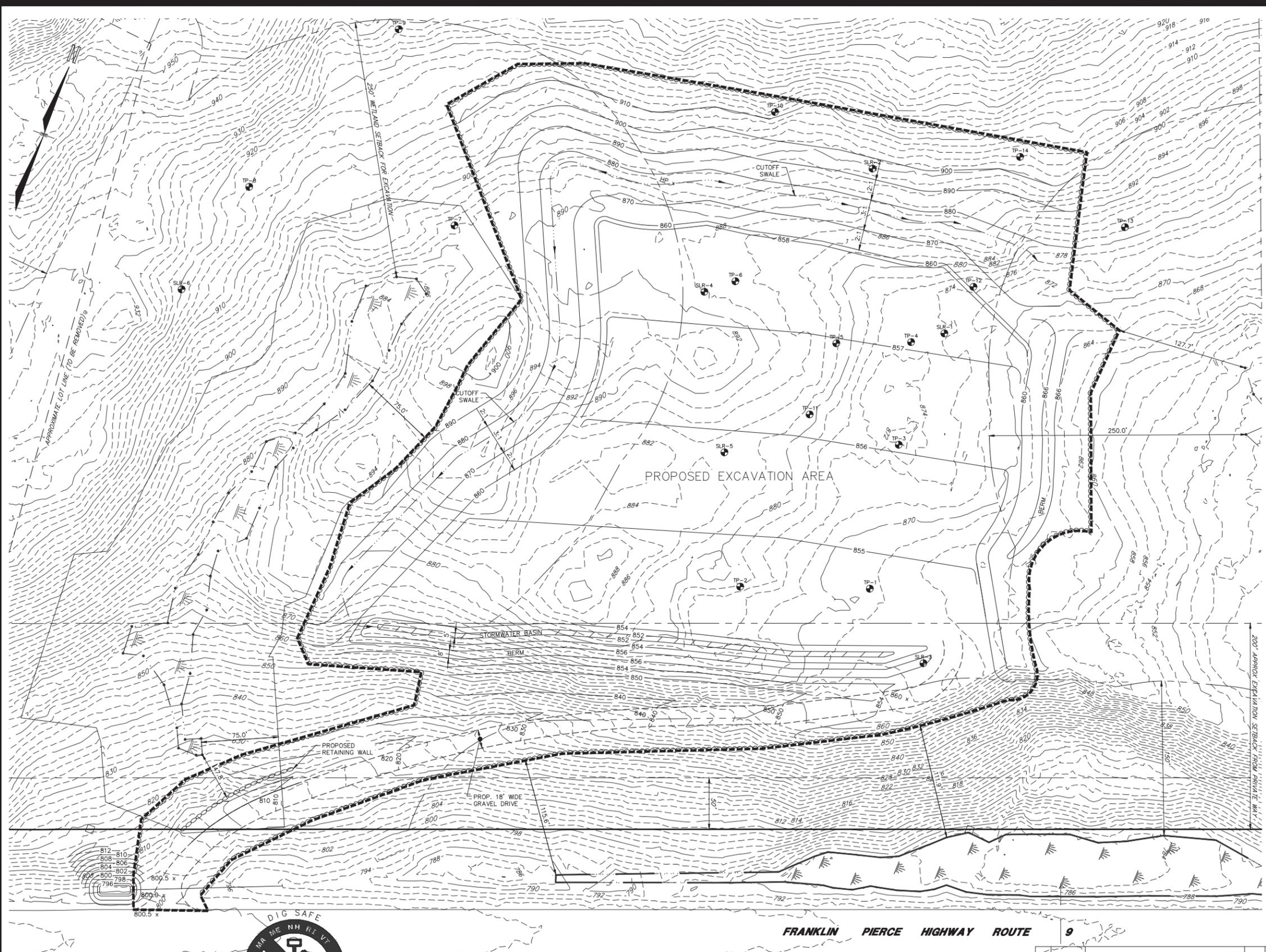
FRANKLIN PIERCE HIGHWAY



REV.	DATE	DESCRIPTION	DR	CK

TAX MAP 215 LOT 7
ZBA OVERALL SITE PLAN
EXCAVATION SITE
RTE. 9, KEENE/SULLIVAN/ROXBURY, NH
PREPARED FOR
G2 HOLDINGS, LLC
SCALE: 1"=100' **FEBRUARY 18, 2022**

	Civil Engineers Structural Engineers Traffic Engineers Land Surveyors Landscape Architects Scientists	48 Constitution Drive Bedford, NH 03110 Phone (603) 472-4488 Fax (603) 472-9747 www.tfmoran.com
	82549.00 SRP FB CADFILE 82549-00 Base	SHEET 4 OF 6



- ### NOTES
1. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE CITY OF KEENE, AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
 2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND ALL SURROUNDING CONDITIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BE AGREED TO BY THE ENGINEER BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT "DIGSAFE" (811) AT LEAST 72 HOURS BEFORE DIGGING.
 4. THE CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES OWNING UTILITIES, EITHER OVERHEAD OR UNDERGROUND, WITHIN THE CONSTRUCTION AREA AND SHALL COORDINATE AS NECESSARY WITH THE UTILITY COMPANIES OF SAID UTILITIES. THE PROTECTION OR RELOCATION OF UTILITIES IS ULTIMATELY THE RESPONSIBILITY OF THE CONTRACTOR.
 5. THE CONTRACTOR SHALL COORDINATE MATERIALS AND INSTALLATION SPECIFICATIONS WITH THE INDIVIDUAL UTILITY AGENCIES/COMPANIES, AND ARRANGE FOR ALL INSPECTIONS.
 6. ROAD AND DRAINAGE CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS, AND SHALL MEET LOCAL STANDARDS AND THE REQUIREMENTS OF THE LATEST NHDOT STANDARD SPECIFICATIONS FOR ROADS AND BRIDGE CONSTRUCTION AND THE NHDOT STANDARD STRUCTURE DRAWINGS UNLESS OTHERWISE NOTED.
 7. STORM DRAINAGE SYSTEM SHALL BE CONSTRUCTED TO LINE AND GRADE AS SHOWN ON THE PLANS. CONSTRUCTION METHODS SHALL CONFORM TO NHDOT STANDARD SPECIFICATIONS, SECTION 603. CATCH BASINS AND DRAIN MANHOLES SHALL CONFORM TO SECTION 604. ALL CATCH BASIN GRATES SHALL BE TYPE B AND CONFORM TO NHDOT STANDARDS AND SPECIFICATIONS UNLESS OTHERWISE NOTED.
 8. ALL MANHOLES IN PAVEMENT SHALL HAVE RIMS SET TO FINISH GRADE REGARDLESS OF ANY ELEVATIONS OTHERWISE SHOWN.
 9. ALL ELEVATIONS SHOWN AT CURB ARE TO THE BOTTOM OF CURB UNLESS OTHERWISE NOTED. CURBS HAVE A 6" REVEAL UNLESS OTHERWISE NOTED.
 10. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
 11. THE SITE CONTRACTOR SHALL PREPARE, MAINTAIN, AND EXECUTE A S.W.P.P.P. IN ACCORDANCE WITH EPA REGULATIONS AND THE CONSTRUCTION GENERAL PERMIT.
 12. THE SITE CONTRACTOR SHALL COORDINATE WITH THE OWNER TO SUBMIT AN NOI AT LEAST 14 DAYS IN ADVANCE OF ANY EARTHWORK ACTIVITIES AT THE SITE.
 13. THE EROSION CONTROL PRACTICES SHOWN ON THESE PLANS ARE ILLUSTRATIVE ONLY AND SHALL BE SUPPLEMENTED BY THE SITE CONTRACTOR AS NEEDED.
 14. COORDINATE WITH ARCHITECTURAL PLANS FOR DETAILED GRADING AT BUILDING, AND SIZE AND LOCATION OF ALL BUILDING SERVICES.
 15. COORDINATE WITH GEOTECHNICAL/STRUCTURAL PLANS FOR SITE PREPARATION AND OTHER BUILDING INFORMATION.
 16. COORDINATE WITH MECHANICAL AND PLUMBING PLANS FOR ROOF DRAIN INFORMATION.
 17. LIMITS OF WORK ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE ALL WORK TO PROVIDE SMOOTH TRANSITIONS. THIS INCLUDES GRADING, PAVEMENT, CURBING, SIDEWALKS AND ALIGNMENTS.
 18. THE CONTRACTOR SHALL REFER TO THE GEOTECHNICAL REPORT FOR INFORMATION ABOUT GROUNDWATER CONDITIONS. THE CONTRACTOR SHALL FOLLOW THE GEOTECHNICAL ENGINEERS RECOMMENDED METHODS TO ADDRESS ANY GROUNDWATER ISSUES THAT ARE FOUND ON SITE.
 19. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR THE CONDITIONS AT THE SITE. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ENGINEER.
 20. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK THE ACCURACY OF THE TOPOGRAPHY AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO ANY EARTHWORK BEING PERFORMED ON THE SITE. NO CLAIM FOR EXTRA WORK WILL BE CONSIDERED FOR PAYMENT AFTER EARTHWORK HAS COMMENCED.
 21. VERIFY TBM ELEVATIONS PRIOR TO CONSTRUCTION.
 22. IN THE EVENT OF A CONFLICT BETWEEN PLANS, SPECIFICATIONS, AND DETAILS, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATION.
 23. IF CONDITIONS AT THE SITE ARE DIFFERENT THAN SHOWN THE ENGINEER SHALL BE NOTIFIED PRIOR TO PROCEEDING WITH THE AFFECTED WORK.
 24. 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.
 25. TFMORAN INC. ASSUMES NO LIABILITY FOR WORK PERFORMED WITHOUT AN ACCEPTABLE PROGRAM OF TESTING AND INSPECTION AS APPROVED BY THE ENGINEER OF RECORD.
 26. THE SITE CONTRACTOR SHALL ENSURE THAT ALL WORK IS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF NHDES ENV-WQ 1500 AS APPLICABLE.
 27. AT COMPLETION OF CONSTRUCTION, THE SITE CONTRACTOR SHALL PROVIDE A LETTER CERTIFYING THAT THE PROJECT WAS COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS, AND A LETTER STAMPED BY A QUALIFIED ENGINEER THAT THEY HAVE OBSERVED ALL UNDERGROUND DETENTION SYSTEMS, INFILTRATION SYSTEMS, OR FILTERING SYSTEMS PRIOR TO BACKFILL, AND THAT SUCH SYSTEMS CONFORM TO THE APPROVED PLANS AND SPECIFICATIONS.
 28. IF ANY DEVIATIONS FROM THE APPROVED PLANS AND SPECIFICATIONS HAVE BEEN MADE, THE SITE CONTRACTOR SHALL PROVIDE AS-BUILT DRAWINGS STAMPED BY A LICENSED SURVEYOR OR QUALIFIED ENGINEER ALONG WITH A LETTER STAMPED BY A QUALIFIED ENGINEER DESCRIBING ALL SUCH DEVIATIONS, AND BEAR ALL COSTS FOR PREPARING AND FILING ANY NEW PERMITS OR PERMIT AMENDMENTS THAT MAY BE REQUIRED.

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FRANKLIN PIERCE HIGHWAY ROUTE 9



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TAX MAP 215 LOT 7
ZBA GRADING PLAN
EXCAVATION SITE
RTE. 9, KEENE/SULLIVAN/ROXBURY, NH
 PREPARED FOR
G2 HOLDINGS, LLC

SCALE: 1"=50' FEBRUARY 18, 2022

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