



## **City of Keene Zoning Board of Adjustment**

### **AGENDA**

**Monday, September 2, 2025**  
**Chambers**

**6:30 p.m.**

**City Hall, 2<sup>nd</sup> Floor Council**

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

**CONTINUED 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.

**CONTINUED 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.

**ZBA-2025-12:** Petitioners, Key Road Development, LLC and Anagnost Companies, of 1662 Elm St., Manchester, NH, represented by Chad Branon, of Fieldstone Land Consultants of 206 Elm St., Milford, NH, request a Variance for property located at 109-147 Key Rd., Tax Map #110-022-000 and is in the Commerce District. The Petitioners are requesting a charitable gaming facility within the 250 feet that is required per Article 8.3.2.1.2.c.iii of the Zoning Regulations.

**ZBA-2025-10:** Petitioner, 295 Park Ave, owned by Alan Becker, requests an Enlargement or Expansion of a Non-Conforming Use for property located at 314

Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting an expansion of an existing apartment from two bedrooms to three, adding 175 sq. ft. to a 900 sq. ft. apartment per Article 27.7.1 of the Zoning Regulations.

**ZBA-2025-11:** Petitioner, 295 Park Ave, owned by Alan Becker, requests a Variance for property located at 314 Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting a Variance to convert a garage into a single family home per Article 5.1.5 of the Zoning Regulations.

V. New Business:

VI. Staff Updates:

Master Plan

Annual City Council Report

VII. Communications and Miscellaneous:

VIII. Non-Public Session: (if required)

IX. Adjournment:



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36 Chair Clough asked if there was any discussion. Hearing none, he asked for a motion.

37  
38 Mr. LeRoy made a motion to continue ZBA-2025-07 to the next meeting. Mr. Schrantz  
39 seconded the motion, which passed by unanimous vote.

40  
41 **B) ZBA-2025-08: Petitioner, Michael Pappas, of 147-151 Main Street, LLC,**  
42 **represented by Timothy Sampson, of Sampson Architects, requests an**  
43 **Extension, for property located at 147 Main St., Tax Map # 584-060-000-000**  
44 **and is in the Downtown Core District. The Petitioner is requesting an extension**  
45 **for a Special Exception granted on August 7, 2023, per Article 26.6.9 of the**  
46 **Zoning Regulations.**

47  
48 Chair Clough introduced ZBA and asked to hear from staff.

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50 Mr. Clements stated that the applicant has asked for a continuance so they can have a five-  
51 member board present.

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53 Mr. Schrantz made a motion to continue ZBA-2025-08 to the next meeting, Tuesday, September  
54 2, 2025. Mr. LeRoy seconded the motion, which passed by unanimous vote.

55  
56 **C) WITHDRAWN - ZBA-2025-09: Petitioner, Jared Goodell, of Emerald**  
57 **Development, LLC, requests an Expansion of a Non-Conforming Use, for**  
58 **property located at 160 Emerald St., Tax Map # 583-034-000-000 and is in the**  
59 **Downtown Growth District. The Petitioner is requesting an Expansion of a**  
60 **Non- Conforming Use to increase square footage for the current casino use**  
61 **within the existing Silk Mill building.**

62  
63 Chair Clough stated that ZBA-2025-09 is withdrawn. He asked if he needs to read it into the  
64 record regardless. Mr. Clements replied no, no further action is needed on this application.

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66 **V) New Business**

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68 Chair Clough asked if there was any new business. Mr. Clements replied no.

69  
70 **VI) Staff Updates**

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72 Chair Clough asked if there were any staff updates. Mr. Clements replied no.

73  
74 **VII) Communications and Miscellaneous**

75  
76 Chair Clough asked if anyone had anything else for tonight's meeting. (No).

77  
78 **VIII) Non-Public Session (if required)**

79  
80 **IX) Adjournment**

81  
82 Chair Clough stated that he will see everyone at the September 2, 2025 meeting. He adjourned  
83 the meeting at 6:35 PM.  
84  
85 Respectfully submitted by,  
86 Britta Reida, Minute Taker  
87  
88 Reviewed and edited by,  
89 Corinne Marcou, Board Clerk

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# 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, 2<sup>nd</sup> 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 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

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](https://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..



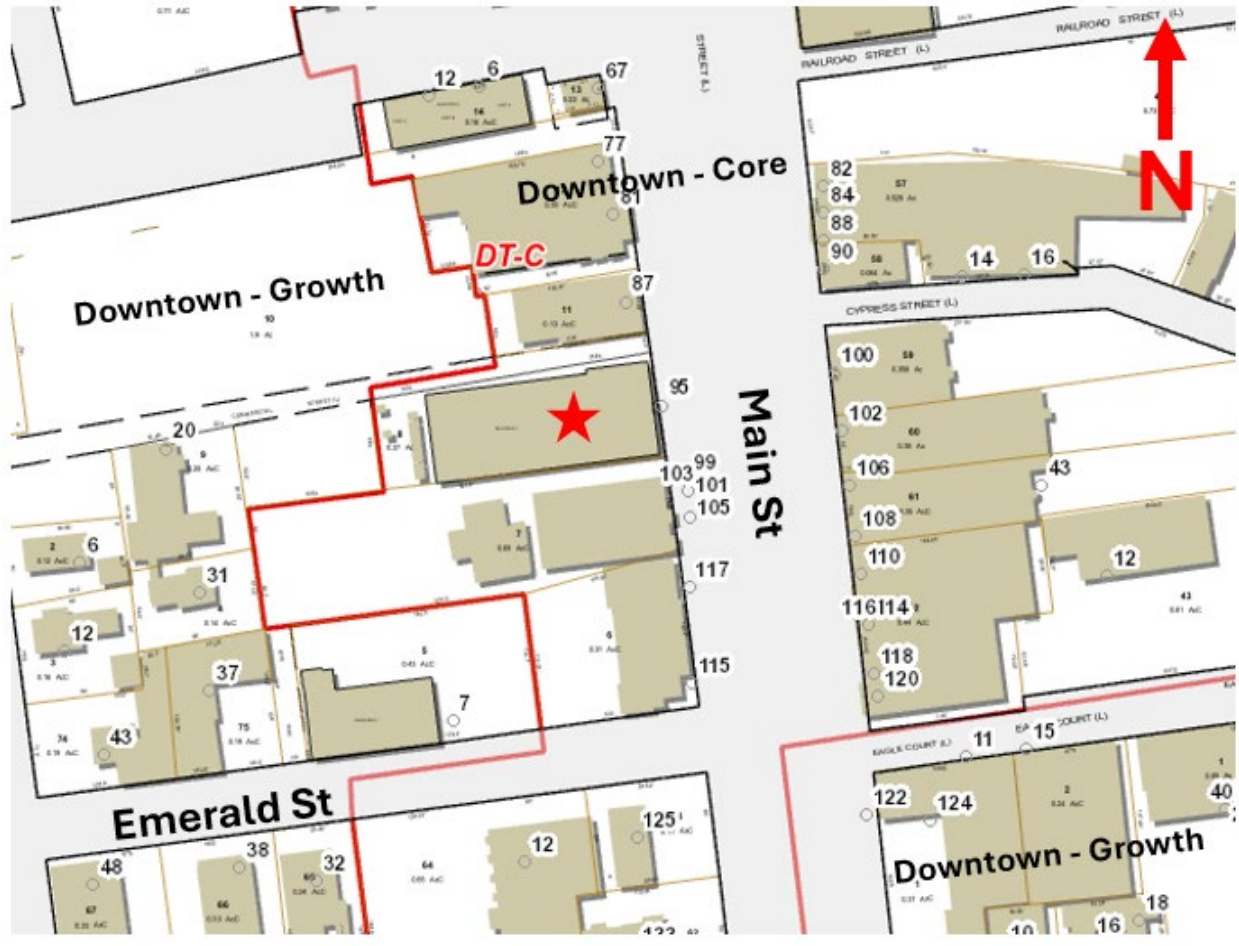


Fig 3: 95 Main St located at the red star with surrounding zoning districts

### 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

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Rev'd by \_\_\_\_\_

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

### SECTION 1: CONTACT INFORMATION

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

#### OWNER / APPLICANT

NAME/COMPANY: 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 his 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 criterial 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

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## 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

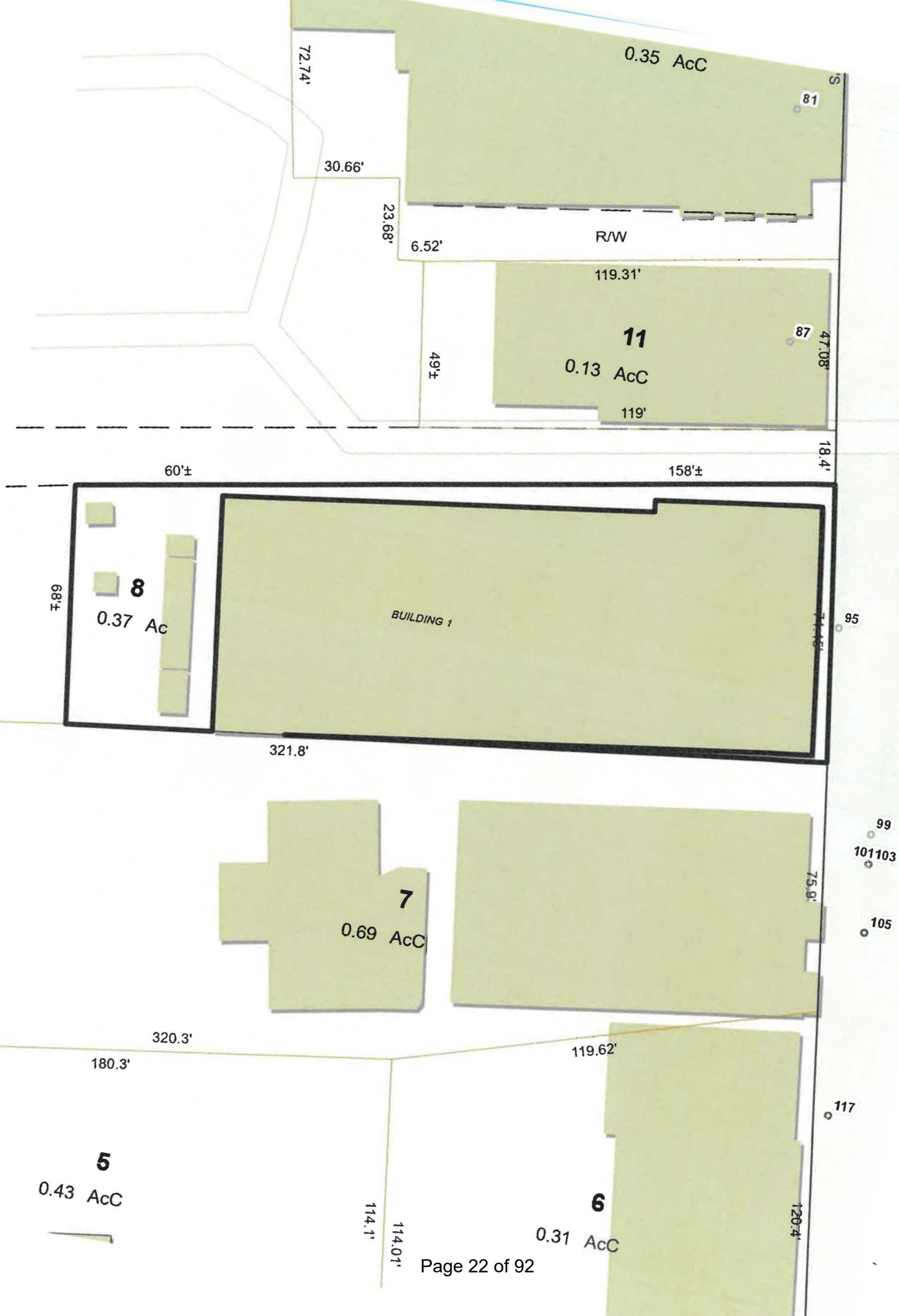


www.cai-tech.com

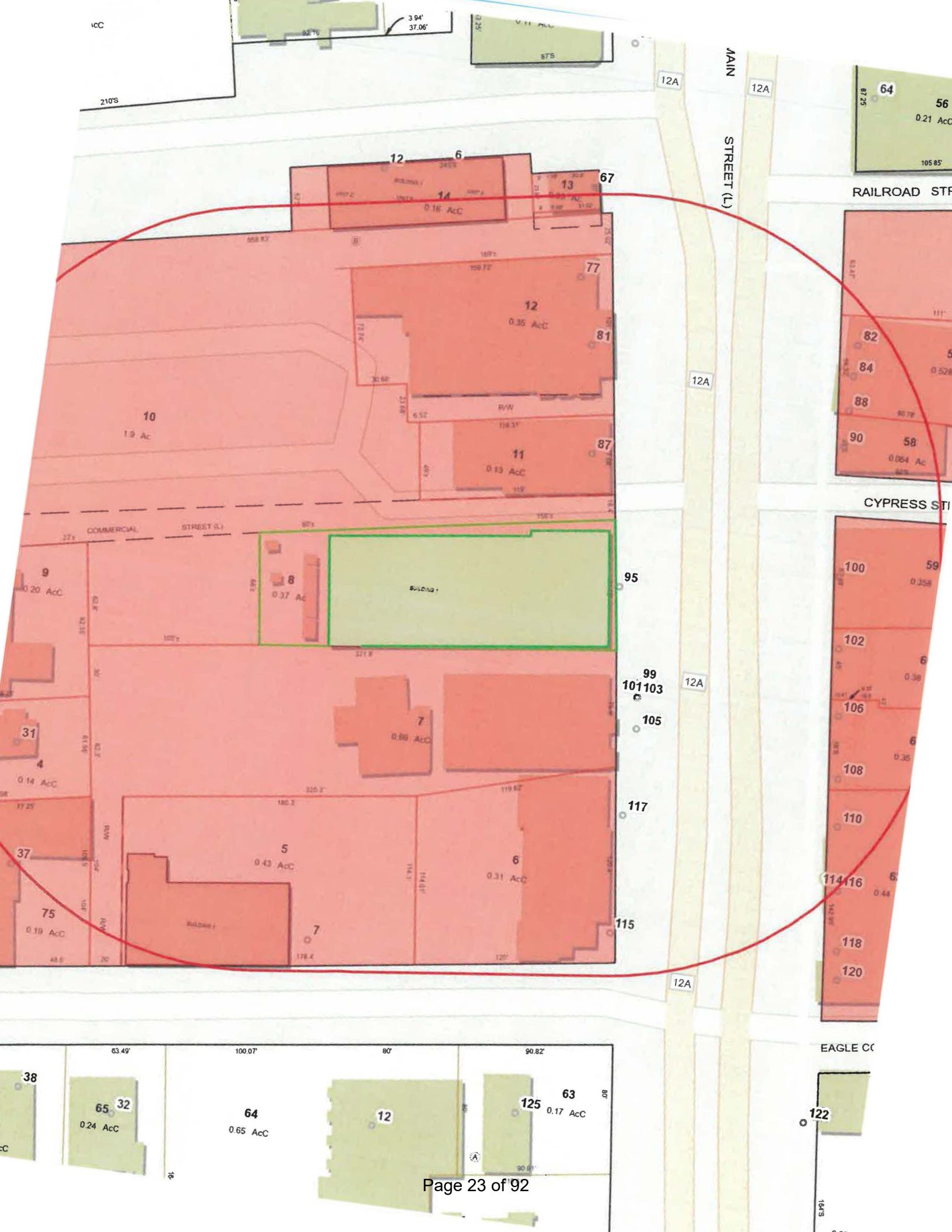
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7/1/2025

Page 3 of 3









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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, 2<sup>nd</sup> 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 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

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](https://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.”

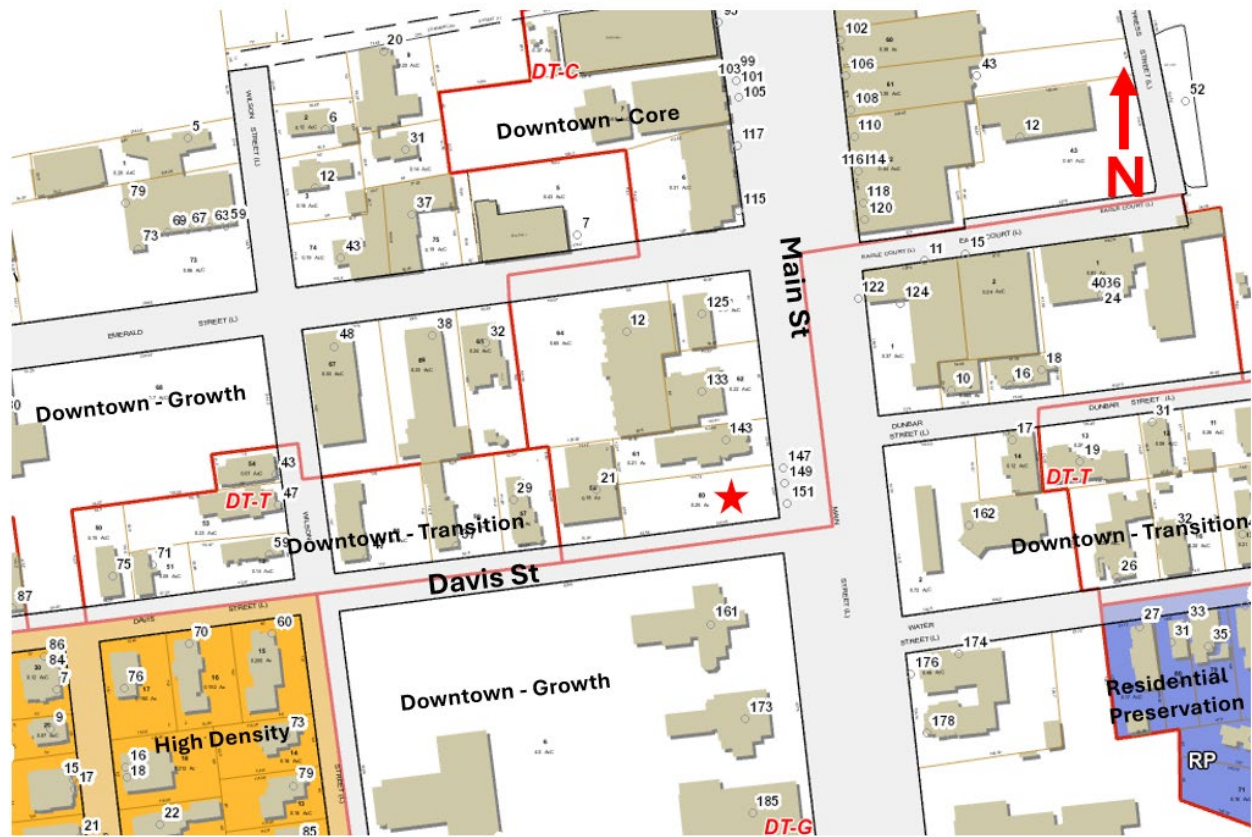


Fig 3: 147 Main St located at the red star with surrounding zoning districts

#### **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"**

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 Ht 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



www.cai-tech.com

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7/16/2025

Page 1 of 2





## 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



[www.cai-tech.com](http://www.cai-tech.com)

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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.

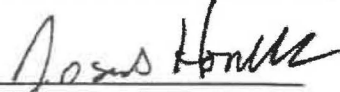
**Criteria 5:** The proposed plan does not have any excessive burden on public improvements, facilities services, or utilities.

**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](mailto:communitydevelopment@keenenh.gov)

### SECTION 1: CONTACT INFORMATION

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

*(OWNER / APPLICANT)*

NAME/COMPANY: 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](mailto:jhippard@ne.rr.com)

SIGNATURE:

PRINTED NAME:

James P Phippard

**SECTION 2: GENERAL PROPERTY INFORMATION**Property 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.

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109-147 KEY RD.  
ZBA-2025-12



Petitioner requests a charitable gaming facility within 250 feet that is required per Article 8.3.2.1.2.c.iii of the Zoning Regulations.





## **NOTICE OF HEARING**

### **ZBA-2025-12**

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

**ZBA-2025-12:** Petitioners, Key Road Development, LLC and Anagnost Companies, of 1662 Elm St., Manchester, NH, represented by Chad Branon, of Fieldstone Land Consultants of 206 Elm St., Milford, NH, request a Variance for property located at 109-147 Key Rd., Tax Map #110-022-000 and is in the Commerce District. The Petitioners are requesting a charitable gaming facility within 250 feet that is required per Article 8.3.2.1.2.c.iii 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 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

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](https://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 August 22, 2025

## ZBA-2025-12 – VARIANCE – KEY RD CHARITABLE GAMING FACILITY, 109-147 KEY RD

### **Request:**

Petitioners, Key Road Development, LLC and Anagnost Companies, of 1662 Elm St., Manchester, NH, represented by Chad Branon, of Fieldstone Land Consultants of 206 Elm St., Milford, NH, request a Variance for property located at 109-147 Key Rd., Tax Map #110-022-000 and is in the Commerce District. The Petitioners are requesting a charitable gaming facility within the 250 feet that is required per Article 8.3.2.1.2.c.iii of the Zoning Regulations.

### **Background:**

The subject parcel is an existing 5.8 ac lot located on the north side of Key Rd ~1,300 ft from Winchester St with Hampton Inn located directly to the south and the Key Road Plaza Shopping Center to the east. The parcel contains an existing shopping plaza with several multi-tenant commercial buildings, parking areas, and associated site improvements. The plaza contains businesses such as the Keene Cinemas, Sherwin-Williams Paints, and Toy City. The NH Department of Health & Human Services Keene District Office is also located in the plaza.



Fig 1: Aerial of 109-147 Key Rd. located at the red star.

The purpose of this application is to seek a Variance from the 250 ft distance requirement from a residential use to accommodate the relocation of the Revo Casino and Social House from its current location at 172 Emerald St. to the Toy City tenant space in the shopping plaza located at the subject parcel. The northeast corner of the building where the tenant space for the charitable gaming facility is located 170 ft from one of the apartment buildings located to the north of the subject property.



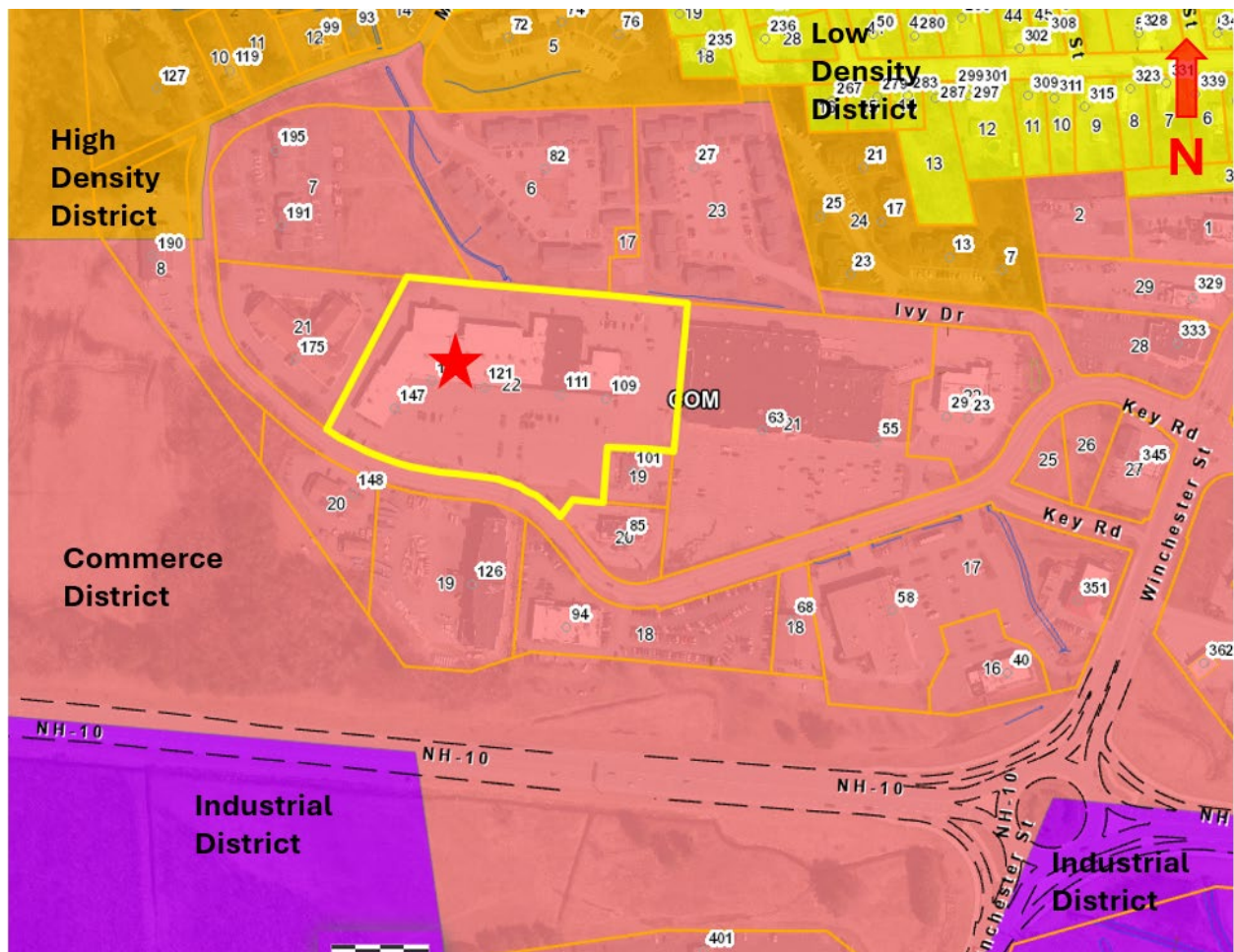


Fig 2: 109-147 Key Rd. located at the red star with surrounding zoning districts.

### Surrounding Uses:

**North:** Multi-family Residential

**South:** Hotel & Hospitality, Car Dealership

**East:** Multi-tenant Commercial

**West:** Hotel & Hospitality

**Application Analysis:** The following is a review of the relevant sections of the Zoning Ordinance:

### **Definition:**

**Charitable Gaming Facility:** A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287- D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as

defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a)

**Use Standards:**

- a. Only one Charitable Gaming Facility shall be permitted per lot.
- b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:
  - i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.
  - ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.
  - iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.
  - iv. Land with frontage on Key Road.
  - v. Land with frontage on Ashbrook Road.
  - vi. Land with frontage on Kit Street.
- c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.
  - i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.
  - ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.
  - iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, Two-Family, or Multifamily dwelling.
  - iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.
- d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.
- e. Parking and traffic.



- i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.
- ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.
- iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.
- iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.
- v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.

The specific use standard that the applicant is requesting relief from is 8.3.2.1.2.c.iii *"No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, Two-Family, or Multifamily dwelling."* The subsection that this distance requirement is located in states that measurement is "...from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility." The closest exterior wall of the proposed Charitable Gaming Facility to the property line of the abutting multi-family residential use is ~68 ft. There appears to be a discrepancy with the intent of the specific standard and the rule of measurement required in the prevailing subsection.

The merits of this request are unaffected from this discrepancy as relief from the distance requirement is still sought, the Board shall consider a conservative evaluation of the regulations as is required in section 1.1.6 Conflicting Provisions of the LDC:

*"If any provisions of this LDC are inconsistent with similar provisions prescribed by any ordinance, regulation, law, or other section of this LDC, the more restrictive provision shall control, to the extent permitted by law."*

In the case of this application, the more restrictive provision is to draw the measurement from the property line to the exterior wall of the Charitable Gaming Facility, not from the exterior wall of the multi-family building to the exterior wall of the Charitable Gaming Facility.

**Suggested Conditions and Draft Motion:**

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

***"Approve ZBA-2025-12, for the Variance to allow a Charitable Gaming Facility to be allowed with 250 ft of a residential dwelling for property located at 109-147 Key Rd., Tax Map # 110-022-000-000 as shown in the application and supporting materials, received on August 15, 2025 with no conditions."***

City of Keene, NH

## Zoning Board of Adjustment Variance Application



**For Office Use Only:**

Case No. ZBA-2025-12

Date Filled 8/15/2015

Rec'd By CJM

Page 1 of 14

Rev'd by \_\_\_\_\_

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

### SECTION 1: CONTACT INFORMATION

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

#### OWNER / APPLICANT

NAME/COMPANY: **Key Road Development, LLC**

MAILING ADDRESS: **1662 Elm Street, Manchester, NH 03101**

PHONE: (603) 669 6194

EMAIL: Dick@anagnost.com

SIGNATURE: Dick Anagnost

PRINTED NAME: Dick Anagnost

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

NAME/COMPANY: **Anagnost Companies**

MAILING ADDRESS: **1662 Elm Street, Manchester, NH 03101**

PHONE: (603) 669 6194

EMAIL: Dick@anagnost.com

SIGNATURE: Dick Anagnost

PRINTED NAME: Dick Anagnost

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

NAME/COMPANY: **Fieldstone Land Consultants, PLLC c/o Chad Branon, PE**

MAILING ADDRESS: **206 Elm Street, Milford, NH 03055**

PHONE: **(603) 672-5456**

EMAIL: **CEBranon@FieldstoneLandConsultants.com**

SIGNATURE: Chad Branon

PRINTED NAME: **Chad Branon, PE**

## SECTION 2: PROPERTY INFORMATION

Property Address: **133 Key Road**

Tax Map Parcel Number: **110-22**

Zoning District **Commerce**

Lot Dimensions: Front: **550'+/-** Rear: **580'+/-** Side: **350'+/-** Side: **350'+/-**

Lot Area: Acres: **5.8+/-** Square Feet: **250,000+/-**

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

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

Present Use: **Retail**

Proposed Use: **Charitable Gaming Facility**

## 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.

**\*Please see attached narrative\***

#### SECTION 4: APPLICATION CRITERIA

*A Variance is requested from Article (s) 8.3.2.1.2.c.iii of the Zoning Regulations to permit:*

A charitable gaming facility 170 feet from an existing residence where 250 feet is required

*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:

\*Please see attached narrative\*



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

**\*Please see attached narrative\***

3. Granting the variance would do substantial justice because:

**\*Please see attached narrative\***

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

\*Please see attached narrative\*

5. Unnecessary Hardship

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

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

\*Please see attached narrative\*

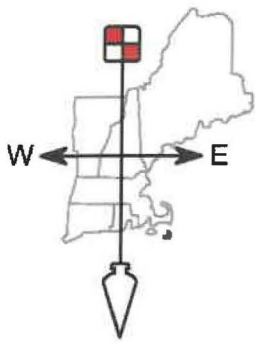
and

ii. The proposed use is a reasonable one because:

**\*Please see attached narrative\***

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

**\*Please see attached narrative\***



# FIELDSTONE

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### VARIANCE CRITERIA

(VARIANCE FROM 8.3.2.1.2.c.iii)

Tax Map Lot 110-22

133 Key Road

August 12, 2025

Prepared For:

Anagnost Companies

A variance is requested From Section 8.3.2.1.2.c.iii of the City of Keene Land Development Code to permit a charitable gaming facility in the existing Toy City building in the Key Road Plaza. Revo Casino and Social House wishes to relocate from their facility located in Downtown Keene at 172 Emerald Street to the Key Road Plaza. The existing Key Road Plaza building is located approximately 170 feet from existing multifamily buildings on abutting lot 109-006, owned by Brookbend West Housing Associates, LP. The site and all abutting lots are located in the Commerce District, where a charitable gaming facility is a permitted use. Tax map lot 110-22 is situated on Key Road, which is one of the few roads in the city that a charitable gaming facility is permitted to be located. This lot is 5.8 acres and is developed with a plaza containing several commercial buildings, the Department of Health & Human Services Keene District Office, and the Keene Cinemas as well as associated parking. The site is abutted by a Holiday Inn Express to the west, Brown Computer Solutions and Hampton Inn & Suites to the south, a commercial shopping plaza to the east and multifamily residential buildings to the north. Section 8.3.2.1 of the Land Development Code enacts certain restrictions on charitable gaming facilities. Subsection 2.c.iii specifies that no charitable gaming facility shall be permitted within 250 feet of any single family, two family, or multifamily dwelling. A variance is therefore required from this regulation for a charitable gaming facility in the Key Road Plaza.

The numbered items below correlate to the questions asked in the application for a variance.

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

The supreme court has held that a variance is contrary to the public interest when it threatens public health, safety or welfare. We believe granting this variance will not threaten these, nor will it otherwise injure public rights. We believe that allowing a charitable gaming facility 170 feet from a residential building will not result in any negative impacts to the public. The public interest is upheld with this application because the portion of the building that will be used for gaming is more than 250 feet from the existing residence, it is only the rear portion of the existing building that is



Anagnost Companies

Variance Criteria - (Variance From Section 8.3.2.1.2.c.iii)

Tax Map Parcel 110-22 – 133 Key Road

Page 2 of 4

within a 250-foot radius of residential dwellings. The interior of the rear portion of the building is proposed to be used for a restaurant, kitchen, offices, and other non-gambling uses.

2. If the variance were granted, the spirit of the ordinance would be observed because:  
The spirit of the ordinance is tied to criteria one as it is in the public's interest to uphold the spirit of the ordinance. The ordinance allows for charitable gaming facilities in the commerce zone, and more specifically identifies Key Road as one of the few acceptable places in the city. Relocating Revo Casino & Social House from downtown Keene to an approved location on Key Road will be in the spirit of the ordinance. Granting this variance will allow Revo Casino to be relocated to a district in which charitable gaming is an allowed use, and increase the distance between the gaming facility and residential dwellings. The purpose of the separation from residential uses is to provide an adequate buffer between uses. The existing residential site on lot 109-006 will not experience any appreciable change from the current status-quo. All of the parking and public access for the proposed facility is located in front of the building, buffered from the residential buildings. The properties are further separated by natural features. There is a drainage swale and chain link fence which will not allow vehicular or pedestrian traffic to pass from one lot to the other. The main entrance and parking for the Key Road Plaza is over 250 feet away from the residences; the front door entrances for the residences are also facing away from the plaza. Since this proposal will relocate an existing non-conforming casino to a section of the city where this use was considered and permitted without negative impacts to the city or abutting properties, we believe it follows the spirit of the ordinance.
3. Granting the variance would do substantial justice because:  
Granting this variance would allow for the relocation of an existing casino to a more appropriate section of the city. Substantial justice would be done because both the city and applicant would benefit from the relocation with no negative effects to the surrounding community. A denial of this variance request would result in no apparent gain to the general public. The residents of lot 109-006 are the most affected parties to the 250 foot encroachment and they will still be adequately buffered from the proposed use. The change of having a charitable gaming facility in the Key Road Plaza will be imperceivable to the abutters. We believe the 170 foot separation of buildings, along with the natural buffers mentioned above will provide more than adequate separation of uses. We believe the current proposal is a reasonable use and the benefits the applicant and city gain by granting this variance far outweigh any negative impacts that may be experienced by the abutters.

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

The proposed charitable gaming facility will not detract from the existing residential use of the abutting property, and the requested separation relief between buildings will not expose the abutting properties to any noxious or deleterious use. The proposed change from a toy store to a gaming facility will stimulate the businesses in the surrounding area. As a result, we would expect this project to have positive impacts on surrounding property values and businesses.

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 purpose of the ordinance provision and the specific application of that provision to the property because:

The general public purpose of section 8.3.2.1.2.c.iii is to shield residential buildings from pernicious effects of activities that could be associated with a charitable gaming facility. There are several special conditions that distinguish this property from others and prohibit strict conformance to the ordinance. The most conspicuous special condition is that both the Key Road Plaza and the abutting multifamily residential buildings are already constructed. This application does not propose to build a new facility for charitable gaming but rather occupy an existing plaza. The two properties are buffered by a drainage swale, chain link fence, and vegetation. There is no parking in the rear of the plaza building and thus no real impact of the 250-foot separation requirement. The only actual impact into the required 250-foot buffer is the corner of the existing plaza building. No fair and substantial relationship exists between this ordinance provision and how it applies to this property; there will be no realized change to the abutting residential dwellings. Granting the variance will, as previously stated, improve the location of the existing Revo Casino. Key Road is a permitted site for charitable gaming facilities and will easily be able to accommodate the associated parking and traffic requirements generated by this change of use. Moving the existing business from Emerald Street to the Key Road Plaza will ameliorate an existing non-conforming use and be a benefit to both the city and the applicant. An adequate separation of 170 feet will be maintained between the existing buildings, providing suitable buffering between the proposed gaming facility and abutting residential dwellings. Allowing relief from the buffer requirement does not unduly frustrate the zoning ordinance. We believe the general public purpose of the ordinance provision is to separate residential zones from the charitable gaming use allowed in certain sections of the commerce zone, however that is not applicable in this specific case as all gaming related uses will be located

Anagnost Companies

Variance Criteria - (Variance From Section 8.3.2.1.2.c.iii)

Tax Map Parcel 110-22 – 133 Key Road

Page 4 of 4

more than the required 250 feet away from any residences and internally in the existing plaza building. Based on the above, we do not believe that a fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property.

ii. The proposed use is a reasonable one because:

We believe that the proposed buffer relief is reasonable because adequate separation will still exist between abutting uses. The proposed charitable gaming facility is a reasonable and permitted use in the commerce zone on Key Road. Due to the unique features noted above we believe a variance from this section of the zoning ordinance is both reasonable and warranted.

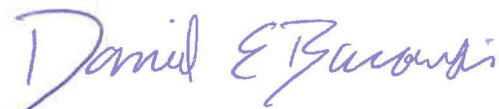
-OR-

B. Explain how, if the criterial 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 it.

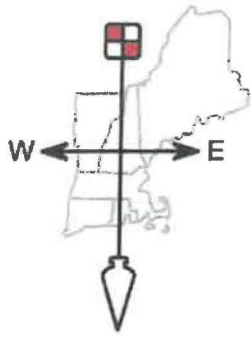
There are several factors that make this property in the commerce zone unique and well suited for the proposed charitable gaming facility: it abuts mostly other commercial buildings and uses, it will occupy an existing plaza on one of the few streets in the city where this use is allowed, it will relocate a more non-conforming casino from Emerald Street to a much better venue, and Key Road Plaza is already developed with a substantial parking lot and located on a main traffic corridor where growth and development are anticipated. The plaza building on lot 110-22 is located 170 feet from a residential building on an abutting lot so a variance is therefore necessary to allow for this reasonable use of the property.

This information was prepared by:

**Fieldstone Land Consultants, PLLC**



Daniel Barowski



# FIELDSTONE

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[www.FieldstoneLandConsultants.com](http://www.FieldstoneLandConsultants.com)

August 13, 2025

City of Keene  
Zoning Board  
3 Washinton Street  
Keene, NH 03431

RE: **Variance Application**  
133 Key Road  
Keene, NH. 03431  
Key Road Development, LLC (Owner)

To Whom It May Concern:

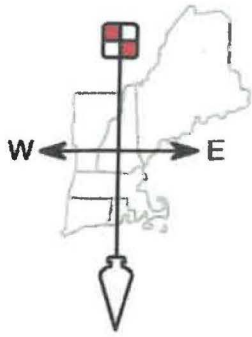
The undersigned being the owner of the above referenced lot hereby authorize Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary approvals from local, state and federal entities for Tax Map 110 Lot 22.

Very truly yours,

Map 110 Lot 22

Signature:  Print: Dick Anagnost Date: 8/14/25





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[www.FieldstoneLandConsultants.com](http://www.FieldstoneLandConsultants.com)

August 13, 2025

City of Keene  
Zoning Board  
3 Washinton Street  
Keene, NH 03431

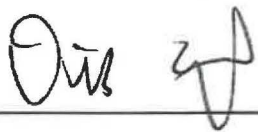
RE: **Variance Application**  
133 Key Road  
Keene, NH. 03431  
Anagnost Companies (applicant)

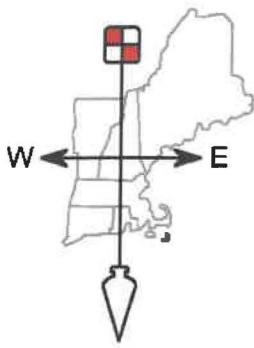
To Whom It May Concern:

The undersigned being the applicant for a variance on the above referenced lot hereby authorize Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking all necessary approvals from local, state and federal entities for Tax Map 110 Lot 22.

Very truly yours,

Anagnost Companies (applicant)

Signature:  Print: Dick Anagnost Date: 8/14/25



# FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

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www.FieldstoneLandConsultants.com

Date August 13, 2025

FLC#4233.00 / JPA

List of Abutters  
Tax Map 110 Lot 22  
Keene, New Hampshire

Map 110 Lot 22  
Map 111 Lot 19  
Key Road Development LLC  
1662 Elm Street  
Manchester, NH. 03101

Map 111 Lot 21  
Key Road Improvements LLC  
C/O DLC Management Corporation  
565 Taxter Road #400  
Elmsford, NY 10523

Map 111 Lot 20  
85 Key Road LLC  
15 Fox Meadow Lane  
Merrimack, NH. 03054

Map 110 Lot 18  
Grayson Spencer Real Estate LLC  
286 Old Keene Road  
Walpole, NH. 03608

Map 110 Lot 19  
Jazzlyn Hospitality II LLC  
110 Hartwell Avenue #300  
Lexington, Ma. 02421

Map 110 Lot 20  
Aurora Holdings Keene LLC  
148 Key Road  
Keene, NH. 03431

Map 110 Lot 21  
Swami Shree LLC  
DBA Keene Elm City Hotel  
175 Key Road  
Keene, NH. 03431

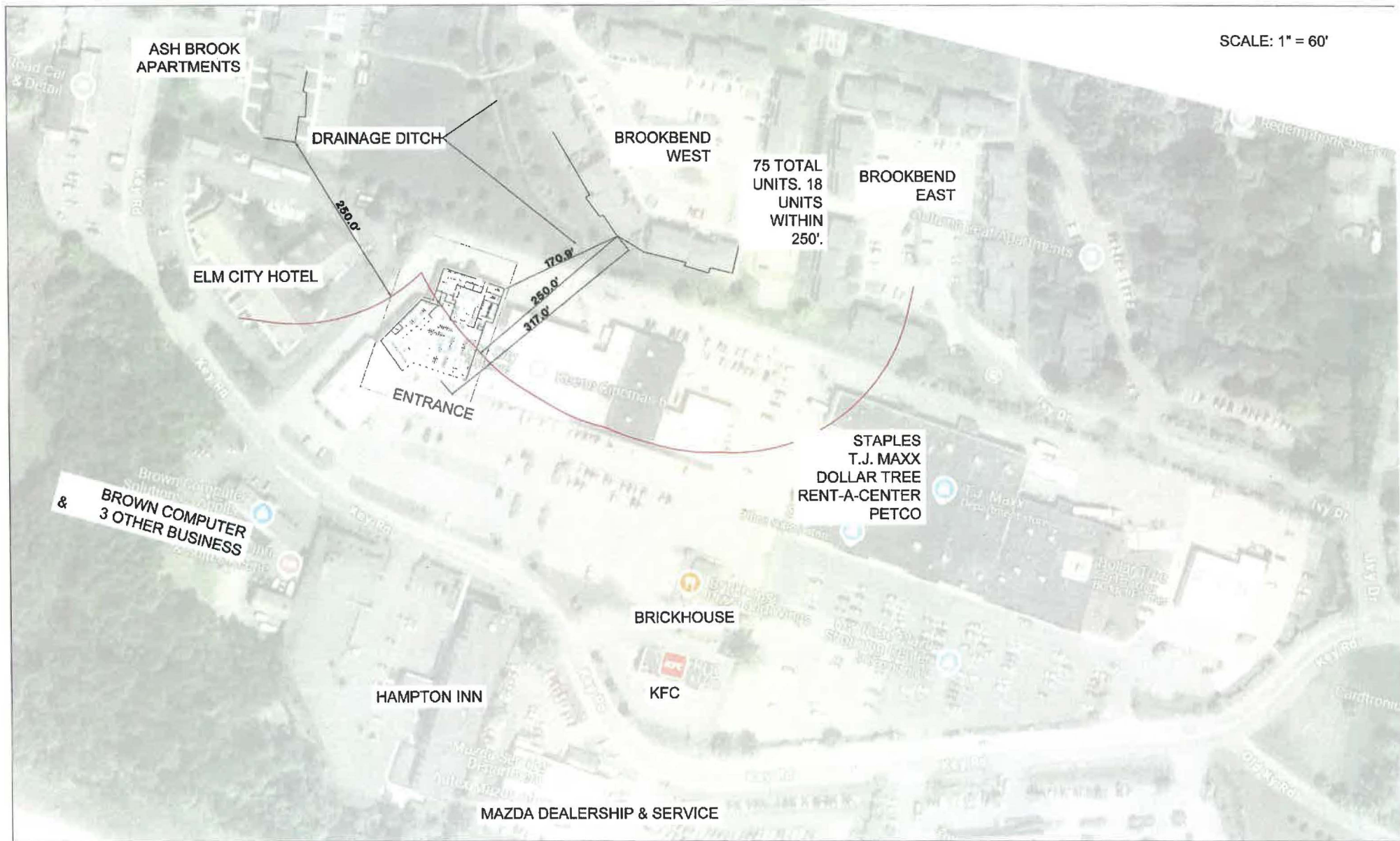
Map 109 Lot 7  
Monadnock Affordable  
Housing Corporation  
831 Court Street  
Keene, NH. 03431

Map 109 Lot 6  
Map 111 Lot 23  
Bookbend West & Bookbend West  
C/O Keene Housing  
831 Court Street  
Keene, NH. 03431

Map 593 Lot 17  
Bookbend East  
Bookbend West  
Housing Associates LP  
82 Meadow Road  
Keene, NH.03431

Map 110 Lot 22  
Anagnost Companies  
1662 Elm Street  
Manchester, NH. 03101

Engineer:  
Fieldstone Land Consultants, PLLC  
206 Elm Street  
Milford, NH 03055





# Anagnost Companies

Key Road Plaza

1 inch = 200 Feet



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





# Anagnost Companies

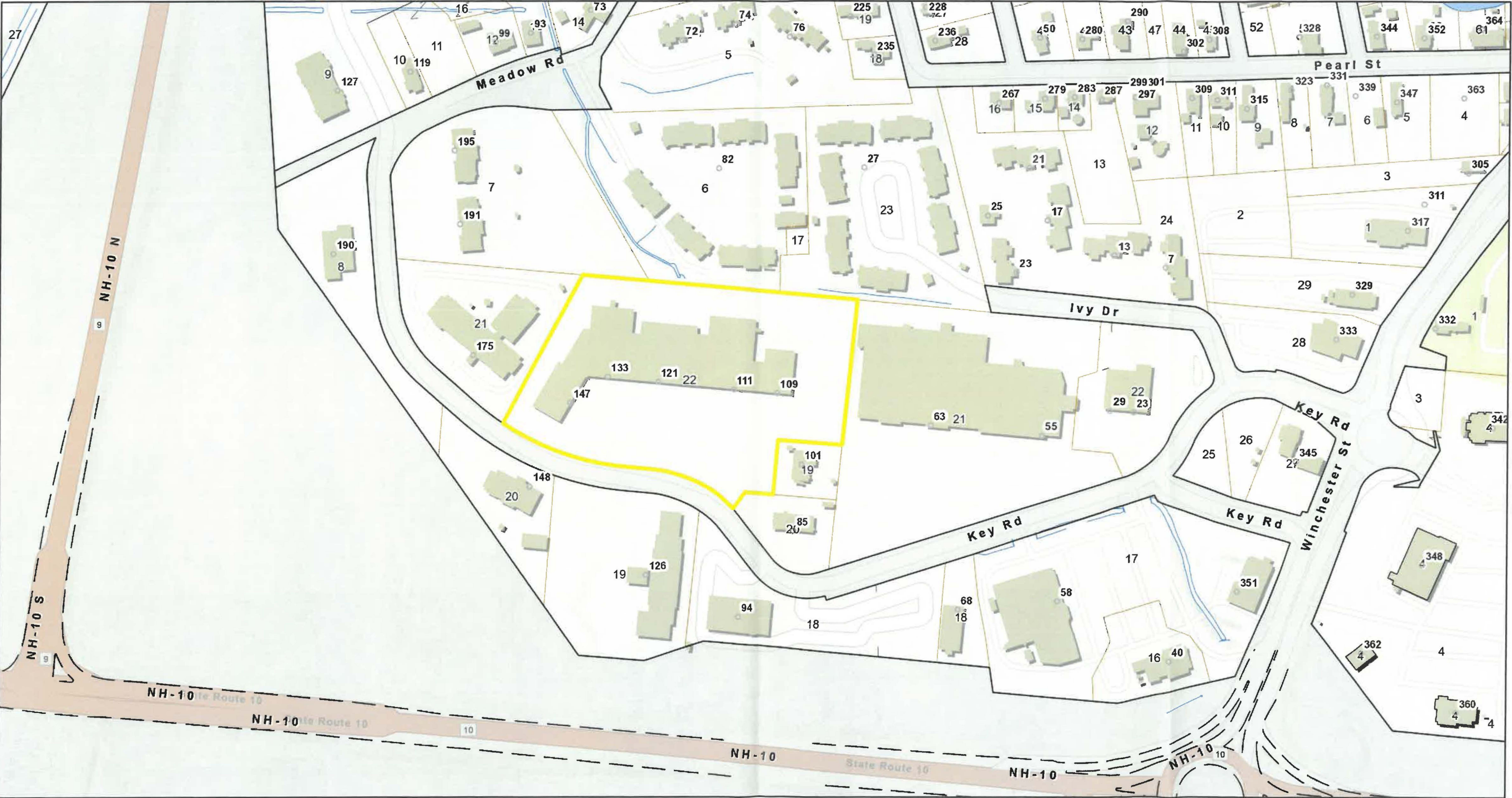
Key Road Plaza



August 15, 2025

1 inch = 200 Feet

www.cai-tech.com



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# 314 PARK AVE ZBA-2025-10



Petitioner requests an existing apartment from two bedrooms to three, adding 175 sq. ft to a 900 sq. ft. apartment per Article 27.7.1 of the Zoning Regulations.



## **NOTICE OF HEARING**

### **ZBA-2025-10**

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

**ZBA-2025-10:** Petitioner, 295 Park Ave, owned by Alan Becker, requests an Enlargement or Expansion of a Non-Conforming Use for property located at 314 Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting an expansion of an existing apartment from two bedrooms to three, adding 175 sq. ft. to a 900 sq. ft. apartment per Article 27.7.1 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 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

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](https://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 August 22, 2025



## ZBA-2025-10 – EXPANSION OF NON-CONFORMING USE– RESIDENTIAL EXPANSION, 314 PARK AVE

### **Request:**

Petitioner, 295 Park Ave, owned by Alan Becker, requests an Enlargement or Expansion of a Non-Conforming Use for property located at 314 Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting an expansion of an existing apartment from two bedrooms to three, adding 175 sq. ft. to a 900 sq. ft. apartment per Article 27.7.1 of the Zoning Regulations.

### **Background:**

The subject parcel is an existing 0.259 ac lot located on the western side of Park Ave, on the corner with Arlington Ave, approximately 2,000 ft from the entrance to Wheelock Park to the south. The parcel contains an existing ~3,600 mixed-use building with three residential units and an office. Two of the residential units are located above the ground floor and the third unit is located on the ground floor behind the office use.



Fig 1: Aerial of 314 Park Ave. located at the red star.

The property also contains a garage with loft, four parking spaces behind the principal building, five parking spaces along the Park Ave frontage, and associated site improvements.

The purpose of this application is to seek approval for the expansion of the existing 900 SF ground floor dwelling unit into the ~200 SF office space. This would increase the bedroom count of the dwelling unit from 2 bedrooms to 3 bedrooms. The office use would be eliminated from the property. The dwelling unit is considered non-conforming as only multi-family is allowed in the Commerce zoning district with the use standard that dwellings be located above the ground floor.

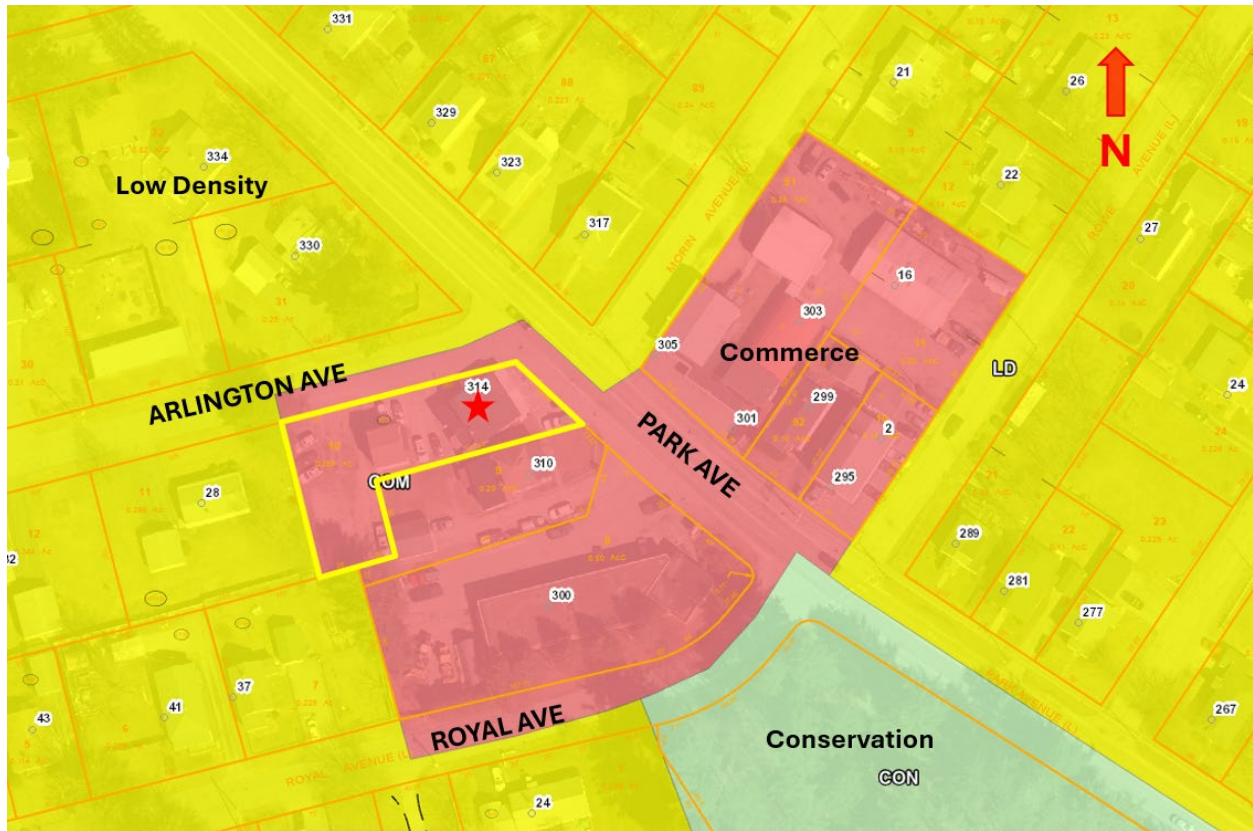


Fig 2: 314 Park Ave. located at the red star with surrounding zoning districts.

### **Surrounding Uses:**

**North:** Single-family Residential

**South:** Duplex, Vehicle Repair Facility

**East:** Mixed-use Commercial

**West:** Single-family Residential

**Application Analysis:** The following is a review of the relevant sections of the Zoning Ordinance:

**Dwelling, Multi-family:** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

### **Use Standards:**

- a. In the Medium Density District, no more than 3 dwelling units are allowed per lot.
- b. In the Downtown Core District, Downtown Growth District, and Commerce District, dwelling units shall be located above the ground floor.
- c. In the Commerce District, up to 6 stories or 82 ft of height is permitted so long as the ground floor along the street primary frontage shall be tenantable commercial space. Dwelling units shall be permitted on the ground floor behind the tenantable commercial

space if this use standard is utilized. An additional 15-foot front building setback or a building height stepback of at least 15 feet shall be required. The stepback must occur above the ground floor and no higher than the fourth story. If directly abutting a single family or two-family use, a 50ft side and/or rear building setback from the common property line shall be required.

**26.7.6 Approval Standards:** The Zoning Board of Adjustment may approve an application for an expansion or enlargement of a nonconforming use, only when the Board finds that all of the following conditions apply.

1. Such expansion or enlargement would not reduce the value of any property within the zoning district, nor otherwise be injurious, obnoxious or offensive to the neighborhood.
2. There will be no nuisance or serious hazard to vehicles or pedestrians.
3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

**Suggested Conditions and Draft Motion:**

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

***"Approve ZBA-2025-10, for the Expansion of a Non-Conforming Use to allow a ground floor dwelling to expand into an existing office space for property located at 314 Park Ave., Tax Map # 539-010-000-000 as shown in the application and supporting materials, received on August 13, 2025 with no conditions."***



# Zoning Board of Adjustment Enlargement or Expansion Application



**For Office Use Only:**

Case No. ZBA-2025-10

Date Filled 8/13/2025

Rec'd By CJM

Page 1 of 5

Rev'd by \_\_\_\_\_

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

## SECTION 1: CONTACT INFORMATION

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

### OWNER / APPLICANT

NAME/COMPANY: 295 Park Ave

MAILING ADDRESS: 215 A Wallcut Road Goffstown NH 03045

PHONE: 603 493 7951

EMAIL: alanbecker132@comcast.net

SIGNATURE: [Signature]

PRINTED NAME: Alan Becker

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

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

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

NAME/COMPANY: Chad Becker

MAILING ADDRESS: 601 Summer Street

PHONE: 603 493 4958

EMAIL: chad@BeckerFi.com

SIGNATURE: [Signature]

PRINTED NAME: Chad Becker



## SECTION 2: GENERAL PROPERTY INFORMATION

Property Address: 314 Park Ave Keene NH

Tax Map Parcel Number: 539-010

Zoning District: Zoning Districts Cheshire

Lot Dimensions: Front:                      Rear:                      Side:                      Side:

Lot Area: Acres: 0.26                      Square Feet: 11325.6 Feet<sup>2</sup>

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 15.08                      Proposed: 15.08

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 43.3                      Proposed: 43.3

Present Use: Res/Com

Proposed Use: Res/Com

## SECTION 3: WRITTEN NARRATIVE

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

the property is located at 314 Park Ave. Currently this property is a 4 unit including a office. ~~But~~ The demand for office space has declined and would like to make the office a third bedroom in the downstairs 2 unit. The office created a problem when financing because the size did not conform. The office unit was too small to be its own unit. The office is too small for an individual to live in and would be more effective as added bedroom.

## SECTION 4: APPLICATION CRITERIA

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

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

increase an existing apartment from 2 bedrooms to 3 bedrooms adding 17559 to a 100 square 2 bedroom apartment

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

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

~~There~~ This is a internal conversion and only making adjustments internal. There is already a door connecting the two units. There is no changes to the site.

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

There is no external charge other than ~~the~~ reducing  
the amount of parking

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

there is NO adjustment to anything adding  
this ~~as~~ as a bedroom will reduce sewage and  
water requirements. There is currently a bathroom  
in the office unit. Existing traffic will remain  
unchanged or reduce the person ~~at~~ people ~~from~~ and  
cars



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# 314 PARK AVE ZBA-2025-11



Petitioner requests to convert a garage into a single family home per Article 5.1.5 of the Zoning Regulations.



## **NOTICE OF HEARING**

### **ZBA-2025-11**

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

**ZBA-2025-11:** Petitioner, 295 Park Ave, owned by Alan Becker, requests a Variance for property located at 314 Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting a Variance to convert a garage into a single family home per Article 5.1.5 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 4<sup>th</sup> floor of City Hall between the hours of 8:00 am and 4:30 pm or online at <https://keenenh.gov/zoning-board-adjustment>

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](https://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 August 22, 2025

## ZBA-2025-11 – USE VARIANCE – SINGLE-FAMILY, 314 PARK AVE

### **Request:**

Petitioner, 295 Park Ave, owned by Alan Becker, requests a Variance for property located at 314 Park Ave., Tax Map #539-101-000 and is in Commerce District. The Petitioner is requesting a Variance to convert a garage into a single family home per Article 5.1.5 of the Zoning Regulations.

### **Background:**

The subject parcel is an existing 0.259 ac lot located on the western side of Park Ave, on the corner with Arlington Ave, approximately 2,000 ft from the entrance to Wheelock Park to the south. The parcel contains an existing ~3,600 mixed-use building with three residential units and an office. Two of the residential units are located above the ground floor and the third unit is located on the ground floor behind the office use. The property also contains a garage with loft, four parking spaces behind the principal building, five parking spaces along the Park Ave frontage, and associated site improvements.



Fig 1: Aerial of 314 Park Ave. located at the red star.

The purpose of this application is to seek approval for variance to allow for the conversion of the existing detached garage with loft into a single dwelling unit. The applicant intends to convert both the ground floor and loft into the unit. This single dwelling unit in a detached structure is considered a single-family use which is not permitted in the Commerce district.



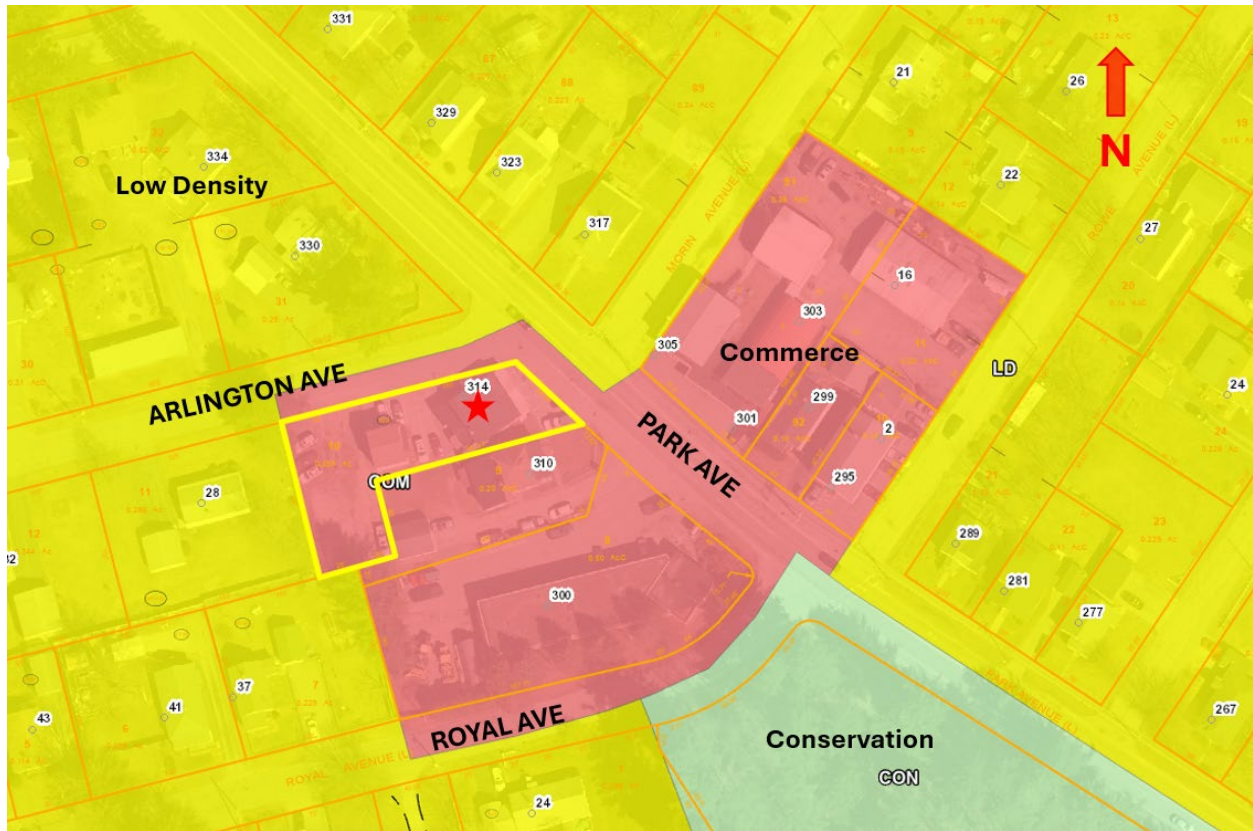


Fig 2: 314 Park Ave. located at the red star with surrounding zoning districts.

### **Surrounding Uses:**

**North:** Single-family Residential

**South:** Duplex, Vehicle Repair Facility

**East:** Mixed-use Commercial

**West:** Single-family Residential

**Application Analysis:** The following is a review of the relevant sections of the Zoning Ordinance:

**Dwelling, Single-Family:** A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

**Dwelling, Above Ground Floor:** A dwelling unit that is located on the second story or higher of a building that is above ground.

**8.1.3 Multiple Principal Uses:** With the exception of lots located in a residential zoning district, a lot may contain more than one principal use, so long as each use is allowed in the zoning district, unless otherwise specified in this LDC.

**Suggested Conditions and Draft Motion:**

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

***"Approve ZBA-2025-11, for the Variance to allow a single-family use for property located at 314 Park Ave., Tax Map # 539-010-000-000 as shown in the application and supporting materials, received on August 13, 2025 with no conditions."***

# Zoning Board of Adjustment Variance Application



**For Office Use Only:**

Case No. ZBA-2025-11

Date Filled 8/13/2025

Rec'd By \_\_\_\_\_

Page 1 of 8

Rev'd by \_\_\_\_\_

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

## SECTION 1: CONTACT INFORMATION

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

### OWNER / APPLICANT

NAME/COMPANY: 295 Park Avenue

MAILING ADDRESS: 215A Wallace Road Goffstown NH 03045

PHONE: (603) 493 - ~~5958~~ 7951

EMAIL: Alanbecker182@Comcast.NET

SIGNATURE: [Signature]

PRINTED NAME: Alan Becker

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

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

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

NAME/COMPANY: Chad Becker

MAILING ADDRESS: 601 Summer Street Apt #2 Manchester, NH 03103

PHONE: 603 - 493 - 4958

EMAIL: Chad@BeckerFI.com

SIGNATURE: [Signature]

PRINTED NAME: Chad Becker



## SECTION 2: PROPERTY INFORMATION

Property Address:	314 Park AVENUE, Keene, NH		
Tax Map Parcel Number:	539-010		
Zoning District	Cheshire		
Lot Dimensions: Front:	Rear:	Side:	Side:
Lot Area: Acres: .26	Square Feet: 11325.6	Feet <sup>2</sup>	
% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing:		15.08%	Proposed: 15.08%
% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing:		43.3%	Proposed: 43.3%
Present Use:	Residential / Commercial		
Proposed Use:	Residential commercial		

## 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 location is located at 314 Park Ave. E (Alan Becker) is the owner of location. Directly adjacent to this property is zoned low density and this actual location is directly connected to the low density area. The garage is closer to low density than the commercial area.



#### SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 5.1.5 of the Zoning Regulations to permit:

the garage to be converted to a single family residence

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:

I am proposing to promote the public interest because I will be creating quality housing, ~~knowing~~ knowing that there is a shortage

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

designed to help the people living in Keene,  
~~adding~~ Adding a new residence will stay in  
the spirit of keeping with the commerce district  
because there is already multi-family resided on  
the site

3. Granting the variance would do substantial justice because:

yes because the needs of the community are  
in line with the adding of additional <sup>safe</sup> housing

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

I am investing in this property which will increase the surrounding value. There will be only updates to an existing footprint. All the updates will be to the inside

#### 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:

The intent of this garage was to house a automotive facility. I propose a two story or single family home be allowed which will eliminate any harm to the ~~env~~ environment. The current lot <sup>space</sup> is not large enough to house a ~~sufficient~~ <sup>marketable</sup> ~~store~~ <sup>unit</sup>.

~~Ground~~ To make the building viable I would like to add living space to the lower level of the garage. This is a unique opportunity because the <sup>existing</sup> garage abuts low density residential housing and this thus adding safe housing ~~to~~ ~~to~~ the adjacent single family neighborhood. This keeps with the form of the neighborhood

and

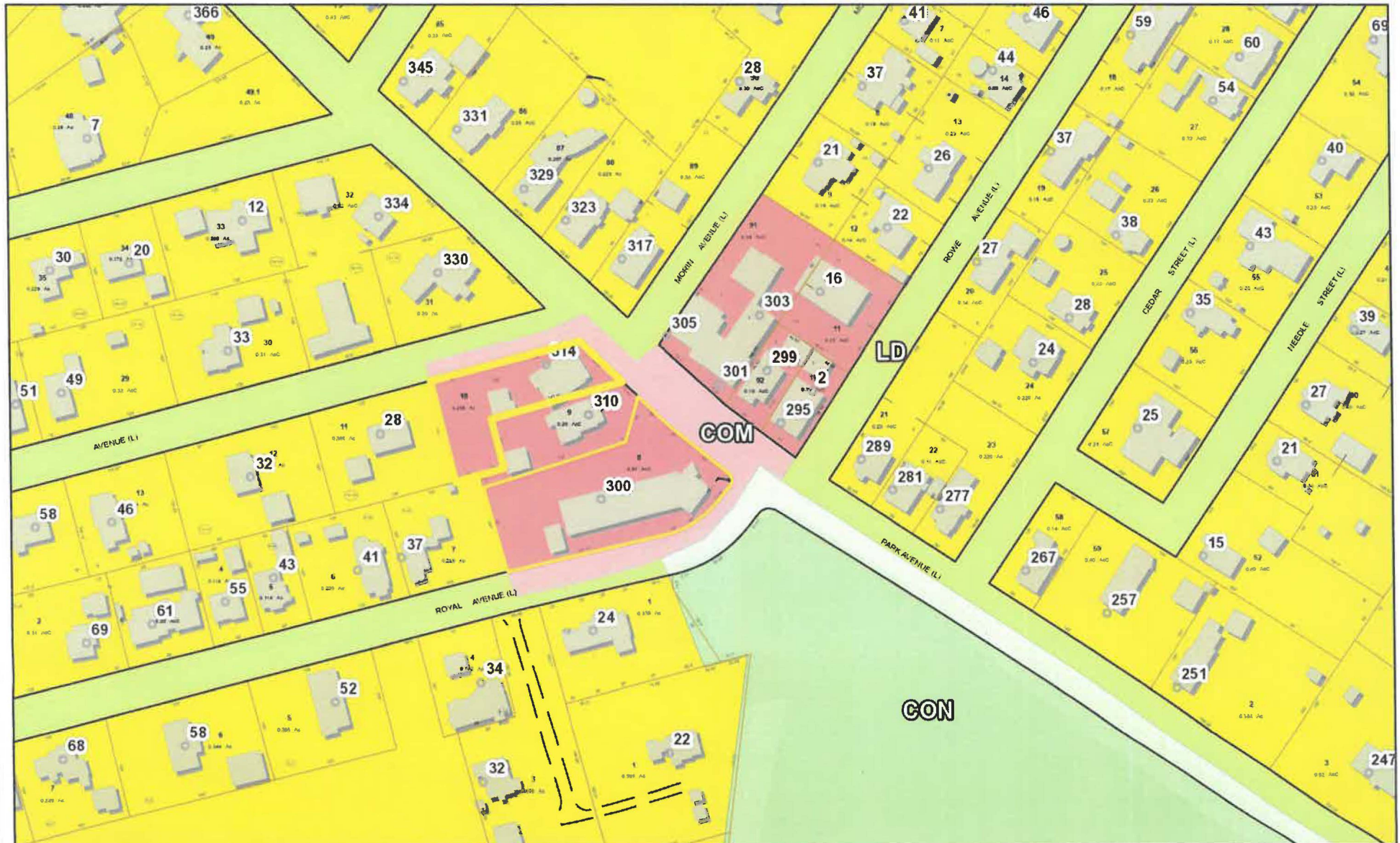
ii. The proposed use is a reasonable one because:

single family residence right next to  
single family low density community

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

the neighborhood is a combination of Residential  
and commercial zone. I am surrounded  
by low density single family use. I would like to  
~~repurpose~~ add a single family home to match  
the area





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

Parcel Number: 539-009-000-000-000  
295 PARK AVENUE LLC  
201 MAIN ST #3  
WESTBROOK, ME 04092

Parcel Number: 538-025-000-000-000  
KLEINE KRIS DAVID  
28 CEDAR ST.  
KEENE, NH 03431

Parcel Number: 539-010-000-000-000  
295 PARK AVENUE LLC  
215A WALLACE DR  
GOFFSTOWN, NH 03045

Parcel Number: 538-021-000-000-000  
LIEBL GEORGE J.  
GLEASON ROBIN L.  
289 PARK AVE.  
KEENE, NH 03431

Parcel Number: 539-001-000-000-000  
AUSTIN KATHALEEN M. REV.  
24 ROYAL AVE.  
KEENE, NH 03431

Parcel Number: 539-092-000-000-000  
RUBIN ESTHER FAITH LEIALO  
RUBIN AMBROCIO ALTON  
299 PARK AVE  
KEENE, NH 03431

Parcel Number: 538-009-000-000-000  
BEARSON TANNER  
MARSHALL HALEY  
21 MORIN AVE  
KEENE, NH 03431

Parcel Number: 538-013-000-000-000  
SOVEREIGN GRACE LLC  
26 ROWE AVE  
KEENE, NH 03431

Parcel Number: 538-020-000-000-000  
BROWN, HILARY  
27 ROWE AVE.  
KEENE, NH 03431

Parcel Number: 538-024-000-000-000  
SYMONDS CYNTHIA S.  
24 CEDAR ST.  
KEENE, NH 03431

Parcel Number: 545-001-000-000-000  
CITY OF KEENE  
C/O CITY MANAGER  
3 WASHINGTON ST  
KEENE, NH 03431

Parcel Number: 538-011-000-000-000  
TOUSLEY TOBY D.  
PO BOX 626  
KEENE, NH 03431

Parcel Number: 539-008-000-000-000  
DUBOIS GARY  
C/O DUBE'S TIRE CENTER  
300 PARK AVE  
KEENE, NH 03431

Parcel Number: 539-091-000-000-000  
TOUSLEY TOBY D.  
PO BOX 626  
KEENE, NH 03431

Parcel Number: 538-023-000-000-000  
DUNTON VIRGINIA L.  
WAY HEATHER  
277 PARK AVE.  
KEENE, NH 03431

Parcel Number: 538-012-000-000-000  
WILCOX VICTOR L.  
22 ROWE AVE.  
KEENE, NH 03431

Parcel Number: 538-022-000-000-000  
DUTILLEY DAVID JAMES  
DUTILLEY MOLLY ROSE  
281 PARK AVE  
KEENE, NH 03431

Parcel Number: 539-089-000-000-000  
HOWE BRANDEN M.  
317 PARK AVE.  
KEENE, NH 03431

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## ZONING BOARD OF ADJUSTMENT

### 2025 ANNUAL REPORT

To the City Council,

The Keene ZBA, a five-member board, meets regularly on the first Monday of each month unless there are no applications or new business. Currently the board has four regular members, (one vacancy) and one alternate. This iteration of the board is quite new, with 1 member now serving for the fourth year, one member serving for the second year, and 2 members and the alternate all in the first year on the board. In the monthly meetings, all the members are engaged in the proceedings and contribute to the deliberations in a way that is thoughtful and respectful. Despite the challenge of having a vacancy, I believe the board represents the interests of the populace of Keene in a fair and just manner.

As for a general overview of work, staff has compiled data that indicates that the 10-year average number of applications to the ZBA is 26 a year. Last year, there were 27 applications: 2 Special Exceptions, 1 Written Interpretation, and 24 Variances. Of the total applications, 3 Variances were denied, 1 Variance was withdrawn, and the remaining applications were approved.

Breaking the application data into Zoning Districts is as follows: 1 in the Commerce Limited, 2 in the Residential Preservation, 2 in the Commerce, 2 in the Conservation, 7 in the Rural, 3 in the Medium Density, 1 in the High Density, 1 in the Low Density, 1 in the Agricultural, 2 in the Downtown Core, 4 in the Downtown Edge, and 1 in the Downtown Transition.

I would like to commend the efforts of City staff; Mari Brunner, Senior Planner/Acting Zoning Administrator, Evan Clements, Planner/Deputy Zoning Administrator, and Corinne Marcou, Zoning Board Clerk, for preparing the applications and providing guidance to the board to ensure that the meetings run smoothly and efficiently.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard Clough', with a stylized flourish at the end.

Richard Clough

Zoning Board of Adjustment Chair