



## City of Keene Zoning Board of Adjustment

### AGENDA

**Monday, December 4, 2023      6:30 p.m.      City Hall, 2<sup>nd</sup> Floor Council Chambers**

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: November 6, 2023
- III. Unfinished Business:
- IV. Hearings:

**Continued ZBA 23-25:** Petitioner, 706 Main St. Owner LP, of Newark, DE, represented by Jeffrey Christensen, Esq. of Cleveland, Waters and Bass of Concord, NH, requests an Enlargement or Expansion of a Nonconforming Use for property located at 706 Main St., Tax Map #120-019-000 and is in the Low Density District. The Petitioner requests to expand or enlarge the pre-existing, nonconforming three-unit multifamily use to add two additional dwelling units, per Articles 18.2 and 25.7 of the Zoning Regulations.

**ZBA 23-28:** Petitioner, Charles and April Weed requests a Variance for property located at 28 Damon Ct., Tax Map #553-039-000 and is in the High Density District. The Petitioner requests the construction of an attached carport, 12' x 24', that will extend approximately one foot from the property line where 15' is required per Article 3.6.2 of the Zoning Regulations.

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

Page intentionally left blank

1 City of Keene  
2 New Hampshire

3  
4  
5 ZONING BOARD OF ADJUSTMENT  
6 MEETING MINUTES  
7

8 **Monday, November 6, 2023**

**6:30 PM**

**Council Chambers, City Hall**

**Members Present:**

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

**Staff Present:**

Michael Hagan, Plans Examiner  
Corinne Marcou, Zoning Clerk

**Members Not Present:**

Joshua Gorman

9  
10  
11 **I) Introduction of Board Members**  
12

13 Chair Hoppock called the meeting to order at 6:30 PM. Roll call was conducted. Chair Hoppock  
14 noted that there will be a four member Board, with three of the petitions on the agenda moving  
15 forward and one wishing to continue to next month's meeting with a five member Board.  
16

17 **II) Minutes of the Previous Meeting – September 5, 2023**  
18

19 Ms. Taylor made a motion to approve the meeting minutes of September 5, 2023. Mr. Welsh  
20 seconded the motion, which passed by unanimous vote.  
21

22 **III) Unfinished Business**  
23

24 None.  
25

26 **IV) Hearings**  
27

28 **A) ZBA 23-24: Petitioner, Grady Budd and Lauren Lavoie, represented by A.**  
29 **Eli Leino of Bernstein Shur, of Manchester NH, requests a Variance for property**  
30 **located at 143 Jordan Rd., Tax Map #232-008-000 and is in the Rural District. The**  
31 **Petitioner requests to permit the construction of an energy vestibule entrance 41' 5"**  
32 **into the front setback where 50' is required per Article 3.1.2 of the Zoning**  
33 **Regulations.**  
34

35 Chair Hoppock asked to hear from staff. Plans Examiner Michael Hagan stated that 143 Jordan  
36 Rd. is located in the Rural District and was built in 1976. He continued that it is on 1.5 acres and  
37 is a single-family home with no previous variances or ZBA applications on record.

38

39 Chair Hoppock asked to hear from the applicant.

40

41 Eli Leino of Bernstein Shur in Manchester introduced himself and stated that with him are the  
42 property owners, Grady Budd and Lauren Lavoie, and Katie Sutherland, Project Architect. He  
43 continued that there are no existing variances on this property. It was built before the Zoning  
44 changed to the 50-foot setback in the larger lots and is a preexisting condition as such. He asked  
45 the architect what the style of the house was, because it is listed in the Assessor's sheets as  
46 "colonial," which he did not think was right. The architect's response was that it was a garrison,  
47 sort of, but "really a hodge-podge."

48

49 Mr. Leino continued that they are before the ZBA tonight because this is preexisting in the 50-  
50 foot setback and they are trying to rebuild the front façade of this house, along with an air lock or  
51 energy vestibule. Having a double door air lock would be a way to not let all the hot air out in  
52 the winter, or the cool air out in the summer. It is a logical build, and as the Board can see from  
53 the submitted elevations plan, it will be a nicer look and be in keeping with what Jordan Rd. is  
54 starting to become. There has been a lot of redevelopments there, with some big houses, some  
55 beautiful houses trying to take advantage of the view. It is in the Rural District, is defined in the  
56 ordinance "*outside of the valley floor*," which this certainly is. As such, the lot slopes very  
57 sharply from Jordan Rd. down into Keene. Thus, there is not much room to move back without  
58 undertaking many cuts and fills to try to do it in a way that complies with the setback ordinance,  
59 making it very challenging.

60

61 Mr. Leino continued that he will go through the Variance criteria.

62

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

64

65 Mr. Leino stated that to be contrary to the public interest it needs to conflict with the essential  
66 character of the neighborhood or threaten the public health, safety, or welfare. He continued that  
67 as noted, there is not necessarily one overwhelming visual character to this neighborhood, other  
68 than it is residential, in a low density zone. They are maintaining exactly the same single-family  
69 home and there is no contradiction with the essential character by doing that, nor a threat to the  
70 public health, safety, or welfare. They are not changing anything about the way this is used from  
71 the 1976 original build, it will just be a better-looking version, not hurting sight lines or diminish  
72 emergency response time or anything like that.

73

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

75

76 Mr. Leino stated that this is related to the first criterion. He continued that this meets the spirit of  
77 the Ordinance, where this zone is proposed for very low density development of residential

78 character. [It is a] single-family house, mildly encroaching slightly more into the setback, which  
79 it already encroaches in, but nothing that violates the spirit of the Ordinance.

80

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

82

83 Mr. Leino stated that substantial justice has been held by the Supreme Court to be a balancing  
84 test between the rights of the applicant and the rights of the public, so any harm to the public  
85 cannot be outweighed by the benefit to the applicant. He continued that this is an opportunity for  
86 these homeowners to really make this their home, as opposed to a slightly dated, slightly tired,  
87 1976 façade on a home that works well. Moving right now is difficult, rates being what they are,  
88 the housing stock being what it is. This is an opportunity to spruce up this house with a beautiful  
89 new façade and the energy vestibule entrance. That is a big benefit to his clients, and on the  
90 other side, their neighbors to the left and right and across the street will also get to look at a  
91 better-looking façade rather than this hodge-podge that exists. He does not see a detriment to the  
92 public, so the balancing test tips on the side of the applicant.

93

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

96

97 Mr. Leino stated that the value of surrounding properties will not be diminished by this. He  
98 continued that this is an investment by the homeowners, taking something that is a little tired and  
99 architecturally not what they are hoping for, and taking the opportunity to invest in this piece of  
100 the neighborhood, which has happened up and down Jordan Rd. It will be positive for the  
101 neighborhood. It shows that if people take the investment on any of these other houses, it is in  
102 keeping with the neighborhood; this is what people are doing. They are working hard to be  
103 proud of the houses on Jordan Rd.

104

105 5. *Unnecessary Hardship*

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

109 i. *No fair and substantial relationship exists between the general public*  
110 *purposes of the ordinance provision and the specific application of that provision*  
111 *to the property*

112

113 Mr. Leino stated that this is a preexisting condition, which the Board can look at as a unique  
114 characteristic. He continued that in addition, it slopes sharply from Jordan Rd. into the valley, so  
115 building further back, in a way that is compliant (with the Land Development Code) would mean  
116 demolishing the house to move it back. That is an excessive expectation and would create a  
117 hardship, both financial and (otherwise) and is unnecessary. Whereas allowing this (proposal),  
118 where they already have a flatter area on the front, and they already know the driveway works, is  
119 a logical way to improve this house and make it more suitable for the homeowners' use, based on  
120 the conditions of the property.

121 and

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

123

124 Mr. Leino stated that the proposed use is reasonable. He continued that this is a zone  
125 predominantly for single-family homes as well as some agricultural uses. This is a single-family  
126 residential proposal, which is what is there currently, so it is a reasonable use.

127

128 Mr. Leino stated that there is a letter signed by the neighbors of the different houses, which he  
129 can read or give to staff. Chair Hoppock replied that he does not think the ZBA members have  
130 copies of those. Mr. Leino replied that he had just received the letters from his clients tonight;  
131 they were delivered today. Chair Hoppock asked him to read them, so that they are in the record.

132

133 Mr. Leino stated that the letters are from Carol Arsenault at 142 Jordan Rd., Clark and Joanne  
134 Dexter at 137 Jordan Rd., and Christopher and Meghan Dubriske at 153 Jordan Rd. He  
135 continued that it is the same letter from each of these abutters, left, right, and across the street:

136

137 *“Dear Keene Zoning Board,*

138

139 *It is our understanding that Lauren Lavoie and Grady Budd, who reside at 143 Jordan Rd., have*  
140 *applied to the Keene Zoning Board for a property Variance so that an addition to the front of*  
141 *their home can encroach on a 50-foot setback. As their immediate neighbors, we fully support*  
142 *their request and are not opposed to this encroachment.”*

143

144 Chair Hoppock asked if Mr. Leino had anything further to add. Mr. Leino replied that he would  
145 answer any questions.

146

147 Ms. Taylor stated that she is trying to understand the drawings that were submitted with the  
148 application. She asked if the existing house is within the 50-foot setback. Mr. Leino replied no,  
149 the existing corner of the garage is already in the setback. Ms. Taylor asked if the main house  
150 itself is currently within the 50-foot setback. Mr. Leino replied that the zone line cuts a piece of  
151 the garage basically right to the front door, so there are encroaching pieces of the house. The  
152 building is currently non-conforming.

153

154 Chair Hoppock stated that the plan he is looking at, page 33 of 88 in the agenda packet, shows  
155 the setback line bisecting the corner of the house and it looks like it goes through a shaded area,  
156 which would be the new vestibule. He asked if that is correct. Katie Sutherland, Architect,  
157 replied that the hatched areas represent the proposed addition. She indicated where the setback  
158 line is and noted that some of the existing building is within the setback line.

159

160 Chair Hoppock asked if that is what makes it non-conforming. Mr. Leino replied that is correct.  
161 He continued that it was designed, obviously, to a different setback standard when it was built.

162

163 Chair Hoppock stated that regarding the fifth criterion, on that same map, if you are looking at  
164 the front of the house, the slopes look like they slope front to back on the left side. Ms.  
165 Sutherland referred to the contour lines and replied that the hill drops off rather steeply at the  
166 back of the house. All along that side of Jordan Rd., actually. She continued that because of the  
167 topography on that side of Jordan Rd., many of these other houses are also within the 50-foot  
168 setback. There is definitely precedent on that side of the road.

169  
170 Chair Hoppock asked if those other houses were preexisting and if they were zoned out of that  
171 setback after the fact. Mr. Leino replied that he has driven it a few times, and he does not think  
172 any of these houses look brand new or like they were built in the last 10 or 15 years.

173  
174 Chair Hoppock asked if the 50-foot setback was put in during the last round of Code  
175 modifications. Mr. Hagan replied that the 50-foot setback in the Rural District has been in place  
176 for at least the past 23 years he has been here. He continued that what changed in the Rural  
177 District during this last round of changes is that it went from five acres to two acres.

178  
179 Chair Hoppock asked if it is correct that this is 1.5 acres. Mr. Leino replied yes, a legally non-  
180 conforming lot, similar to the ones surrounding it.

181  
182 Ms. Taylor stated that she assumes this new vestibule will have some form of roof overhang.  
183 She asked whether that is factored into the calculation that was in the application. Mr. Leino  
184 replied yes, it was. He continued that they measured from the farthest overhang.

185  
186 Chair Hoppock asked if there were any further questions from the ZBA. Hearing none, he asked  
187 for public comment. Hearing none, he closed the public hearing and asked the Board to  
188 deliberate.

189  
190 Mr. Welsh stated that to him, this is one of those situations where the applicant, through the  
191 narrative of the form they filled out, has done a very good job covering the bases. He continued  
192 that regarding the first criterion, he thinks the citation of case law is interesting and compelling.  
193 Chair Hoppock replied that he agrees.

194  
195 Chair Hoppock stated that he does not see any issue with this application. He continued that it  
196 will not alter the essential character of the neighborhood or create any public safety issue, but it  
197 will look nice, and will fit in the neighborhood. He agrees with the remarks before that an  
198 energy vestibule in a low-density area, in a single-family home in the Rural District, is within the  
199 spirit of the Ordinance. Regarding the third criterion, he sees no harm to the public, if anything,  
200 there is a public benefit, in terms of energy savings and appreciates the gain to the property  
201 owner. He does not see any way that this could diminish property values anywhere. Regarding  
202 the fifth criterion, the topography is a factor. The fact that it is a preexisting condition in terms  
203 of the footprint of the house gives it a problem as well, making it harder to comply with the  
204 setbacks. He thinks the fifth criterion is met as well and will vote to approve this.

205

206 Ms. Taylor stated that she echoes Chair Hoppock’s comments, and she thinks something they  
207 need to consider is whether it will change the density, since that is the whole purpose behind the  
208 Low Density District, and it clearly will not impact that. She continued that the topography is, to  
209 her, the primary factor of the hardship, as long as the calculations are correct. In addition,  
210 regarding the fifth criteria, she would add that it is a quite reasonable request.

211  
212 Mr. Welsh made a motion to approve ZBA 23-24 for 143 Jordan Rd. Mr. Clough seconded the  
213 motion.

214  
215 1. *Granting the Variance would not be contrary to the public interest.*

216  
217 Met with a vote of 4-0.

218  
219 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*

220  
221 Met with a vote of 4-0.

222  
223 3. *Granting the Variance would do substantial justice.*

224  
225 Met with a vote of 4-0.

226  
227 4. *If the Variance were granted, the values of the surrounding properties would not be*  
228 *diminished.*

229  
230 Met with a vote of 4-0.

231  
232 5. *Unnecessary Hardship*

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

236 i. *No fair and substantial relationship exists between the general public*  
237 *purposes of the ordinance provision and the specific application of that provision*  
238 *to the property.*

239  
240 Met with a vote of 4-0.

241  
242 *and*

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

244  
245 Met with a vote of 4-0.

246  
247 The motion to approve ZBA 23-24 passed with a vote of 4-0.

248

249           **B) ZBA 23-25: Petitioner, 706 Main St. Owner LP, of Newark, DE, represented**  
250 **by Jeffrey Christensen, Esq. of Cleveland, Waters and Bass of Concord, NH,**  
251 **requests an Enlargement or Expansion of a Nonconforming Use for property**  
252 **located at 706 Main St., Tax Map #120-019-000 and is in the Low Density District.**  
253 **The Petitioner requests to expand or enlarge the pre-existing, nonconforming three**  
254 **unit multi family use to add two additional dwelling units, per Articles 18.2 and 25.7**  
255 **of the Zoning Regulations.**  
256

257 Chair Hoppock stated that Petitioner Jeffrey Christensen emailed Corinne Marcou, Zoning Clerk,  
258 on Tuesday, October 31, asking that this matter be continued until the December meeting. He  
259 asked for a motion.

260  
261 Mr. Clough made a motion to continue ZBA 23-25 to the next meeting, December 4, 2023, at the  
262 request of the applicant. Mr. Welsh seconded the motion, which passed with a vote of 4-0.  
263

264           **C) ZBA 23-26: Petitioner, Tasoulas Realty, dba MGJ Realty of Keene, requests**  
265 **a Variance for property located at [36] Carpenter St., Tax Map #573-067-000 and is**  
266 **in the Medium Density District. The Petitioner requests a change of use from**  
267 **warehouse to a health center/gym where a gym is not a permitted use per Article**  
268 **3.5.5 of the Zoning Regulations.**  
269

270 Chair Hoppock introduced ZBA 23-26, noting that the address is incorrect on the agenda and the  
271 correct address is 36 Carpenter St. He asked to hear from staff.  
272

273 Mr. Hagan stated that 36 Carpenter St. is zoned Medium Density and was built in 1930. He  
274 continued that it is 23,247 square feet. Current and past uses are/were a school, manufacturing,  
275 office, factories, storage, retail, and wholesale. In 1987, there was a two-part ZBA application,  
276 an appealed administrative decision as well as an enlargement of a non-conforming use. The  
277 first was denied; the ZBA agreed with the Zoning Administrator's decision for the use. The  
278 ZBA approved the enlargement of the non-conforming use to expand retail service use of the  
279 printing for an occupancy of 2,200 to 6,900 square feet.  
280

281 Ms. Taylor asked Mr. Hagan to confirm the zoning. Mr. Hagan replied Medium Density, the  
282 intent of which is as follows: *"To provide medium-intensity residential development and*  
283 *associated uses. All uses in this district shall have City water and sewer services."*  
284

285 Ms. Taylor stated that her question concerns all the uses in the building. She asked if it is correct  
286 to assume that the zoning has changed over time. Mr. Hagan replied that he cannot confirm that.  
287 He continued that during the time he has been here, it has always been zoned Medium Density.  
288 There have been multiple uses in the building over the years with many of them having changed  
289 from one owner to another for the same type of business. Ms. Taylor replied that maybe the  
290 applicant can clarify that for them.  
291

292 Chair Hoppock asked if there were any further questions for staff. Hearing none, he asked to  
293 hear from the applicant.  
294

295 John Tasoulas of 36 So. Lincoln St. stated that this is a commercial building in the Medium  
296 Density District. He continued that to the south is the industrial, historical center of Keene, the  
297 railroad area with many commercial buildings in that area. At the corner of Water St. and  
298 Carpenter St. is where the old Findings building was. Across the street to the west is a park,  
299 which is also zoned Medium Density. This is really on the fringe of the Medium Density  
300 District. It is more industrial to the south, and to the west is commercial and industrial. The  
301 building was built in the 1930's and has been added on to over the years. At one point, Medium  
302 Density was applied to it. He does not know when, but he assumes in the 1970s. The Medium  
303 Density District allows for no commercial uses except for a telecommunications tower and  
304 maybe a home for people who were abused.

305  
306 Mr. Hagan replied that allowed uses are congregate living and social services with a CUP, such  
307 as a domestic violence shelter or small group home; community garden; and conservation area.  
308

309 Mr. Tasoulas stated that all the uses currently in the building are not permitted under Medium  
310 Density. He continued that it is interesting that Medium Density was imposed on this building to  
311 begin with, considering its history and uses, but that is where they are today. They want to  
312 change some of the uses from a warehouse to a gym/recreational use. The only uses in the  
313 building are residential, is what the zoning is asking for.  
314

315 Chair Hoppock asked what uses are happening in the building now. Mr. Tasoulas replied  
316 warehousing, office space, a printing business, a carpet care business, and a dog-washing  
317 business. He continued that with the permitted uses, the most you could do there would be a  
318 three-unit building. If he were to tear it down, he could have a three-unit building on a 1.2-acre  
319 lot, to be in compliance with zoning.  
320

321 Mr. Tasoulas stated that he will go through the criteria.  
322

323 1. *Granting the Variance would not be contrary to the public interest.*  
324

325 Mr. Tasoulas stated that the public interest would be served, because he has an industrial  
326 building in the Medium Density District that does not have any permitted uses under the current  
327 zoning. It would allow him as the building owner to increase the number of uses in the property  
328 and make it more viable as a rental, which is better for Keene. He continued that having  
329 recreational uses is good for the Medium Density District. It allows people to get together and  
330 work out, congregate, and have a community of like-minded, health conscious people. The City-  
331 owned park across the street is in the Medium Density zone and not permitted, but he does not  
332 think the City would put a use on that property that was contrary to the zone. If the City thinks it  
333 would be good to have a park and recreational use across the street, he thinks it would be good to  
334 have it at 36 Carpenter St. It would fit into the neighborhood and would not be contrary to the  
335 public interest.  
336

337 2. *If the Variance were granted, the spirit of the Ordinance would be observed.*  
338

339 Mr. Tasoulas stated that his response is the same (as for the first criterion). He continued that  
340 people getting together for health purposes is good for the Medium Density Zone. It gets people

341 together in that area to work out, congregate, and improve their lives. The Ordinance would  
342 want recreational uses. This is a closed recreational use, membership-only, not open to the  
343 public. It would thus be small amounts of people getting together at this location to improve  
344 their health, and he thinks it would be in the spirit of the Ordinance.

345  
346 3. *Granting the Variance would do substantial justice.*

347  
348 Mr. Tasoulas stated that he thinks it would do justice. He continued that he has a building where  
349 every use in it is legally non-conforming. The zoning imposed on this building is very  
350 restrictive. This would create justice in that he would be able to use this property with a  
351 reasonable use and it would not be injurious to the neighborhood in the Medium Density zone.

352  
353 4. *If the Variance were granted, the values of the surrounding properties would not be*  
354 *diminished.*

355  
356 Mr. Tasoulas stated that Paul Rodenhauser, a realtor at Masiello, wrote a letter giving his opinion  
357 about the property values in the neighborhood. He continued that Mr. Rodenhauser says that in  
358 his professional opinion, the use of recreational gym/healthcare will not decrease or diminish  
359 property values whatsoever in that area.

360  
361 5. *Unnecessary Hardship*

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

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

368 and

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

370  
371 Mr. Tasoulas stated that this commercial building was built in the 1930's and added onto over  
372 the years, and a very restrictive zoning district was applied to it in that none of the uses that were  
373 in the building over the years are permitted anymore. They are all legally non-conforming. He  
374 continued that the hardship is that he needs to have a use for this property. Factories and  
375 industrial uses/spaces in Keene are diminishing. Other uses that are beneficial to the District  
376 need to be permitted in these buildings. A building on Victoria St., very close to his, used to be a  
377 warehouse building and it is now a gym. The (former) Findings building, almost adjacent to his  
378 building, is being turned into a skate park. There are commercial and industrial buildings in the  
379 area changing into recreational uses. Having a building that has no legal uses under the current  
380 Ordinance is unfair. It would be fair if this Board were to allow a reasonable use like a gym in  
381 the building.

382  
383 Ms. Taylor asked how many members Mr. Tasoulas has for the "members only" gym. Mr.  
384 Tasoulas replied about 15 to 20, is what CrossFit gym owner Michelle (Gaffney) says.

385

386 Ms. Taylor stated that she was wondering about parking. She continued that if there are several  
387 uses there from the other businesses, she does not know how the parking is calculated. Mr.  
388 Tasoulas replied that he provided that documentation to City staff prior to this meeting. He  
389 continued that he measured the usable space in the building and came up with a parking plan.  
390 He asked if the Board has that.

391  
392 Chair Hoppock asked if it is the email from October 20, which says 16 parking spaces for office,  
393 2.5 parking spaces for warehouse, and 24 parking spaces for gym. He asked if that sounds right.  
394 Mr. Tasoulas replied yes, and he submitted a plan with that email.

395  
396 Ms. Taylor asked if she is correct in understanding that this gym is currently operating. Mr.  
397 Tasoulas replied yes, it is already operating in a section of the building, and they would also like  
398 to open a climbing gym in another section of the building. Ms. Taylor asked if that would  
399 change the parking requirements. Mr. Tasoulas replied no, he included that as part of the  
400 application. Ms. Taylor asked when the gym started operating. Mr. Tasoulas replied about three  
401 years ago.

402  
403 Ms. Taylor asked if Mr. Tasoulas was aware of the zoning issues when he leased the space to the  
404 gym. Mr. Tasoulas replied that when he bought the property there was a school in the building  
405 and he thought that perhaps (the gym) would be a use that was consistent with a school. Ms.  
406 Taylor asked if it is correct that he did not make an inquiry. Mr. Tasoulas replied that was  
407 correct.

408  
409 Mr. Welsh asked for more clarity on that last issue. He asked if it is correct that the prior use of  
410 this particular part of the building that they are talking about here, even though the gym has been  
411 there for a bit, was not a warehouse, but school. Mr. Tasoulas replied that the part of the  
412 building where the gym currently is used to be part warehouse and then part school. He  
413 continued that (the gym) occupies space that was part of the school and then there was a part that  
414 was just a warehouse. (The gym operator) took both spaces. He made a bad assumption, and  
415 that is why they are here tonight, to try to rectify that and to be in compliance with the zoning  
416 laws.

417  
418 Chair Hoppock stated that the application's narrative about the fifth criterion talks about  
419 unnecessary hardship of the property being in a flood zone. He asked if that really has anything  
420 to do with the use Mr. Tasoulas is proposing. Mr. Tasoulas replied that mostly it talks about the  
421 building having this zoning applied to it, the Medium Density Zone, the commercial building,  
422 and also being in the flood plain. It describes its uniqueness in that it is hard to rent because of  
423 those two items. The flood plain would have nothing to do with the gym's operation.

424  
425 Chair Hoppock replied that that is what he was getting at. He continued that to satisfy the  
426 unnecessary hardship criterion you have to show that the zoning provision in play – which is  
427 prohibition of a gym – creates an unnecessary hardship when you look at a feature of the  
428 property. Mr. Tasoulas replied that it is the prohibition of *any* of the uses that are in the building.  
429 That is the hardship. He continued that none of the uses described in the zoning table are ones  
430 that he could have in this building. He thinks that having a gym is a reasonable use. Without

431 having reasonable uses, he would say that they could consider it a “taking.” He would not have  
432 any viable way to make income, to make the building economically viable.

433  
434 Chair Hoppock replied that there are permitted uses in the Medium Density Zone. Mr. Tasoulas  
435 replied that he went through them and one of them was a three-unit building. That would require  
436 him to tear (the building) down and put up a three-unit building; that is all that is permitted in the  
437 Medium Density Zone on a lot, for residential. He supposes he (would be permitted to) put in a  
438 telecommunications tower or domestic violence shelter.

439  
440 Chair Hoppock asked what the size of the lot is. Mr. Tasoulas replied 1.2 acres.

441  
442 Chair Hoppock asked if it is correct that aside from the gym, Mr. Tasoulas has five other uses  
443 occurring in the building – warehousing, offices, printing, a carpet store, and a dog-washing  
444 business. Mr. Tasoulas replied yes.

445  
446 Chair Hoppock asked if Mr. Tasoulas had anything further to add. Mr. Tasoulas replied no.  
447 Chair Hoppock asked to hear from the public.

448  
449 Theodore Chabott of 245 Church St. stated that he owns a garage at 17 Kirk Court, about 60 feet  
450 from the property in question. He continued that he has lived in the area all his life, and the  
451 building they are discussing has always been a commercial building. It was started by MPB, and  
452 then over the years was Morgan Linen, J.A. Jubb Insulating, and St. Martin cabinetry. It has  
453 always been a commercial building, so he does not understand why Mr. Tasoulas cannot keep it  
454 as such and rent it as such. He knows the City has changed it to Medium Density, but he feels  
455 that Mr. Tasoulas should have a Variance, since it has always been a commercial building and he  
456 (Mr. Chabott) does not think it could be used for anything else.

457  
458 Chair Hoppock asked if Mr. Chabott agrees that the use as a gym would be more commercial  
459 than anything else. Mr. Chabott replied that it is a business and he thinks it would be good for  
460 the neighborhood, and Mr. Tasoulas does have ample parking there.

461  
462 Michael Conway of Railroad St. stated that he is here in support. He continued that there are  
463 current businesses there, and if the Variance is not granted, it puts those businesses potentially in  
464 jeopardy. They might have to relocate or go out of business. In this current climate, that is the  
465 last thing they want to happen. He thinks that should be part of the Board’s considerations,  
466 along with everything else they are tasked with considering. They should (think of) the number  
467 of ongoing, viable, successful businesses that are operating there, that are working and  
468 generating income for people and paying taxes, because they do not want that to be jeopardized.

469  
470 Aja Davis stated that she and her wife, Molly (Pinney), live on Kingsbury St., right around the  
471 corner from the gym. She continued that they are in support of this Variance. (The gym) is a  
472 great addition to the neighborhood. She and her wife know the gym’s owner and know this will  
473 be viable for the neighborhood. She and Ms. Pinney are part of the neighborhood committee to  
474 revitalize east Keene, and with the ongoing issues that east Keene is facing with crime,  
475 homelessness, and drugs, they are passionate about making sure there are *good* influences in the  
476 neighborhood and things that they want to cultivate and encourage. She has spoken with many

477 neighbors who also support this (gym) and who think that it would be a great addition to the  
478 neighborhood and bring some vitality back to the area.

479  
480 Molly Pinney stated that she lives at Kingsbury St. with Aja Davis. She continued that she is in  
481 support of this, as someone who grew up in this area and drove hours to find rock climbing. It is  
482 exciting to have it here in Keene. As Ms. Davis said, with all they are addressing in the  
483 neighborhood right now, to be able to bring this type of business and more good things to the  
484 area would be great.

485  
486 Michelle Gaffney stated that she is the owner of CrossFit Monadnock, and is hoping to be the  
487 owner of Climb Monadnock gym. She continued that she is obviously in support of this and  
488 feels that it is a good contribution to the community and the neighborhood.

489  
490 Ryan McGuire stated that he is the co-owner of Monadnock climbing gym. He continued that he  
491 is obviously in support of this and thinks it will be a welcome addition to the community.  
492 Currently, (Keene) residents have to drive over an hour away to get to the closest climbing gym.  
493 In addition to being able to provide some jobs for members of the community in the future, and  
494 bringing a healthy resource to the local community, the east Keene area has its issues. As a  
495 community, they can bring a lot of good and awareness to try to keep that area clean and he fully  
496 supports this.

497  
498 Chair Hoppock asked if the applicant wanted to say anything else. He continued that he has the  
499 right to respond to the public input.

500  
501 Mr. Tasoulas replied that he would reiterate what everyone else has said, that this is a benefit to  
502 the neighborhood. He continued that it is a very reasonable use for this property, given that  
503 industrial uses are shrinking in the area, and again, the fact that he has no other legal uses he can  
504 have at this property. Everything there is legally non-conforming. To have a use like this would  
505 bring the community together and that is in the public interest and provides justice to him and the  
506 community. He thinks it will be great for Keene.

507  
508 Chair Hoppock stated that hearing no further comments, he will close the public hearing. He  
509 asked the Board to deliberate.

510  
511 Ms. Taylor stated that regarding the first criterion of this not being contrary to the public interest,  
512 she thinks the Board has heard that there is support for this type of facility. She continued that  
513 they certainly had not heard any evidence that it would be against the public interest. To that  
514 end, skipping to the fifth criterion regarding unnecessary hardship, she suggests the Board  
515 consider this under 5.B. She thinks there has been a showing that there is no other reasonable  
516 type of use for an industrial building that is right in the middle of a Medium Density  
517 neighborhood. In the past, when she had to deal with revising other zoning boards outside of  
518 Keene, she always used the example of how if you have a new use, you are not going to put an  
519 industrial building in the middle of a residential neighborhood. Here, they have the opposite  
520 situation, with an industrial style building that has had a residential neighborhood develop  
521 around it.

522

523 Chair Hoppock replied that that is right.

524

525 Mr. Welsh stated that he completely agrees with Ms. Taylor's thinking. He continued that  
526 regarding the second criterion, he thinks that being a residential zone, the prior use being at least  
527 partly warehouse was far outside the spirit of the Ordinance. The new use they are considering is  
528 one that is still technically outside of the Ordinance but is on the trajectory toward more  
529 proximity and conformity with the Ordinance. Gyms are often a feature of an apartment building  
530 or hotel or something like that and are things that people like to have near where they live. He  
531 thinks the second criterion is also satisfied.

532

533 Ms. Taylor replied that that is the reason she suggests they consider it under 5.B., because then  
534 the spirit of the Ordinance is not much of a factor.

535

536 Chair Hoppock stated that what he has heard, from the public comment especially, is that  
537 granting this Variance would not alter the essential character of the neighborhood. He continued  
538 that in addition, if the people who live there and their observations are correct, which he does not  
539 doubt, (this proposal) would also seem to enhance public safety, or at least give public safety a  
540 better chance. The use itself certainly would not threaten public health, safety, or welfare, which  
541 is the bottom line. The potential for it to improve it is a plus. He agrees with Ms. Taylor that  
542 they should proceed with the second part of the fifth criterion in this case, for the reasons she  
543 stated. He does not see any diminution in property values, either. There is a gain to the public  
544 and a gain to the landowner, which is a nice mixture, regarding the substantial justice criterion.  
545 They heard from the neighbors about the positive impact this use will have and has had, so he  
546 thinks that criterion is satisfied as well.

547

548 Mr. Clough stated that he lives on Valley St. and is just outside of the abutters' list. He  
549 continued that has been there for 23 years. When (this property) was J.A. Jubb, it looked very  
550 out of place, seeing people going back and forth with insulation trucks. It is a problematic  
551 building, when you have a big warehouse area like that and not much else you can do and  
552 everything else is chopped up. During the three years that CrossFit has been there, he has seen  
553 people running back and forth on the sidewalk, doing some sort of timed exercise as part of their  
554 workout. There does not seem to be any impact with traffic. Certainly, people are doing positive  
555 things in relationship to it. Given his observations of it, he does not see how granting this  
556 Variance would have a negative impact on any of these criteria.

557

558 Chair Hoppock stated that as they discussed before, there is certainly enough parking. He asked  
559 if the Board had further comments or is someone was ready to make a motion.

560

561 Mr. Clough made a motion to approve ZBA 23-26, 36 Carpenter St. Mr. Welsh seconded the  
562 motion.

563

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

565

566 Met with a vote of 4-0.

567

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

569 Met with a vote of 4-0.

570

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

572

573 Met with a vote of 4-0.

574

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

577

578 Met with a vote of 4-0.

579

580 5. *Unnecessary Hardship*

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

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

587 *and*

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

589

590 Chair Hoppock stated that the Board seems to agree that the criteria in subparagraph A. would  
591 not be established.

592

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

598

599 Met with a vote of 4-0.

600

601 The motion to approve ZBA 23-26 passed by unanimous vote.

602

603 **D) ZBA 23-27: Petitioner, Kathryn Willbarger of Cheshire Medical Center,**  
604 **represented by Michael Vickers of Design Communications, Avon, MA, requests a**  
605 **Variance for property located at 62 Maple Ave., Tax Map #227.006-000 and is in the**  
606 **Industrial Park District. The Petitioner requests a directional sign exceeding the**  
607 **allowable size of 4 square feet per Article 10.2 of the Zoning Regulations.**

608

609 Chair Hoppock introduced ZBA 23-27 and asked to hear from staff.

610

611 Mr. Hagan stated that 62 Maple Ave., zoned Industrial Park, was built in 1957. He continued  
612 that it is 142,790 square feet according to the records. It received a Special Exception in April  
613 2021 for institutional use, which was approved 5-0. It has had a long history of being an office  
614 use, with a couple different insurance companies, and was recently changed to hospital use.

615 Chair Hoppock asked if the Board had any questions for Mr. Hagan. Hearing none, he asked to  
616 hear from the applicant.

617  
618 Jason Bridges from Design Communications stated that Mr. Vickers is out of town, and he is  
619 here on behalf of Cheshire Medical Center. This request is to allow two directional signs that are  
620 larger than what the Code allows. The maximum allowed is four square feet and they are  
621 requesting a Variance to allow two signs that are 17 square feet each. The signs are directional,  
622 and not for commercial advertising purposes.

623  
624 Mr. Bridges continued that Cheshire Medical Center acquired this property recently and, in the  
625 future, will occupy the entire building with the renovation being done in phases. The first phase  
626 renovates approximately 10% of the building, at the very back of the building, not visible by the  
627 street, facing the northwest façade. The new entrance is invisible from the street and from the  
628 vehicular entrance point on Maple Ave. Since it is a healthcare facility, patients are often  
629 arriving at the location under duress. Many are elderly and some are vision-compromised.  
630 Efficiently directing people to the back of the building is critical for a medical facility. The  
631 proposed signs feature directional messages 4.375” letter height. According to universal design  
632 guidelines, the maximum legibility of the size of a letter is from 145 feet. It is critical that this  
633 first sign is legible as soon as you enter the main entrance at the southeast façade adjacent to the  
634 entry point. There are many parking spaces all over the immediate entrance of the facility, and if  
635 you mistakenly turn left and park there, (you will find that) those doors are locked, and it can be  
636 confusing. Again, the only entrance is at the far back of the building.

637  
638 Mr. Bridges continued that the first directional is located about 140 feet from the Maple Ave.  
639 entrance. The second directional, to then take people left around to the back of the building, is  
640 about 200 feet past the first one. At that point, the entrance is still not visible, and does not  
641 become visible until you actually make that left turn to the back façade. The maximum size  
642 letter available on a four square foot sign is approximately 1 inch, which is only readable from  
643 about 30 feet back. This does not work for the purpose of wayfinding or directional.

644  
645 1. *Granting the Variance would not be contrary to the public interest.*

646  
647 Mr. Bridges stated that granting his Variance is in the best interest of the public, for reasons  
648 expressed in section 3. He continued that additionally, the directionals are not visible from the  
649 public right-of-way or the street. The traveling public is not affected, as there are no visible  
650 sightlines that will be affected. These signs are not illuminated, and they are not commercial  
651 advertising. They are simply critical, functional, and directional use.

652  
653 2. *If the Variance were granted, the spirit of the Ordinance would be observed because:*

654  
655 Mr. Bridges stated that these signs are enlarged only as much as to properly function from the  
656 distance that they would be read from. He continued that again, they are not visible from the  
657 street. A healthcare facility is not a competitive, commercial business entity; it is a public

658 service entity. They do not feel that standard business advertising rules would apply to this  
659 wayfinding.

660  
661 3. *Granting the Variance would do substantial justice because:*

662  
663 Mr. Bridges continued that as stated in section 3, patients can easily find their way to the main  
664 point of entry, under what could be stressful situations.

665  
666 4. *If the Variance were granted, the values of the surrounding properties would not be*  
667 *diminished because:*

668  
669 Mr. Bridges stated that the signs, although larger than the Code allows, are not overbearing, in  
670 comparison to the size of the facility and the lot. He continued that there is a substantial buffer  
671 zone between the signs and the nearest residential neighborhoods. You would not be able to see  
672 these signs from the abutting properties.

673  
674 5. *Unnecessary Hardship*

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

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

681 and

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

683  
684 Mr. Bridges stated that the entrance is now at the far back of the building, and these signs are  
685 critical tools to direct traffic to that entrance. He continued that the public purpose of the  
686 Ordinance would not be affected.

687  
688 Ms. Taylor stated that regarding the picture of “directional 1,” she is quite familiar with the  
689 property and thinks that is visible from the street. Mr. Bridges replied that it is visible but not  
690 obstructing wayfinding or of vehicular travel. Ms. Taylor replied that Mr. Bridges had said it  
691 would not be visible from the street. Mr. Bridges replied that he apologizes; it would be visible,  
692 it is 140 feet set back, but it is not obstructing vehicular travel on Maple Ave.

693  
694 Chair Hoppock asked if there is a reason the design was created with the entrance in the back.  
695 He asked if something about the building requires them to put the entrance there. Mr. Bridges  
696 replied that the building is being renovated in phases, and this is the first phase. He continued  
697 that there are still two units under construction, which will be completed later. Currently, the  
698 only operating unit would be in the very back, which is invisible from the entrance point. There  
699 are multiple entranceways in which to go as you pull into the property, leading to confusion.

700

701 Chair Hoppock asked if the two signs will direct people to the place they need to park, to get into  
702 the (correct) door. Mr. Bridges replied yes, there is a straight arrow directing you to the back.  
703 He continued that again, given that there are multiple parking areas that could confuse people, it  
704 would be easy for someone to just go into an open parking spot. The second (directional sign)  
705 would take you left, around to the back of the building where the main entrance is.

706  
707 Chair Hoppock asked if the entire building will be renovated and used by the clinic. Mr. Bridges  
708 replied yes. Chair Hoppock asked what the timeframe for that is.

709  
710 Kevin Forrest, Vice President of Facilities and Support Services at Cheshire Medical Center,  
711 stated that Cheshire Medical Center will own and occupy all the building. He continued that  
712 right now they are looking at phases. They just opened the Family Residency and Community  
713 Care Center on October 9. There is no other construction currently going on in the building, but  
714 over the next several years, they intend to occupy the rest of the building.

715  
716 Chair Hoppock asked if there were any further questions from the Board. Hearing none, he  
717 asked for public comment. Hearing none, he closed the public hearing and asked the Board to  
718 deliberate.

719  
720 Chair Hoppock stated that the public interest here, as Mr. Bridges mentioned, is significant. He  
721 continued that when you are going to the hospital or the doctor's office, you may not be in the  
722 best state of mind, and you want to be told where to go quickly and efficiently. He thinks the  
723 idea is in the public interest and (that criterion) is satisfied. He also thinks nothing in this  
724 application would alter the essential character of the neighborhood or create a public health or  
725 safety issue; in fact, it would do the opposite. Regarding the substantial justice criterion, there is  
726 no harm to the public; there is a gain to the public by being properly directed on a very large  
727 property. The building is almost 143,000 square feet, and he does not remember the acreage, but  
728 it is a huge parking lot, so being told which direction to go in to park your car is a big help.

729  
730 Chair Hoppock stated that what he is not clear on is what special conditions exist on the property  
731 that distinguish it from others in the area. He continued that size is certainly one factor, and that  
732 creates the need for directionals. He would say that is a special condition.

733  
734 Mr. Welsh stated that the size of the pavement is "really extraordinary," and in fact, it is where  
735 he taught his children to drive. He continued that it is a big, paved lot, and it is hard to get  
736 direction from just the massive pavement. Signage is necessary in this instance and that might  
737 be a special condition.

738  
739 Ms. Taylor stated that she taught her children how to drive there, too. She continued that she  
740 thinks it is not just the size of the parking lot, but as Chair Hoppock said, the size of the building  
741 itself. It is very hard, if you do not know where you are going, to know where you are going.  
742 Especially if the entrance, at least for the moment, is at the rear of the building. You could easily  
743 go around in circles, and patients do not always have a lot of time to find their way.

744 Chair Hoppock replied that he agrees.

745

746 Mr. Clough stated that because of the size of the lot, you need signs to be big. He continued that  
747 otherwise, you would need to put up 15 signs saying, “Keep going,” “Keep going,” “Not there  
748 yet,” “Now bear left.” He suspects it is also a minimum number of signs to get the information  
749 across.

750

751 Chair Hoppock replied that that is a good observation. He asked if anyone had further  
752 comments.

753

754 Mr. Hagan asked for the Board’s comments about the spirit of the Ordinance or the values of  
755 surrounding properties. Chair Hoppock stated that he does not see anything about this  
756 application that would have any impact on or alter the immediate neighborhood, and he does not  
757 see anything that would impact or adversely affect public health, safety, or welfare. In fact, he  
758 thinks it would have the opposite effect; it would enhance it, by directing people who need  
759 medical attention to the right place. He continued that as described, these are not commercial  
760 signs, will not be lit up at night, and will not be seen from the road in a way that would impede  
761 traffic or distract people. With all those factors put together, this does not affect safety, and this  
762 would not diminish property values.

763

764 Ms. Taylor stated that regarding the impact on the neighborhood, there are residential houses  
765 across the street and one residential house right next door. She continued that however, there is a  
766 significant hedge that would block (views). No lighted signs will be added. Thus, she thinks  
767 (surrounding properties) are well insulated from the impact of these signs.

768

769 Mr. Welsh made a motion to approve ZBA 23-27, 62 Maple Ave. Mr. Clough seconded the  
770 motion.

771

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

773

774 Met with a vote of 4-0.

775

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

777

778 Met with a vote of 4-0.

779

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

781

782 Met with a vote of 4-0.

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

785

786 Met with a vote of 4-0.

787 5. *Unnecessary Hardship*  
788 A. *Owing to special conditions of the property that distinguish it from other*  
789 *properties in the area, denial of the variance would result in unnecessary hardship*  
790 *because*  
791 *i. No fair and substantial relationship exists between the general public*  
792 *purposes of the ordinance provision and the specific application of that provision*  
793 *to the property*

794  
795 Met with a vote of 4-0.

796  
797 *and*

798 *ii. The proposed use is a reasonable one.*  
799

800 Met with a vote of 4-0.

801

802 The motion to approve ZBA 23-27 passed with a vote of 4-0.

803

804 **V) New Business**

805

806 None.

807

808 **VI) Communications and Miscellaneous**

809

810 None.

811

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

813

814 None.

815

816 **VIII) Adjournment**

817

818 There being no further business, Chair Hoppock adjourned the meeting at 7:52 PM.

819

820 Respectfully submitted by,

821 Britta Reida, Minute Taker

822

823 Reviewed and edited by,

824 Corinne Marcou, Zoning Clerk

Page intentionally left blank

706 MAIN ST.  
ZBA 23-25



Petitioner request to enlarge a pre-existing non-conforming multifamily use from 3 units to 5 units per Articles 18.2 & 25.7 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-25

A meeting of the Zoning Board of Adjustment will be held on **Monday, November 6, 2023, at 6:30 PM** in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

**ZBA 23-25:** Petitioner, 706 Main St. Owner LP, of Newark, DE, represented by Jeffrey Christensen, Esq. of Cleveland, Waters and Bass of Concord, NH, requests an Enlargement or Expansion of a Nonconforming Use for property located at 706 Main St., Tax Map #120-019-000 and is in the Low Density District. The Petitioner requests to expand or enlarge the pre-existing, nonconforming three unit multi family use to add two additional dwelling units, per Articles 18.2 and 25.7 of the Zoning Regulations.

**This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4<sup>th</sup> floor of City Hall 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 October 27, 2023

City of Keene, NH

# Zoning Board of Adjustment Enlargement or Expansion Application



|                             |          |
|-----------------------------|----------|
| <b>For Office Use Only:</b> |          |
| Case No.                    | ZBA23-25 |
| Date Filled                 | 10/19/23 |
| Rec'd By                    | CJM      |
| Page                        | of       |
| Rev'd by                    |          |

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

## SECTION 1: CONTACT INFORMATION

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

### OWNER / APPLICANT

NAME/COMPANY: 706 Main St Owner LP

MAILING ADDRESS: 254 Chapman Road Suite 208 #12236, Newark, DE, 19702

PHONE: (236) 994-7172

EMAIL: [pellegrinoenterprises@gmail.com](mailto:pellegrinoenterprises@gmail.com)

SIGNATURE: *Leslie Pellegrino*

PRINTED NAME: Leslie Pellegrino

### APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

### AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Cleveland, Waters and Bass, P.A.; Jeffrey Christensen, Esq.

MAILING ADDRESS: Two Capital Plaza, Fifth Floor, Concord, NH 03301

PHONE: (603) 224-7761

EMAIL: [christensenj@cwbp.com](mailto:christensenj@cwbp.com)

SIGNATURE: *Jeffrey Christensen*

PRINTED NAME: Jeffrey Christensen, Esq.

**SECTION 2: GENERAL PROPERTY INFORMATION**

Property Address: **706 Main Street**

Tax Map Parcel Number: **120-19**

Zoning District: **Low Density**

Lot Dimensions: Front: **57.98**      Rear:      Side:      Side:

Lot Area: Acres: **0.61±**      Square Feet: **26,494±**

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

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

Present Use: **multi-family (3-unit)**

Proposed Use: **multi-family (5-unit)**

**SECTION 3: WRITTEN NARRATIVE**

**Article 27.7.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed expansion or enlargement of a nonconforming use.

See attached.

## SECTION 4: APPLICATION CRITERIA

**Article 25.7.1:** A nonconforming use of a structure or land may be expanded or enlarged with approve from the Zoning Board of Adjustment, provided such expansion or enlargement does not violate any of the basic zone dimensional requirements of the zoning district in which it is located.

**An enlargement and/or expansion of a nonconforming use is required in order to:**

expand or enlarge the pre-existing, nonconforming three-unit multi-family use of the Property to add two additional dwelling units

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

**1. Such expansion or enlargement would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.**

See attached.

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

See attached.

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

See attached.

**706 Main St Owner LP  
706 Main Street (Map 120, Lot 19)**

**APPLICATION FOR VARIANCE  
STATEMENT OF FACTS AND LAW**

This Statement of Facts and Law is submitted by 706 Main St Owner LP (the “Applicant”) with respect to its real property located at 706 Main Street (Map 120, Lot 19, the “Property”), in connection with this application for variance (the “Application”) to permit the expansion of its multi-family use on the Property.

All testimony, statements, representations, evidence, plans, reports, studies, and other information submitted or to be submitted by or on behalf of the Application in connection with the Application at or prior to the public hearing on the Application are incorporated by reference hereto. The applicant requests that the Zoning Board of Adjustment (the “ZBA” or the “Board”) approve this Statement of Facts and Law as the specific findings required pursuant to RSA 676:3, I.

**Background and Description**

The Property is an approximately 0.63 acre pre-existing, nonconforming lot that currently contains a 2,148 square foot three-unit multi-family dwelling (the “Primary Structure”) and a 660 sqft attached barn (the “Barn”). The Property is in the Low Density (LD) Zone. A survey of the Property is attached hereto as Exhibit 1.<sup>1</sup>

The Applicant proposes to convert the Barn into two additional dwelling units, converting the Property into a total of five-units. Other than additional parking, the only changes will be to the interior and cosmetic features of the Property. In other words, the footprint of the existing structures will remain unchanged.

Because the Property is a pre-existing nonconforming lot and structure, this will require approval from the ZBA pursuant to Sections 18.2 and 25.7 of the Zoning Ordinance to expand or enlarge the nonconforming multi-family use.

**Details of Request**

The Applicant requests approval pursuant to Sections 18.2 and 25.7 of the Zoning Ordinance, for the enlargement or expansion of its pre-existing, nonconforming multi-family use of the Property to add two additional dwelling units.

---

<sup>1</sup> This survey includes the proposed expansion of the parking layout as it will be expanded to accommodate the proposed use.

## Application Standards

1. *The proposal would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.*

The proposed expansion will have no impact on the value of other properties within the zoning district. As mentioned above, the proposal redevelops an existing building – the only real changes are to the interior floorplan. It is plausible that neighboring properties would not even notice, never mind experience any negative impact to their property value. Likewise, any theoretical impact on nearby properties that results from the proximity of a multifamily property already exists. In other words, there will be no change resulting from this expansion.

Nor will there be any injurious, obnoxious, or offensive impact to the neighborhood. From the perspective of the surrounding neighborhood, the Property will remain essentially unchanged. The only change visible from the exterior will be additional parking, which the Applicant could do regardless of this variance.

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

The Property is oddly shaped and, therefore, has much more space than its frontage would suggest. There is plenty of space for parking on the Property, as shown on Exhibit 1. As such, there will be no nuisance or hazard to vehicles or pedestrians as a result of the proposed expansion. The Property is already used for multi-family purposes and no nuisance, hazard, or other problem has arisen. There is no reason to believe that the expansion of that use will suddenly create such an issue, especially in light of the Property's location on Main Street and proximity to the downtown area, which can easily accommodate a minor increase in vehicle traffic.

3. *Adequate and appropriate facilities will be provided for the proper operation of the proposed use.*

The Property is already served by adequate and appropriate facilities. It is connected to municipal utilities, including water and sewer, and the proposed additions will likewise be connected. There is sufficient space for adequate parking on the Property. The Property's location ensures that it is easily accessible by municipal or emergency services, if necessary.

The Applicant reserves the right to amend, modify, and/or supplement this application at or before the hearing thereon.

# EXHIBIT 1

**LIST OF ABUTTERS/NOTIFICATION LIST**  
**County of Cheshire**  
**Keene, New Hampshire**  
**706 Main Street (Map/Lot 120-019)**  
**Application for Variance**

| <b>Owner Applicant</b>                                                                                                                 | <b>Street Address</b>              | <b>Map/Block/Lot</b> |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------|
| 706 Main St Owner LP<br>19 Sunrise Lane<br>Weare, NH 03281                                                                             | 706 Main Street<br>Keene, NH 03431 | 120-019              |
| <b>Applicant's Consultants</b>                                                                                                         | <b>Street Address</b>              | <b>Map/Block/Lot</b> |
| Cleveland Waters and Bass, P.A.<br>Two Capital Plaza, 5 <sup>th</sup> Floor<br>Concord, NH 03301<br>Attn: Jeffrey C. Christensen, Esq. | N/A                                | N/A                  |
| Allen & Major Associates, Inc.<br>400 Harvey Road<br>Manchester, NH 03103                                                              | N/A                                | N/A                  |
| <b>Abutters</b>                                                                                                                        | <b>Street Address</b>              | <b>Map/Block/Lot</b> |
| State of New Hampshire<br>P.O. Box 483<br>Concord, NH 03302-0483                                                                       | 0 Main Street                      | 120-014              |
|                                                                                                                                        | 0 Main Street                      | 120-015              |
|                                                                                                                                        | 0 Main Street                      | 120-016              |
|                                                                                                                                        | 698 Main Street                    | 120-017              |
|                                                                                                                                        | 702 Main Street                    | 120-018              |
|                                                                                                                                        | 708 Main Street                    | 120-020              |
|                                                                                                                                        | 714 Main Street                    | 120-022              |
|                                                                                                                                        | 718 Main Street                    | 120-023              |
| Chestnut Hill Condominium<br>400 Amherst Street<br>Nashua, NH 03064                                                                    | 710 Main Street                    | 120-021-000-000-995  |
| Princeton Keene LLC<br>1115 Westford Street<br>Lowell, MA 01851                                                                        | 18-38 Village Drive<br>Keene, NH   | 120-024              |
| Papagallos LLC<br>9 Monadnock Highway<br>No. Swanzey, NH 03431                                                                         | 709 Main Street                    | 120-026              |
| Alcide and Linda Bergeron<br>707 Main Street<br>Keene, NH 03431                                                                        | 707 Main Street                    | 120-027              |
| Jacob and Stacey Meeks<br>705 Main Street<br>Keene, NH 03431                                                                           | 705 Main Street                    | 120-028              |
| Brian and Sabryna Priest<br>701 Main Street<br>Keene, NH 03431                                                                         | 701 Main Street                    | 120-029              |

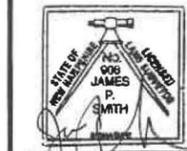
|                                                                      |                             |         |
|----------------------------------------------------------------------|-----------------------------|---------|
| David and Hattie Todd<br>10 Old Homestead Highway<br>Keene, NH 03431 | 0 Old Homestead<br>Highway  | 120-030 |
| David P. Todd<br>10 Old Homestead Highway<br>Keene, NH 03431         | 10 Old Homestead<br>Highway | 120-31  |

October 17, 2023

4884-7330-1895, v. 1

THIS PLAN IS THE RESULT OF AN ACTUAL ON THE GROUND SURVEY PERFORMED ON JULY 24, 2023 AND HAD AN ERROR OF CLOSURE OF NO GREATER THAN 1/10,000.

ALLEN & MAJOR ASSOCIATES, INC.



8-8-23  
DATE

JAMES P. SMITH NH LLS #908

| REV | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |
|     |      |             |

APPLICANT/OWNER:  
**PELLEGRINO PROPERTIES, LLC**  
19 SUNRISE LANE  
WEARE, NH 03281

PROJECT:  
**706 MAIN STREET**  
KEENE, NH

PROJECT NO. 3265-01 DATE: 8/07/23

SCALE: 1" = 20' DWG. NAME: S3265-01-PL

DRAFTED BY: AJR CHECKED BY: JPS

PREPARED BY:

**ALLEN & MAJOR ASSOCIATES, INC.**  
civil engineering • land surveying  
environmental consulting • landscape architecture  
www.allenmajor.com  
400 HARVEY ROAD  
MANCHESTER, NH 08108  
TEL: (603) 627-5500  
FAX: (603) 627-5501

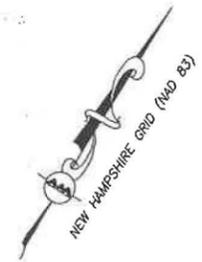
WOBBURN, MA • LAKEVILLE, MA • MANCHESTER, NH  
THIS DRAWING HAS BEEN PREPARED IN DIGITAL FORMAT. CLIENT/CUSTOMER REPRESENTATIVE OR CONSULTANTS MAY BE PROVIDED COPIES OF DRAWINGS AND SPECIFICATIONS FOR HIS/HER INFORMATION AND/OR SPECIFIC USE ON THIS PROJECT. DUE TO THE POTENTIAL THAT THE PROVIDED INFORMATION MAY BE MODIFIED UNINTENTIONALLY OR OTHERWISE, ALLEN & MAJOR ASSOCIATES, INC. MAY REMOVE ALL INDICATION OF THE DOCUMENT'S AUTHORSHIP ON THE DIGITAL MEDIA PRINTED REPRESENTATIONS OR PORTABLE DOCUMENT FORMAT OF THE DRAWINGS AND SPECIFICATIONS ISSUED. SHALL BE THE ONLY RECORD COPIES OF ALLEN & MAJOR ASSOCIATES, INC.'S WORK PRODUCT.

DRAWING TITLE: **PLAN OF LAND** SHEET NO. **1**

Copyright © 2023 Allen & Major Associates, Inc. All Rights Reserved.



LOCUS MAP  
(NOT TO SCALE)

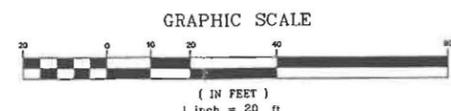


| LEGEND           |       |
|------------------|-------|
| STONE BOUND (SB) | □     |
| IRON PIPE (IP)   | ○     |
| CATCH BASIN (CB) | □     |
| UTILITY POLE     | ⊕     |
| GUY POLE         | ⊙     |
| MAILBOX          | Ⓜ     |
| SIGN             | Ⓢ     |
| ELECTRIC METER   | Ⓢ     |
| BUILDING         | ▭     |
| PROPERTY LINE    | —     |
| ABUTTERS LINE    | - - - |
| TREE LINE        | ~ ~ ~ |
| EDGE OF PAVEMENT | - - - |
| EDGE OF GRAVEL   | - - - |
| CURB             | —     |
| STOCKADE FENCE   | —     |
| OVERHEAD WIRES   | —     |
| NOW OR FORMERLY  | N/F   |
| BOOK             | BK.   |
| PAGE             | PG.   |

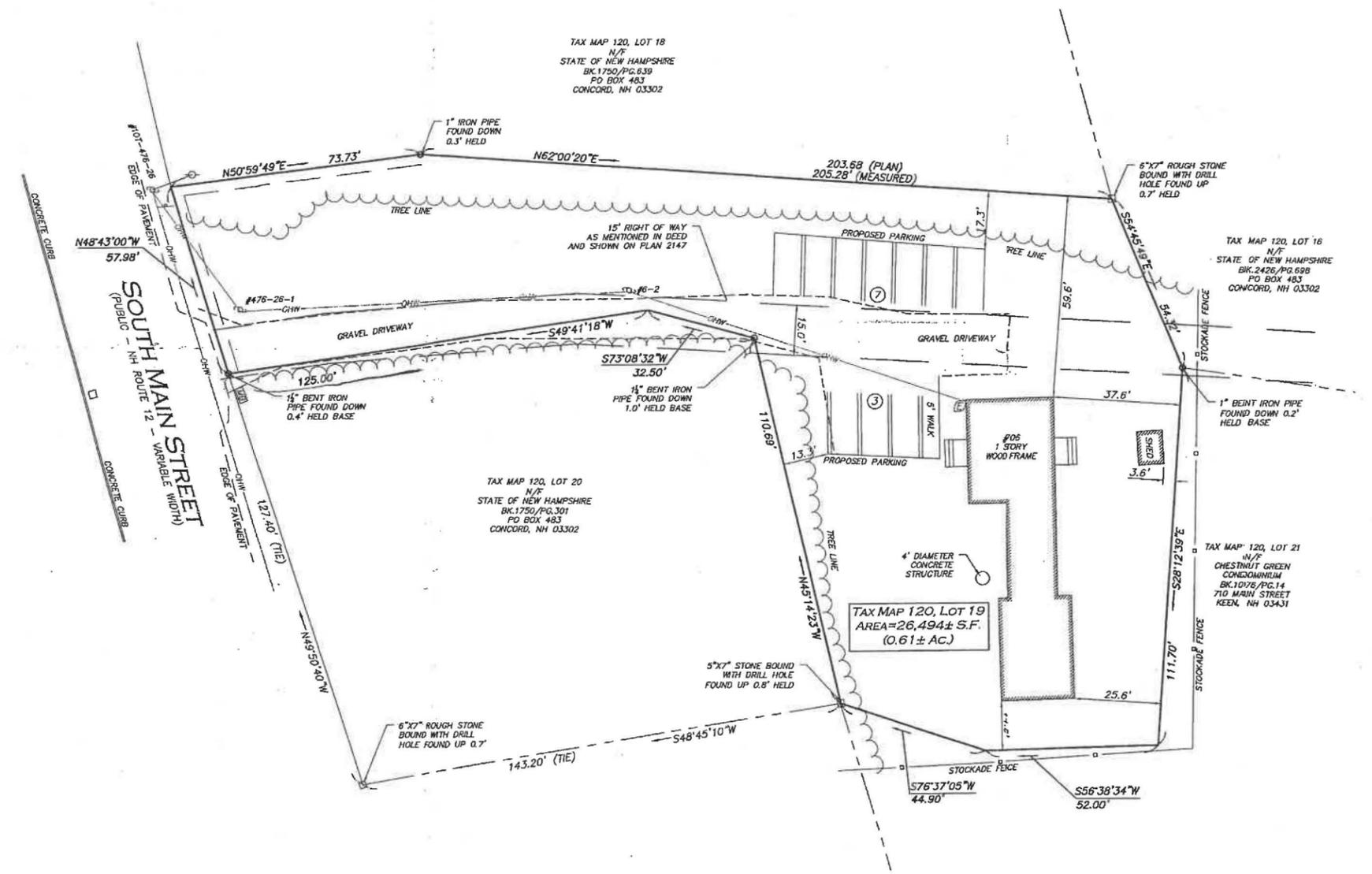
**LOCUS REFERENCES**  
 -CITY OF KEENE TAX MAP 120, LOT 19  
 -C.C.R.D. BOOK 3232, PAGE 1142  
 -PLAN ENTITLED, "PROPERTY TO BE CONVEYED TO EMILE J. LEGERE MAIN STREET KEENE-SWANZEY", SCALE 1"=50', DATED JAN. 8, 1981, PREPARED BY DIBENARDO ASSOCIATES, AND ON FILE AT THE C.C.R.D. IN PLAN ROLL 913 (CABINET 5-104).

**PLAN REFERENCES**  
 -PLAN ENTITLED, "LAND ACQUIRED BY STATE OF NEW HAMPSHIRE FROM ELAIN H. SCHIERIOTH 2000 REVOCABLE TRUST, ELAINE H. SCHIERIOTH, TRUSTEE, IN KEEN, NH CHESHIRE COUNTY", NOT TO SCALE, DATE UNKNOWN, PREPARED BY UNKNOWN, AND ON FILE WITH THE CITY OF KEENE AS PLAN NO. 2353.  
 -PLAN ENTITLED, "PLANIMETRIC SURVEY OF CHESTNUT GREEN AS OF APRIL 1 1985, ROUTE 12, KEENE, NH", SCALE 1"=30', DATED APRIL 2, 1985, PREPARED BY DIBENARDO ASSOCIATES, AND ON FILE AT THE C.C.R.D. IN CABINET 06, DRAWER 00, PLAN 70.

- NOTES**
- NORTH ARROW IS BASED ON NEW HAMPSHIRE GRID COORDINATE SYSTEM (NAD 83).
  - BOOK/PAGE AND PLAN REFERENCES ARE TAKEN FROM THE CHESHIRE COUNTY REGISTRY OF DEEDS IN KEENE, NH.
  - THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.



R:\PROJECTS\3265-01\SURVEY\DRAWINGS\CURRENT\S-3265-01-PL.DWG  
 TBL# 7177 PG. 777



28 DAMON CT.  
ZBA 23-28



Petitioner requests a Variance for a carport one foot from the property line per Article 3.6.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA 23-28

A meeting of the Zoning Board of Adjustment will be held on **Monday, December 4, 2023, at 6:30 PM** in City Hall Council Chambers, 2<sup>nd</sup> floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

**ZBA 23-28:** Petitioner, Charles and April Weed requests a Variance for property located at 28 Damon Ct., Tax Map #553-039-000 and is in the High Density District. The Petitioner requests the construction of an attached carport, 12' x 24', that will extend approximately one foot from the property line where 15' is required per Article 3.6.2 of the Zoning Regulations.

**This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4<sup>th</sup> floor of City Hall 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 November 22, 2023

# Zoning Board of Adjustment Variance Application



|                             |           |
|-----------------------------|-----------|
| <b>For Office Use Only:</b> |           |
| Case No.                    | ZBA 23-28 |
| Date Filled                 | 11/15/23  |
| Rec'd By                    | CLM       |
| Page                        | 1 of 22   |
| Rev'd by                    |           |

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

## SECTION 1: CONTACT INFORMATION

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

### OWNER / APPLICANT

NAME/COMPANY: Charles and April Weed

MAILING ADDRESS: 28 Damon Court

PHONE: (603) 499-2407; (603) 209-0710

EMAIL: cweed@keene.edu; aprilweed52@gmail.com

SIGNATURE: *Charles Weed April Weed*

PRINTED NAME: Charles Weed; April Weed

### APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

### AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

## SECTION 2: PROPERTY INFORMATION

Property Address: 28 Damon Court, Keene, New Hampshire 03431

Tax Map Parcel Number: 553-039-000

Zoning District High Density

Lot Dimensions: Front: 92.88 Rear: 101.52 Side: 174.4 Side: 170.80

Lot Area: Acres: .38 Square Feet: 16,769

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 6.8 Proposed: 6.97

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 13.1 Proposed: 13.1

Present Use: single family residence

Proposed Use: same

## SECTION 3: WRITTEN NARRATIVE

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

The property of 28 Damon Court is owned by Charles and April Weed. It is located on the middle of Damon Court in East Keene. One end of the street borders Greenlawn Cemetery and Keene Public Housing apartments. The other end is Beaver Street. Charles and April Weed have owned the property since 1979, their five children have attended Keene public schools. Charles was a professor at Keene State College from 1972-2012 and April has worked in the local non-profit arena including the Monadnock Children's Museum, Apple Hill Center for Chamber Music, and The Orchard School as well as The Thorne-Sagendorph Art Gallery. Both Charles and April are now retired.

In the late fall of 2022 we replaced our north roof. The roofers put in a ridge vent and flashing. Due to the steep roof and flashing, in February 2023 an ice fall damaged two cars; our daughter's (Laura Weed) and granddaughter's (Lucy Edwards). We concluded that to avoid such damage and possible harm to people in the future we would need a carport. We propose a 24' x 12' carport attached to the house over our driveway on the north side to mitigate the problem.

## SECTION 4: APPLICATION CRITERIA

*A Variance is requested from Article (s) 3.6.2 of the Zoning Regulations to permit:*

construction of an attached carport on the driveway. We are asking for an exemption from the current (north) side building set back line. The carport (12' x 24') will be attached to the house and extend approximately to one foot from the property line.

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

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

This is not contrary to public interest. In the big picture, a carport that deflects ice/snow falls certainly supports, promotes, and improves the safety of the Weeds and their guests. It is not contrary because the house structure and the driveway are where the carport will be, and it is in the footprint of 28 Damon Court. We have discussed the plans with our neighbor to the north and he is supportive.

We have used the driveway for over 30 years to avoid parking on the street. It would enable the owners to deflect and avoid falling ice from our NEW north side roof and flashing. This winter we plan to park our Rav4 and Subaru X-trek in the driveway.

The carport will enhance the property value and this will logically improve the value of the neighbors' properties. Our discussions with our north neighbor has convinced us that he is very much supportive of the plan, as are the other property owners on the street.

Without cover for our vehicles, falling ice is a condition of our current location and steep roof, which will lead to further ice falls that could harm people and vehicles.

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

It will enhance the health and safety of the residents at 28 Damon Court; it will also improve the appearance and value and does not change the footprint of the property. There will be no cost to the City of Keene. It seems logical that an improvement of the property will increase the value of the neighbors' properties.

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

Ice falls are a condition of the steep north (new) roof and flashing. Less to no damage from this condition will improve the mental and physical health of the residents. Deflected ice will melt on our northern neighbor's side lawn, well away from any structure at 36 Damon Court.

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

The setback variance does not affect the footprint of the property and has been discussed with our north side neighbor who is supportive of the project. If ice and snow slip from the carport roof it will not adversely affect the structure or lives of our neighbor as the lawn area next to the driveway provides space for melting. The improved value of 28 Damon Court will logically improve the value of other properties in the neighborhood.

**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:**

As we plan to continue using the driveway and do not want to take away other open space on the property for impermeable structures, a condition of the property includes future ice falls from the north side steep roof. Since the carport project does not change the footprint, it seems to be the best way to mitigate future damage in the winter.

and

ii. The proposed use is a reasonable one because:

We think the project is reasonable. There is no change to the footprint off the property and discussion with our neighbor, Anthony Goncalvas, has convinced us of his support for the carport project. There will be less to no damage to our vehicles from icefall, and we will be in conformance with winter parking prohibition for the Keene City ordinances by not street parking on Damon Court. Damage to our families' vehicles will not occur in the future because of ice falls. If ice and snow slip from the carport roof it will not affect the property or lives of our neighbor as the lawn area next to the driveway provides space for melting and is well away from the structures at 36 Damon Court.

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.

We have included copies of damage repair of our daughter's and granddaughter's cars that happened on 2/27/23. The insurance documents disclose damage of \$1592 and \$665.

We plan to continue using our driveway and hope to avoid losing more open space with an impermeable structure like a carport.

Despite substantial attic insulation, a condition of our property is ice falls from the north roof. To avoid damage and danger to the owners and their guests, a carport that does not change the footprint of the property will avoid such future hardship.

# Supplemental Information

1. Site plan

a. property act 1999

b. contextual location

c. dimensions of structures

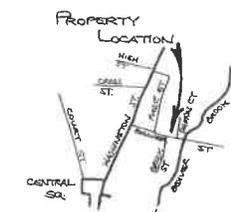
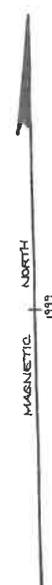
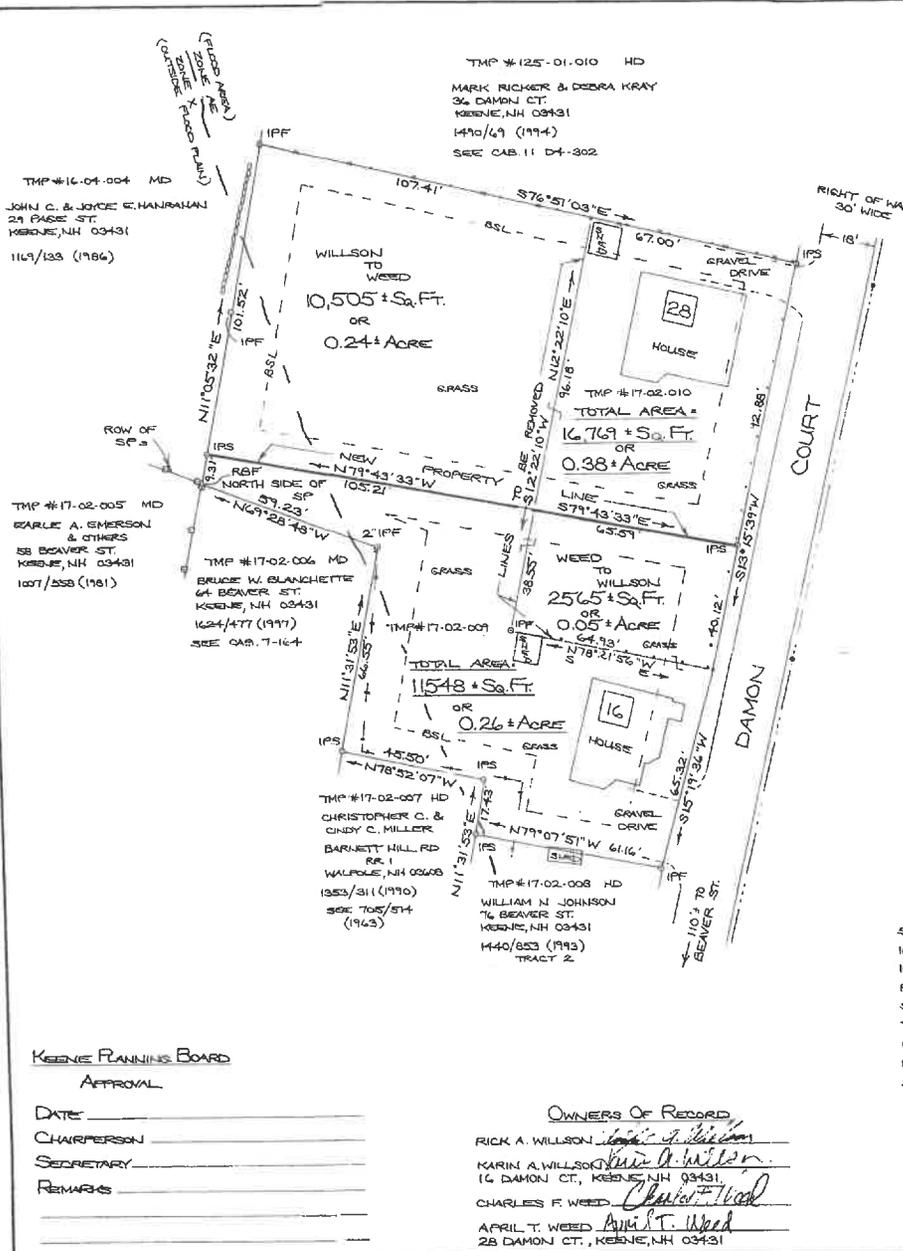
d. parking + driveway

e. photos of driveway

f. model car port

e. vehicle damage Feb. 2023

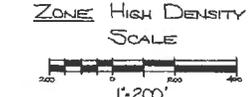
# Are Property Adjustment Aug. 1999



- NOTES**
- PLAT COMPILED FROM CLOSED ELECTRONIC DISTANCE MEASUREMENT RANDOM TRAVELER SURVEY - PRECISION 1:12,578
  - SEE PLAN BOOK 1, PAGE 2; CHESHIRE REGISTRY OF DEEDS
  - WILLSON PROPERTY SURFACE = 7.4% IMPERMEABLE WEED PROPERTY SURFACE = 6.7% IMPERMEABLE
  - NUMEROUS OLD RIGHTS OF WAY WERE DESCRIBED IN DEEDS THROUGHOUT THIS AREA. IF THEY ARE STILL PERTINENT THE WILLSON & WEED PROPERTIES MAY INCLUDE, OR BE SUBJECT TO, SOME OF THOSE RIGHTS.

- BOUNDARY LINE ADJUSTMENT -  
 PROPERTIES  
 OF  
**RICK A. & KARIN A. WILLSON**  
 AND  
**CHARLES F. & APRIL T. WEED**  
 DAMON COURT  
 KEENE, NH

TMP # 17-02-009 WILLSON  
 TMP # 17-02-010 WEED  
 SOURCE OF TITLE: 1614/679 (1997) WILLSON  
 : 969/847 (1979) WEED



THOMAS W. FLAVIN, JR.  
 L.C. LAND SURVEYOR #587  
 P.O. BOX 701  
 KEENE, NH 03431  
 AUGUST 27, 1999

**KEENE PLANNING BOARD**  
 APPROVAL

DATE \_\_\_\_\_  
 CHAIRPERSON \_\_\_\_\_  
 SECRETARY \_\_\_\_\_  
 REMARKS \_\_\_\_\_

**OWNERS OF RECORD**

RICK A. WILLSON *Rick A. Willson*  
 KARIN A. WILLSON *Karin A. Willson*  
 16 DAMON CT., KEENE, NH 03431  
 CHARLES F. WEED *Charles F. Weed*  
 APRIL T. WEED *April T. Weed*  
 28 DAMON CT., KEENE, NH 03431

b. contextual location



THIS MAP IS FOR AVISORY PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTION OF CONVEYANCE.  
 THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD 83.  
 PHOTOGRAPHY DATE: APRIL 18, 2015  
 COMPLETION DATE: SEPTEMBER 23, 2017

PRODUCED IN 2017 BY  
**CAI** COMMUNICATIONS  
 11 PLUMBERY STREET, LITTLETON, NH 03042  
 603.332-4642 WWW.CAIONLINE.COM

**LEGEND**  
 AREA SURVEYED ———— AC  
 AREA CALCULATED ———— AC  
 RECORD DIMENSION ————  
 METRIC DIMENSION ————  
 WATER ————  
 WETLANDS ————  
 BOUNDARY ————  
 BOUNDARY LOT/LIN ————  
 RIGHT OF WAY/ALLEY ————  
 COMMON DIVISION ————  
 WETLANDS ————

SCALE 1" = 50'  
 0 50 100 150  
 FEET  
 0 10 20 30  
 METERS  
 REVISED TO: APRIL 1, 2023

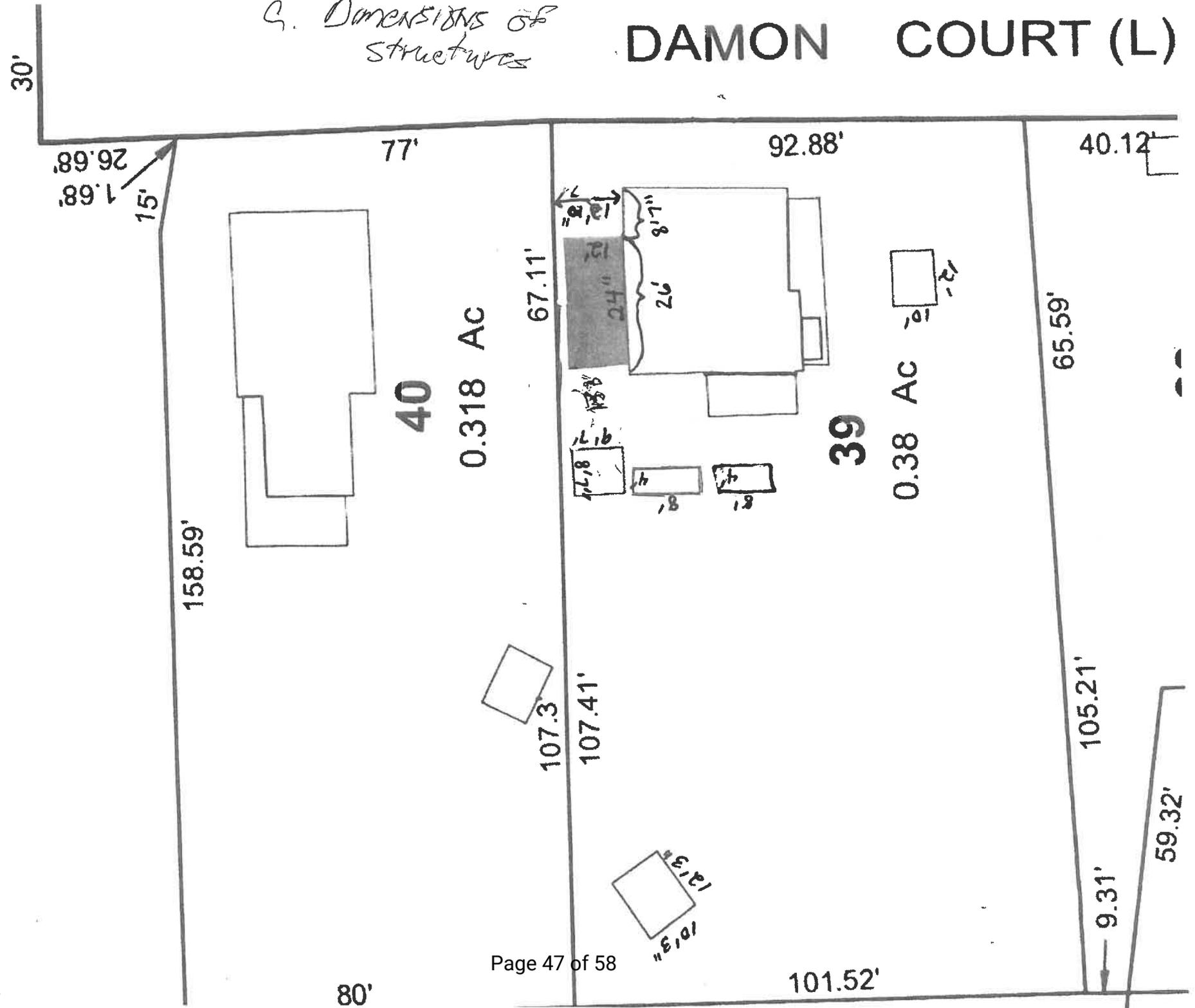
PROPERTY MAPS  
**KEENE**  
 NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO.  
**553**

C. DIMENSIONS OF Structures

# DAMON COURT (L)



30'

*PARKING / drive way*

# DAMON COURT (L)

*dimensions of structures*

.89'92"  
.89'1"

15'

77'

92.88'

40.12'

*Proposed carport 12' x 24'*

**40**

0.318 AC

67.11'

*gazebo cloth roof*



12

10

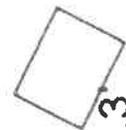
**39**

0.38 AC

*4/8' chickens 4/8'*

158.59'

65.59'



107.3'

107.41'

10.25 12.25



*she shed*

105.21'

9.31'

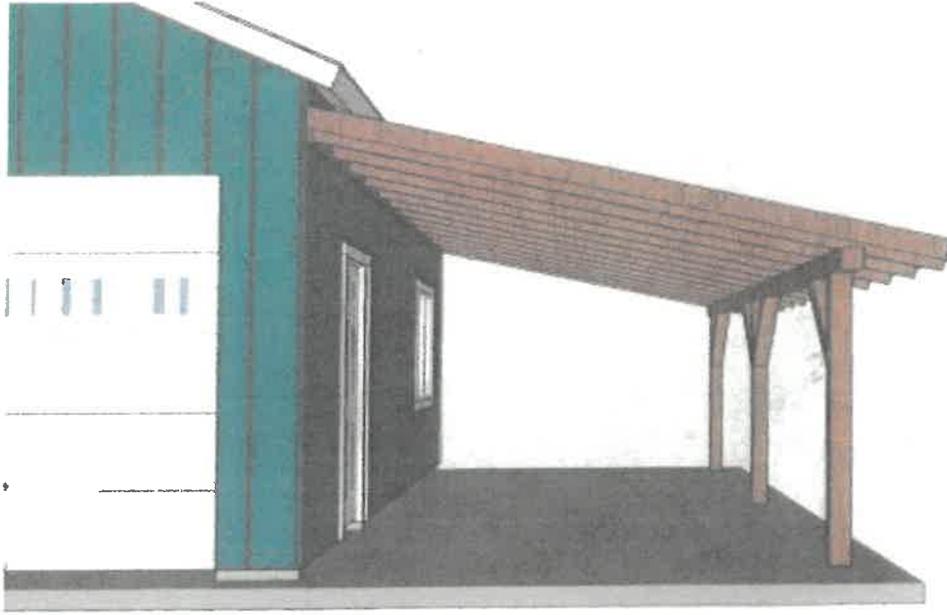
59.32'

80'

101.52'

Co. DRINK WHY



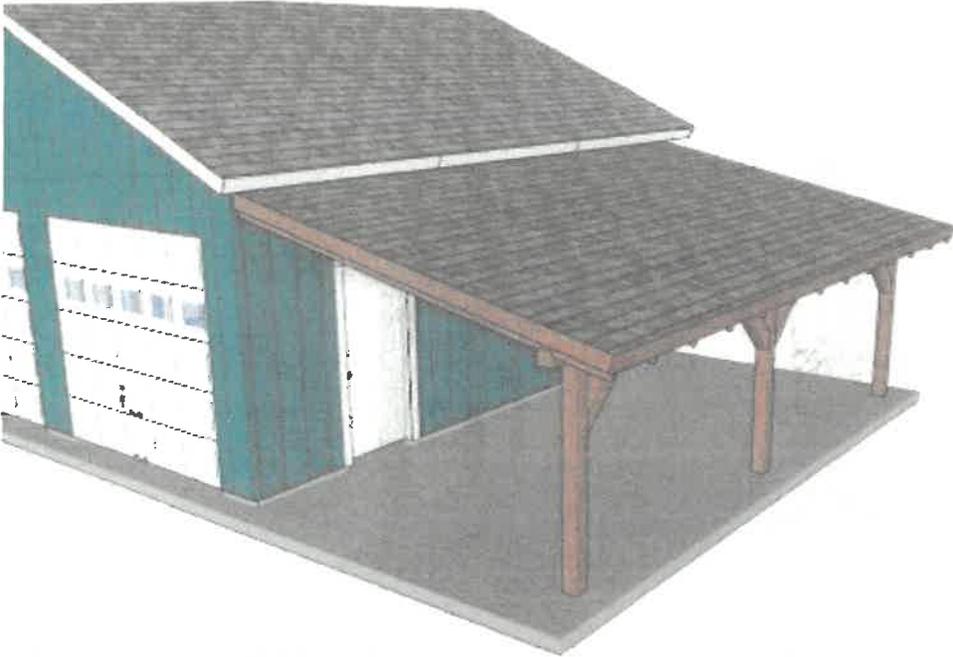


12x24 Attached Carport Plans - front view

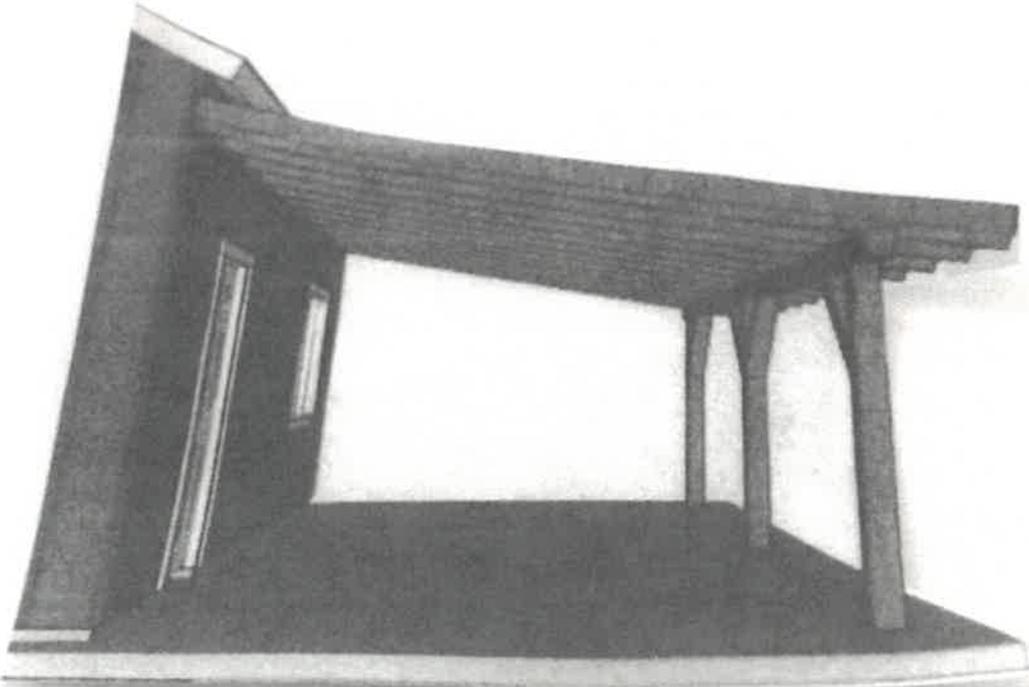
This carport has a simple structure so you can build it with ease. Make sure you read the local codes and make any adjustments needed to comply with the weather conditions.

*F Model Carport*

shallow angle  
car port



12x24 Attached Carport Plans



e. Vehicle Damage Feb. 2023  
**CANTIN COLLISION CENTER**

Workfile ID:  
PartsShare:

15c46e1b  
7fchBz

WINNER AAA BEST BODY SHOP IN NH  
WE REPAIR ALL MAKES & MODELS  
623 UNION AVE, LACONIA, NH 03246  
Phone: (603) 524-0770 x500  
FAX: (603) 527-1567

**LAURA'S CAR**

**Supplement of Record 1 with Summary**

**Customer: WEED, LAURA**

**Job Number:**

Written By: Steve Johnstone, 6/5/2023 8:04:12 AM  
Adjuster: Team, Express, (855) 341-8184 Business

Insured: WEED, LAURA  
Type of Loss: Comprehensive  
Point of Impact: 25 Hood

Policy #:  
Date of Loss: 2/27/2023 12:00 PM

Claim #: 29-46R1-44C01  
Days to Repair: 5

**Owner:**  
WEED, LAURA  
84 VALLEY RD  
NEW DURHAM, NH 03855-2447  
(603) 682-1698 Evening  
(603) 682-1698 Cell

**Inspection Location:**  
RESIDENCE - ROBERT EDWARDS  
84 VALLEY RD  
NEW DURHAM, NH 03855-2447  
Other  
(603) 801-3485 Day

**Insurance Company:**  
STATE FARM INSURANCE COMPANIES  
STATE FARM - ALL  
Bloomington

**Vehicle Drop Off Date:** 05/15/2023  
**Repair Completion Date:** 05/19/2023

**Promise Date:** 05/19/2023  
**Vehicle Pick Up/Return Date:** 05/19/2023

**Repair Start Date:** 05/15/2023

**VEHICLE**

2017 TOYO RAV4 Hybrid XLE AWD 4D LTV 4-2.5L Hybrid Sequential MPI Silver

VIN: JTMRJREV9HD122115  
License: 1846095  
State: NH

Interior Color:  
Exterior Color: Silver  
Production Date: 4/2017

Mileage In: 83,949  
Mileage Out:  
Condition:

Vehicle Out: 5/19/2023  
Job #:

**TRANSMISSION**

Automatic Transmission  
4 Wheel Drive

**POWER**

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Mirrors  
Heated Mirrors

**DECOR**

Dual Mirrors  
Privacy Glass  
Console/Storage

**Air Conditioning**

Intermittent Wipers  
Tilt Wheel  
Cruise Control  
Rear Defogger  
Keyless Entry  
Steering Wheel Touch Controls  
Rear Window Wiper  
Telescopic Wheel  
Climate Control  
Backup Camera  
Intelligent Cruise

**RADIO**

AM Radio

**Search/Seek**

CD Player  
Auxiliary Audio Connection  
Satellite Radio

**SAFETY**

Drivers Side Air Bag  
Passenger Air Bag  
Anti-Lock Brakes (4)  
4 Wheel Disc Brakes  
Traction Control  
Stability Control  
Front Side Impact Air Bags  
Head/Curtain Air Bags  
Hands Free Device

**ROOF**

Luggage/Roof Rack  
Electric Glass Sunroof

**SEATS**

Cloth Seats  
Bucket Seats  
Reclining/Lounge Seats

**WHEELS**

Aluminum/Alloy Wheels

**PAINT**

Clear Coat Paint

**OTHER**

Fog Lamps  
Rear Spoiler

## Supplement of Record 1 with Summary

Owner: WEED, LAURA

Job Number:

2017 TOYO RAV4 Hybrid XLE AWD 4D UTV 4-2.5L Hybrid Sequential MPI Silver

Prior Damage Notes:  
dent rt frt door into rt rear door and dent rt fender

### ESTIMATE TOTALS

| Category             | Basis     | Rate         | Cost \$         |
|----------------------|-----------|--------------|-----------------|
| Parts                |           |              | 554.39          |
| Body Labor           | 5.7 hrs @ | \$ 55.00 /hr | 313.50          |
| Paint Labor          | 7.5 hrs @ | \$ 55.00 /hr | 412.50          |
| Mechanical Labor     | 1.0 hrs @ | \$ 60.00 /hr | 60.00           |
| Paint Supplies       | 7.5 hrs @ | \$ 32.00 /hr | 240.00          |
| Miscellaneous        |           |              | 12.00           |
| Subtotal             |           |              | 1,592.39        |
| <b>Grand Total</b>   |           |              | <b>1,592.39</b> |
| Deductible           |           |              | 0.00            |
| <b>CUSTOMER PAY</b>  |           |              | <b>0.00</b>     |
| <b>INSURANCE PAY</b> |           |              | <b>1,592.39</b> |

For more information regarding State Farm's promise of satisfaction relating to new non-original equipment manufacturer (non-OEM) and recycled parts, please visit: <http://st8.fm/7X4> or QR code.



Register online to check the status of your claim and stay connected with State Farm®. To register, go to <http://www.statefarm.com/> and select Check the Status of a Claim. If you are already registered, thank you!

**CANTIN COLLISION CENTER**

WINNER AAA BEST BODY SHOP IN NH  
WE REPAIR ALL MAKES & MODELS  
623 UNION AVE, LACONIA, NH 03246  
Phone: (603) 524-0770 x500  
FAX: (603) 527-1567

Workfile ID: 90a479a1  
PartsShare: 7d9MFZ

*Laurel's car*

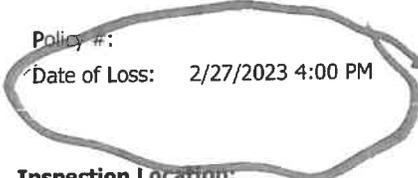
**Supplement of Record 1 with Summary**

**Customer: WEED, LAURA**

**Job Number:**

Written By: Bobby Volmut, 5/4/2023 4:38:36 PM  
Adjuster: Response Team Auto Eastern, (855) 468-4696 Business

Insured: WEED, LAURA  
Type of Loss: Comprehensive  
Point of Impact: 06 Rear

Policy #:   
Date of Loss: 2/27/2023 4:00 PM

Claim #: 29-46C6-37P01  
Days to Repair: 0

**Owner:**  
WEED, LAURA  
84 VALLEY RD  
NEW DURHAM, NH 03855-2447  
(603) 682-1698 Evening  
(603) 682-1698 Cell

**Inspection Location:**  
Unknown  
Other

**Insurance Company:**  
STATE FARM INSURANCE COMPANIES  
STATE FARM - ALL  
Bloomington

**Vehicle Drop Off Date:** 05/03/2023  
**Repair Completion Date:** 05/04/2023

**Promise Date:** 05/05/2023  
**Vehicle Pick Up/Return Date:** 05/05/2023

**Repair Start Date:** 05/03/2023

**VEHICLE**

2005 SUBA Legacy Wagon GT Limited Automatic w/Taupe Interior 4D WGN 4-2.5L Turbocharged Gasoline SMPI Dark Blue

VIN: 4S3BP676254315187 Interior Color: Mileage In: 101,493 Vehide Out:  
License: 5140413 Exterior Color: Dark Blue Mileage Out:  
State: NH Production Date: 5/2004 Condition: Job #:

**TRANSMISSION**

Automatic Transmission  
Overdrive  
4 Wheel Drive

**POWER**

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Mirrors  
Heated Mirrors  
Power Driver Seat  
Power Passenger Seat

**DECOR**

Body Side Moldings  
Console/Storage  
Wood Interior Trim

**CONVENIENCE**

Air Conditioning  
Intermittent Wipers  
Tilt Wheel  
Cruise Control  
Rear Defogger  
Keyless Entry  
Alarm  
Rear Window Wiper  
Climate Control

**RADIO**

FM Radio  
Stereo  
Search/Seek  
CD Changer/Stacker

**SAFETY**

Drivers Side Air Bag  
Passenger Air Bag  
Anti-Lock Brakes (4)  
4 Wheel Disc Brakes  
Front Side Impact Air Bags  
Head/Curtain Air Bags  
Positraction

**ROOF**

Luggage/Roof Rack

**SEATS**

Bucket Seats  
Leather Seats  
Heated Seats

**WHEELS**

Aluminum/Alloy Wheels

**PAINT**

Clear Coat Paint

**OTHER**

Fog Lamps  
Rear Spoiler  
Signal Integrated Mirrors

Supplement of Record 1 with Summary

*Lucinda's car*

Customer: WEED, LAURA

Job Number:

2005 SUBA Legacy Wagon GT Limited Automatic w/Taupe Interior 4D WGN 4-2.5L Turbocharged Gasoline SMPI Dark Blue

| Line             | Oper | Description                                                                                                                                       | Part Number  | Qty | Extended Price \$ | Labor      | Paint      |
|------------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----|-------------------|------------|------------|
| 1                |      | <b>LIFT GATE</b>                                                                                                                                  |              |     |                   |            |            |
| 2                | S01  | Repl Spoiler assy                                                                                                                                 | 96031AG01ANN | 1   | 335.12            | 0.5        | 1.4        |
|                  |      | Note: all lkq assys req cleanup and none able to verify function of high mount lamp - most c/e vs downtime and secondary labor and cleanup is oem |              |     |                   |            |            |
| 3                | S01  | Add for Clear Coat                                                                                                                                |              |     |                   |            | 0.3        |
| 4                | R&I  | Upper trim panel                                                                                                                                  |              |     |                   | 0.3        |            |
| 5                | R&I  | RT Side trim panel                                                                                                                                |              |     |                   | 0.2        |            |
| 6                | R&I  | LT Side trim panel                                                                                                                                |              |     |                   | 0.2        |            |
| 7                |      | <b>MISCELLANEOUS OPERATIONS</b>                                                                                                                   |              |     |                   |            |            |
| 8                | #    | Flex additive                                                                                                                                     |              | 1   | 12.50             |            |            |
|                  |      | Note: due to plastic                                                                                                                              |              |     |                   |            |            |
| 9                | #    | Refn Tint color                                                                                                                                   |              |     |                   |            | 0.5        |
|                  |      | Note: due to age                                                                                                                                  |              |     |                   |            |            |
| 10               | #    | Rpr Pre Scan                                                                                                                                      |              |     |                   | 0.5 M      |            |
| 11               | #    | Rpr Post Scan                                                                                                                                     |              |     |                   | 0.5 M      |            |
| 12               | #    | S01 *FINAL INVOICE, PLEASE PAY SHOP*                                                                                                              |              | 1   |                   |            |            |
| <b>SUBTOTALS</b> |      |                                                                                                                                                   |              |     | <b>347.62</b>     | <b>2.2</b> | <b>2.2</b> |

**ESTIMATE TOTALS**

| Category             | Basis     | Rate         | Cost \$       |
|----------------------|-----------|--------------|---------------|
| Parts                |           |              | 347.62        |
| Body Labor           | 1.2 hrs @ | \$ 55.00 /hr | 66.00         |
| Paint Labor          | 2.2 hrs @ | \$ 55.00 /hr | 121.00        |
| Mechanical Labor     | 1.0 hrs @ | \$ 60.00 /hr | 60.00         |
| Paint Supplies       | 2.2 hrs @ | \$ 32.00 /hr | 70.40         |
| Subtotal             |           |              | 665.02        |
| <b>Grand Total</b>   |           |              | <b>665.02</b> |
| Deductible           |           |              | 500.00        |
| <b>CUSTOMER PAY</b>  |           |              | <b>500.00</b> |
| <b>INSURANCE PAY</b> |           |              | <b>165.02</b> |

Register online to check the status of your claim and stay connected with State Farm®. To register, go to <http://www.statefarm.com/> and select Check the Status of a Claim. If you are already registered, thank you!

**Supplement of Record 1 with Summary**

**Customer: WEED, LAURA**

**Job Number:**

2005 SUBA Legacy Wagon GT Limited Automatic w/Taupe Interior 4D WGN 4-2.5L Turbocharged Gasoline SMPI Dark Blue

**SUPPLEMENT SUMMARY**

| Line                                                                                                                                              | Oper | Description                          | Part Number  | Qty | Extended Price \$ | Labor      | Paint      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------|--------------|-----|-------------------|------------|------------|
| <b>Deleted Items</b>                                                                                                                              |      |                                      |              |     |                   |            |            |
| 2                                                                                                                                                 | *    | Repl LKQ Spoiler assy +25%           | 96031AG01ANN | 1   | -225.00           | -0.5       | -1.4       |
| NOTE: shattered - lkq vendor not sure about extraction - may damage on extraction from lkq                                                        |      |                                      |              |     |                   |            |            |
| 3                                                                                                                                                 |      | Add for Clear Coat                   |              |     |                   |            | -0.3       |
| <b>Added Items</b>                                                                                                                                |      |                                      |              |     |                   |            |            |
| 2                                                                                                                                                 | S01  | Repl Spoiler assy                    | 96031AG01ANN | 1   | 335.12            | 0.5        | 1.4        |
| NOTE: all lkq assys req cleanup and none able to verify function of high mount lamp - most c/e vs downtime and secondary labor and cleanup is oem |      |                                      |              |     |                   |            |            |
| 3                                                                                                                                                 | S01  | Add for Clear Coat                   |              |     |                   |            | 0.3        |
| 12                                                                                                                                                | #    | S01 *FINAL INVOICE, PLEASE PAY SHOP* |              | 1   |                   |            |            |
| <b>SUBTOTALS</b>                                                                                                                                  |      |                                      |              |     | <b>110.12</b>     | <b>0.0</b> | <b>0.0</b> |

**TOTALS SUMMARY**

| Category                       | Basis | Rate | Cost \$       |
|--------------------------------|-------|------|---------------|
| Parts                          |       |      | 110.12        |
| Body Labor                     |       |      | 0.00          |
| Paint Labor                    |       |      | 0.00          |
| Paint Supplies                 |       |      | 0.00          |
| Subtotal                       |       |      | 110.12        |
| <b>Total Supplement Amount</b> |       |      | <b>110.12</b> |
| <b>NET COST OF SUPPLEMENT</b>  |       |      | <b>110.12</b> |

**CUMULATIVE EFFECTS OF SUPPLEMENT(S)**

|                       |                  |              |
|-----------------------|------------------|--------------|
| Estimate              | 554.90           | Bobby Volmut |
| Supplement S01        | 110.12           | Bobby Volmut |
| <b>Job Total:</b>     | <b>\$ 665.02</b> |              |
| <b>CUSTOMER PAY:</b>  | <b>\$ 500.00</b> |              |
| <b>INSURANCE PAY:</b> | <b>\$ 165.02</b> |              |

THIS REPORT IS BASED ON OUR INITIAL INSPECTION AND DOES NOT COVER ANY ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER WORK HAS COMMENCED. OCCASIONALLY, AFTER WORK HAS STARTED WORN OR DAMAGED PARTS ARE DISCOVERED WHICH WERE NOT EVIDENT AT FIRST INSPECTION. ANY ADDITIONAL COSTS WILL BE ADDED TO THE TOTAL COST OF REPAIRS. ALL PRICES ARE CURRENT AT THIS TIME, HOWEVER ANY PRICE INCREASES SHALL BE PASSED ON TO THE CUSTOMER OR INSURANCE COMPANY. CANTIN CHEVROLET INC WILL NOT BE RESPONSIBLE FOR ITEMS LEFT IN VEHICLES.



# 200 feet Abutters List Report

Keene, NH  
November 15, 2023

## Subject Property:

Parcel Number: 553-039-000  
CAMA Number: 553-039-000-000-000  
Property Address: 28 DAMON CT.

Mailing Address: WEED CHARLES F. & APRIL T. FAMILY  
REV. TRUST  
28 DAMON CT.  
KEENE, NH 03431

## Abutters:

Parcel Number: 553-026-000  
CAMA Number: 553-026-000-000-000  
Property Address: 43 PAGE ST.

Mailing Address: CLAY NATHAN C. CLAY JESSICA L.  
43 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-027-000  
CAMA Number: 553-027-000-000-000  
Property Address: 39 PAGE ST.

Mailing Address: BARRETT DUFFY REV. TRUST  
39 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-028-000  
CAMA Number: 553-028-000-000-000  
Property Address: 33 PAGE ST.

Mailing Address: DRAGON, DENISE M.  
33 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-029-000  
CAMA Number: 553-029-000-000-000  
Property Address: 29 PAGE ST.

Mailing Address: BARRETT DUFFY REV. TRUST  
39 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-030-000  
CAMA Number: 553-030-000-000-000  
Property Address: 21 PAGE ST.

Mailing Address: KEELER TIMOTHY R.  
21 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-031-000  
CAMA Number: 553-031-000-000-000  
Property Address: 15 PAGE ST.

Mailing Address: TEMPLE SAMUEL & LOVE BRIDGET REV  
TRUST  
SAMUEL S. TEMPLE & BRIDGET K. LOVE  
TTEES 15 PAGE ST.  
KEENE, NH 03431

Parcel Number: 553-032-000  
CAMA Number: 553-032-000-000-000  
Property Address: 42 BEAVER ST.

Mailing Address: TAYLOR, ALI  
63 EMERALD ST. #386  
KEENE, NH 03431

Parcel Number: 553-033-000  
CAMA Number: 553-033-000-000-000  
Property Address: 52 BEAVER ST.

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

Parcel Number: 553-034-000  
CAMA Number: 553-034-000-000-000  
Property Address: 58 BEAVER ST.

Mailing Address: COLLETT JANET I.  
45 BEAVER ST.  
KEENE, NH 03431

Parcel Number: 553-035-000  
CAMA Number: 553-035-000-000-000  
Property Address: 64 BEAVER ST.

Mailing Address: EDAUGAL MICHAEL R.  
PO BOX 207  
KEENE, NH 03431-0207



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 feet Abutters List Report

Keene, NH  
November 15, 2023

Parcel Number: 553-036-000  
CAMA Number: 553-036-000-000-000  
Property Address: 70 BEAVER ST.

Mailing Address: 70 BEAVER ST LLC  
143 MAIN ST.  
KEENE, NH 03431

Parcel Number: 553-037-000  
CAMA Number: 553-037-000-000-000  
Property Address: 76 BEAVER ST.

Mailing Address: Contact Town For Info

Parcel Number: 553-038-000  
CAMA Number: 553-038-000-000-000  
Property Address: 16 DAMON CT.

Mailing Address: BAIRD ANDREW L.  
16 DAMON CT.  
KEENE, NH 03431

Parcel Number: 553-040-000  
CAMA Number: 553-040-000-000-000  
Property Address: 36 DAMON CT.

Mailing Address: GONCALVES TONY S.  
36 DAMON CT.  
KEENE, NH 03431

Parcel Number: 553-041-000  
CAMA Number: 553-041-000-000-000  
Property Address: 45 DAMON CT.

Mailing Address: MONADNOCK AFFORDABLE HOUSING  
CORP  
831 COURT ST.  
KEENE, NH 03431

Parcel Number: 553-042-000  
CAMA Number: 553-042-000-000-000  
Property Address: 41 DAMON CT.

Mailing Address: NICHOLS ANNE L.  
41 DAMON CT.  
KEENE, NH 03431

Parcel Number: 553-043-000  
CAMA Number: 553-043-000-000-000  
Property Address: 35 DAMON CT.

Mailing Address: RAITTO BRANDON A.  
24 HAYWARD DR  
SURRY, NH 03431

Parcel Number: 553-044-000  
CAMA Number: 553-044-000-000-000  
Property Address: 15-27 DAMON CT.

Mailing Address: TOUSLEY FAMILY REV TRUST  
184 TALBOT HILL RD  
SWANZEY, NH 03446

Parcel Number: 553-045-000  
CAMA Number: 553-045-000-000-000  
Property Address: 0 DAMON CT.

Mailing Address: Contact Town For Info

Parcel Number: 553-046-000  
CAMA Number: 553-046-000-000-000  
Property Address: 92 BEAVER ST.

Mailing Address: LOWE CHRISTOPHER  
PO BOX 271  
HINSDALE, NH 03451

Parcel Number: 553-047-000  
CAMA Number: 553-047-000-000-000  
Property Address: 0off DAMON CT.

Mailing Address: MONADNOCK AFFORDABLE HOUSING  
CORP  
831 COURT 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.