

**City of Keene**  
**New Hampshire**

**PLANNING BOARD**  
**MEETING MINUTES**

**Monday, April 28, 2025**

**6:30 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Harold Farrington, Chair  
Roberta Mastrogiovanni, Vice Chair  
Mayor Jay V. Kahn  
Armando Rangel  
Kenneth Kost  
Randyn Markelon, Alternate  
Michael Hoefer, Alternate

**Staff Present:**

Mari Brunner, Senior Planner  
Megan Fortson, Planner  
Paul Andrus, Community Development  
Director

**Members Not Present:**

Councilor Michael Remy  
Sarah Vezzani  
Ryan Clancy  
Stephon Mehu, Alternate  
Tammy Adams, Alternate

**I) Call to Order – Roll Call**

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. The Alternates were invited to join the session as voting members.

**II) Minutes of Previous Meeting – March 24, 2025**

A motion was made by Roberta Mastrogiovanni that the Planning Board approve the March 24, 2025 minutes. The motion was seconded by Mayor Kahn and was unanimously approved.

**III) Final Vote on Conditional Approvals**

Chair Farrington stated as a matter of practice, the Board will now issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

The Chair asked whether there are any applications tonight that are ready for a final vote.

Senior Planner Mari Brunner stated there are three applications ready for a final vote. The first is PB-2025-05 – Boundary Line Adjustment – 91 Maple Avenue and 521 Park Avenue. There were four conditions precedent for this boundary line adjustment. They included the owner's signature on the plan; Submittal of four full paper copies and two mylar copies; Submittal of a check to cover recording fees; Inspection of the lot monuments by the Public Works Director or their designee - All of the conditions have been met.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final approval for PB-2025-05. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

The second application is for the same project, PB-2025-04 – Major Site Plan and Solar Energy System Conditional Use Permit – 521 Park Ave & 91 Maple Ave. There are five conditions precedent to final approval. Those included adding a note to the plan regarding the access road and making sure that it's upgraded with gravel to support construction vehicles; The owner's signature on the plans; Submittal of five full size paper copies and a digital copy of the final plans; Submittal of security in form and amount acceptable to the Community Development Director or their designee; Lot line adjustment shall receive final approval. All of the conditions have been met.

Ms. Brunner called the Board's attention to page 29 of their packet where the electrical disconnect location was changed from one back corner of the building to a different back corner of the building. She also added there was a lot of public comment at that meeting, so there is a memo from the Parks and Recreation Director dated April 1 (page 31 of the packet). The memo provides an update on the city's plans for the community garden relocation. Mr. Hoefer expressed his appreciation to the Parks and Recreation Director.

The Chair asked for clarification that this is not a public hearing, but rather board actions. Ms. Brunner answered in the affirmative. She stated the Board is verifying that the conditions precedent have been met.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for PB-2025-04. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

Ms. Brunner stated the next application ready for final vote is SPR-593, Modification 2 – 20 Central Square, Bank of America, which had some lighting changes that needed to be approved through a major site plan. There were two conditions precedent: Owner's signature appears on the plan; Submittal of five full size paper copies of the final plan set. The conditions have been met.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for SPR-593, Modification 2. The motion was seconded by Michael Hoefer and carried on a unanimous vote.

#### **IV) Extension Request**

- A) PB-2024-14 – Cottage Court Conditional Use Permit, Hillside Protection Conditional Use Permit, & Major Site Plan – Timberlane Woods Development, 0 Drummer Rd – Applicant Fieldstone Land Consultants, on behalf of owner Christopher Ferris, requests a first extension to the deadline to satisfy the precedent conditions of approval for the proposed Cottage Court Development consisting of 6 buildings and 36 units on the parcel at 0 Drummer**

**Rd (TMP #515-015-000). The property is 13.1-ac in size and is located in the Low Density District.**

Mr. John Noonan of Fieldstone Land Consultants addressed the Board on behalf of Christopher E Farris, who is the owner and applicant. Mr. Noonan stated they are looking to have an extension to the conditional approval as the applicant is still working on obtaining some architectural drawings and obtaining the Alteration of Terrain permit. He indicated as the expiration is April 27, and these two items are still outstanding, the applicant is looking for an extension.

Mr. Kost asked to clarify how long the extension request is for. He stated the reason he is asking is because of runoff issues that could occur from this site, as he was not sure the site had been properly protected. The Chair stated the standard extension is 180 days.

Mr. Noonan agreed the site has been logged. As soon as the two outstanding items are received, the project would move forward.

Mayor Kahn stated that the 180-day extension from the date that the conditional approval expires, April 27, would extend the project about a year after the Board originally considered the application.

Mr. Kost asked if anything can be done to safeguard the site in the meantime. Mr. Noonan stated the site was left with stumps in place, as allowed by forestry practices for Alteration of Terrain. Once they obtain their Alteration of Terrain permit, a silt fence could be installed. As part of the approval, the wetland buffer will have to be flagged and verified by Staff. The silt fencing could be installed once that is done. He stated overall, the site is stable where the stumps were left in place of the trees. He stated there is already a lot of small growth, and some of the trees are growing back since it was logged. He stated he did not feel there was an issue with runoff or stabilized slopes at this time. However, silt fencing to protect the wetland resource and that wetland buffer being flagged is the first thing that should be done once the Alteration of Terrain permit is obtained.

A motion was made by Roberta Mastrogiovanni that the Planning Board grant a 180-day extension to the timeframe to satisfy the precedent conditions of approval for PB-2024-14. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

**V) Public Hearings**

- A) PB-2025-06 – Guitard Homes Cottage Court Development – Cottage Court Conditional Use Permit, Major Site Plan, & Surface Water Protection Conditional Use Permit – 0 Court St – Applicant Fieldstone Land Consultants PLLC, on behalf of owner Guitard Homes LLC, proposes a Cottage Court Development consisting of 29 single family units accessed by a private driveway on the undeveloped lot at 0 Court St (TMP #228-016-000). A Surface Water Protection CUP is requested for impacts to the 30' surface water buffer. Additionally, a waiver has been requested from Section 21.7.3.C of the LDC related to light trespass. The parcel is 9.7-ac in size and is located in the Low Density District.**

a. Board Determination of Completeness

Planner Megan Fortson stated the applicant has requested exemptions from submitting a historic evaluation and screening analysis. Planning Staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of this application and recommend that the Board accept the application as complete.

A motion was made by Roberta Mastrogiovanni that the Planning Board accept this application as complete. The motion was seconded by Mayor Kahn and was unanimously approved.

b. Public Hearing

Mr. Noonan, of Fieldstone Land Consultants, addressed the Board and stated they are utilizing the Cottage Court Overlay District for this property to increase density. When they came in for a preliminary hearing, they had 31 homes on the site. He stated as the design moved forward, they reduced the units to 29.

He stated the main driveways are laid out in the same way as was presented during the preliminary hearing.

Mr. Noonan explained that the site is located on Court Street. The main driveway will come in and end up at a hammerhead, ultimately building in three phases. There will be a connection spur to the Genesis property, where there is an existing easement. The Conservation Commission conducted a site visit to the property.

Phase One is divided by where the wetland crosses through the property and flows down towards Court Street. Phase one would consist of 12 homes directly on Court Street and prior to the crossing of the wetland swale.

Phase Two would include the homes around the cul-de-sac and would require box culvert four feet in height and six feet wide installed across the wetland. This would then allow for utilities to cross and for the driveway to be built up.

Phase Three would consist of six homes going up to the end of the hammerhead, which is intended to be used as a turnaround for emergency vehicles.

Mr. Noonan stated the site would be serviced by municipal water and sewer. Water and sewer lines would be extended from Court Street. At the direction of the City Engineer, water would be looped over to the lines that feed into the Genesis property, along the existing easement.

The homes would be single-family residential, meeting the minimum requirement for footprint for cottage court and the maximum gross floor area, which is a 1,250 square foot maximum gross average. Specifically, the maximum gross average for the proposed project would be 1,164 square feet. These would be a mixture of three styles of home. All single family residential. One type of

home would be a two-bedroom unit. The other two types would be three-bedroom units. The three-bedroom units would be two stories but under the 35-foot max requirement for height of the roof.

Overall, the property slopes from Court Street to the rear of the property. Along the rear of the property is an existing walking trail referred to as Woods Road. There is an easement that goes through the property. This trail, known as “Root Trail” would remain.

With the wetland crossing, the water would drain behind the Genesis property. The water drains down through the site, to Court Street, through a box culvert, and ends up in the Ashuelot River. He noted the wetland would have a 30-foot buffer in some areas and a 10-foot buffer in certain areas, which is permitted through a Cottage Court Conditional Use Permit. Mr. Noonan stated this was presented to the Conservation Commission last week, and the Commission voted to recommend the project favorably.

Mr. Noonan continued by stating he discussed stormwater, wetland impacts of two crossings for box-culverts being installed, and buffer impacts with the Commission. The only permanent buffer impacts would be where the wetlands are being crossed with box-culverts and grading and stormwater management.

Mr. Noonan went on to say that ownership is going to be within an HOA. These would be condominium units; each home would be owned by the condominium owner. They will have limited common area around their units. Some of the units would have garages and some would have sheds for storage.

He added that some of the trees along the edge of the property are being maintained as a way to incorporate screening.

The grading and drainage plans have been reviewed by the City Engineer for the stormwater management report on how stormwater is going to be handled as part of the project. Overall disturbance is well over 100,000 square feet, which would require a DES Alteration of Terrain permit. The State will review the stormwater management report, design, and all of the erosion control measures that would be in place.

The wetland crossings for the two box culverts would require a DES Wetland Impact Permit, which would also be reviewed through DES.

The project would also require a Shoreland Protection Permit as the Ashuelot River is located across the street, which is one of the protected rivers in the State. This river is within 250 feet along the front end of the property

Stormwater, ultimately, will be handled between the two phases. Stormwater management will also be built in phases. There will be a gravel wetland for phase one, a gravel wetland for phase two, along with level spreader, and a small infiltration basin along with treatment swales to treat the runoff. Phase three would be very similar in order to meet the State standards.

Each home would have a drip strip infiltration trench (four feet wide, four feet deep and an inch and a half stone). This allows the water off the roof to drip directly and infiltrate into the ground. Whatever doesn't infiltrate will outflow and be caught by treatment swales into the stormwater management systems.

Utilities – A profile and plan sheet for utilities and road grading has been provided. The applicant met with the City Engineer last week and addressed the additional comments he had raised. Mr. Noonan stated the applicant is obtaining cost estimates and the biggest thing that could change is ownership of the utility. He stated that based on pricing, utilities could be owned by the HOA or the City, depending on the material. Mr. Noonan added the price of ductile iron is double in price currently compared to plastic pipes. If plastic pipes are used, the pipes will not be acceptable by Public Works and the HOA would have to own that utility. Utilities will also be reviewed by DES, who would review and approve the water and sewer connections.

Lighting Plan – Mr. Noonan stated the agenda indicates there is a waiver for lighting trespass, which he indicated has been modified. He noted to a light fixture just over 0.1-foot candle at the property line, which has now been shifted further into the property. It would still light the intersection, but the project would no longer require a waiver.

He added even though these are private driveways, they are being designed to City road standards, hence street lighting will be provided. There will also be lights on each house. The lighting plan shows that the project meets the standard for Keene for both the house lights and the street.

Landscaping Plan – There will be trees provided along the street to provide a community feel. Landscaping would be up to the individual owner of the condominium unit. There will be fences coming in at the entryway and there will be plantings along the Court Street frontage.

Mr. Noonan went on to say erosion control details and construction details have been provided. This application does not require a Hillside Protection CUP Application for this project. He noted there are some steep slopes, but this is where the box culvert is being located. The rest of the steep slopes are not being impacted, and those slopes are on the opposite side of the trail.

This concluded Mr. Noonan's presentation.

The Chair noted to the three different models being proposed and asked if a decision has been made regarding which models would be built in which locations. He asked for clarity on whether the homes would be custom built. Mr. Noonan stated the plans, indicated by note 1,2,3, show what style of home is going to be built at the different locations. The Chair clarified there will be 11 homes with garages. Mr. Noonan answered in the affirmative.

Mayor Kahn asked for the square footage for each style of home.

Mr. Noonan stated Option 1 would have a footprint area of 627 square feet.

Option 2 would be 1,250 square feet with a footprint of 772 feet (2 story)

Option 3 would be 1,394 square feet total with 852 feet as the footprint (2 story).

Mr. Noonan explained that the Cottage Court overlay district requires under 900 square feet of footprint and total average square footage must average out below 1,250 square feet.

The Mayor clarified the mix of these three different styles are at an average of 1,164 square feet. Mr. Noonan answered in the affirmative. The Mayor asked for the different types of houses that would be constructed at each phase. Mr. Noonan stated phase one would have two number one options, eight number two options, and two number three options.

Phase two has four number one options, eight number two options and one option three.

Phase three would be all Option 3 buildings. Phase 3 would also have walk out basements, but basements don't count toward the gross total average. The Mayor clarified that the garages and sheds don't count towards the gross total average. Mr. Noonan answered in the affirmative. It was stated that the distance from the driveway of the abutter on the other side is over 300 feet.

The Mayor asked for the frontage of this site. Mr. Noonan stated it was 344 feet. He also asked for the distance between the driveways for this site and the Genesis site. Mr. Noonan stated it was about 255 feet.

Mr. Hoefer clarified that each phase stands on its own. Mr. Noonan answered in the affirmative.

Mr. Kost asked if each phase meets that average Cottage Court amount. Mr. Noonan stated the average is based on the total development. Phase one is going to be the lowest average square footage, and it will increase as phases two and three are built. Mr. Kost raised the concern if phases two and three are not built the phase one might not be in compliance with the Cottage Court. Ms. Brunner in response stated she did not have an exact number, but believed phase three is proposed to have the larger buildings and assumed phases one and two would meet the cottage court requirements on their own, without factoring in the six larger buildings.

Staff comments were next. Ms. Fortson addressed the Board and stated the proposed parcel is located about 1/3 of a mile to the northwest corner of Cheshire Medical Center. The surrounding uses include the nursing home located directly to the west, undeveloped land to the north and northeast, commercial offices across Court Street to the southwest, and single-family homes to the southeast.

The notable features on the site include a small stream, wetland systems that run in north south orientation through the parcel, and the old Woods Road, which is used as a walking trail that runs along the northeastern property boundary and connects to the neighborhood to the south.

The property has about 344 feet of frontage along Court Street. The owner is proposing 29-unit Cottage Court development, consisting of single-family homes, which are proposed to be constructed over the course of three phases.

Ms. Fortson noted the primary access to the site would be from Court Street and a travel aisle that is going to be constructed from the Genesis parcel, using an existing easement, which is already in place. Given the fact that there are more than five units proposed, and they are also within the

wetlands buffer. This project includes both a Cottage Court conditional use permit, a Surface Water Protection Conditional Use Permit and a Major Site Plan application.

In regard to the determination of regional impact, Ms. Fortson stated planning staff did not feel there was a potential for regional impact but asked that this be considered as part of the deliberation.

Ms. Fortson next addressed departmental comments. The first phase is anticipated to begin this summer. Under the Board's regulations, active and substantial development of a completely undeveloped site like this is two years from the date of conditional approval, which would give the property owner until 2027 to achieve active and substantial development for phase one. The first phase is required to be completed by 2027, phase two by 2029 and phase three by 2031. The property owner is in agreement of this timeline.

Code Enforcement has requested a Building Permit.

Zoning Staff confirmed that the vehicular access from the Genesis parcel was allowed, given the fact that that easement has been in place for a number of years.

Engineering Staff did have quite a few comments, but the applicant was comfortable with these changes being reviewed as a condition of approval, subject to review and approval by the City Engineer and Public Works Director.

Ms. Fortson went on to say the first section of standards relevant to this application come from Article 11 of the Land Development Code, and those are the Surface Water CUP standards.

The first few sections address buffer encroachment, and the language states as follows *the proposed use cannot be located in a manner to avoid encroachment into the surface water protection overlay district and that the project is designed to minimize impacts to the surface water buffer*. Because the property is located in the low-density district, they are required to maintain a 30-foot buffer from surface waters and wetlands. Ms. Fortson noted seven of the homes and their associated sheds are proposed to be located right on the edge of the 30-foot surface water buffer. An additional five buildings and/or accessory structures will be located within the buffer. The applicant's narrative stated that there was going to be approximately 1,300 square feet of impact within the surface water buffer. The proposed design for the cottages are grouped in three clusters in the upland areas of the site to minimize impacts to the buffer. Given the proximity of some of the proposed structures to the surface water, Planning Staff recommend the submittal of a security to cover the cost of sediment and erosion control measures and precedent condition of approval related to flagging of the wetland buffer prior to the start of construction and the inspection of that buffer by Community Development Staff.

In addition to the applicant's placement of the actual buildings on the site to reduce the encroachment into the surface water buffer, they are also proposing a number of stormwater measures, plantings and conservation seed mix to help stabilize the site. It appears that the intent of this standard was met.



Adverse Impacts – The proposed private driveway will be crossing directly through the wetlands in two locations. Hence, the Board is going to need to decide if the proposed development is going to comply with this standard, which states that *when taken as a whole, the proposal will avoid the potential for adverse impacts to the surface water resource*. Planning Staff recommends that the Board include a condition of approval related to the inclusion of the necessary State permits on the proposed conditions plans.

Preservation of Existing Vegetation – The applicant is proposing to clear the areas where the houses are proposed. However, they are proposing to maintain a vegetated buffer around the perimeter of the site, in addition to planting some different street trees and a number of different shrubs on the property to give the appearance of it being a residential neighborhood with a street, even though it is a private driveway. They will also be screening for the transformers and other mechanical equipment.

That standard appears to be met. However, the Board is going to have to make the final determination as to whether or not maintaining that existing vegetation and the installation of the proposed new landscaping meets the intent of that standard.

Ms. Fortson noted additional considerations that the Board could use when reviewing these types of proposals. Ms. Fortson stated, under this section of the staff report, she deferred to what the Conservation Commission had said. The Commission has met two different times to discuss this project. The first was in November of 2024. The general consensus, based on the minutes, was that the Commission appreciated the fact that the applicant was trying to minimize the impacts in the individual locations as opposed to requesting a blanket reduction in the size of the surface water buffer. They also recommended that the applicant be very careful when it comes to designing the stormwater measures. Ms. Fortson asked for Ms. Brunner's input on the Conservation Commission's meeting.

Ms. Brunner stated the Conservation Commission met last week to review this application as a formal referral from the Planning Board. She indicated that everyone on the Commission was supportive of this project and referred to the following language from the draft minutes:

*Mr. Von Plinsky made the following motion, which was duly seconded by Ms. Richter, on a vote of 7 – 0, the Conservation Commission recommends the Planning Board approve this application with the following recommendation: "1. Riparian plantings that will support a wide range of native pollinators, such as Joe Pieweed and milkweed."*

Ms. Fortson referred to the next standard that relates to this application, which comes from Article 17 – Cottage Court CUP Standards.

The first section dictates what development types are allowed. The applicant is proposing a series of single-family homes that are going to be managed by a homeowners' association, so that standard appears to be met.

There are also specific dimensional requirements that are required.

Ms. Fortson referred to page 40 of the Board's agenda packet, which outlines the dimensional requirements. This proposal would meet the setbacks required in the Low Density District, which is a 15-foot front setback, 20-foot rear setback and a 10-foot side setback. The maximum stories will be two, which is what is permitted. This standard appears to be met.

Ms. Fortson continued with reference to dwelling unit size. Based on the three styles and the corresponding square footage outlined previously, the maximum average gross floor area is going to be 1,164 square feet, which falls within the requirement for maximum gross floor area. The building footprint is going to be 852 square feet, which is below the 900 square foot footprint maximum. Those standards are met.

For parking, there can be a maximum of one space per bedroom or minimum of one space per unit. As part of this proposal, the applicant is permitted a minimum of 29 spaces or a maximum of 81 spaces. The applicant is proposing to offer a total of 58 parking spaces, which is going to be both through the driveways that are going to be created for each individual unit, as well as those units that are going to have garages. This standard appears to be met.

Ms. Fortson stated Code Enforcement Staff had no concerns in terms of the building separation for the driveways. They are proposing a driveway with two-way traffic at a 20-foot width, which complies with the standard of between 20 to 24 feet wide. That standard is met.

There are no internal roads proposed.

The screening standard isn't applicable to this application, because this proposed use is not more intense than the surrounding use. The applicant is proposing to install trees and install a fence at the entrance, as well as keeping the vegetated buffer in place around most of the site.

Architectural Guidelines – This section of the code states as follows: *these types of developments should endeavour to fit in or be respectful of the context of the surrounding neighborhood.*

The project narrative states that the buildings will be finished with natural tones that will fit in with the nearby neighborhoods in the City and will complement one another well. In addition, the proposed building styles align with recommended urban design and architectural principles listed in this section of the code.

What this means is that the building should be narrow to the frontage. They should have a base that is differentiated from the rest of the building. There should be some sort of structural expression, simple, clear, massing and natural and integral materials. That standard appeared to be met.

#### Article 21 – Site Development Standards:

Drainage – The applicant is proposing a mixture of catch basins, infiltration trenches with treatment swales, a box culvert and gravel wetland ponds on the site as the permanent drainage measures. The City Engineer, other than the specific comments related to the design of the utilities, did not have any concerns about the proposed stormwater runoff. Ms. Fortson noted this application is going to require both an Alteration of Terrain permit and a wetlands permit from

DES. Staff recommend those permit numbers be added to the plans, but otherwise that standard appears to be met.

Sediment and Erosion Control – In addition to the permanent drainage and stormwater management measures, the applicant is also proposing to install temporary silt fencing, silt socks, catch basins and a stabilized construction entrance from Court Street. Staff recommend that a condition of approval related to the inspection of these erosion control measures be included in the motion. This standard appears to be met.

Landscaping – The applicant proposes 12 red maple trees to be installed along either side of the drive aisle. They are also proposing a mixture of shrubs, including rhododendrons, junipers, and holly bushes. Not only will those serve as additional landscaping, but also as screening for the transformers that are going to be installed on the site. Staff recommend the submittal of security to cover the cost of that landscaping, as well as initial and final landscaping inspections.

Screening – The site is going to be screened from adjacent properties and from the public right of way by the existing wooded buffer.

Trash Removal – Trash removal is going to be handled independently by each condo owner. Therefore, there would be no need for a dumpster that needs to be screened.

Mechanical Equipment – The applicant is proposing to install mechanical equipment at the rear of the building, so it will not be visible from any public right of way. That standard appears to be met.

Light Fixtures – Light fixtures meet all of the necessary requirements in terms of being full cut off and have having a color temperature of 3500 Kelvin or less. This standard has been met. The waiver that was originally submitted to allow for light trespass levels above 0.1-foot candle at the property line is no longer necessary, given the fact that the photometric plan was updated.

Utilities – There is still discussion going on as to how water and sewer piping is going to be constructed as part of this project and its ownership. Staff are recommending two conditions of approval: draft documentation related to easements and any other necessary legal instruments. These documents would need to be reviewed by the City Attorney and copies of those recorded documents following the final approval of the application would need to be submitted.

Traffic and Access Management – The applicant had submitted a traffic memo prepared by a traffic engineer using historical data from the New Hampshire Department of Transportation. The memo estimates that the 29-unit development will result in approximately 24 vehicle trips during the weekday morning peak hour, 31 trips during the weekday evening peak hour, and 35 trips during the Saturday midday peak hour, with the result being that trips associated with the development would have negligible impacts on the adjacent roadway system. This standard appears to be met.

Filling and Excavation – The project narrative does state that the applicant anticipates over 50 truckloads of material brought into the site during the course of construction. In terms of a truck

route, the applicant is proposing that trucks would travel along Court Street to Maple Avenue and then onto New Hampshire Route 12. City Staff had no concerns.

Ms. Fortson next reviewed the motion language. This concluded the Staff Report presentation.

The Mayor asked for the relationship of the two driveways during the different phases of the project. Ms. Fortson stated her understanding is that the construction entrance is proposed to be from Court Street. Ms. Fortson continued by stating the homes that would be on the southwestern portion of the parcel are proposed to be constructed as part of phase one, so the main construction entrance is going to be from Court Street. She stated there is no intention for vehicles to be travelling through the Genesis site during any of the phases of construction. Mr. Noonan stated that Ms. Fortson is correct. The Mayor asked for the reason for the connection between the Genesis and proposed property. Mr. Noonan stated this would be intended to be used as an extra exit for the residents of the site. A second egress on site would be for residents, not for construction.

The Chair asked to clarify that the motion will be for the Cottage Court CUP, Major Site Plan, and Surface Water Protection CUP related to this application, and that they would not be voted on separately. Ms. Fortson answered in the affirmative.

The Chair asked for public comments next.

Mr. Jeff Gowan of 15 A Windsor Court addressed the Board and stated he is disappointed that the 89-unit condo association just west of the proposed cottage court application was not mentioned. Mr. Gowan asked whether the electric utilities were going to be buried. Mr. Noonan stated they will be buried. Mr. Gowan asked for the construction plans for phase one. Mr. Noonan went over the construction timeline and the houses that will be constructed during this phase. Mr. Gowan asked for clarification regarding where the Wright Estate is in relationship to the proposed project location. Mr. Noonan stated that Fieldstone usually surveys about 100 feet from the project site, so the Wright Estate did not show up on the site plan. Mr. Noonan clarified the distance between the property line and the adjacent property would be about 125 feet. He continued by stating the brook, or wetland stream, would also be in between the adjacent property and project site. He clarified that the developer is not proposing to rename the trail that will be maintained at the project site.

The Mayor asked to confirm the distance from the northernmost location on this property is about 125 feet from abutters to the north. Mr. Noonan answered in the affirmative.

Mr. Gowan asked about lighting. Mr. Noonan stated there will be lights located at the hammerhead turn around and distanced throughout the proposed road.

Ms. Jean Lavalley of 15K Windsor Court (Wright Estate) stated she has not heard anything about the applicant's fire protection plan. Mr. Noonan stated there are existing hydrants located at the intersection right before the Genesis lot. There is also a hydrant in the wetland, which the Fire Chief was not sure was functional. At the direction of the Fire Chief, two additional fire hydrants have been added. One will be added in phase two and one in phase three. There will be an extension of an 8-inch water main and 6-inch water line per the Fire Chief's review.

Ms. Lavalley asked what fire safety plans the individual cottages would have. Mr. Noonan stated the cottages are not required to have sprinklers. Mr. Noonan stated all the cottages fall within the municipal 911 district and will be assigned a 911 address specific to each residence, and they would rely on the municipal fire department.

Ms. Lisa Perkins of 649 Court Street stated she had concerns about the water conservation areas around her property and noted she has already done a lot of mitigation in her backyard to avoid water accumulation. She indicated the infiltration trenches on the edge of her property is her biggest concern. She stated the box culvert is also draining through her property and asked if there was an easement related to that. Mr. Noonan stated there is an easement and went on to say the two blue areas on the plan that Ms. Perkins is referring to are existing wetlands. He stated even if this project were not going to be constructed, those wetlands would exist. He explained the water comes down the steep hill along one side of the trail, bleeds through the ground, forms another wetland and runs through a collapsed stone box type culvert. The entire site drains from Goose Pond through Ms. Perkins' property into a box culvert under Court Street and ultimately into Ashuelot River.

Mr. Noonan stated the proposed drainage for phase one ends up in a gravel wetland, which holds and treats the water before it ultimately ends up in the wetland complex. The area Ms. Perkins is concerned about is being captured in a swale. Anything that goes over the top would end up in an infiltration basin, allowing the water to sit and soak into the ground. Ms. Perkins asked about mosquitoes. Mr. Noonan stated infiltration basins don't hold water long enough to attract mosquitoes. He added the stormwater report that is reviewed by the City Engineer and the State has to show that the applicant is not increasing the amount of water to the drainage way and that report has to be designed from a ten to fifty-year storm.

Ms. Perkins stated she works from home and will be directly impacted by stage one and stage two. Stage three will be further away from her house. She noted her property is less than 80 feet from the applicant's property line. She stated she is on phone calls four to six hours a day with clients and this work would devastatingly impact her ability to work from her home, which she has done for 15 years. She raised concern about the removal of the fence and noted she would see the construction right out her back door. She stated the noise would impact her for six years and noted that her property value has decreased drastically due to this project.

Ms. Paula Fleming of 15 B Windsor Court was the next to address the Board. Ms. Fleming asked which trees are being proposed to be taken down and asked what percentage of trees are going to be left. She noted this is the only buffer she has from this project. Mr. Noonan stated he was not sure of the percentage but noted to the trees that would remain. He added any trees within the limit of the outer line will be removed for the construction of homes, roads and driveways, and there will be trees planted along the roadway. Ms. Fleming felt trees are necessary to contain the water. Mr. Noonan stated as he had mentioned earlier the stormwater management design is based on the number of trees being cut, the number of houses being built, and the amount of pavement being constructed.

Mr. Todd Rogers, Keene, addressed the Board and asked for added clarification on the water and sewer pipes. Specifically, he asked for clarification about the ownership of the utilities. Mr. Noonan stated as of now, sewer for septage is always plastic pipes; however, the water line is in question. For the City of Keene to own the water line, it must be steel, which could be cost prohibitive due to rising construction costs. If plastic were used to keep the cost of construction down, it means the HOA would own it. If the HOA owned the water line and there were a break in the water main or breach, a private contractor would be contacted to address that issue. If there were a break in the water main or breach and the City owned the line, the City would address that issue. He added ultimately, the applicant would like for the City to own this infrastructure, but it comes down to cost. Mr. Rogers stated he hoped it could be constructed out of steel, so it doesn't have to be passed on to the homeowners.

Mr. Gowen addressed the Board again. He asked whether these homes are going to be constructed on specifications or when there is an interested party, or does the owner rent the homes. Mr. Noonan referred this question to the applicant, but he added the plan is to construct a home and then sell it. Applicant, Michael Guitard, stated his intent is to sell the units and add language into the HOA document that would prohibit a single person from owning several units as a rental investment. He does reserve the right to rent the units himself due to market conditions. He continued by stating his intent with the project is for ownership of a single condo by a single person in order to provide housing.

Mr. Craig Charles of 22 Evergreen Avenue stated he is a teacher and asked which school district this development would be part of. Chair Farrington stated the Board did not know the answer to that. Mr. Charles questioned the streetlights and asked for clarification. Mr. Noonan stated they are trying to target the main intersection points to address safety.

Mr. Bud Shaw of 712 Court Street stated he felt the State traffic calculations are not quite accurate and felt the number would be much higher. He questioned how much power each of the units would consume. He asked whether the capacity has been addressed. Mr. Noonan stated the applicant is working with Eversource but stated each house would have a minimum of a 100-amp panel, which will be feeding off Court Street. The transformer locations shown are based on the initial feedback from Eversource. The Chair referred Mr. Shaw to the traffic study included in the agenda packet.

With no further comment the Chair closed the public hearing.

c. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2025-06 as shown on the plan set identified as "Guitard Homes Cottage Court" prepared by Fieldstone Land Consultants, PLLC at varying scales on March 21, 2025 and last revised on April 14, 2025 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:
  - a. Owner's signature appears on the title page, condo site plan, and master site plan.

- b. Submittal of five (5) full sized paper copies and a digital copy of the final plan set, including renderings.
  - c. Submittal of an updated plan set that addresses all outstanding comments from the City Engineer and shows the proposed name for the private driveway, which shall be subject to review and approval by the City Engineer.
  - d. Submittal of a security in a form and amount acceptable to the Community Development Director to cover the cost of landscaping, sediment and erosion control measures, and “as built” plans.
  - e. Submittal of draft written documentation of the required utility easements and any other necessary legal instruments required for this application, which shall be subject to review by the City Attorney.
  - f. The approved permit numbers for the Shoreland Protection, Alteration of Terrain & Wetlands Permits as well as any other required State permits shall be added to the proposed conditions plan on Sheet MP-1 of the plan set.
2. Subsequent to final approval and signature of the final plans by the Planning Board Chair, the following conditions shall be met:
- a. The applicant shall have two years to achieve “Active and Substantial Development” for each project phase, as follows:
    - i. Phase I – May 1, 2027.
    - ii. Phase II – May 1, 2029.
    - iii. Phase III – May 1, 2031.
  - b. Prior to the commencement of site work, the following conditions shall be met:
    - i. The Community Development Department shall be notified when all erosion control measures have been installed and Community Development staff shall inspect the erosion control measures to ensure compliance with the approved plans and all City of Keene regulations.
    - ii. The 30’ surface water buffer shall be flagged by a surveyor licensed in the State of New Hampshire and inspected by Community Development staff.
  - c. Submittal of recorded utility easements and any other legal instruments necessary for this application to the Community Development Department.
  - d. The applicant shall obtain final acceptance of the new utilities from the Keene City Council following the completion of all infrastructure construction.
  - e. Following the initial installation of plantings, the Community Development Department should be contacted to perform an initial landscaping inspection to ensure compliance with the approved landscaping plan and all City of Keene regulations.
  - f. One year after the installation of landscaping, the Community Development Department should be contacted to perform a final landscaping inspection to ensure that all plantings are in good health.

The motion was seconded by Mayor Kahn.

The Mayor stated he would like to understand the intent of the HOA. He stated the hope is that this development is providing owner occupied housing and stated he would like to hear this intent

from the applicant. Ms. Brunner stated her understanding is that these units would be owner-occupied and the owner's intent is to sell these as condos. The Homeowners' Association is a requirement of the city because anytime you have land that is in common ownership, there needs to be an entity to take care of the shared infrastructure.

Mr. Guitard added the intent is to sell all the homes and that they will be privately owned. He does not want a large entity to purchase the homes and rent them out. However, if there were a market crash or other conditions, he reserves the right to rent the units.

The Mayor noted to the abutter to the south asked about noise. He asked what conditions the developer plans to have in place during construction and post construction to address the noise and visual concerns that were raised. Ms. Brunner stated the city has a noise ordinance; construction cannot start until 7 am and can't go past 9 pm. She added the applicant's intent is to retain the tree buffer, but the Board can always ask for a stretch of fencing.

The Chair re-opened the public hearing and asked Mr. Noonan to address this concern. He referred to the area of concern and stated there is no fence being proposed and went on to say that because the applicant is building the houses himself one at a time, there will be construction noise but not as much as if they were built all at once. Once the project is completed, the noise level would be similar to any residential neighborhood.

Lisa Perkins of 649 Park Street addressed the Board. Ms. Perkins referred to the Staff Report section as follows: *Screening: This standard states that a 6'-tall opaque or semi-opaque fence is required if the building type is proposed to be more intense than the adjacent building type. Given that the subject parcel is surrounded by commercial uses to the north and west, vacant land to the east, and single-family homes to the south, no screening is required; however, the applicant is proposing to maintain some of the existing wooded vegetation around the perimeter of the site and install a fence near the site access from Court St. This standard appears to be met.*

Ms. Perkins stated she does not understand this section of the Staff report, stating that her single-family home abuts this property. Ms. Fortson addressed the intent behind the standard. The standard applies to the scale of construction, rather than the number of units. For example, if there were a five-unit apartment building constructed, compared to the single-family units that are proposed in this project.

Ms. Perkins stated that her home-office will be impacted by the 29-unit construction. She stated a fence could potentially help.

The Chair closed the public portion of the meeting.

Mr. Kost felt the City Engineer has addressed the stormwater issues quite well and did not feel this project would have any off-street stormwater impact.

With respect to noise, he felt a six-foot fence, or a row of trees, would not likely reduce noise for the abutters. He stated it takes more than a six-foot fence to mitigate noise. He added this is a



much-needed project and was pleased it was close to the hospital for anyone who might be employed with the hospital.

The Chair asked for the Board to comment on regional impact. Ms. Markelon stated this project will have no regional impact.

The Mayor thanked the public for their comments. He added he did not feel a six-foot fence would add any mitigation for noise. It might mitigate visual impacts. The Mayor went on to say the City created the Cottage Court Conditional Use Permit with the understanding that urban infill was going to occur where there is existing water, sewer and residential areas. He stated this is one of the strategies the City has embraced to address its housing shortage. As far as regional impact, there are some localized effects, but regionally this would be a desirable project and should help the City address its housing issue.

Mr. Hoefer commended the proposal and expressed his awkwardness listening to Ms. Perkins' concerns, as he had worked with her previously with another employer. He further stated, as was mentioned by the Mayor, this is the kind of housing project that is needed in Keene.

The Mayor indicated the request for a fence is something he felt the owner could address but is a not a condition the Board should require.

The motion made by Roberta Mastrogiovanni carried on a unanimous vote.

#### **VI) Master Plan Update (KeeneMasterPlan.com)**

Ms. Brunner stated the first update is that there is an online story map that has been launched for the Master Plan project at [www.keenemasterplan.com](http://www.keenemasterplan.com). There is also a short, two-question survey that anyone can take. Ms. Brunner noted the online story map goes through the six pillars and some draft goals. She encouraged people to take the survey to provide additional input. The survey will be taken down from the website on April 30<sup>th</sup>.

The Future Summit event is scheduled for June 3rd at the Keene Public Library in Heberton Hall from 5:00 to 7:00 PM and it is open to the public. Staff is asking for registration to get a head count for catering purposes. This will be an opportunity to hear directly from staff and the consultant team. The Planning Board Chair will be talking about the Master Plan process and what the results are.

She added that this would be an interactive, community event.

There is a Master Plan Steering Committee meeting next week on Tuesday. There will be a decision-making tool coming out soon, which will be sent out to decision makers; additionally, the Planning Board is included in this process. The decision-making tool will be sent out to the Board, City Council, City leadership and Task Force members who worked on the Master Plan Steering Committee as well as the Master Plan Steering Committee itself. The survey would ask people to prioritize the goals and action steps under each goal. The survey will assist the City in its

determination of the highest priority items to be acted on within the implementation plan. The responses are due back on May 11<sup>th</sup>.

The target date for the draft Master Plan to be sent out for review to the Master Plan Steering Committee is June 3. The final meeting is scheduled for June 10<sup>th</sup>. If the Master Plan Steering Committee members are comfortable with it at that point, they could potentially vote on it that night to send it to City Council and then the Planning Board for adoption.

Mr. Kost clarified during the draft stage there won't be a lot of opportunity for people to provide fresh input. Ms. Brunner stated it is necessary to make sure the community is comfortable with the draft, but did not feel there would be any surprises in the draft. However, if there is a need for additional review, the process can be paused, but the schedule is to move the plan forward for adoption in June.

## **VII) Staff Updates**

### **A) Notice of Council Action – Request for Annual Reports from Boards and Commissions**

Ms. Brunner stated the Council has requested all Boards and Commissions to provide the City Council with a report by July 1 to inform the Council of its activities. Staff is asking each Chair to outline what their individual Board or Commission has worked on throughout the year.

Mr. Kost felt all this information is enshrined in the minutes and videos. He asked if this was just the top five things and how much detail was being requested. Chair Farrington stated Councilor Haas' memo is intended to be used as a way to get more recognition for each Board and Commission; in addition, the City Council would get more visibility into these Boards. The Mayor stated it is not the intent that all the different Bodies would submit this information by a date certain. It is not only to have a recap, but also to give the Council an idea of what is coming in the future.

### **B) Frequency of Updates on Administrative Planning and Minor Site Plan Approvals**

Ms. Brunner stated that as discussed last month, the Board had agreed to switch from being provided an Administrative Planning and Minor Site Plan Approval update every year to every six months. She stated project folders for these items are available on the fourth floor.

The Mayor stated he is glad these files can be easily accessed. Ms. Brunner stated the approvals are listed on the website, if the Board would like to follow along.

Ms. Forton added that any decisions that are made at the Minor Project Review Committee meetings are posted on the website by the next day.

### **C) Potential Modifications to the Site Plan Review Thresholds**

Ms. Brunner began by stating the Board's site plan review authority is in New Hampshire Revised Statute Annotated 674-43. Under the State Statute, it allows municipalities that have adopted a zoning ordinance and subdivision regulations to authorize the Planning Board to review and approve site plans for *development or change or expansion of use of tracks for nonresidential uses or for multifamily dwelling units*. Multifamily is defined as a structure with more than two units. The Board, however, does not have jurisdiction over a single family and two-family unit.

In the City of Keene, the Planning Board has delegated some of its site plan review authority to a Committee of Staff, referred to as the Minor Project Review Committee. Ms. Brunner referred to the thresholds for site plan review on the screen.

If a building is above a certain size, it impacts a certain amount of land, or you're increasing traffic by a certain amount, that application has to go before the Planning Board for major site plan review. For certain items, Staff have the discretion as to whether that item needs to go before the Board or not. If you fall below one of those thresholds, you go to that Minor Project Review Committee for a Minor Site Plan review. The benefit to that is, this Committee is a Committee of Staff that meet during the day, and the timeframe is significantly shorter.

For the Planning Board, the application deadline is six weeks before the Planning Board meeting. Typically, an applicant will get a conditional approval, which means they have to now meet those conditions of approval before they can get final approval, where they have to come back to the Planning Board and then they can get their building permit.

With the Minor Project Review Committee, it is a three-week turnaround, which Ms. Brunner stated is a huge benefit to applicants. The Minor Project Review Committee is still a noticed public hearing, and abutters get noticed as well. Abutters have the opportunity to come into the planning office to look at the project ahead of time or send in written comments, if they can't make it to the public hearing. If an application falls below the threshold for Minor Project Review, it is reviewed administratively by Staff.

Thresholds: The first threshold is the square footage of gross floor area of new construction. If you are building a new principal building or structure that is greater than 5,000 square feet in gross floor area, you are automatically at the Planning Board. If it is between 1,000 and 5,000 square feet, you can go to the Minor Project Review Committee. Under 1,000 square, staff can review that project.

Additions: If you have an existing building or structure and you are adding an addition that is greater than 15% of the gross floor area of the existing principal building. This would be the threshold for Planning Board review. If it is between 10% and 15%, it goes to the Minor Project Review Committee, and if it is below 10%, it can be reviewed administratively by staff.

Traffic: If the project results in a change or increase of vehicle trips per day by 100, or per peak hour of 50, the project requires review by the Planning Board. Below that threshold, it could be minor project or administrative.

Installation of Impervious Surfaces: The installation of impervious surfaces, such as pavement or gravel that exceeds 10,000 square feet in contiguous area, goes to the Planning Board. Anything less would go before the Minor Project Review Committee, which, at the discretion of the Community Development Director and based on the nature of the proposal, warrants Minor Site Plan review.

Land Disturbance: Land disturbance that impacts one acre or greater of land area goes to the Planning Board. Disturbance of less than one acre can go to the Minor Project Review Committee at the discretion of the Community Development Director.

Modifications to Site or Building: Modifications, such as lighting, landscaping, facade alteration, etc., which is at the discretion of the Community Development Director or their designee, warrants Major Site Plan review. Ms. Brunner stated this is one situation in which Staff would often consult with the Planning Board Chair.

Change of Use: Change of use is at the discretion of the Community Development Director or their designee as to what situation warrants Major Site Plan review, Minor Site Plan review, or administrative review.

Ms. Brunner went over some examples as to how this has been applied to residential projects in Keene.

Example 1: New construction of an undeveloped lot. The proposal is for a four-unit multi-family building, with 4,600 square feet of gross floor area. This project would likely be going to the Minor Project Review Committee because it is below the 5,000 square foot threshold and four units would not have too much change to traffic volume.

Example 2: Three-unit building with an addition of 1,000 square feet. The existing building is 5,559 square feet, still remains at three units but the addition is 18% of the principal structure. This would be Major Site Plan review and will be sent to the Planning Board for review.

Example 3: Change of use of a 92,180 square foot mill building to 90 residential units. No changes to the exterior of the building. Reduction in traffic. This is something that could be reviewed administratively.

Questions for the Board:

1. Should a change of use – commercial space to residential units with reduced impact – require site plan review? If the answer is a yes, then what should the threshold be?
2. What number of new residential units should require Major Site Plan review? Would the number be 20?
3. What number of new residential units should require Minor Site Plan review? Would the number be 10–19?

4. What number of new residential units should require administrative review? Would the number be 3–9?

5. Should the threshold for additions only apply to commercial uses?

Ms. Brunner stated the Board could reach back out to Staff with answers to the questions above.

The Chair asked whether there is any public input for administrative review. Ms. Brunner stated there was none. Decisions are posted on the website and people have the right to appeal the decision to the Planning Board. The Chair asked about standing. Ms. Fortson stated under Article 27.5 of the Land Development Code, appeals of the Community Development Director decision has to be made to the Planning Board provided that the notice of appeal of the decision is filed with the Community Development Department within 20 calendar days from the date of the Community Development Director's decision. This would be the same process for Minor Site Plan review.

Mr. Kost asked about the one-acre issue. He noted that one-acre in the rural district or industrial district is very different to one-acre downtown. He felt if one-acre development was happening in the downtown, this could be something that should be reviewed. Ms. Brunner stated this is something that would require discretion and would be reviewed by Staff.

Mr. Hoefer asked about looking at more time items and scheduling an additional meeting to look at these items. The Chair stated scheduling meetings on a different day could get complicated as this would require public notice, etc. Mr. Hoefer asked whether there was an opportunity for a workshop-style situation. Ms. Brunner stated anytime the Board meets to discuss items, because of the right to know law, the meeting needs to be noticed, and minutes must be taken. There are some communities where the Board meets twice a month; specifically, there is one meeting to review applications and the other would be a working meeting. This is something that could be considered for this body, but scheduling could be an issue. The Chair asked that comments on this be sent to Staff by email.

The Mayor suggested that perhaps, once the Master Plan session comes to an end, that day could be used as a workshop. The Mayor drew attention to the 91A disclosure issue if the Board were to send comments to Staff using email. He stated that it would be necessary to solicit individual comments from Board members, assemble it, and have a conversation that is transparent and open. Ms. Brunner stated that she shares the Mayor's concern, to some extent, regarding the Board sending comments to Staff through email due to the need for this item to be shared publicly. She continued by stating that she intends for the public to have an opportunity to hear the comments made by the Board members. For example, scheduling a public workshop to discuss this item or continuing to include this agenda item on future agendas would be a space to keep the conversation going publicly. Ms. Brunner stated it was a great suggestion to include this item in future agenda packets.

### **VIII) New Business**

None

**IX) Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – May 12th, 6:30 PM
- Planning Board Steering Committee – May 13th, 12:00 PM
- Planning Board Site Visit – May 21st, 8:00 AM – To Be Confirmed
- Planning Board Meeting – May 27th, 6:30 PM

**X) More Time Items**

**A) Training on Site Development Standards – Snow Storage, Landscaping, & Screening**

**XI) Adjournment**

There being no further business, Chair Farrington adjourned the meeting at 9:28 PM.

Respectfully submitted by,  
Krishni Pahl, Minute Taker

Reviewed and edited by,  
Emily Duseau, Planning Technician

Additional edits by,  
Katriona Kibler, Clerk's Office