



City of Keene Zoning Board of Adjustment

AGENDA - AMENDED

Monday, August 4, 2025

6:30 p.m.

City Hall, 2nd Floor Council Chambers

- I. Introduction of Board Members:
- II. Minutes of the Previous Meeting: July 7, 2025
- III. Unfinished Business:
- IV. Hearings:

ZBA-2025-07: Petitioner, Kevin Borella, of Colonial Theater, requests a Variance, for property located at 95 Main St., Tax Map # 575-008-000-000 and is in the Downtown Core District. The Petitioner is requesting a Variance to permit an electronically activated changeable copy sign per Article 10.3 of the Zoning Regulations.

ZBA-2025-08: Petitioner, Michael Pappas, of 147-151 Main Street, LLC, represented by Timothy Sampson, of Sampson Architects, requests an Extension, for property located at 147 Main St., Tax Map # 584-060-000-000 and is in the Downtown Core District. The Petitioner is requesting an extension for a Special Exception granted on August 7, 2023, per Article 26.6.9 of the Zoning Regulations.

WITHDRAWN - ZBA-2025-09: Petitioner, Jared Goodell, of Emerald Development, LLC, requests an Expansion of a Non-Conforming Use, for property located at 160 Emerald St., Tax Map # 583-034-000-000 and is in the Downtown Growth District. The Petitioner is requesting an Expansion of a Non-Conforming Use to increase square footage for the current casino use within the existing Silk Mill building.

- V. New Business:
- VI. Staff Updates:
 - Master Plan
 - Annual City Council Report
- VII. Communications and Miscellaneous:
- VIII. Non-Public Session: (if required)
- IX. Adjournment:

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, July 7, 2025

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Richard Clough, Chair
Tad Schrantz
Adam Burke

Staff Present:

Evan Clements, Planner, Deputy Zoning
Administrator

Members Not Present:

Edward Guyot, Vice Chair
Zach LeRoy, Alternate

I) Introduction of Board Members

Chair Clough called the meeting to order at 6:30 PM and explained the procedures of the meeting. Roll call was conducted.

II) Minutes of the Previous Meeting: June 2, 2025

Mr. Burke made a motion to approve the meeting minutes of June 2, 2025. Mr. Schrantz seconded the motion, which passed by unanimous vote.

III) Unfinished Business

Chair Clough asked if there was any unfinished business. Evan Clements, Planner, replied no.

IV) Hearings:

- A) **ZBA-2025-05:** Petitioner, Honeybear Party Boutique, owned by Mark Scherlin, requests a Variance, for property located at 70 Court St., Tax Map # 568-041-000-000 and is in the Downtown Transition District. The Petitioner is requesting a Variance to permit Artisanal Production in the Downtown Transition District per Article 8.3.5.A of the Zoning Regulations.

Chair Clough introduced ZBA-2025-05 and asked to hear from staff.

Mr. Clements stated that to clarify, both Variance requests tonight are from the same Petitioner. He continued that the staff report and the applicant's testimony will thus be all-encompassing of the two requests and the Board will deliberate on each individually.

Chair Clough stated that tonight they have a three-person Board. He asked for confirmation that it is alright (with the Petitioner) to proceed with less than five Board members. The Petitioner nodded.

Mr. Clements stated that the subject parcel is an existing .53-acre lot, located on the western side of Court St., approximately 630 feet from Central Square. He continued that the parcel contains an existing approximately 13,000 square foot mixed-use building with tenantable space on the basement, first, and second floors. The parcel contains a parking lot with about 22 parking spaces and a small outbuilding on the southwest corner of the lot. A Variance from the ZBA was granted to this property on November 4, 2024, to allow an animal care business in the form of a dog grooming salon, which is in the basement. A residential use is located on the second floor. The first floor is currently vacant but previously contained the Keene Senior Center. That space includes a commercial kitchen, offices, and a community room.

Mr. Clements continued that the application this evening is to approve two use Variances to accommodate a candy-making and artisan paper craft business. While both uses are incorporated into the single business, each is unique and independent of each other from the perspective of the Zoning Ordinance. The Specialty Food Service use will be contained to the commercial kitchen, and the Artisan Production will be conducted in adjacent floor space. Approximately 750 square feet of the first floor will be utilized for the artisanal party supply creation, and approximately 780 square feet of the floor space will be used for the freeze-dried candy production facility. The remainder of the space will be utilized as accessory storage and includes accessory things like hallways and bathrooms, which are ancillary to the building itself.

Mr. Clements continued that based on the parking requirements in the Zoning Ordinance, the square footage of the floor space, and the fact that while the uses are separate, it is really one business, staff are looking at this with the more restrictive parking requirement. Having more parking per square footage would be appropriate, as opposed to trying to double dip and parse out one or the other. Considering both uses in the parking table in the Zoning Ordinance are per 1,000 square feet and the primary uses are less than, the four parking spaces per 1,000 square feet makes the most sense to staff. Unless the Board considers otherwise, the parking requirement for this business will be four spaces.

Mr. Clements continued that surrounding uses to the property include mixed-use commercial and residential to the north, office to the south, multi-family residential to the east, and additional residential to the west. Downtown Core is to the south, Low Density and High Density are to the north, Downtown Limited is to the east, and Downtown Transition is to the west. The application analysis and relevant definitions from the Zoning Ordinance include the Downtown Transition District itself, which is *"intended to accommodate a variety of residential, open space, and low*

intensity uses in a mixed-use environment of attached and detached structures. Development within the Downtown Transition District is intended to complement and transition from existing residential neighborhoods adjacent to downtown Keene.” Specialty Food Service is defined as, “a service including the preparation, processing, canning, or packaging of food products, where all processing is completely enclosed and there are no outside impacts. Such business specializes in the sale of specific food products (e.g. bakery, candy maker, meat market, catering business, cheese monger, coffee roaster, fishmonger) and may include space for retail sales or restaurant uses that serve the products processed on site.” Artisanal Production is “The on-site production of hand-fabricated or hand-manufactured artisanal, custom, or craft goods (e.g. small-scale metalworking, glassblowing, and furniture making, etc.). Showrooms and the ancillary sales of goods produced on-site are permitted. Artisanal production does not include micro-breweries, micro-distilleries, and micro-wineries.” Mr. Clements continued that there are some use standards specific to this use, which are relevant: “Outside storage is prohibited, unless located in the Industrial District. All manufacturing or production activities shall be conducted entirely within a building sufficiently insulated to confine noise, flashing, fumes, and odors to the premises, unless located in the Industrial District.”

Mr. Clements continued that he also added a condition of approval for this, if the Board feels it is appropriate to consider limiting the type of artisanal production allowed as part of this application. Tailoring the approval to the applicant’s handcrafted paper production is an option. He does not want to further encumber a use on a property unless absolutely necessary, so he recommends the Board deliberate on whether a limiting condition is truly needed in this application. Lastly, he has a draft motion for the Board chooses to approve ZBA-2025-05, with the condition he just talked about, which the Board could feel free to strike. There is then a draft motion for ZBA-2025-06 as well.

Chair Clough asked if the Board had any questions for Mr. Clements. Hearing none, he asked to hear from the Petitioner.

Mark Scherlin introduced himself and his wife, Amanda. He continued that they are the owners of Honey Bear Party Boutique and have been doing this since 2018. They started with party and event decorations. Their products are also used for window displays in stores and as photo props. They have done some work for bigger companies, such as Jack Daniels, Ralph Lauren, and the show The Masked Singer. He and his wife bought a freeze dryer for their own personal use, and then their daughter encouraged them to try (freeze-drying) candy, which she had seen on TikTok. His wife thought they could do that. And “it has just blown up from there.” They have some large customers, such as Yankee Candle, Vermont Country Store, and stores in places like Rutland, Hampton Beach, North Conway, and other local stores like Toy City. He personally makes all the deliveries. It has been a fun adventure, but they have been doing all of it from their home, which is 1,450 square feet. With four children, their house is getting small, and they are looking to expand.

Ms. Scherlin stated that they do not want to live where they work anymore. They want that space (to work) and they need space for supplies. Their basement has many cases of cardstock paper, and it could be better utilized. They have a lot of paper, ribbons, scissors, and all that goes in with the custom party supplies. They can do the personalized party supplies that people want. The candy has really taken off as well. That is a component that they wholesale to many different locations.

Chair Clough thanked the Petitioners for their excellent background information. He asked them to address the five Variance criteria, to help the Board with their deliberations.

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

Mr. Scherlin stated that granting the Variance would not be contrary to the public interest because the proposed use is consistent with the general character of the surrounding area. He continued that it will not alter the essential nature of the neighborhood. The property at 70 Court St. is located in a mixed-use zone with a combination of residential, professional, and light commercial activity. Their business operations, focused on freeze-dried products and party supplies, have a low impact with limited noise and traffic and no hazardous or disruptive activity. The freeze dryers are about the size of a mini fridge. They are not loud, similar to a quiet vacuum, at the most. Any deliveries will still be delivered to their house, and he will bring the materials to work in his truck. Deliveries come at all hours, and he would not want items to be sitting out. Ms. Scherlin stated that they do not want \$1,000 worth of candy on the front porch delivered at 8:00 at night.

Mr. Scherlin stated that repurposing the space for a locally owned, community-focused business will enhance the vitality and diversity of the area. He continued that it would support local commerce and bring new life into a property that would otherwise remain underutilized. Their commitment to cleanliness, safety, and respectful operations ensures that the use will not interfere with the public health, safety, or welfare. They emphasize cleanliness and appearance. People always ask where their work is located, and they would love to say, "Keene, NH." Many people know Keene because of its history. He and his wife are history collectors and have an original Keene Coca Cola bottle. Even before they lived in Spofford, they frequently came to Keene. They want to be part of that and add to it.

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

Mr. Scherlin stated that the proposed use maintains the intent and purpose of the Zoning Ordinance, to promote compatible land uses, protect neighborhood character, and support orderly growth. Their business will operate in a manner that is consistent with the low-intensity, small-scale commercial activity envisioned in this area. They will not be receiving any deliveries. Typically, only two or three deliveries come to their house. Whenever there is anything larger than a regular UPS or FedEx delivery, he has met the tractor trailer in the adjacent parking lot, because they live on Rt. 9 and cannot stop a truck there. They will continue that.

Mr. Scherlin continued that although Zoning does not explicitly list their business type as a permitted use, the actual impact on the neighborhood is minimal. They will not create excess noise, traffic, or parking issues. Their operations will be limited to the standard, daytime business hours. Thus, the essential goals of the Ordinance – preserving neighborhood integrity, safety, and harmony – will be fully upheld. Additionally, the adaptive use of the building for a local, community-oriented enterprise supports Keene’s long-standing values in sustainability, economic resilience, and small business empowerment. This approach reflects the true spirit of the Ordinance, even if it requires a small deviation in form.

Mr. Scherlin stated that the space was brought to their attention by the owner of the dog-grooming business, who recommended they check it out. He and his wife contacted the building’s owner and are working out the details with him. They are fine with having a dog-groomer downstairs.

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

Mr. Scherlin stated that granting the Variance would do substantial justice because it allows an established business to continue serving the community in a safe, efficient, and sustainable manner, while causing no harm to the public or surrounding properties. Denying the Variance would create a significant burden on their business, by preventing them from growing into a space that meets the operational needs even though the use poses no adverse impact to the neighborhood. The benefit to the applicant, their small business, outweighs any potential harm to the public, which in this case is nonexistent. The Variance supports local entrepreneurship, helps preserve and revitalize an existing building, and provides a service that is appreciated by the Keene community. In this light, justice is best served by allowing the reasonable and appropriate use of the property.

Mr. Scherlin continued that he and his wife have done work with Hannah Grimes in the past as well. He asked if Ms. Scherlin wanted to add anything. Ms. Scherlin stated that this particular space, with the commercial kitchen, which they need to have to produce the freeze-dried candy, is something they cannot find anywhere else. She continued that they do not need a restaurant to go with it, and do not need seating for customers, but they need the commercial kitchen with the three-bay sink, to be able to produce in a commercial location. This allows them to do that and has adequate shelving for many rows of candy. Mr. Scherlin stated that this has a nice large oven, but they do not need a restaurant with various ovens and cookers. They need the three-bay sink, the separate sink for handwashing, and a mop sink. Finding those elements in an established location is difficult.

Mr. Clements stated that what the Petitioners just said addresses the fifth criterion, regarding the uniqueness of the property.

Ms. Scherlin stated that if someone is making cookies or baked goods, they can use a shared kitchen space, but they have six freeze dryers, which are about \$4,000 each. They would need to have (a space) wired appropriately to run them, and they do not want to put the freeze dryers in a shared space, given the cost. They would like to have their own location. This (property) is a unique situation. It has a maze of hallways in the center of it, with tiny rooms that would be great for storage for her and her husband, and not much else. It benefits them, because their intent is to have the party supply creation in the front of the building, and have the food processing in the back. By the commercial kitchen is an abutting room that would be perfect for the freeze dryers. It is like it is made to be.

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

Mr. Scherlin stated that the proposed use is low-impact, professional, and fully compatible with the character of the neighborhood. He continued that their freeze-dried and party supply business does not involve heavy traffic, industrial noise, or unsightly modifications to the property. In fact, occupying and maintaining the building at 70 Court St. will likely improve the property's condition and appearance, potentially enhancing the appeal of the surrounding area. Their operations are clean, orderly, and conducted during regular business hours with a focus on maintaining a friendly, community-oriented presence. By revitalizing this space with an activity, a locally owned small business, the area benefits from increased activity and upkeep, which can have a positive influence on nearby property values, rather than a negative one.

5. *Unnecessary Hardship*

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

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

and

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

Chair Clough stated that he thinks the Petitioners answered the fifth criterion well (during their comments about the third criterion). He asked if the Board had questions.

Mr. Schrantz stated that he has a question about parking. He asked how many employees the business has, and how many people will be at the facility daily. Ms. Scherlin replied it is her and her husband, their oldest daughter, and one other person.

Mr. Schrantz asked if it is correct that the building has two uses currently, the dog grooming, and residential on the top floor. Ms. Scherlin replied yes. Mr. Schrantz asked for clarity on the two apartments and how they might be impacted by the business. He continued that that would be appropriate to discuss, because mixing what sounds like a production facility next to residential uses is something he wants more clarity on.

Mr. Scherlin replied that the freeze-dry machines are fairly quiet, like a vacuum. He continued that their cutting machines are small, about the size of a home printer, with noise similar to a copy machine. They are not loud at all. The freeze-dry machines and the cutting machines are the loudest pieces of equipment; everything else is hand-manufactured, like paper posters that are hand-glued.

Mr. Schrantz replied that that is helpful. He asked if it is correct that the business will operate during regular business hours, such as 8:00 AM to 5:00 PM, so there is no concern about nighttime operation. Mr. Scherlin replied that is correct.

Mr. Schrantz asked if there is any retail component to the business and if they would have a retail storefront for selling their goods. Mr. Scherlin replied possibly someday, but they are not there. Ms. Scherlin replied that everything they do is online and wholesale, and they have a lot of orders. She continued that they cannot even make the party supplies fast enough to send them into Amazon Prime. What they send to Amazon sells out before they can get the next batch in. (If they had a retail storefront), they would be talking way in the future. Mr. Scherlin stated that they currently deliver to 20 stores. Ms. Scherlin added that she regularly comes up with more locations to talk with. Mr. Scherlin stated that Walmart has been reaching out to them, too. Ms. Scherlin stated that taking on a retail storefront would not be feasible right now. She does not see it for this location. They would not be able to grow into something that would be able to do that and burnish a whole store. The only location in the building where you could have a store would be the very front, and that is where she will be creating the party supplies, if the ZBA allows, so there is not a spot (for retail), unless they moved the party supply part out of that facility. But that is not something they want. The answer to Mr. Schrantz's question is "no."

Mr. Schrantz stated that it sounds like the retail component is not possible, but because it is allowed by zoning, from a parking standpoint, they would still be covered by the number of spaces required for that space, based on the square footage. Mr. Clements replied that that is correct. He continued that if they wanted to expand into a retail component, there would be an element of modifying the space. Staff would be made aware of the changes to the building, and then they would do a reevaluation of the parking requirement, based on the expansion of the use.

Mr. Schrantz stated that his last question is about the recommended staff's motion. He continued that it talks about limiting the Petitioners to only doing certain things in their business. He asked if they have a vision or plan to expand their product line, that such a restriction from the ZBA would impede, or if it seems like a reasonable approach at this time. Ms. Scherlin asked if he

means outside of party supplies. Mr. Schrantz replied that maybe Mr. Clements can speak to this better than he can, but there are other uses that are allowed (in this zone).

Mr. Clements stated that “Artisanal Production” is broad. He continued that examples (in the code) are furniture-making and things like that, things that might not necessarily apply to the Petitioners’ business. For the consideration, this Variance will follow the land, not the tenant, so unless there is a real need to protect the neighborhood by limiting the scope of what is allowed, he would caution a limiting condition to this Variance, because it would potentially challenge the property owner from finding a new tenant in the future. At the same time, it is worth considering, because the Board members should be looking holistically at all future (uses) that might take place with this Variance approval.

Ms. Scherlin stated that to answer Mr. Schrantz’s question, no, the freeze-dried candy and the party supplies are what they will be doing, and they will not take on additional (production). Neither of them will go into metalworking, furniture-making, or anything along those lines.

Mr. Clements stated that to reiterate, the use standards for Artisanal Production put some guardrails on that. For example, it cannot be a nuisance to surrounding properties, and cannot be outside, unless in the Industrial District. Thus, even if a glassblower were to move into this space, they would still be beholden to those basic rules, even if there were not specific, additional restrictions put on this application this evening.

Chair Clough asked if Mr. Burke had questions. Mr. Burke replied that his question was about the condition that staff added in the draft motion, around paper party supplies and handcrafted paper displays. He continued that (his question is what would happen if), say, vinyl decals were in the future. He asked if that was something the Petitioners were thinking about. Mr. Scherlin replied yes, they have done some vinyl stuff, but mostly for personal use. Ms. Scherlin stated that they can cut the (vinyl) decals and put them on party cups to match a theme. She continued that they also do banners, garlands, centerpieces, confetti, cupcake toppers, and cake toppers, and they do not have many (employees), so they can only do so much.

Mr. Burke asked if (the condition to limit the Variance to) “paper party supplies and other handcrafted paper displays” would prohibit them from doing such vinyl decal work. Mr. Clements replied that it certainly would not be the intent of the language he used. He continued that that was just supposed to be an example. He is not strongly in support of putting a condition on this Variance; he is the opposite, especially considering there is no one from the neighborhood who seems to be concerned about this application. The Community Development Department has not received any questions, no correspondence from abutters, or anything like that, speaking one way or the other about either of these Variance requests.

Chair Clough stated that he does not have any questions. He continued that Mr. Burke and Mr. Schrantz covered the questions he had. He continued that this would be the time when he would ask if members of the public had comments in opposition or in support, but he does not see

anyone in the audience. He closed the public hearing and asked the Board to deliberate on ZBA-2025-05, the Variance for Artisanal Production.

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

Mr. Burke stated that he would say the condition is met. He continued that it is a low-impact operation, and it is compatible with the surrounding area. The business works in daytime hours, and there is no disruption to surrounding tenants.

Chair Clough stated that he does not see anything that would be contrary (to the public interest), in terms of the zoning. Mr. Schrantz stated that he agrees.

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

Chair Clough stated that he thinks the spirit of the Ordinance would be observed. He continued that he does not think this is such a wild swing. It seems to be a continuation of what they see on Main St. and West St., of niche businesses. In this case, it is wholesale, which is positive, because it does not generate foot traffic or anything else, and that is what the Ordinance is trying to protect – not having too much of a business thing on Court St.

Mr. Schrantz stated that those points resonate with him. Mr. Burke replied that he agrees.

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

Chair Clough stated that he does not see anything in the Variance that would impact someone negatively. He continued that from everything they have heard from the applicants, this would improve their business, and it would not be a detriment to anyone else.

Mr. Schrantz stated that he thinks that is right. He continued that based on the lack of input from abutters or other people who would be concerned about the use, he would agree. Mr. Burke replied that he agrees.

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

Mr. Burke stated that this criterion has also been met. He continued that (a business with) low traffic and daytime use only will probably add value to the surrounding areas, because they are bringing in additional use for the building. He imagines it will be fully occupied after this.

Mr. Schrantz replied that “fully occupied” was the term he was going to use. He continued that it is always good for space to be utilized and not sit empty.

Chair Clough replied that he agrees. He continued that the applicants will not be changing anything on the exterior that would be in any way negative. He agrees with this, too.

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:*

Chair Clough stated that regarding what the applicants said about the kitchen, that is unique, maybe in all of Keene – a kitchen that can do much more, but is not quite of restaurant quality, so a restaurant would not be able to move in there. He continued that it is almost custom-made for this type of business. The applicants only have to augment it with some of their additional equipment. In addition, it has plenty of square footage for storage. That and the kitchen make it unique, in his mind. He does not think there is anywhere else on Court St. or in Keene that provides that.

Mr. Schrantz stated that that is a good question, and those are good comments. He continued that he is not fully qualified to say whether there is another location, but he thinks the applicants have done the research and have looked for a location that will satisfy their business needs, and they have concluded that this is the place. Therefore, based on the unique characteristics of the building and of the business, he agrees.

Mr. Burke replied that he agrees, too. He continued that “uniquely suited to their line of business” is a great way to put it, and he thinks they would have a hard time finding another place in Keene that would be suited the way this property is.

Chair Clough stated that he was in the building several times when it was the Senior Center, and he can totally picture how the applicants would be able to use it. He continued that yes, there are other things you could do with that (building), but there are certain parts of it he believes would not be utilized fully. This (business) would do that. He would be hard-pressed to find another type of activity that would fit there like that. Mr. Schrantz added, or at least not without major renovation. Chair Clough replied yes, exactly; it is walk-in ready for the applicants’ business, with very little adjustment.

and

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

Chair Clough stated that he thinks the proposed use is reasonable. He continued that he would entertain other comments. Mr. Schrantz replied that he thinks they have covered this, and based

on the information the Board received, it certainly seems (reasonable). Mr. Burke replied that he agrees.

Chair Clough stated that lastly, they should discuss whether they want to place any conditions. He continued that based on how they addressed the questions about it, he tends to agree with Mr. Clements that they could just make a straightforward (approval), and they would be able to use it appropriately and it would not impact someone else using it in a fairly similar fashion in the future. He asked for others' thoughts.

Mr. Schrantz stated that this is one he struggles with, and he appreciates all the feedback and comments. He continued that regarding the allowable uses of the zoning, a couple of them potentially come with another nuisance. He thinks Mr. Clements answered his question, which was that if they wanted to change the use, they would have to confirm that there would not be a nuisance associated with it. For example, a fishmonger would create an odor and might have an impact on the residential component upstairs. That is why he wanted to discuss that piece a little more. He is not fully there yet and would like to hear others' thoughts.

Mr. Burke stated that he would probably recommend approving this without condition, because there is a broad definition for Artisanal Use, and there are limiting components to it. He continued that for example; it cannot be a micro-brewery or micro-winery. He thinks Mr. Schrantz's point is good, though – if someone changed the use and started doing metalworking there, or brought in something that caused odors, that would affect the tenants in the building. He does not know what the recourse is for changing the use, if the ZBA were to approve this without condition.

Mr. Clements replied that the easiest way to envision this might be to get dramatic. Say the business was so successful that they outgrow the space and need to go somewhere else, and a new tenant wants to come in with a glassblowing operation. He continued that the Fire Marshall would be (scrutinizing it intently) right (away). It is a mixed-use building, so there would be greater thresholds they would need to meet for life safety protection. A glassblowing operation creates toxic gases, and that use would need to figure out how to safely and effectively mitigate that. The question (for the) Zoning Ordinance is always, "Can I do it?" They are saying this piece of property is unique enough that they would like to see more uses there, so the answer would be yes, but the (glassblower) would still need to figure out and show how they would operate safely and respectfully to other tenants in the building and to the surrounding neighborhood. All of that would still be reviewed. It (the Variance) is not like a blank check.

Mr. Schrantz stated that (it sounds like) there are other checks and balances that will make sure future uses are looked at. Mr. Clements replied yes. Mr. Schrantz replied that with that explanation, then, he is comfortable with not putting any restrictions on the use.

Mr. Burke made a motion to approve ZBA-2025-05, for the Use Variance to permit Artisanal Production, for property located at 70 Court St., Tax Map #568-041-000-000 as shown in the

application and supporting materials, received on June 24, 2025, with no conditions. Mr. Schrantz seconded the motion.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

5. *Unnecessary Hardship*

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

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

and

ii. The proposed use is a reasonable one.

Met with a vote of 3-0.

The motion to approve ZBA-2025-05 passed with a vote of 3-0.

B) ZBA-2025-06: Petitioner, Honeybear Party Boutique, owned by Mark Scherlin, requests a Variance, for property located at 70 Court St., Tax Map # 568-041-000-000 and is in the Downtown Transition District. The Petitioner is requesting a Variance to permit Specialty Food Services in the Downtown Transition District per Article 8.3.2.AI of the Zoning Regulations.

Chair Clough introduced ZBA-2025-06. He asked if Mr. Clements had anything to add about this one, or if they should hear from the Petitioner.

Mr. Clements replied that he does not have anything to add. He continued that if the Petitioner has more to say, that is fine, but the applications for ZBA-2025-05 and ZBA-2025-06 are identical. It is up to the Board to decide if they have received enough information about this specific aspect, before they move into deliberation and the public hearing.

Chair Clough asked the Board what they think. He asked if the Board could say that they acknowledge the information from before (in ZBA-2025-05), and there is still nobody here (from the public) to speak for or against the application and they can thus move right into deliberation, or if they want more information. Mr. Schrantz and Mr. Burke replied that they think the Board covered both applications in the discussion they have already had, so they can move forward.

Chair Clough stated that since there is no one in the audience to speak for or against the application, he will close the public hearing. He asked the Board to deliberate.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

Mr. Burke and Mr. Schrantz stated that they agree.

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

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5. *Unnecessary Hardship*

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

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

and

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

Mr. Schrantz stated that because these two businesses are “joined at the hip,” the space, and using them with the kitchen, seems completely appropriate.

Mr. Schrantz made a motion to approve ZBA-2025-06, for the Use Variance to permit Specialty Food Services, for property located at 70 Court St., Tax Map # 568-041-000-000 as shown in the application and supporting materials, received on June 24, 2025, with no conditions. Mr. Burke seconded the motion.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

5. *Unnecessary Hardship*

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

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

and

ii. The proposed use is a reasonable one.

Met with a vote of 3-0.

The motion to approve ZBA-2025-06 passed with a vote of 3-0.

V) New Business

Chair Clough asked if any Board members had new business. (No).

VI) Staff Updates

A) Master Plan

B) Board Data Collection

C) Annual City Council Report

Chair Clough stated that at some point staff will be getting him a draft of a letter to present (to the City Council), updating the information. He continued that he has been on the Board for about four years now and can say that the ZBA has substantially fewer applications coming to them than before. They are at #6 for the year, and he thinks last year, they ended up with 25. Some meetings have had five or six. Thus, there has been a decrease, and he personally thinks it is good, because it means there is less need, which means that what people wish to do falls more in line with how the zoning is. He knows the City is continually modifying the zoning based on discussions here in ZBA meetings. He considers that a good thing. If any ZBA members have anything to add to the City Council report, he welcomes that. It still has not been determined whether it will be a letter or if he will present in person. The ZBA has not given such an update to the City Council in the three or four years he has been here, but it had been done previously.

Mr. Schrantz stated that that is the interesting thing about it – it is an opportunity to provide an update that has not been done in a long time. He continued that it is great that Chair Clough has been here for four years, and the continuity will hopefully give him some insight.

Mr. Clements stated that he does not have anything to add right now. He continued that he knows Corinne Marcou sent Chair Clough some numbers today. He and Ms. Marcou talked with the City Manager the other day, and the letter to the City Council does not need to be acted on; it is more informal. Once Chair Clough is good with the letter, he can look it over, or he (Chair Clough) can just sign it and send it, and he (Mr. Clements) will take it to the City Clerk's Office. Chair Clough replied that he thought Ms. Marcou said she had a previous iteration of a letter and could send him sort of a template, instead of him writing it from scratch.

Mr. Clements stated that he and Ms. Marcou had been investigating to see if there has been a drop in the number of applications since the new Land Development Code (LDC) was adopted, and she said the average is about 26 cases per year, with no real reduction since the adoption of the LDC in 2021. That number is a little "fluffed," and tonight is a perfect example of that. The ZBA technically did two cases tonight, but it was one applicant. Chair Clough replied yes, and last year, there was one applicant with about five applications. Mr. Clements replied yes, some years it is like that, with perhaps fewer projects, but the projects that do come before the ZBA need multiple relief. Or sometimes there are multiple one-offs. Chair Clough stated that for his first two or three years on the ZBA, there were no months off; the Board had something pending every single month. He continued that they have had a couple of months off this year already, which is a little bit different. Technically, tonight was their 6th hearing of the year. It might be an aberration, but even last year, it started to feel like it was slowing down a little bit.

Mr. Clements replied that he is speculating, but (in the past), people looking to add dwelling units to their properties were being told they needed a Variance because their lot was too small. He continued that in the past, there were many Variance actions related to that, and in the last year or so, that barrier has been removed, when it comes to housing. During the past week and a

half, he has seen two properties that would have needed Variances to add units that now have a different path to approval without having to come to the ZBA. Chair Clough replied that a couple of years ago, the ZBA had a couple of ADU-type questions coming up. He continued that off-street parking was the issue with one. These are small things, but they have been addressed. Some of these are not going to come up again, because changes have been made to the code, making things a little bit easier.

VII) Communications and Miscellaneous

VIII) Non-Public Session (if required)

IX) Adjournment

There being no further business, Chair Clough adjourned the meeting at 7:33 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Marcou, Board Clerk

95 MAIN ST ZBA-2025-07



Petitioner requests a Variance to permit an electronically activated changeable copy sign per 10.3 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-07

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 4, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-07: Petitioner, Kevin Borella, of Colonial Theater, requests a Variance, for property located at 95 Main St., Tax Map # 575-008-000-000 and is in the Downtown Core District. The Petitioner is requesting a Variance to permit an electronically activated changeable copy sign per Article 10.3 of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 22, 2025

ZBA-2025-07 – Sign Code Variance– Colonial Theatre Marquee, 95 Main St.

Request:

Petitioner, Kevin Borella, of Colonial Theater, requests a Variance, for property located at 95 Main St., Tax Map # 575-008-000-000 and is in the Downtown Core District. The Petitioner is requesting a Variance to permit an electronically activated changeable copy sign per Article 10.3 of the Zoning Regulations.

Background:

The subject property at 95 Main St. is located on the western side of Main St. across the street from Modest Man brewing and contains the Colonial Theatre with a marquee sign located on the building façade above the main entrance to the theatre. The marquee sign in its current configuration as a manual changeable copy sign is a permitted type of sign in the Downtown-Core zoning district.

Originally the site of Rev. Nathaniel Sprague's home and schoolroom. The house was sold to Samuel Dinsmoor, and later to Laton Martin, who operated the Colonial Inn on this site. In 1923, Charles Baldwin constructed the present structure as a vaudeville/movie house and the Colonial Theatre opened its doors on January 29, 1924. Over the years, the Colonial Theatre continues to play an important role in Keene's cultural life with movie showings, live performances, and cultural activities.

The purpose of this application is to seek approval to replace the manual changeable copy sign on the marquee with an electrically activated changeable copy sign. The applicant came before the Board at the January 2022 meeting and received approval for the same Variance request. The Variance has since expired as the project was not able to move forward in time. The applicant has indicated that they are now prepared to move forward with the project and are seeking re-approval of the Variance request.

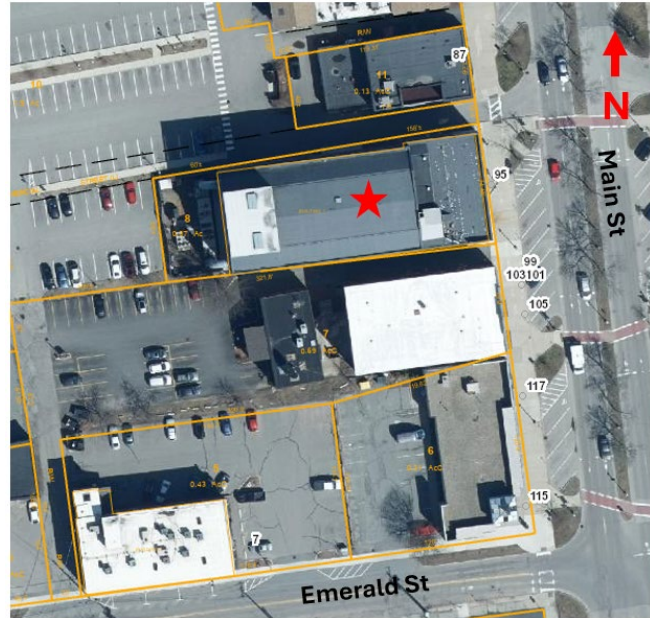


Fig 1: Aerial of 95 Main St located at the red star.



Fig 2: Front facade of 95 Main St with marquee sign..

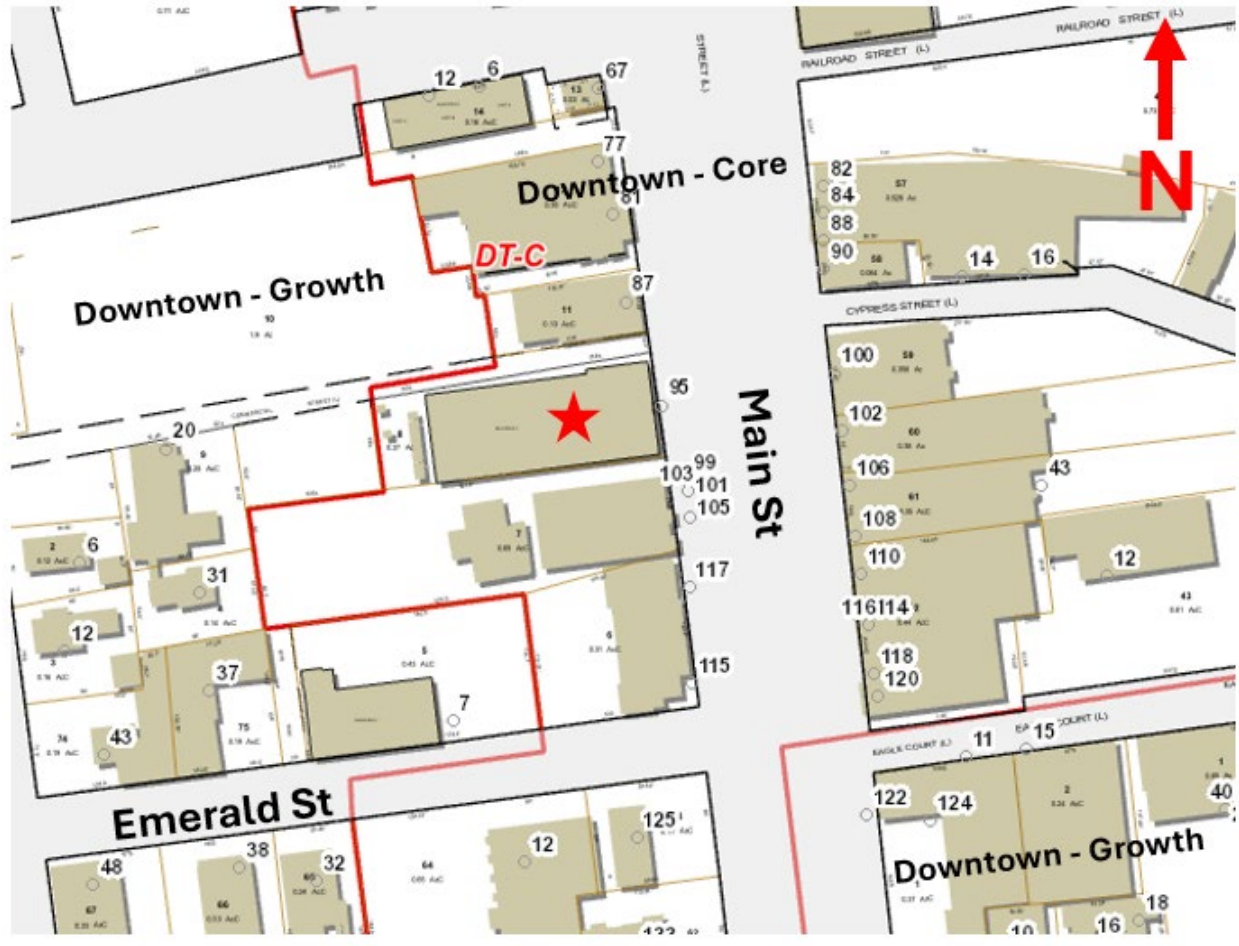


Fig 3: 95 Main St located at the red star with surrounding zoning districts

Surrounding Uses:

North: Retail / Mixed Use

South: Retail / Mixed Use

East: Restaurant

West: Parking / Indoor Entertainment

Application Analysis: The following is a review of the relevant sections of the Zoning Ordinance and how they impact the subject property:

10.7.1.A Marquee. A Marquee Sign is attached to or made part of a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall.

Changeable Copy Signs - A sign whereon provision is made for letters, characters, or other copy to be placed in or upon the surface area to provide a message that is capable of being changed. Such signs may be either manually activated, whereby the letters, characters, or other sign copy are changed manually on the display surface or electronically activated, whereby the letters, characters, or sign copy are changed electronically, including time/ temperature.

Electrically Activated Changeable Copy Signs are prohibited in all zoning districts per table 10-2 of the Sign Code.

Suggested Conditions and Draft Motion:

If the Board is inclined to approve this request, the following language is recommended for the motion:

"Approve ZBA-2025-07, for the Variance to allow an Electrically Activated Changeable Copy Sign for property located at 95 Main St., Tax Map # 575-008-000-000 as shown in the application and supporting materials, received on July 2, 2025 with the following conditions:

- 1. The sign shall not be used to display animated or flashing images or text."**

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-07

Date Filled 7/2/2025

Rec'd By CJM

Page 1 of 11

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: Colonial Performing Arts Center

MAILING ADDRESS: 95 Main St.

PHONE: (603) 352-6511

EMAIL: kevin.borella@thecolonial.org

SIGNATURE: Kevin Borella

Digitally signed by Kevin Borella
Date: 2025.07.01 13:01:31 -04'00'

PRINTED NAME: Kevin Borella

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: Colonial Performing Arts Center

MAILING ADDRESS: 95 Main St. Keene NH 03431

PHONE: (603) 352-2033

EMAIL: kevin.borella@thecolonial.org

SIGNATURE: Kevin Borella

Digitally signed by Kevin Borella
Date: 2025.07.01 13:04:36 -04'00'

PRINTED NAME: Kevin Borella

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

SECTION 2: PROPERTY INFORMATION

Property Address: **95 Main St. Keene, NH 03431**

Tax Map Parcel Number: **575-008-000**

Zoning District **central buisness Downtown Core**

Lot Dimensions: Front: **74.45** Rear: **72.2** Side: N **220.1** Side: S **221.8**

Lot Area: Acres: **.37** Square Feet: **16,354**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **95** Proposed: **95**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **95** Proposed: **95**

Present Use: **Theatre Marquee**

Proposed Use: **Theatre Marquee**

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 Colonial Theatre, as part of a historic downtown district, has had a distinctive marquee sign for more than half a century. There are three major components to this marquee: the red neon channel letters spelling out the name of the venue; the back-lit copy board with black exchangeable letters listing events and other content; and the many small incandescent bulbs which illuminate a classic "chase" along the marquee's length. Of these three elements, one stands out as an opportunity for improvement: The back-lit copy board, which displays upcoming events, sponsor recognitions, community messages, and other opportunities for our constituents.

The Colonial Performing Arts Center, owners of the establishment, propose a replacement of the back-lit copy board with an internally illuminated, electronically changeable copy board on both sides of our marquee. This would consist of a custom-manufactured display, utilizing full-color LED lights housed in weather-proof black panels, interconnecting to fill the same space and dimensions occupied by the existing copy boards.

This new electronic copy board would match, and not exceed, the overall brightness of the current copy board's back-lighting.

The intended benefits of this new copy board are three-fold:

- 1) Replacement of outdated elements such as wiring, lamp sockets, and rusted metal within the frame of the current copy board. This has great value in preserving the longevity of our marquee.
- 2) Removing potential -life safety hazards, especially during winter months to our employees. Currently the sign letters are changed and re-arranged manually, doing so either by climbing a ladder or with a spring-loaded extension pole. In either case, both employees and pedestrians may be at risk of injury. The new proposed copy board requires no physical intervention to change copy.
- 3) The proposed electronic copy board is meant to be part of the greater project to revitalize the Colonial Theatre as a modern performing arts center. While nearly all of the historic elements inside and outside the building remain, the Colonial Performing Arts Center sees immense value in supplementing these elements with safer, modern, forward-thinking, and energy-efficient additions. Unlike the outdated copy board with its very limited two lines of copy and only 23 characters per line, an upgraded board would allow us to present more detailed and frequently updated information about our programming, more robust exposure for the businesses, individuals, and nonprofit partners that support, or are engaged in, the arts in our region, and provide a welcoming and informative billboard for visitors who may be unfamiliar with all the theatre that the greater Keene community has to offer.

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 10.3 of the Zoning Regulations to permit:

Internally Illuminated Sign
Electrically Activated Changeable Copy Sign

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:

The Colonial Theatre, and in particular the marquee on the Theatre, has been a long-standing landmark in the City of Keene. The marquee sign is an important part of the history of theatre that serves as an integral piece of Keene and its downtown streetscape. Maintaining the sign in its historic configuration while providing much needed upgrades to make it both safer for operations of the theatre as well as improved signage technology in line with today's theatre standards will allow the Colonial and the marquee to remain the landmark it has become and a vibrant part of the Keene community. The proposed sign improvements maintain the historic configuration of the marquee while allowing for improved wayfinding for patrons and visibility for sponsors and others. It is clear that given the minor nature of the proposed improvements to the marquee and the longstanding presence of the marquee in downtown Keene, granting the variance will not alter the essential character of the neighborhood nor threaten public health, safety or welfare.

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

The Colonial Theatre marquee is a historic landmark, an integral part of the Keene streetscape and a valuable contribution to the history of Main Street. The configuration, shape and size of the marquee structure will not change. The configuration, size and shape of the lit area for signage will not change. The only change will be the technology utilized to light and create the signage area. With this change to create a more safe and energy efficient sign, the new signage area will resemble the existing sign in shape and size observing the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

The Colonial Theatre marquee is in a current state of disrepair. As a good partner of the community, the Colonial believes it is important to provide the much-needed repairs at this time for several reasons. No major repairs have been done to the sign for multiple decades. The wiring is confirmed to be from the previous mid-century. The light fixtures are of the same time frame and replacement parts are no longer available. Improvements making the sign electrically safe and efficiently operational are justified. Additionally, the existing sign requires staff members to manually change letters for upcoming events. Since most of the Colonial events occur during fall, winter and spring months, this adds undue risk of a fall or injury to the employees. The new sign will eliminate the need for ladder access and will allow all employees of any mobility to change the sign remotely from controls within the theatre, in a safe and efficient manner. Given these circumstances, it's clear the Colonial Theatre and the downtown area are benefited by granting the variance.

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

The Colonial Performing Arts Center is investing in a substantial renovation and addition project thanks to the generosity of the Keene community. This work is being done to position the Colonial to remain as an important anchor to the downtown environment for the next generation. Colonial shows 50,000 + people to downtown each year which supports restaurants, retail and other surrounding businesses. The improvement of the marquee sign will enable the Colonial to remain highly relevant and improve its standing in the community which will in turn support the surrounding properties for decades to come.

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:

Repairs and improvements to the marquee will only enhance the Colonial Theatre's positive impact on the neighborhood and community.

The intent of the zoning ordinance is to encourage property owners to maintain and upgrade their properties to ensure a vibrant downtown.

and

ii. The proposed use is a reasonable one because:

Given the unique and special conditions of this property - the last remaining historic theatre in Keene and a major local and regional landmark as well, the proposed variance is reasonable.

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.

Given the unique and special conditions of this property - it is the only historic theatre in Keene and is a recognized landmark as well, the proposed variance is reasonable in seeking to upgrade the marquee to incorporate modern technology while retaining its historic charm.



200 feet Abutters List Report

Keene, NH
July 01, 2025

Subject Property:

Parcel Number: 575-008-000
CAMA Number: 575-008-000-000-000
Property Address: 95 MAIN ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Abutters:

Parcel Number: 574-042-000
CAMA Number: 574-042-000-000-000
Property Address: 0 RAILROAD ST.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-004-000
CAMA Number: 575-004-000-000-000
Property Address: 31 EMERALD ST.

Mailing Address: VJ RE LLC
268 CENTRE ST
NEWTON, MA 02458

Parcel Number: 575-005-000
CAMA Number: 575-005-000-000-995
Property Address: 7 EMERALD ST.

Mailing Address: 7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-101
Property Address: 7 EMERALD ST. #101

Mailing Address: LACOMBE SYLVIA C REV TRUST
SYLVIA C LACOMBE TTEE 7 EMERALD
ST #101
KEENE, NH 03431

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-102
Property Address: 7 EMERALD ST. #102

Mailing Address: CORY, DEBORAH J.
PO BOX 372
JACKSONVILLE, VT 05342

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-103
Property Address: 7 EMERALD ST. #103

Mailing Address: ALBERTINI JOANN S.
7 EMERALD ST. #103
KEENE, NH 03431-3661

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-104
Property Address: 7 EMERALD ST. #104

Mailing Address: 7 EMERALD STREET LLC
7 EMERALD ST
KEENE, NH 03431

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-201
Property Address: 7 EMERALD ST. #201

Mailing Address: SCHUMANN REINHARD
7 EMERALD ST #201
KEENE, NH 03431

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-202
Property Address: 7 EMERALD ST. #202

Mailing Address: GILLESPIE, BEAU
122 BRICKYARD RD.
NELSON, NH 03457

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-203
Property Address: 7 EMERALD ST. #203

Mailing Address: MALKIN JUSTIN
7 EMERALD ST #203
KEENE, NH 03431



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7/1/2025

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200 feet Abutters List Report

Keene, NH
July 01, 2025

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-204
Property Address: 7 EMERALD ST. #204

Mailing Address: TORSELLI MARK
7 EMERALD ST. #204
KEENE, NH 03431-3661

Parcel Number: 575-005-000
CAMA Number: 575-005-000-001-205
Property Address: 7 EMERALD ST. #205

Mailing Address: DUTEAU COURTNEY DUTEAU
AUGUSTA
7 EMERALD ST. #205
KEENE, NH 03431-3661

Parcel Number: 575-006-000
CAMA Number: 575-006-000-000-000
Property Address: 115-117 MAIN ST.

Mailing Address: MCGREER HOLDINGS LLC
115 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-007-000
CAMA Number: 575-007-000-000-000
Property Address: 101 MAIN ST.

Mailing Address: 16 IRVING ST LLC
269 COMMONWEALTH AVE
BOSTON, MA 02116

Parcel Number: 575-008-000
CAMA Number: 575-008-000-000-000
Property Address: 95 MAIN ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Parcel Number: 575-008-000
CAMA Number: 575-008-000-001-002
Property Address: 89 MAIN ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Parcel Number: 575-008-000
CAMA Number: 575-008-000-001-003
Property Address: 95 MAIN ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Parcel Number: 575-008-000
CAMA Number: 575-008-000-001-005
Property Address: 95 MAIN ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Parcel Number: 575-009-000
CAMA Number: 575-009-000-000-000
Property Address: 20 COMMERCIAL ST.

Mailing Address: COLONIAL THEATRE GROUP INC
PO BOX 77
KEENE, NH 03431

Parcel Number: 575-010-000
CAMA Number: 575-010-000-000-000
Property Address: 0 COMMERCIAL ST.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-011-000
CAMA Number: 575-011-000-000-000
Property Address: 87 MAIN ST.

Mailing Address: PCT REAL ESTATE LLC
87 MAIN ST.
KEENE, NH 03431

Parcel Number: 575-012-000
CAMA Number: 575-012-000-000-000
Property Address: 81 MAIN ST.

Mailing Address: KEENE HOLDING CO LLC
273 LOCUST ST. UNIT 2A
DOVER, NH 03820-4570



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7/1/2025

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200 feet Abutters List Report

Keene, NH
July 01, 2025

Parcel Number: 575-013-000
CAMA Number: 575-013-000-000-000
Property Address: 67 MAIN ST.

Mailing Address: 67 MAIN ST LLC
67 MAIN ST
KEENE, NH 03431

Parcel Number: 575-014-000
CAMA Number: 575-014-000-000-000
Property Address: 12 GILBO AVE.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-014-000
CAMA Number: 575-014-000-001-00A
Property Address: 12 GILBO AVE.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-014-000
CAMA Number: 575-014-000-001-00B
Property Address: 12 GILBO AVE.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-014-000
CAMA Number: 575-014-000-001-00C
Property Address: 12 GILBO AVE.

Mailing Address: CITY OF KEENE
C/O CITY MANAGER 3 WASHINGTON ST
KEENE, NH 03431

Parcel Number: 575-057-000
CAMA Number: 575-057-000-000-000
Property Address: 82 MAIN ST.

Mailing Address: CAMPY LLC
71 EAGLE DR
BEDFORD, NH 03110-4414

Parcel Number: 575-058-000
CAMA Number: 575-058-000-000-000
Property Address: 88-90 MAIN ST.

Mailing Address: XANTHOPOULOS GEORGE & ELENI
LIVING TRUST
553 WASHINGTON ST.
KEENE, NH 03431

Parcel Number: 575-059-000
CAMA Number: 575-059-000-000-000
Property Address: 100 MAIN ST.

Mailing Address: CHOW DOWN INVESTMENTS LLC
PO BOX 143
KEENE, NH 03431

Parcel Number: 575-060-000
CAMA Number: 575-060-000-000-000
Property Address: 102 MAIN ST.

Mailing Address: 102 MAIN REAL ESTATE LLC
102 MAIN ST
KEENE, NH 03431

Parcel Number: 575-061-000
CAMA Number: 575-061-000-000-000
Property Address: 106 MAIN ST.

Mailing Address: FARINA RONALD A REV TRUST
RONALD A FARINA TTEE 17 MCKINLEY
ST
KEENE, NH 03431

Parcel Number: 575-062-000
CAMA Number: 575-062-000-000-000
Property Address: 110-120 MAIN ST.

Mailing Address: R & M WEINREICH LLC
110 MAIN ST.
KEENE, NH 03431

Parcel Number: 584-075-000
CAMA Number: 584-075-000-000-000
Property Address: 37 EMERALD ST.

Mailing Address: FOX BARRY JOEL
50 EASTVIEW RD
KEENE, NH 03431

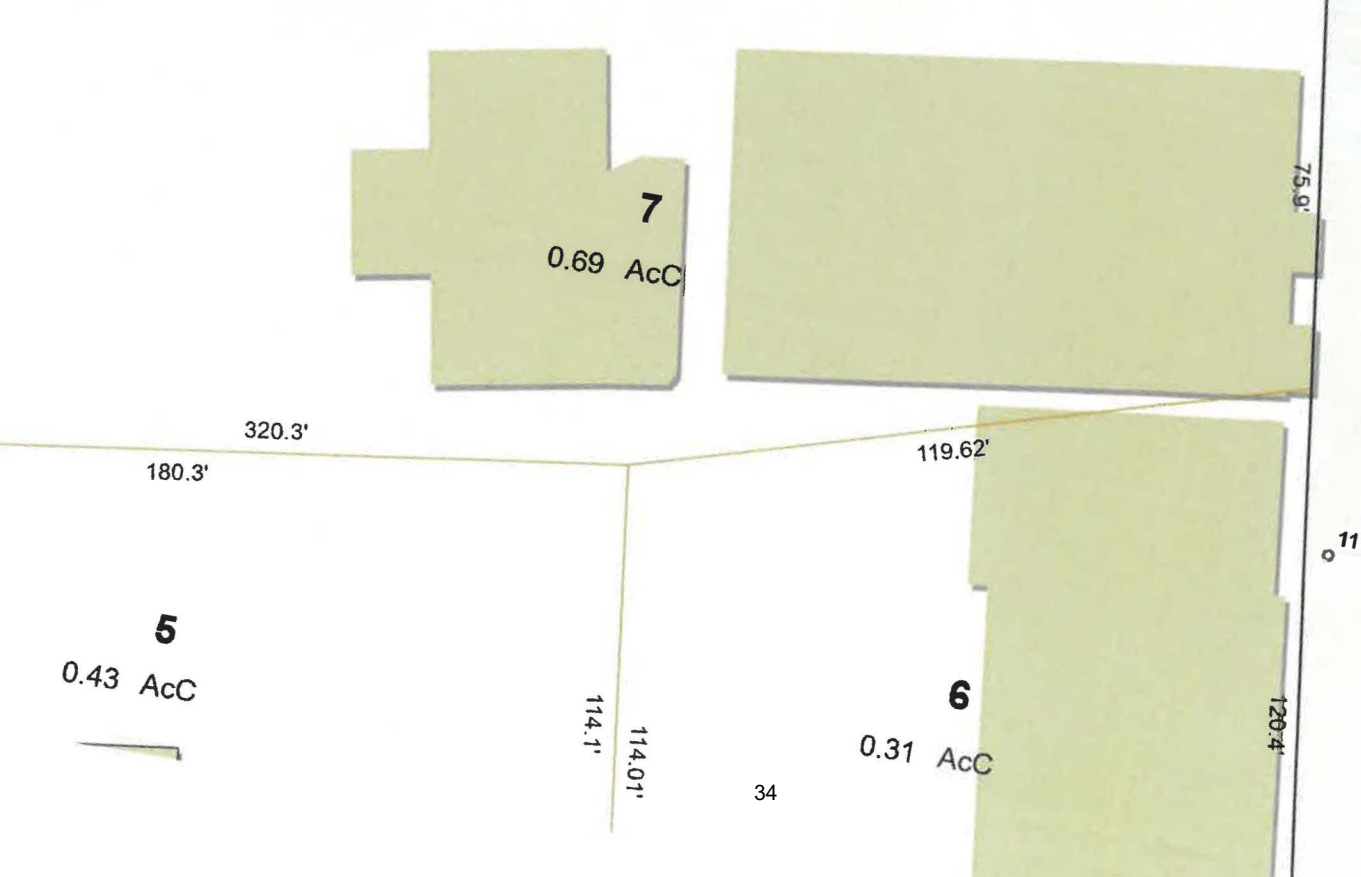
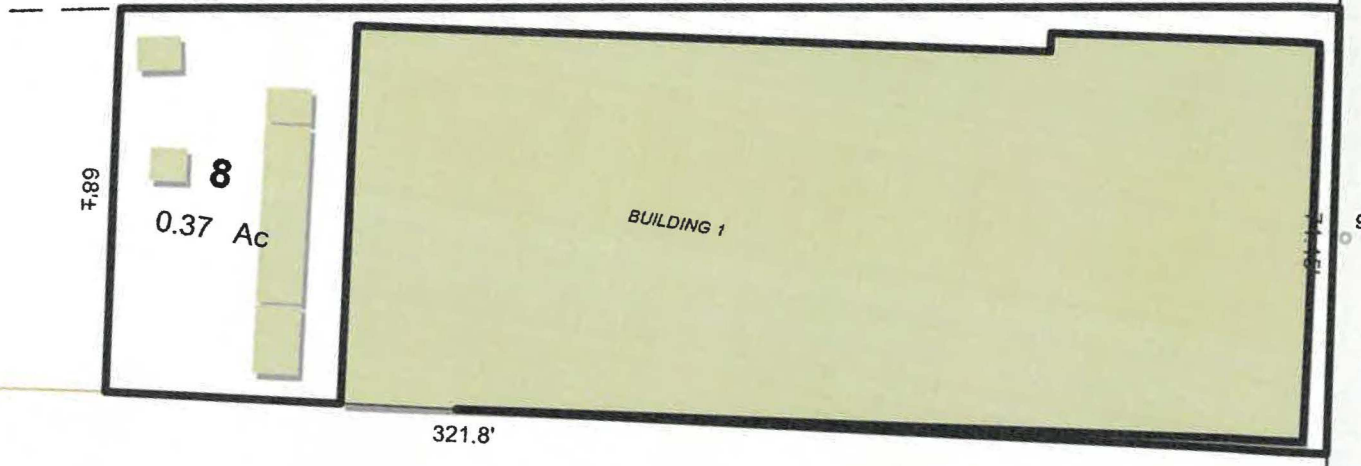


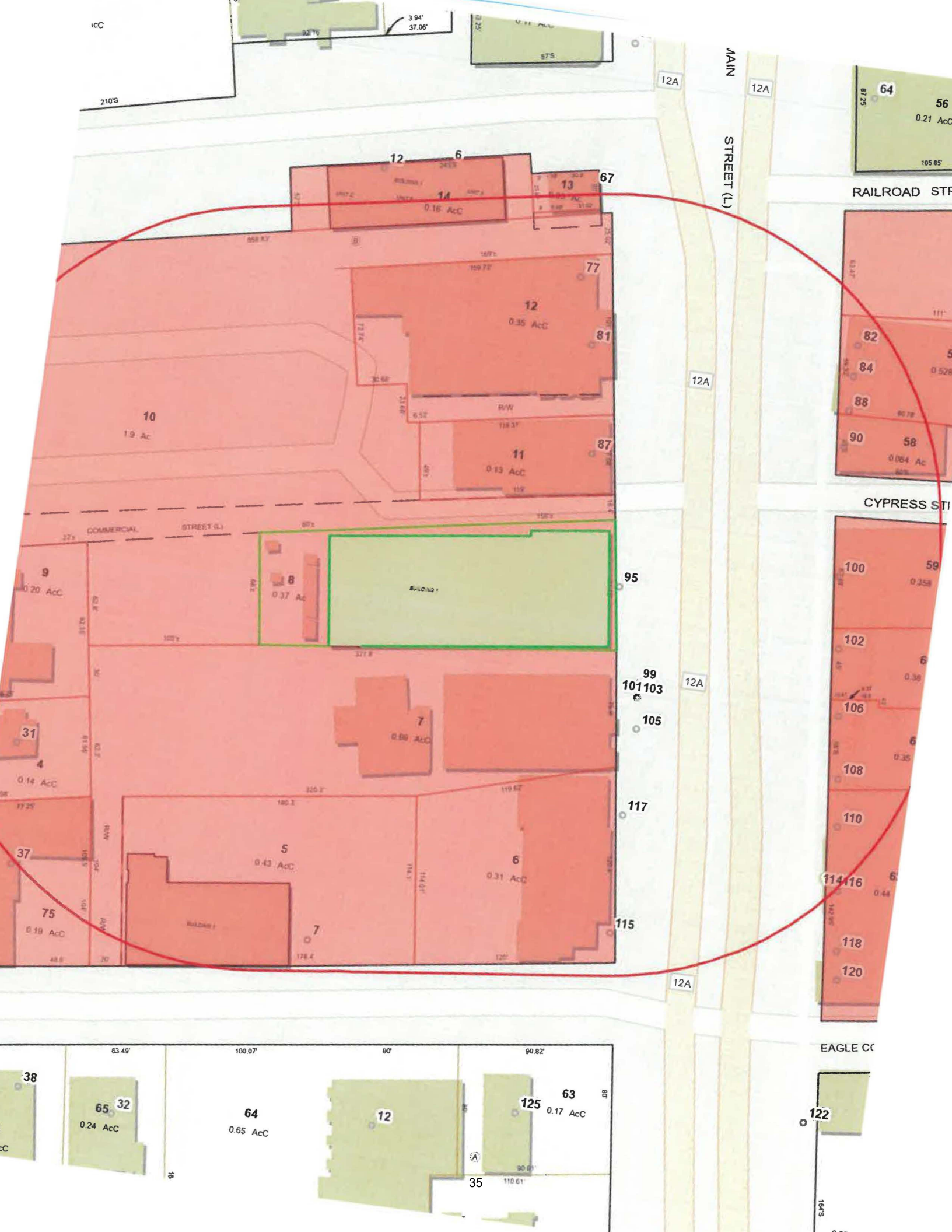
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147 MAIN ST ZBA-2025-08



Petitioner requests an Extension for a Special Exception granted on August 7, 2023 per 26.6.9 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-08

A meeting of the Zoning Board of Adjustment will be held on **Monday, August 4, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-08: Petitioner, Michael Pappas, of 147-151 Main Street, LLC, represented by Timothy Sampson, of Sampson Architects, requests an Extension, for property located at 147 Main St., Tax Map # 584-060-000-000 and is in the Downtown Core District. The Petitioner is requesting an extension for a Special Exception granted on August 7, 2023, per Article 26.6.9 of the Zoning Regulations.

You are receiving notice of this hearing as an abutter to or owner of property within 200-ft. of the subject parcel.

This meeting is open to the public, and anyone wishing to speak on the proposal will be given an opportunity to be heard during the public hearing for this application. The application for this proposal is available for public review in the Community Development Department on the 4th floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

Please be advised that this may be the only certified notice you will receive. You are encouraged to review future Zoning Board of Adjustment agendas for the status of this application at keenenh.gov/zoning-board-adjustment. If you have any questions, please contact me at the Community Development Department at (603) 352-5440.

Corinne Marcou, Zoning Clerk
Notice issuance date July 22, 2025

ZBA-2025-08 – Extension of Special Exception Approval – Drive-thru, 147 Main St.

Request:

Petitioner, Michael Pappas, of 147-151 Main Street, LLC, represented by Timothy Sampson, of Sampson Architects, requests an Extension, for property located at 147 Main St., Tax Map # 584-060-000-000 and is in the Downtown Core District. The Petitioner is requesting an extension for a Special Exception granted on August 7, 2023, per Article 26.6.9 of the Zoning Regulations.

Background:

The property at 147-151 Main St is an existing vacant parcel located on the northwest corner of Main St and Davis St. with the Cumberland Farms Gas & Convenience across Main St. to the east. The property used to contain a two story, brick construction mixed-use building known as the Cobblestone building; however, the lot is currently vacant after a fire forced the demolition of the building.

In 2023 a Boundary Line Adjustment was approved by the Planning Board for the subject parcel, an adjacent lot to the west at 0 West St. and the adjacent lot to the north at 143 Main St. as part of a larger plan to redevelop the site. The property also received a Special Exception from the

Zoning Board of Adjustment to allow for a drive-through as was required from section 8.4.2.C.2 of the Land Development Code (LDC) for parcels located in the Downtown-Core zoning district. The LDC has since been amended to prohibit a drive-thru in the Downtown-Core zoning district.

The purpose of this application is to request an extension of the approved Special Exception from 2023. The Special Exception permitted a drive-through use to accommodate a pick up only drive-thru lane for pre-ordered food items. The drive-thru was not proposed to have an order board or be designed to

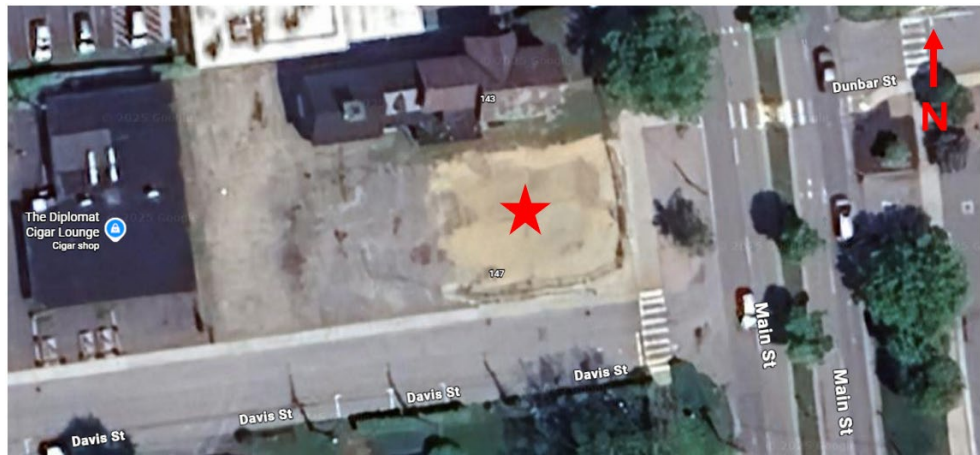


Fig 1: Aerial of 147 Main St located at the red star. Taken from Google Maps (2025)

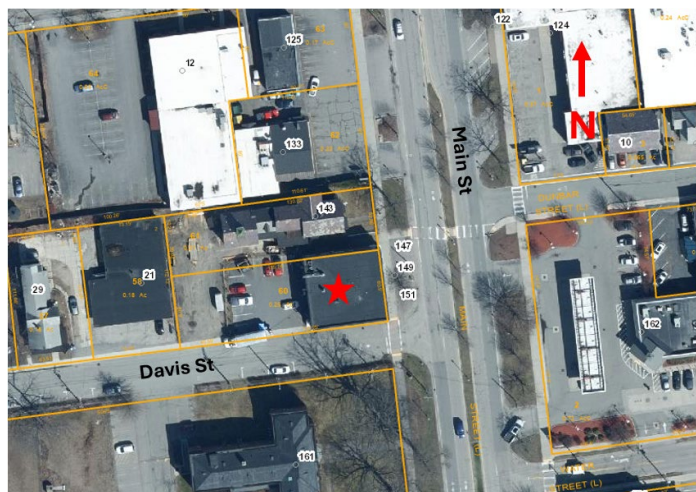


Fig 2: Aerial of 147 Main St located at the red star. Taken from City Aerial Imagery (2020)

allow for orders to be placed. The meeting minutes from the August 7, 2023 meeting are included in the packet and outline the original request. The application was introduced in June of 2023 but was continued two times until August when the Board acted on the application. The Board approved the request with the condition that “No exterior order board be present.”

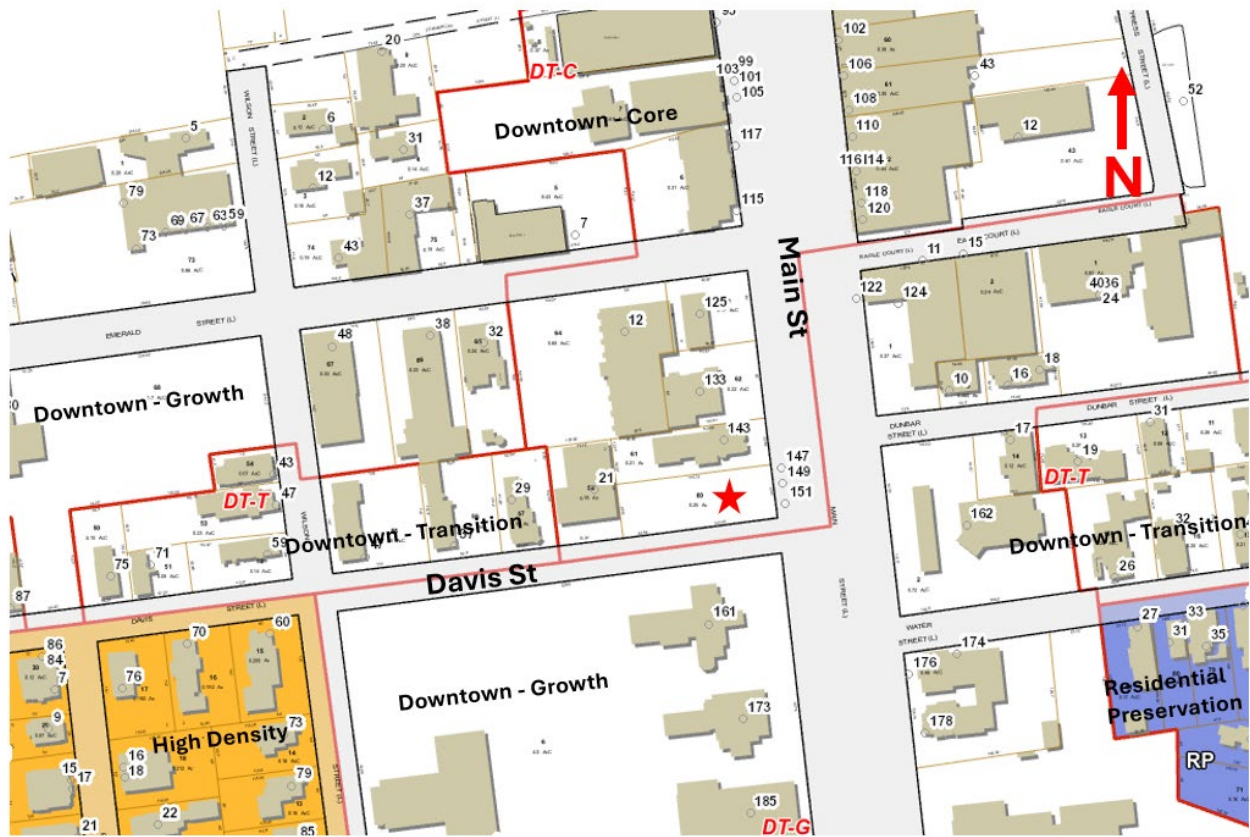


Fig 3: 147 Main St located at the red star with surrounding zoning districts

Surrounding Uses:

North: Residential/Restaurant

South: Religious

East: Vehicle Repair/Restaurant/Gas Station & Retail

West: Restaurant/Residential

Application Analysis: The following is a review of the relevant sections of the Zoning Ordinance and how they impact the subject property:

Drive-Through Uses:

Defined. An establishment designed for the general public to make use from their vehicles of the sales or services provided on the premises.

Use Standards:

1. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts, and by special exception from the Zoning Board of Adjustment in the Downtown-Growth and Downtown-Core Districts.
2. Drive-through uses shall be subject to the screening standards for drive-through businesses in Section 21.6 of this LDC.

Approval Standards

The Zoning Board of Adjustment may approve a special exception application, only when the Board finds that all of the following conditions apply:

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.
2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety, or welfare.
3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.
4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.
5. The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.
6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.
7. The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.

Additional Considerations for the Extension Request

The Board will need to determine if the established findings of fact and conditions of the approved Special Exception are still applicable to the property and proposed project and that the extension request is warranted for good cause.

Good cause is a substantial reason or justification of why the Special Exception has not yet been acted on by the applicant and includes a reasonable plan on how the applicant intends to act on the Special Exception within the timeframe granted by the extension. The Board will need to determine a realistic and reasonable amount of time to grant the extension for.

Suggested Conditions and Draft Motion:

If the Board is inclined to approve this request, the following language is recommended for the motion:

"Approve ZBA-2025-08, for the extension of a Drive-Through Special Exception for property located at 147 Main St., Tax Map # 584-060-000-000 as shown in the application and supporting materials, received on July 17, 2025 with the following conditions:

- 1. No exterior order board be present"**

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8 **Monday, August 7, 2023** **6:30 PM** **Council Chambers,**
City Hall

Staff Present:

Corinne Marcou, Zoning Clerk
Michael Hagan, Plans Examiner

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A) Continued ZBA 23-16: Petitioner, 147-151 Main Street, LLC and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Special Exception for property located at 147 Main St., Tax Map #584-060-000-and is in the Downtown Core District. The Petitioner requests to permit a drive-through use in the Downtown Core District at this property, per Chapter 100, Article 8.4.2.C.2 of the Zoning Regulations.

Plans Examiner Michael Hagan stated that the ZBA continued this petition from the last meeting. He further stated that staff did some research and found there was a Variance on the abutting property, which was in question, at 143 Main St. It will now be subdivided and reduce the parking area for that. The Variance was granted in 2020 and has now expired. If they want to do the use, or another use, they will have to come back and comply with those requirements. The Variance expired because it was not executed with the building permit.

Chair Hoppock asked if anyone had questions about that. Hearing none, he asked to hear from Jim Phippard of Brickstone Land Use Consultants, LLC.

Jim Phippard stated that in June, this was continued, because the Board felt the information (about 143 Main St.) was necessary before they deliberated. He continued that at the July meeting, there were only four Board members present and the applicant requested a full Board of five, which brings them too tonight.

Mr. Phippard stated that since it has been two months, he will briefly review the Special Exception criteria. He indicated 147 Main St. on an image, and Davis St., and stated that the colored-in area is the land in the property that is included in this request. He continued that in this location, the building burned and has been razed, filled and is ready to be redeveloped. The owner, 147-151 Main St., LLC, proposes constructing a new three-story building on this property that would have mixed uses on the ground floor and apartments on the upper two floors. He showed a drawing of the proposed building and stated that it matches the footprint of the previous building and is essentially lot line to lot line. He continued that they propose a boundary line adjustment with the adjacent property at the rear, which will enable them to lengthen the lot. Today the lot is 63 feet wide and 130 feet long. With the proposed boundary line adjustment, it will be 63 feet wide but 176 feet long. That enables them to add on-site parking and a proposed drive-through lane. The drive-through lane is permitted in the Downtown Core District by Special Exception

Mr. Phippard continued that the drive-through use will be a restaurant located in half of the building with a pick-up window. It will not be a typical drive-through like the others in Keene as there is no order board when you drive in. It is just an access for cars to come in and pick up their order, which they either phoned in or placed online, and paid for remotely. They will be coming to the drive-through just to pick the order up. It is a relatively new development in the food industry because of the pandemic and is becoming more popular. It is a shorter drive-through lane than one at McDonalds or Dunkin in town, because the lack of order board means

they do not need the queuing lane. People will have already placed their orders and paid for their food and will just be coming through to pick it up. If a person is told their order will be ready in 20 minutes and arrives at the site after 15 minutes and the order is not ready, (an employee) will tell the person to come back in five minutes, and to not sit there and form a queue on the property. It is no secret that the restaurant proposing to go here is Little Caesars. There are thousands of Little Caesars across the country and this is how they do (business) today; they know what they are doing, having done it over and over in many locations, and it works. It is an idea that has finally come to Keene.

Mr. Phippard stated that he will go through the criteria.

- 1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.*

Mr. Phippard stated that the drive-through use is permitted by Special Exception, so (the City) contemplated that this type of use might be proposed. He continued that this is a good location for it. The mixed-use building will add to the vibrancy of downtown because there will be apartments as well as businesses. They feel that complies with the recommendations of the Comprehensive Master Plan (CMP) and it will provide a convenient operation for customers to order food and come through to pick it up. There are no outside seats, like there used to be for Cobblestone (the former business). There are no seats inside; it is not a sit-down restaurant; this is a take-out only restaurant.

- 2. The proposed use will be established, maintained, and operated so as not to endanger the public health, safety, or welfare.*

Mr. Phippard stated that he explained how the drive-through lane works, and that is what makes it work – no order board, no stopping to pay, no waiting for your food to be prepared while you are sitting in line. He continued that he thinks it will operate safely in this location with access to the site from Davis St. There is a one-way entrance, with cars traveling through to a one-way exit, and then they can go right or left on Davis St. The intersection at Main St., because there is a median on that section, has a right-turn-only in and right-turn-only out. The intersection operates efficiently and safely. They avoid the safety issues that can be created by long queues.

- 3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*

Mr. Phippard stated that the preliminary drawing gives the Board an idea of the architecture. He continued that it is a brick building. The drawing shows the windows for the apartments on the upper two floors. The ground floor will have the storefront glass one would expect to see on Main St. The architecture is similar to and harmonious with the downtown architecture, thus, he and his client think it fits in very well with the downtown businesses, and they think it will be a complement to the nearby buildings and businesses. Since there is no indoor or outdoor seating, there is very little noise associated with this use. There are no fumes or vibrations that could

disturb abutting properties. An enclosed dumpster will be located at the back corner of the property where it is easily accessible for the trash company to get in and out. They think it fits the site very well. They have also added five on-site parking spaces, which will either be available to employees or assigned to residents on the upper floors. Parking is not required in the Downtown Core, though there is public parking available on Davis St. and Main St. The Commercial St. lot is a short walk away from this property as well. They think the (drive-through) can operate efficiently in this location and not cause a problem for any adjacent properties.

4. *The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Mr. Phippard stated that he has already covered why he believes this (criterion) is (met) – there will be no outdoor seating and no order board. He continued that the hours of operation will be 10:30 AM to 9:00 PM, seven days a week. Since they are not open late at night, they will not be generating a lot of noise after hours. Since they do not open until 10:30 AM, that misses the peak hours of traffic in the morning. They anticipate having 200 sales per day. Little Caesars knows their business, and for this type of location and this size of facility, they can accurately predict what their sales will be. They anticipate 60 sales during the peak hour of 5:30 to 6:30 PM. Sixty vehicle trips with cars entering and exiting on Davis St. and then either continuing to Main St. or down toward Wilson St. Sixty vehicle trips in an hour is not a lot of traffic. The Planning Board does not require applicants to do a traffic report unless there are 100 cars or more; this is under that threshold. He does not anticipate any problems with traffic, especially with Main St. as a right-in-only/right-out-only.

5. *The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.*

[Mr. Phippard did not speak to this criterion, moving from #4 to #6, though the applicants written narrative is discussed in response for #4.]

6. *The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.*

Mr. Phippard stated that the old building is already gone. He continued that it burned quite badly and could not be saved. It has been completely removed from the property, which is now a vacant lot. Thus, there are no features for which this (criterion) would (apply).

7. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.*

Mr. Phippard stated that they will have up to 20 employees, who will work different shifts during the day. He continued that there will be up to four employees, at a maximum, during any one shift with on-site parking for employees. In addition, as he described, the intersection will have right-in/right-out turns, and thus should not create a safety hazard at all.

169 Mr. Welsh stated that he has a few areas of question. He continued that one is the application's
170 consistency with the CMP. Mr. Phippard makes the argument that the upstairs, and the varied
171 uses of the building, is consistent with the CMP, and he agrees. However, throughout the CMP
172 is an emphasis on (development that is) human-scale, walkable, (with) pedestrian access, and
173 things like that. A case could be made that this applicant is more consistent with the CMP if it
174 were not solely a car drive-through facility. He asked if it is possible to have not seating or
175 (space for) consumption on the premises, but pick-up of an order that does not involve a car.

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177 Mr. Phippard replied yes, they anticipate a large part of the market will be college students, and
178 because the college is within walking distance, they think that a lot of their traffic in that area
179 will be foot traffic.

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181 Mr. Welsh stated that his second question is in regard to the impact on the surrounding
182 properties. He continued that he likes the idea that people whose food is not ready may agree to
183 leave and drive around for two minutes, but he can also see the possibility that they would want
184 to just stick around if it will only be a couple minutes. He can see both sides and will take that as
185 a wash. The surrounding properties include a bar immediately to the west, which has outdoor
186 seating and presumably wants to preserve an atmosphere that is conducive to people hanging out
187 there. He thinks another restaurant is going in immediately to the west as well. He asked what
188 Mr. Phippard would say to someone who says that (the drive-through use) will create glare,
189 vibration, and possibly odors that would be offensive to the people in those facilities.

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191 Mr. Phippard replied that there is already another pizza place close by, two properties over. He
192 continued that there will be a commercial vent from the commercial kitchen, so he imagines
193 there will be the smell of pizzas cooking. There are no windows on the west side of the building,
194 just the pick-up window. There are doors, then apartments upstairs. He does not think that
195 (creates) excessive glare that will affect the operations of the business to the west. Mr. Welsh
196 replied that he is thinking about the headlights from the cars that roll through to pick up their
197 food. Mr. Phippard replied that the Land Development Code (LDC) requires screening for drive-
198 through lanes, which means there will be a six-foot high solid fence along the westerly boundary,
199 screening the headlights of the cars turning in. He continued that there is also a six-foot high
200 fence in (another) area, and then cars are back on the street. Ways to address that type of
201 situation are thus built into the regulations.

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203 Mr. Welsh stated that his last area of concern is the potential for congestion on Davis St., a side
204 street that does not get a lot of traffic. He continued that he could see people wanting to come
205 into this property from both lanes, and getting into situations where there is already a queue and
206 waiting perhaps on the street. He knows a traffic study is not required, but he wonders if Mr.
207 Phippard foresees, given the number of spaces or amount of space on the property, that there will
208 be times during peak hour when people will be waiting in the street to enter the property to do
209 their pick-up.

Mr. Phippard replied that he does not anticipate people would be waiting in the streets unless they are using one of the parallel parking spaces available on the opposite side of the street. He continued that people are likely to wander into the large parking lot at St. Bernard's Church, which is always rather empty except for Sunday mornings. Even when the church has evening events and activities, hundreds of parking spaces are still available. People will park there, as he himself has when he was unable to find parking downtown when Dominos was here. He thinks people are much more likely to park at the church and walk over, than to park in the road or obstruct traffic. Davis St. has a low level of traffic, which is good. It has enough capacity to easily take on 60 additional vehicle trips over a one-hour period. That is one car per minute, which is not a tremendously high volume, and below the threshold for traffic studies.

Mr. Gorman stated that going back to Mr. Welsh's question about the CMP, he understands that the mixed use is a perfect use and in the spirit of the CMP. That is inarguable, however, the reason they are here tonight is the drive-through, not the mixed use. He asked if Mr. Phippard could say more about how the drive-through is in the spirit of the CMP or the LDC.

Mr. Phippard replied that mostly it relates to customer experience and customer satisfaction. He continued that customers today want that convenience; they do not want to have to park and get out of their car. That is why (Little Caesars) has gone in this direction across the country, and he thinks it will hold true here as well. Providing a business downtown that meets customers' requirements and satisfies customers is good economically for downtown Keene. It brings people back to this area and meets their needs.

Mr. Gorman stated that regarding the traffic, he noticed that in the drawing the lane is much wider on the entrance side as opposed to the exit side, and out of curiosity, wondering what the purpose is. He asked if there would be two lanes to enter and one to exit, or if it is just the placement. Mr. Phippard replied that part of developing a site plan is looking at turning radiuses, and a garbage truck coming into the property from either direction to access the dumpsters needs the wider lane.

Mr. Gorman stated that it is hard to see in the drawing how many cars would fit in line during the peak hour of business. Mr. Phippard replied that it would be five or six, depending on how close (they are to each other). He continued that typically they allow 24 feet per car in a drive-through lane. Depending on the use, the most common size is a ten-car queue. That did not work for the business that he will be talking about in the next hearing on tonight's agenda. However, this type of drive-through lane is much quicker since it is just for pick-up and not ordering, paying, or waiting, since ordering and paying have already been done.

Ms. Taylor stated that she, too, has traffic concerns. She continued that Mr. Phippard mentioned the next application. When that came before the ZBA, (Mr. Phippard said) they (the business) would be able to service a car in about a minute, so they could have sixty cars in an hour. Obviously, that did not work, because the ZBA has the next application (for a Variance). And that (business) could, as Mr. Phippard said, stack ten cars. Now, the ZBA has this application for

a drive-through (for Little Caesars), and the theory is that each car will take about a minute to get through the drive-through, but only five or six cars can be stacked. She is very concerned. St. Joseph's is a school and there are many children running around when school is in session. There is considerable traffic on Davis St., stating that when she has been there, the parking spaces are usually full. She is concerned about creating another issue, even though Davis St. is a secondary street and West St. (where the business in the next application is) is a primary street. She asked Mr. Phippard to address that.

Mr. Phippard stated that he is sorry he brought up the next application, because he does not want to mix the two. Ms. Taylor replied that she is not trying to; she is just talking about the idea of "a minute per car," and questioning whether that actually works. Mr. Phippard replied that the school across the street is open in daylight hours, Monday through Friday, whereas (Little Caesars) peak hour is 5:30 to 6:30 PM when the school is closed, when the children are gone and the school's parking lot is mostly empty. He continued, that adding that amount of traffic at that time of day is safe and does not interfere with the school's operation or the children's safety. Regarding the 60 vehicle trips, if you are just driving in to pick up your order when it is ready, it takes less than a minute for you to say who you are and give your order number, take your pizza, and drive away. When he asked the Little Caesars representative about it, saying that only five cars will fit in the queue, he said, "That is more than we need." The Little Caesar's representative explained to Mr. Phippard in detail how the operation works. He (Mr. Phippard) believes him. He will go into far more detail in the next application to help the Board understand what happened (with the other business with the ten-car queue), but this is a completely different operation for a drive-through lane as it is pick-up only; that is what makes all the difference. Little Caesars has about 4,000 restaurants across the country, and they are doing this (drive-through) in as many of them as they can. They already have hundreds and hundreds (of drive-throughs) they were able to give Mr. Phippard information about, regarding their needs for the queue. They will not have an order board and will not have any seating. There is no reason for customers to linger there unless they come too early and are trying to linger because their order is not ready. (Little Caesars') operation teaches them to leave; (employees tell) them to come back in five minutes and their order will be ready. When he (Mr. Phippard) submitted this application (to the Community Development Department), John Rogers tested him on this, saying that he is one of those people who will call in an order then go right down and wait ten minutes at the site. You will not wait ten minutes here, because (Little Caesars) will not let you. As you would be blocking the drive-through and other customers coming to pick up their orders. (Employees) will say, 'John Rogers, you were told to come at 7:00 when your order would be ready, and here it is 6:50, so please come back.' (In that situation) they would already have Mr. Rogers's money. He does not know if they would lose repeat business from it; a customer may get angry, but probably he will (leave the queue) and not cause a problem.

Ms. Taylor asked how it is supposed to be handled if there are, say, four cars waiting to pick up their orders and someone wants to back out of one of those parking spaces. Mr. Phippard replied that there is a chance that could happen. He continued that she might have noticed the width. They will paint a line in the parking lot so that when they go to the pick-up window, they are on

the outside of that lane, and if someone must get out of a space, there is enough room for them to back out. They might have to wiggle a couple times to get out, but it is doable. They looked at that with their turning templates, just to make sure. It works unless someone is driving an extended cab pick-up truck, four-door, 24-feet long, but usually those (drivers) would know better than to put themselves in that type of situation. The parking spaces are 18 feet long.

Chair Hoppock stated that he has a couple questions about traffic and noise. He continued that regarding the peak hour of 5:30 to 6:30 PM, from roughly September to March, it will be dark. He asked what kind of lighting would be there. Mr. Phippard replied that wall-mounted lights on the west side of the building, a pole-mounted light marking the entrance curb cut and the sign. Chair Hoppock asked if the lights will be taller than the fence. Mr. Phippard replied yes, they will be 15 feet tall, and the fence is 6 feet tall. He continued that the lights will be full cut off LED fixtures, so they shine straight down.

Chair Hoppock asked if there will be an area on the street that (employees) can direct customers to if customers show up too early, telling them to go to park for five minutes. Mr. Phippard replied that he does not know where (employees) will direct people to. He continued that they could suggest people go across the street to the church parking lot, or people could drive around to the roundabout, do a drive around the beautiful Main St. and then come back in five minutes. It is up to the customer. (Little Caesars employees) are instructed to tell customers to please move and come back in five or ten minutes.

Chair Hoppock asked if the Board had further questions for the applicant. Hearing none, he asked for public comment, beginning with anyone wishing to speak in opposition. Hearing none, he stated that the Board received an email from Jason Frost on August 7, 2023. He read it into the record:

"Good Morning,

I am unable to attend tonight's meeting in regards to the variance request by Pappas for the former Cornerstone [sic] building on the corner of Main Street and Davis Street. Please accept this note in my absence.

I own the property at 29 Davis Street, which is one building down (adjacent to the old Anderson Florist building) and I have reviewed the proposal by Mr. Hanna and Mr. Pappas.

There are numerous issues with the proposal but I will highlight here what I believe to be the most problematic.

Mr. Hanna has stated that 100-200 additional cars will be entering in/out of the back lot of the new building. He indicated that this will not adversely affect the area and I don't believe this to be true. Davis Street is a side street and is not designed or set up to handle that level of additional traffic. This increase in traffic will not be harmonious to the street with an increase in

lights and noise affecting the quality of life for residents. It will also decrease the safety of the residents and the school directly across the street with the added volume of vehicles.

When their customers' orders are not ready because they invariably showed up early, where will they go? Will they continue to drive around Davis and Wilson adding to the congestion?

This proposal flies in the face of what the core district is intended to be. Which is an area to promote walking, shopping and generally enjoying the beautiful downtown that we have. It can and will decrease my property value, as who wants to live next to a Little Caesars?

If this variance is approved, who is to say we won't end up with yet another Dunkin Donuts? Arbys? Drive thrus should be in districts currently operating in a like kind situation similar to Key Road, Walmart Plaza and West Street.

I humbly ask that you deny this request. Thank you for your time and attention.

Regards,

Jason Frost"

Chair Hoppock stated that he does not see anyone present wishing to speak in opposition. He asked if anyone wanted to speak in favor. Hearing none, he asked if Mr. Phippard wanted to respond to Mr. Frost's comments, although he thinks he has answered much of it already.

Mr. Phippard stated that he does not think he needs to repeat it all, but he thinks that when Mr. Frost is referring to drive-throughs, he is thinking of something like a McDonald's drive-through or other fast food drive-throughs, and he agrees that that would not be appropriate in this location. He continued that this (Little Caesars drive-through) will be very specifically controlled, with no order board, no paying, just driving through and picking up your order. That is the major difference, and that is why it can work here.

Mr. Gorman asked if the applicant would be open to the idea of putting that into any type of approval. He continued that the Board is really approving a drive-through. If the property were to ever change hands or be leased by someone else, Mr. Gorman asked, would the stipulation of "no order board" be appropriate for the applicant? Mr. Phippard replied absolutely, that is fine. He continued that if it changes hands and someone wants to come in and change the operation, his understanding is that John Rogers would say they have to go back to the ZBA and redo the Special Exception for such a significant change. Mr. Gorman replied that he thinks if the Board approved it as a drive-through and Little Caesars bailed, then Dunkin came in, he disagrees; he thinks it would just become a Dunkin. He continued that he thinks the lack of order board addresses that, and if the applicant wanted to come in later to change that, they certainly could.

Chair Hoppock asked if there was any further comment. Hearing none, he closed the public hearing and asked the Board to deliberate.

384 1. *The nature of the proposed application is consistent with the spirit and intent of the Zoning*
385 *Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all*
386 *applicable standards in this LDC for the particular use.*
387

388 Ms. Taylor stated that she disagrees that the application is consistent with the spirit and intent of
389 the Zoning regulations. She continued that everyone who has been living in Keene for the last
390 eight or ten months, with the back and forth over the redesign of Main St., knows that the one
391 thing that was hammered by both sides was the CMP concept of reducing the number of vehicles
392 that are just cruising through the downtown to get to one place or another, and making it more
393 walkable. She has a real issue with the representation that (this application) is consistent with
394 the CMP.
395

396 Mr. Welsh stated that he concurs, but his concern has been pushed some distance toward
397 acceptance by the idea – which he is not sure will be a condition – that there will be a walk-in
398 feature to this restaurant. He continued that before, he was under the impression that there would
399 not be an option for people to walk in and pick up, and that a pedestrian would have to go elbow
400 in between the cars and pick up at the window in the back. That would be very non-walkable.
401 He is a little less concerned regarding the first criterion, perhaps on the edge of being sold.
402

403 Chair Hoppock stated that he thinks Ms. Taylor is right that the whole idea behind the planning
404 of Central Square was to reduce traffic downtown overall. That goes to spirit and intent.
405

406 Mr. Gorman stated that his stance was a little different from Ms. Taylor's. He continued that he
407 agrees that this is likely to have some traffic involved with it, but he thinks that any use that ends
408 up occurring here will have some degree of intensity, as it should, since it is a building on Main
409 St. When he contemplates the level of intensity, culminating with the fact that it is a mixed use
410 and will provide more housing and a couple more businesses in the downtown area, (he thinks)
411 yes, they want Main St. to be walkable, but the reality is that to support business it needs to be
412 both. He thinks that is where they landed, with the whole Main St. (plan) – both things
413 (walkability and vehicle access) need to be supported, because that is what supports the
414 businesses. When he looks at 200 cars, compared to the overall traffic count on Main St., he
415 thinks that any successful pair of businesses there is going to generate at least that much activity,
416 hopefully, or they likely will not survive. His concern is more with the queuing, which falls into
417 some of the other categories, but he also is able to contemplate that this is more of a pick-up
418 window than a drive-through. He compares it to the difference between waiting at the drive-
419 through teller window and going through the ATM. There is a big difference. He thinks
420 allowing this business to be on Main St. does fit the CMP and the spirit, and he thinks they
421 probably will have more walk-in customers than you would think, because of the college and all
422 of the other things going on around here. It would not surprise him if half of those 200
423 customers a day were walk-in.
424

425 2. *The proposed use will be established, maintained and operated so as not to endanger the*
426 *public health, safety, or welfare.*

Chair Hoppock stated that with most of these factors, traffic, and noise factor in. He continued that he wishes the Board had something before them that showed a bit more confirmation that Little Caesars' model actually works, so they do not have "another Aroma Joes problem" on their hands. That is what gives him pause, because all of these well-laid plans may or may not work. As Mr. Phippard said, customers are going to do what they are going to do – they might show up early and want to wait around, and he realizes they cannot wait in the line because there will be someone behind them laying on the horn. However, he wishes he saw more objective evidence that this model works. He is concerned that it be maintained and operated so as not to endanger public health, safety, or welfare because of the traffic.

Ms. Taylor stated that she agrees with Chair Hoppock, and the only other concern she has is for people who may walk up and pick up their pizza, decide to eat it in the area, and then just dump their trash. She continued that she does not know if the model provides for Little Caesars to provide trash receptacles in the area.

3. *The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.*

Chair Hoppock stated that they have one abutter concern from Mr. Frost, and to an extent, he shares Mr. Frost's concerns about Davis St.'s capacity. He continued that it is not a wide road. He appreciates the fact that the school across the street will not be in full operation at the hour of 5:30 PM, but he does not know what sort of extracurricular or night activities the school has going on, although that is of lesser concern. He appreciates that there will be a fence to reduce the lighting problems and the noise. He is concerned about the model working, regarding traffic management.

Ms. Taylor stated that she wants to note that the screening is required by the LDC. She asked if this would need to go before the Planning Board. Mr. Hagan replied yes. Ms. Taylor replied that in that case, the Planning Board will have something to say about lighting, screening, and other issues. She echoes Chair Hoppock's comments regarding the capacity of Davis St. Maybe there are not 60 cars in an hour; maybe it is only 30 or 40, but that is still a lot of traffic on Davis St.

4. *The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Chair Hoppock stated that there is a lot of overlap in these criteria, and he does not have anything else to add.

Mr. Gorman stated that for anyone who can answer, his question is whether all of the students at the school are dropped off, and if it is true that there is not a bus. Mr. Hagan replied that the school has a drop-off queue that starts off of Main St., at the school's main entrance, and exits off Wilson St. He continued that cars come off Main St., go through the lot, and then go out on Wilson St.

Mr. Gorman asked if he knows what enrollment is. Mr. Hagan replied no. Mr. Gorman replied that his point is that if they do not know, but they do know that students are dropped off, assuming it is not a problem, because they would know if it was. He guesses that the number of students is in the triple digits, and he has never noticed, in all his years traveling Davis St., that that was a point of congestion. He thinks that type of queuing for student drop-off is very similar to what is here (for Little Caesars). It is difficult for him, too, to think that everyone will comply and keep moving along, but he thinks it would be a one-off event for someone to just decide they were going to plant themselves (in the queue) and not move. Regarding intensity, this use, compared to Cobblestone and Piazza, is not very intense. Previously, there was a bar that was rowdy and loud until about 2:00 AM, and an ice cream place that was rather busy back in the day, with cars and people. He thinks that no matter what they put in this location, it will have a degree of intensity that could raise a flag about Davis St., but the reality is that that street has been used that way, short of the last couple years when the building was gone due to fire. It has served intense uses on that corner as well as the intense use of a school, without problem.

Mr. Gorman continued that criteria two through four seem to blend together. He does not see a hugely excessive burden on a couple hundred cars coming in to grab a pizza that they called in ahead. Athens (Pizza) probably does that, and they (the Board) just do not know it. He thinks people will circle around, park somewhere else, or show up on time.

5. *The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.*

Chair Hoppock stated, "Out of all these that we have here, certainly traffic is not an issue here. It should not be, anyway." In terms of utilities, facilities, or services, he does not see that this proposed use has any impact whatsoever on public services. He asked if anyone has a different perspective.

Ms. Taylor stated that she thinks the only issue, again, goes back to the traffic issue. She continued that a street is a public improvement. (Traffic) would be her only concern.

6. *The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.*

Chair Hoppock stated that he does not think this criterion is applicable. Mr. Gorman replied that he thinks the loss of feature already occurred when the fire happened. He continued that the fact that it will be brick and sort of blend in with the historic elements of downtown is favorable, but this criterion is tough to apply to this application.

7. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.*

Chair Hoppock stated that this is what the Board has been talking about throughout the hearing.

Ms. Taylor stated that she agrees and thinks this is the key issue for this application. Chair Hoppock agreed.

519 Mr. Clough stated that he would add that technically, if there was a traffic counter and someone
520 was asked to go around the block again, that would count as another trip. He continued that
521 there would thus be a little more traffic than 60 (vehicles per hour) if someone is asked to drive
522 around the block again. However, he is not sure of the exact figures, but he believes Main St.
523 has somewhere between 8,000 to 10,000 vehicles per day, so the impact (this application) would
524 have on Main St. is still rather small. It just comes down to the impact to Davis St.

525
526 Chair Hoppock replied that that is where he is coming from, too. He continued that when you
527 leave the facility you have to go right or left. Left takes you to Main St. then you have to go
528 right. Right takes you through the neighborhood and down to Ralston St.

529
530 Chair Hoppock asked if anyone had more to add for deliberations. Hearing none, he asked for a
531 motion.

532
533 Mr. Gorman made a motion to approve ZBA 23-16 with the condition of no exterior order board.

534
535 Mr. Welsh stated that he does not believe that in the application materials the Board has for the
536 facility described as having a walk-in component, but it has been discussed that way in this
537 hearing. He asked if the Board wants to include a condition that there needs to be a walk-in
538 option for people picking up, especially if they are thinking that two thirds or half of the people
539 might be walk-ins. Chair Hoppock replied that given the configuration of the building and its
540 layout on Main St., he does not think they need that, because people will walk in there anyway.
541 He continued that with what the Board is hearing tonight, (Little Caesars) will not turn away
542 business; if someone (walks in) for a pizza, fine. He is not personally concerned about that part
543 of it. He thinks Mr. Gorman's condition is appropriate, especially if (the property) changes
544 hands down the road and it is a Dunkin, Arby's, or something else like that.

545
546 Mr. Welsh stated that he then wants to ask the applicant a question. He continued that regarding
547 the configuration that the Board saw that had a door for customers to go in, he is under the
548 impression that it will just be a glass front with no doors.

549
550 Chair Hoppock opened the public hearing and asked the applicant to address Mr. Welsh's
551 question. Mr. Phippard showed the drawing and indicated the front elevation, facing on Main St.
552 He stated that there are three entry doors planned – one for this business; one for the other half of
553 the building, which there is no tenant for currently, but which could be an office or another
554 restaurant; and one in the center, which is the lobby for access to the apartments upstairs. Mr.
555 Welsh asked which door is the one a customer would go in to pick up a pizza on foot. Mr.
556 Phippard replied to the southernmost door.

557
558 Mr. Gorman stated that in theory, someone who did not want to be in the queuing lane or showed
559 up early could simply circle around, park on Main St., go in the front entrance, and hang out until
560 their order was ready. Mr. Phippard replied that is correct. Mr. Gorman replied that that means
561 the ability to pick up the food exists in several ways. He continued that you could park down by

the Colonial (Theater), and go for a walk to pick up your food, as so many people do when they do business on Main St. They do not necessarily park in front of the entrance of their destination. In theory, these 200 customers a day would be using Main St. parking, Davis St. parking, the queuing lane, or walking in, not solely using the queuing lane.

Mr. Phippard replied that he agrees that it is all the above. He continued that he thinks he turned it in with the application, but there is a floor plan of the ground floor. Chair Hoppock replied that the Board's packet has the lot plan, but not the floor plan. Mr. Phippard replied that he thinks this (floor plan) should make it clear to Mr. Welsh that there is a public entrance on Main St.

Chair Hoppock stated that that addresses the question. He closed the public hearing.

Mr. Welsh seconded the motion.

1. The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.

Met with a vote of 5-0.

2. The proposed use will be established, maintained and operated so as not to endanger the public health, safety, or welfare.

Met with a vote of 5-0.

3. The proposed use will be established, maintained, and operated so as to be harmonious with the surrounding area and will not impede the development, use, and enjoyment of adjacent property.

Met with a vote of 5-0.

4. The proposed use will be of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

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

5. The proposed use will not place an excessive burden on public improvements, facilities, services, or utilities.

Met with a vote of 5-0.

6. The proposed use will not result in the destruction, loss, or damage of any feature determined to be of significant natural, scenic, or historic importance.

Met with a vote of 5-0.

7. *The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.*

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

The motion passed with a vote of 3-2. Chair Hoppock and Ms. Taylor were opposed.

B) ZBA 23-19: Petitioner, Aaron Wiswell of West St. AJ's, LLC, Berwick, ME, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for property located at 348 West St., Tax Map #577-025-000- and is in the Commerce District. The Petitioner requests to permit a side pavement setback of 1.5 feet where eight feet is required per Chapter 100, Article 9.4.2, Table 9-2 of the Zoning Regulations.

C) ZBA 23-20: Petitioner, Aaron Wiswell of A & B, LLC, Berwick, ME, and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requests a Variance for properties located at 364 West St. and 12 Pearl St., Tax Map #577-026-000 & 577-027-000 and is in the Commerce District. The Petitioner requests to permit a side pavement setback of two feet where eight feet is required per Chapter 100, Article 9.4.2, Table 9-2 of the Zoning Regulations.

Chair Hoppock stated that the Board will hear ZBA 23-19 and 23-20 together, then vote on each separately. He read them each aloud and asked to hear from staff.

Mr. Hagan stated that 348 West St. is zoned Commerce. He continued that it is on .23 acres and was built in 2022. It is a one-story, 819 square foot drive-through coffee shop. A Variance was granted in April of 2022 to permit a lot size smaller than the minimum requirement of 15,000 square feet. The other property, 364 West St., also zoned Commerce, is on .48 acres, one story currently with a canopy. It is a repair garage and office or retail space. There was no further information at the time in the file for this property.

Ms. Taylor asked about 12 Pearl St., which is involved in the second Variance as well. Mr. Hagan replied that 12 Pearl St. is not a part of it. Chair Hoppock replied that it is a part of ZBA 23-20. Mr. Hagan replied once it is combined, yes, though regarding the application for the two Variances, it currently has not been merged at this time. He asked Mr. Phippard if that was correct; Mr. Phippard replied that it was. Chair Hoppock asked for confirmation that there are no outstanding Variances for 12 Pearl St. Mr. Hagan replied that that is correct.

Chair Hoppock asked to hear from the applicant.

City of Keene, NH

Zoning Board of Adjustment Extension Application



For Office Use Only:

Case No. ZBA-2025-08

Date Filled 7/17/2025

Rec'd By CJM

Page 1 of 11

Rev'd by _____

If you have questions on how to complete this form, please call:
(603) 352-5440 or

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:

147-151 Main Street LLC

MAILING ADDRESS:

PO Box 575 West Swinney NH 03469

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

Mike Pappas

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

SAME

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY:

Sampson Architects PLLC

MAILING ADDRESS:

11 King Court Suite 1E Keene NH 03431

PHONE:

603 769 7736

EMAIL:

Tim @ SampsonArchitects.com

SIGNATURE:

Tim P Sampson

PRINTED NAME:

Timothy Sampson

SECTION 2: PROPERTY INFORMATION

Property Address: 147 Main St

Tax Map Parcel Number: 584 060 000

Zoning District: Downtown Core

Date of Damage or Destruction: NA

List of Known Nonconformities: NA

SECTION 3: WRITTEN NARRATIVE

Article 18.2.7: Describe the property, the damage or destruction of the property, and the justification for the extension request.

See Attached



200 feet Abutters List Report

Keene, NH
July 16, 2025

Subject Property:

Parcel Number: 584-060-000
CAMA Number: 584-060-000-000-000
Property Address: 147 MAIN ST.

Mailing Address: 147-151 MAIN STREET LLC
PO BOX 575
WEST SWANZEY, NH 03469

Abutters:

Parcel Number: 584-001-000
CAMA Number: 584-001-000-000-000
Property Address: 122-124 MAIN ST.

Mailing Address: ELLIS ROBERTSON CORP
PO BOX 188
CHESTERFIELD, NH 03443

Parcel Number: 584-002-000
CAMA Number: 584-002-000-000-000
Property Address: 162 MAIN ST.

Mailing Address: OBSIDIAN ML 7 LLC
C/O EG AMERICA 165 FLANDERS RD
WESTBOROUGH, MA 01581

Parcel Number: 584-006-000
CAMA Number: 584-006-000-000-000
Property Address: 161-185 MAIN ST.

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

Parcel Number: 584-056-000
CAMA Number: 584-056-000-000-000
Property Address: 37 DAVIS ST.

Mailing Address: 37 DAVIS STREET LLC
268 ROWLAND RD.
FAIRFIELD, CT 06824

Parcel Number: 584-057-000
CAMA Number: 584-057-000-000-000
Property Address: 29 DAVIS ST.

Mailing Address: CHESHIRE PROPERTIES LLC
61 HILLTOP DR.
KEENE, NH 03431

Parcel Number: 584-058-000
CAMA Number: 584-058-000-000-000
Property Address: 21 DAVIS ST.

Mailing Address: 21 DAVIS STREET LLC
C/O GEORGE LEVINE 11 RIVER ST #300
WELLESLEY, MA 02481-2021

Parcel Number: 584-061-000
CAMA Number: 584-061-000-000-000
Property Address: 143 MAIN ST.

Mailing Address: 143 MAIN LLC
PO BOX 575
WEST SWANZEY, NH 03469

Parcel Number: 584-062-000
CAMA Number: 584-062-000-000-000
Property Address: 133 MAIN ST.

Mailing Address: ATHENS PIZZA HOUSE INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 584-063-000
CAMA Number: 584-063-000-000-000
Property Address: 125 MAIN ST.

Mailing Address: ADELPHIA INC
133 MAIN ST.
KEENE, NH 03431

Parcel Number: 584-064-000
CAMA Number: 584-064-000-000-000
Property Address: 12 EMERALD ST.

Mailing Address: ANOPOLIS-G LLC
133 MAIN ST.
KEENE, NH 03431



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7/16/2025

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200 feet Abutters List Report

Keene, NH
July 16, 2025

Parcel Number: 584-065-000
CAMA Number: 584-065-000-000-000
Property Address: 32 EMERALD ST.

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

Parcel Number: 584-066-000
CAMA Number: 584-066-000-000-000
Property Address: 38 EMERALD ST.

Mailing Address: GREENWALD3 LLC GREENWALD4 LLC
PO BOX 361
KEENE, NH 03431-0361



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7/16/2025

Page 2 of 2

Extension Request – 147 Main Street

An extension is being requested for the special exception granted on August 7, 2023 to allow a drive thru located at 147 Main Street. The original application and the notice of decision are both attached as part of the extension application. The property owner recognizes the approval and all conditions of the approval.

An extension is requested because its taken more time than expected to explore designs and forecast the financial implication that various schemes present. There have been several potential tenants for the first floor retail space that have required design changes significantly impacting both the design schedule and costs. The intent is to provide a viable project that is successful for all involved, the city as well as the property owner. Granting an extension would allow the property owner to further explore options and include the previously approved drive thru that provides added value to potential grade level retail tenants.



NOTICE OF DECISION

ZONING BOARD OF ADJUSTMENT

CASE NUMBER: ZBA 23-16
Property Address: 147 Main St.
Zone: Downtown Core District
Owner: 147-151 Main Street, LLC
Petitioner: Jim Phippard, Brickstone Land Use Consultants, LLC
Date of Decision: August 7, 2023

Notification of Decision:

Petitioner, 147-151 Main Street, LLC and represented by Jim Phippard, of Brickstone Land Use Consultants, LLC, requested a Special Exception for property located at 147 Main St., Tax Map #584-060-000-and is in the Downtown Core District. The Petitioner requested to permit a drive-through use in the Downtown Core District at this property, per Chapter 100, Article 8.4.2.C.2 of the Zoning Regulations.

The motion to approve ZBA 23-16 was approved by a vote of 3-2, with one condition according to the Special Exception Findings of Fact listed below and as further specified in the minutes of the meeting.

Criteria 1: The proposed plan, with a mixed use, will provide more housing, as well as more businesses; this plan supports both the strive for a more walkable downtown as well as vehicular traffic.

Criteria 2: The proposed plan does not provide clear evidence the business model works and leads to concerns with walk-ins not having trash receptacles in the front of the building.

Criteria 3: The proposed plan leads to concerns again on that the business model works in relation to the traffic impact on Davis St.

Criteria 4: The proposed plan, is not more intense compared to the previous uses with the corner of Davis St. and Main St. having supported intense vehicular use.

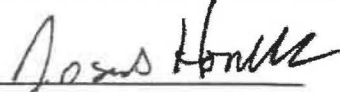
Criteria 5: The proposed plan does not have any excessive burden on public improvements, facilities services, or utilities.

Criteria 6: Not applicable as the lot is empty with the loss from the building fire.

Criteria 7: The proposed plan does hold concerns with the possible traffic increase through the neighborhoods.

Condition: No exterior order board being present.

NOTE: Contact the Community Development Department and the Fire Prevention Officer for any applicable permits that may be needed.



Joseph Hoppock, Chair

Any person directly affected has a right to appeal this Decision. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The Motion for Rehearing must be filed not later than 30 days after the first date following the referenced Date of Decision. The Motion must fully set forth every ground upon which it is claimed that the decision is unlawful or unreasonable. See New Hampshire RSA Chapter 677, et seq.

cc: Planning Technician
City Attorney
City Appraiser
File Copy

City of Keene, NH

Zoning Board of Adjustment Special Exception Application



For Office Use Only:

Case No. _____
Date Filled _____
Rec'd By _____
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

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: 147-151 Main Street LLC

MAILING ADDRESS: PO Box 575 West Swanzey NH 03469

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

MIKE PAPPAS

(APPLICANT (if different than Owner/Applicant))

NAME/COMPANY: Same as above

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

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

NAME/COMPANY: James Phippard / Brickstone Land Use Consultants LLC

MAILING ADDRESS: 185 Winchester St Keene NH 03431

PHONE: 6

EMAIL: jhippard@ne.rr.com

SIGNATURE:

PRINTED NAME:

James P Phippard

SECTION 2: GENERAL PROPERTY INFORMATIONProperty Address: **147 Main Street**Tax Map Parcel Number: **584-060-000**Zoning District: **Downtown - Core**Lot Dimensions: Front: **63'** Rear: **63'** Side: **176'** Side: **176'**Lot Area: Acres: **.25** Square Feet: **11,088'**% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **0** Proposed: **40.7%**% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **0** Proposed: **82.8%**Present Use: **Vacant**Proposed Use: **Mixed Use: Commercial / Residential****SECTION 3: WRITTEN NARRATIVE****Article 25.6.4.A.:** Describe the property location, owner of the subject property, and explain the purpose and effect of, and justification for, the proposed special exception.**See Attached**

PROPERTY ADDRESS 147 MAIN STREET

APPLICATION FOR A SPECIAL EXCEPTION

- A Special Exception is requested under Section (s) 8.4.2 C.2 of the Land Development Code of the Keene Zoning Ordinance to permit: A Drive-Through use in the Downtown-Core district at 147 Main Street.

Background: 147-151 Main Street LLC is the owner of the property at 147 Main Street in the Downtown-Core district. This is the property where a mixed use building burned and had to be completely removed. The owner wishes to construct a new, three story mixed use building on the site. The existing site is 63' x 130' = 8190 sf (0.19 ac). The owner is proposing to do a boundary line adjustment with the vacant property to the rear of this site which will add to this site, making the expanded lot 63' x 176' = 11,088 sf (0.25 ac.). The proposed mixed uses will include commercial spaces on the ground floor with residential apartments on the second and third floors.

The commercial spaces will include a restaurant use with a drive-through lane and a pickup window on the west side of the building. A Special Exception is required for the drive-through use. The proposed restaurant will be takeout only. There will be no seats inside or out.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. **The nature of the proposed application is consistent with the spirit and intent of the Zoning Regulations, this LDC and the City's Comprehensive Master Plan, and complies with all applicable standards in this LDC for the particular use.**

The LDC allows a drive-through use in the Downtown-Core district by Special Exception. The DT-C district encourages high intensity mixed uses including commercial, residential, civic and cultural uses. The proposed mixed use building will add to the vibrancy of downtown and is encouraged by the Keene Master Plan. The drive-through use with a pickup window offers the convenience today's customers want and will add to the viability of this business in a downtown location.

2. **The proposed use will be established, maintained and operated so as not to endanger the public health, safety or welfare.**

Since the pandemic, a restaurant with a drive-through lane and pickup window has become the latest trend in food service. Customers order food online or by phone, pay the bill remotely, and when the order is ready, they can then drive through to the pickup window to pick up their food. There will be no order board on the site. no lengthy delays and no long queues waiting to place their orders, waiting for the food to be prepared and paying the bill at the window. This system avoids the safety issues created by long queues. The driveway to the site will be located on Davis Street and

will provide 145 feet for queueing in the drive-through lane. This is more than adequate for this type of drive-through with a pickup window. As proposed, this use will not endanger the public health, safety or welfare.

3. **The proposed use will be established, maintained and operated so as to be harmonious with the surrounding area and will not impede the development, use and enjoyment of the adjacent property.**

The proposed use will be operated in a new, three story brick building designed to be compatible with the downtown architecture. There will be no outside seating and there will be no noises, fumes or vibrations which would disturb the abutting properties. There is on-site parking for up to five cars and there is public parking on Mian Street and on Davis Street. Business hours are typically 10:30 AM to 9:00 PM seven days a week. This proposal will have no significant effect on the abutting land uses.

4. **The proposed use will be of a character that does not produce noise, odors, glare and/or vibration that adversely affects the surrounding area.**

The proposed drive-thru use will not utilize an order board. It will provide access to a pickup window only. There will be no customer seating inside or outside the restaurant. It will not generate excess traffic, excess noise, or cause a disturbance to neighbors. The proposed use will have no adverse effects on the surrounding area.

5. **The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.**

The proposed use will not generate excess traffic and will not use excessive amounts of city water and will not generate significant wastewater. There is adequate on-site parking existing at the site. Customer sales are expected to average approximately 200 sales per day with approximately 60 sales during the peak hour from 5:30 – 6:30 PM. 60 vehicle trips will not diminish the safety or capacity of Davis Street at Main Street.

6. **The proposed use will not result in the destruction, loss or damage of any feature determined to be of significant natural, scenic or historic importance.**

There are no existing natural, scenic or historic features at the site. This is a vacant site where the previous building on the site burned and was removed.

7. **The proposed use will not create a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity of the use.**

The proposed restaurant will have up to 20 employees with a maximum of 4 employees per shift. Customer sales are expected to average approximately 200 sales per day with approximately 60 sales during the peak hour from 5:30 – 6:30 PM. The intersection at Main Street is right-in right-out only. 60 vehicle trips during peak hour will not diminish the safety or capacity of Davis Street at Main Street.

160 EMERALD ST ZBA-2025-09



Petitioner requests an Expansion of a Non-Conforming Use to increase square footage of the current casino use in the Silk Mill building.

From: [Jared Goodell](#)
To: [Mari Brunner](#)
Cc: [George Hanse!](#)
Subject: Withdrawal of Zoning Application
Date: Friday, July 25, 2025 4:49:26 PM

Mari -

This communication is to formally withdraw the “Application for Expansion of a Non-Conforming Use” for the casino located at 160 Emerald St in Keene.

Thanks,

Jared Goodell