



City of Keene Planning Board

AGENDA - AMENDED

Monday, September 29, 2025

6:30 PM

City Hall, 2nd Floor Council Chambers

A. AGENDA ITEMS

- 1) **Call to Order** – Roll Call
- 2) **Minutes of Previous Meetings** – August 25, 2025 & September 8, 2025
- 3) **Final Vote on Conditional Approvals**
- 4) **Public Hearings**
 - a) **Appeal of Decision on Street Access Permit Exception Request – 15 Crestview St** – Applicants and owners, Christopher Jager & Brittany Hill, are requesting an appeal of a denied Street Access Permit exception request from Section 23.5.4.A.8 of the Land Development Code related to the allowed driveway width for single- and two-family homes. The parcel is 0.22-ac in size and is located in the Low Density District.
 - b) **PB-2025-18 – Major Site Plan – Change of Use – Key Road Plaza, 109-147 Key Rd** – Applicant Anagnost Companies, on behalf of owner Key Road Development LLC, proposes to convert ~61,526-sf of existing retail space in the Key Road Plaza development into a charitable gaming facility for Revo Casino & Social House. The parcel is ~5.8-ac in size and is located at 109-147 Key Rd (TMP #110-022-000) and is located in the Commerce District.
 - c) **2025 Comprehensive Master Plan** – In accordance with NH RSA 674:4 and NH RSA 675:6, the Keene Planning Board will hold a public hearing on the City of Keene 2025 Comprehensive Master Plan. The plan is available for review at KeeneNH.gov and at City Hall in the Community Development Dept.
- 5) **City Council Referral: R-2025-26 Relating to an Amended Return of Layout for a Public Right-of-Way Known as Grove Street** – City Council has requested Planning Board review and recommendation regarding a proposal to return ~257 sf of land from Grove Street to the adjacent parcel located at 0 Grove St. (TMP #585-057-000).
- 6) **Staff Updates**
 - a) Site Plan Review Thresholds
 - b) Correspondence

7) **New Business**

8) **Upcoming Dates of Interest**

- Joint Committee of the Planning Board and PLD – **Tuesday**, October 14th, 6:30 PM
- Planning Board Steering Committee – October 14th, 12:00 PM
- Planning Board Site Visit – October 22nd, 8:00 AM – To Be Confirmed
- Planning Board Meeting –October 27th, 6:30 PM

B. MORE TIME ITEMS

1. Training on Site Development Standards – Snow Storage & Landscaping

C. ADJOURNMENT

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, August 25, 2025

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Sarah Vezzani
Armando Rangel
Kenneth Kost
Michael Hoefer, Alternate

Staff Present:

Paul Andrus, Community Development
Director
Evan Clements, Planner
Megan Fortson, Planner

Members Not Present:

Ryan Clancy
Randyn Markelon, Alternate
Tammy Adams, Alternate
Stephon Mehu, Alternate

I) Call to Order – Roll Call

Chair Farrington called the meeting to order at 6:30 PM and a roll call was taken. Mr. Hoefer was invited to join the meeting as a voting member.

II) Minutes of Previous Meeting – July 28, 2025

Chair Farrington offered the following corrections:

Line 94 – to change the word percent to “precedent”

Line 286 and 287 – strike the words after “proposes to” to the word “replace”

Line 367 – the number 350 should be 3 50

A motion was made Mayor Kahn to approve the July 28, 2025 meeting minutes as amended. The motion was seconded by Councilor Michael Remy and was unanimously approved.

III) Extension Request

PB-2025-01 – 2-lot Subdivision – Keene State College, 238-260 Main St – Owner, the University System of New Hampshire, requests a first extension to the deadline to satisfy the precedent conditions of approval for the proposed 2-lot subdivision of the parcel at 238-260 Main St (TMP# 590-101-000) into two lots ~0.48-ac and ~0.46-ac in size. The property is located in the Downtown Transition District.

Planner Evan Clements stated the applicant has submitted an extension request as per Staff recommendation because their conditional approval expired on August 24. The application is ready for final approval, but the Board will not be able to act on that tonight, since the applicant has yet to submit signed paper copies of the final plat.

A motion was made by Roberta Mastrogiovanni that the Planning Board grant a first six-month extension for PB-2025-01.

The motion was seconded by Councilor Remy and was unanimously approved.

IV) Final Vote on Conditional Approvals

Mr. Clements stated there were no applications ready for final approval.

V) Continued Public Hearing

a) PB-2024-20 – Earth Excavation Permit Major Amendment & Hillside Protection Conditional Use Permit – Gravel Pit, 21 & 57 Route 9 – Applicant Granite

Engineering LLC, on behalf of owner G2 Holdings LLC, proposes to expand the existing gravel pit located at 21 & 57 Route 9 (TMP#s 215-007-000 & 215-008-000). A Hillside Protection CUP is requested for impacts to steep slopes. Waivers are requested from Sections 25.3.1.D, 25.3.3, 25.3.6, and 25.3.13 of the LDC related to the 250' surface water resource setback, excavation below the water table, toxic or acid forming materials, and the 5-ac excavation area maximum. The parcels are a combined ~109.1-ac in size and are located in the Rural District.

Attorney Ariane Ice addressed the Board representing the applicant, G2 Holdings. She stated her applicant was here tonight seeking an extension of their current permit for their gravel pit operation, the conditional use permit for hillside protection, and three related waivers. She noted one of the four waivers has been withdrawn.

Attorney Ice introduced the applicant, Cody Gordon, and the technical team consisting of Brenton Cole and Justin Daigneault with Granite Engineering and Hydrogeologist Joel Banaszak of Frontier Geoservices.

She noted they also have written opinion testimony from Luke Hurley regarding wildlife, from Dr. Kathy Emmon Martin, PhD, an expert in noise and vibration issues, and from James Widener, local realtor with knowledge of the real estate market. They have also submitted a letter of support from one of the closest and largest abutters to the Keene Property, Granite Gorge.

Attorney Ice stated there has been a long process to get the application to this point. She felt the Keene Earth Excavation Code is probably one of the most comprehensive in the State and in all instances exceeds the State Earth Excavation regulations under RSA 155-E. She indicated Staff have done an amazing job with the highly technical subject matter of ensuring that the

76 regulations have been met in terms of what is being presented tonight. Under Staff direction,
77 they hired two independent third-party reviewers to oversee and analyze the technical aspects of
78 the project.

79
80 Any concerns flagged by the third-party reviewers resulted in numerous plan changes, some of
81 which are going to be discussed tonight. The Keene Conservation Commission also provided
82 comments as well as Southwest Region Planning Commission and are satisfied that the technical
83 aspects of excavation regulations have been met or that reasonable waivers are being proposed.

84
85 Attorney Ice went on to say there has been a minority of the public that has opposed this project,
86 many of which are not Keene residents. None of those objectors who have spoken so far about
87 the project are abutters to the Keene portion of the project. She felt the Sullivan property owners
88 would have an opportunity to address their comments when the applicant goes in front of
89 Sullivan at a hearing on September 3rd. Attorney Ice continued by stating for the purposes of
90 Keene's approval, their concerns should be viewed as coming from the general public rather than
91 those having abutter status.

92 She felt the comments from the public fall under the category of "not in my backyard," which, if
93 afforded too much weight, would completely foreclose gravel pits anywhere unless in a region so
94 remote that the public's interest in keeping transportation costs low would also be harmed. She
95 indicated statute RSA 155-E was passed specifically to resolve this situation.

96
97 Attorney Ice went on to explain that the enactment of RSA 155-E explicitly recognizes the
98 importance of affordable and accessible construction material to serve the best interest of the
99 citizens of New Hampshire and the taxpayers of the State. This interest and the stated purpose is
100 in the preamble to the enactment of the code itself. She stated that the State has decreed that
101 public concerns and even City regulations must bend to the overriding public interest in having
102 affordable construction materials and cannot completely ban excavation projects such as this
103 one. This industry has been flagged as an important industry. She felt independent experts should
104 carry more weight than individuals that are not backed by science.

105
106 Attorney Ice stated the Keene location is a perfect location for a gravel pit and the applicant is
107 his own abutter on much of the land. The actual excavation site is very small in comparison to
108 the overall parcel. This site also falls outside of the City of Keene viewshed.
109 Its access is off the State highway. The project does not really affect any City roads and it is
110 surrounded by large commercial areas like Granite Gorge and the shooting range.

111
112 Brent Cole of Granite Engineering addressed the Board next. Mr. Cole stated he was before the
113 Board in March and gave an overview of the overall project. He stated he is before the Board to
114 review what has transpired in the last six months. He stated they have been working with Staff,
115 and this project has been signed off on by Staff, signed off on by the engineers and is a project
116 that has many safeguards built into it.

117
118 Mr. Cole stated they are proposing the expansion of the gravel operation that this Board
119 approved in 2022. It involves tax map 215, lot 7 and lot 8 and includes two lots in Sullivan.

120
121 He noted the applicant owns 300 acres of which they are disturbing 31 acres. He noted Keene
122 regulations require 300 feet to the property line, which far exceeds the 50 feet the State requires.

He noted the applicant complies with Keene's regulations. He noted this operation cannot be seen from Route 9.

Mr. Cole stated the project is broken up into eight periods to make sure that they are not disturbing any more land than they have to. Each period requires a compliance hearing which will require Staff to review the project and a compliance hearing will be held before the Planning Board. A bond will be in place before the item can move to the next period.

Period one starts near the current operation and it will work its way uphill towards Sullivan. The last period is the period the Board approved three years ago, which lowers the current deck floor and allows the applicant to extract material already approved. At the present time, the applicant uses that area for processing.

Mr. Cole explained the first waiver they are requesting is to allow more than five acres to be disturbed at once. This Board approved that waiver in 2022. He noted the applicant could not move forward onto another phase unless he opens up more than five acres. Hence, the first waiver would be allowing him to move into period one, open up roughly about 12 acres, and then close down the five acres and move on to the next phase.

Mr. Cole stated storm water has been reviewed by the City Engineer who has signed off on the design. Each period has a settling basin to allow the water to settle out. It then migrates down towards the existing gravel operation where it infiltrates into the soils. There will be a stormwater pond during the final phase that will allow the water from the site to infiltrate. There are no stormwater impacts off site. Everything is being mitigated. There are no adverse impacts to any of the neighboring properties. The applicant is waiting for a response from the State on the Alteration of Terrain Permit.

Other permits the applicant requires include a Conditional Use Permit because of the Hillside Protection Overlay District. This permit was approved in 2022. There are steep slopes that will be affected, but there is an erosion control plan as well as a reclamation plan, which have all been reviewed and signed off on by the City engineer.

The next waiver Mr. Cole addressed was also a waiver the Board approved in 2022, which was to reduce one of the wetland setbacks from 250 feet to 75 feet. On a map, Mr. Cole noted a low functioning wetland that the Board allowed the applicant to encroach upon within 75 feet.

Mr. Cole noted this proposed site is a well-buffered site on Route 9. It is 300 acres, and the applicant is only disturbing 10%, which will be reclaimed to somewhat of a natural site once the work is completed. The closest abutter to this site is 1,600 feet away. There are only two residential abutters in Keene. He noted the safeguards in place for this work exceed Keene's regulations, which are already pretty rigorous.

Geologist, Joel Banaszak of Frontier Geoservices was the next to address the Board. He indicated he worked on the acid mine drainage report for this project. Mr. Banaszak explained to

assess for acid mine drainage potential, quantifiable results need to be provided that indicate this work either does or does not have the potential to produce acid mine drainage.

He indicated samples of bedrock were collected and sent to a laboratory in Canada to look at the ratio of potential acid forming minerals versus the potential alkaline forming minerals.

What was discovered is that a lot of the rock in the area actually does have a ratio that is more acidic than it is alkaline, which does have the potential for this rock to produce acid mine drainage.

Mr. Banaszak went on to explain there is no correct recipe at this site to create acid mine drainage. There is acidic forming minerals and acidic forming compounds, but there also needs to be water and air to create the acid. In the Granite State, much of the rocks are crystalline, so they don't have any porosity to them to allow water and air to move through them. Those are the two components of the recipe that is missing at this location to create the acid mine drainage. However, he felt the project has the potential, and hence the applicant needs to act with caution.

Mr. Banaszak went on to say as a result, the first thing that has been done is the development of a monitoring program to look at groundwater throughout a series of monitoring wells, which are located at the site.

Second, he looked at the surface water and stormwater. He noted Sanborn Head's Geologist reviewed that monitoring program and had great input on it. Those comments are included in the Staff report. He added there will be quarterly monitoring as well as monthly reports that will be produced, which he felt goes above and beyond what is typically required for an actual contaminated site in New Hampshire. He stated this is just monitoring for something that might not show up.

There are also proactive mitigation efforts that will be put in place. A good proactive mitigation measure would be to line all the stormwater conveyances with alkaline materials. The second is that none of this water is going to leave the site and all stormwater will be infiltrated into the groundwater.

The third would be if acid mine drainage should show up to outline what can be done. Based on that possibility, the applicant has developed an initial response action plan. Those initial response actions included a variety of things, such as locating more monitoring wells, initiating immediate domestic water well sampling, and a treatment of the water.

This concluded the applicant's presentation.

Chair Farrington clarified the next period for disturbance would be seven acres and asked if the acreage gets smaller as they move forward. Mr. Cole answered in the affirmative and stated there is one period when the acreage drops to 0.4 acres.

Mr. Kost clarified the acid mine drainage will not run off the site but would go into an infiltration pond and infiltrate into the groundwater and noted this would still have an impact on groundwater areas and wells. Mr. Cole stated he would refer this to Mr. Banaszak but added the acid being referred to does sound concerning but it is not true acid. Mr. Banaszak stated acid mine drainage is not like a true sulfuric acid, such as a car battery. It is more about a low pH level in water, which has the ability to dissolve heavy metals out of rock.

He added their monitoring program would be looking at places of surface water and groundwater. If it shows up in the surface water, there is already mitigation efforts in place with limestone lined stormwater conveyances as well as infiltration ponds, which will be lined with limestone as well. This is the first item that would stop acid mine drainage from getting into the groundwater.

However, if it ends up in the groundwater, this would be an issue that would be addressed down the line when they figure out how big a problem it is as there are mitigation efforts that are going to be in place to prevent this from happening.

Mr. Hoefer stated what he understood from the testimony from Mr. Banaszak is that this issue is unlikely to happen in New Hampshire based on the quality of rock, but asked if it has happened on a rare occasion and how has that been handled. Mr. Banaszak stated he knows of two other acid mine drainage sites; one site is in Warren and the other is in Vermont, which are very specific sites where they were going after copper mine and heavy metals. The rocks in this area were more porous. He added most of the acid mine drainage sites are not modern sites; they are poorly managed sites in the turn of the century.

Chair Farrington asked for clarification regarding the acid mine drainage plans. The applicant is asking for a waiver and yet they have established plans for detection and remediation, etc. He stated that Sanborn Head has signed off on these plans and asked why the applicant would still need the waiver. Mr. Cole stated Keene's regulations are written not keeping in mind New England material but more about issues outside the State. The regulations stated if there is any sort of acid forming detection, the area should not be dug, even though there are many things that can be done to help mitigate the situation. It is a binary regulation, so there is a need to request the waiver from it. There are safeguards in place so that it does not become a safety issue.

Councilor Remy noted the exact language that states *excavation of bedrock shall not be permitted where bedrock contains toxic or acid forming elements or compounds*. Some of the other language states *an exception shall be issued if they meet certain requirements*. This one does not have that language. Mr. Banaszak responded to that comment by saying much of the rock will show a mineral that can form acid, which is a common occurrence. The regulation is so overarching that no one should ever be allowed to dig up bedrock; therefore, the waiver is being requested.

Mayor Kahn asked who is it that detected that one of those metals is pyrite. Mr. Banaszak stated it was noticed in the drilling samples. The laboratory analysis that was done was done by SGS out of Canada, which is a reputable mining laboratory.

Mayor Kahn noted one could not determine the type of minerals that are present on this site through the detection method used by the applicant today. Mr. Banaszak stated the method is actually more looking at the geochemistry of that rock, not necessarily the mineralogy. You can look at the mineralogy, but that would be gross overview, whereas this method is very specific to the elemental composition. This is more robust than if you just looked at the mineralogy. This is a very specific analysis, which gives a quantifiable result as required in the regulations. The Mayor asked what mineral falls to the alkaline or the acidic side. Mr. Banaszak stated pyrite has the acidic formula and calcium carbonate is the one you look at for alkaline. The Mayor

asked about sulfate and iron. Mr. Banaszak stated sulfate comes from pyrite and iron is a separate metal (not acidic or alkaline). He explained the bedrock is not being turned into powder with the applicant's operation, which will not cause heavy metals to leach out, what is being done is creating nugget sized rock.

The Mayor referred to filtration, and he asked what the most desirable situation is for water to be managed given these different elevation levels that exist on the site, in particular, to site eight where the pond is recommended. Mr. Banaszak stated Granite Engineering did a great job at developing these phases and making sure that each of them have their individual storm drainage ponds, or at least for a few of them, throughout the series of the project. He added, as indicated previously, the stormwater conveyances will be lined with limestone, as will the infiltration ponds. This is how the water will be managed, as anything that comes off the area that is currently being mined will go into a conveyance. That conveyance will be lined with the limestone; the limestone will counteract any potential acid that may be coming off that rock, even though acid is not expected necessarily based on interpretation. However, Mr. Banaszak added the applicant is ready for it and will act proactively to mitigate this. Mr. Cole added they also tested the water levels at the site, and it has been designed to be six feet above the groundwater level as per Keene's regulations. He further stated MSHA (Mine Safety and Health Administration), a third-party entity that monitors gravel operations, does not permit operations in the water table. They will also be monitoring the site.

Ms. Vezzani asked which waiver was being withdrawn. Mr. Cole stated it is the waiver for work within the water table – Waiver 3.325. He explained there were conflicting wells. There was a well that was dug in 2022, which was coming up with information that they did not agree with, so another one was dug in close proximity to offset that. However, what was realized is that the applicant did not need that waiver because they are not going to be working within the water table.

Mr. Kost asked what was involved in the reclamation. Mr. Cole stated there will be a series of varying ledge faces as you progress up the hill. There will be topsoil brought back. The five acres that are proposed to be disturbed will now be growing soil for woods to occur or for any type of development to occur in the future. Mr. Kost asked for the height from the flat area to top of the ledge. Mr. Cole stated period one is at about 40 feet and each period goes up and should be between 30 feet to 60 feet.

Ms. Vezzani asked for information on groundwater quality results. Mr. Banaszak stated the way the regulation is written, once the applicant receives approval, they would be required to complete two baseline rounds of groundwater monitoring, and this is written into the groundwater monitoring plan for the acid mine drainage. They also have to complete a domestic water well sampling for anyone that lives within 1/2 mile of the active site.

Ms. Vezzani clarified there has been no blasting done previously anywhere within the 300 acres. Mr. Cole stated there was blasting on the Sullivan side, but no groundwater testing was done because that area did not exceed the requirements for having to do testing.

Ms. Vezzani asked where the results would be stored. Mr. Banaszak stated the AOT portion will be sent to the State and those are recorded annually. The City will get a copy of the result and will be included in the report within 45 days of receiving the sample results.

Ms. Vezzani asked approximately how many landowners in Keene are within half mile of this site. Mr. Cole stated there are seven properties.

Staff comments were next.

Planner, Megan Fortson, addressed the Board. Ms. Fortson stated she would like to provide the Board with some additional background information as to what happened between the July 28 Planning Board meeting and this evening's meeting. The City selected Sanborn Head and Associates to serve as the third-party hydrogeology consultant for this application prior to the July 28th Planning Board meeting. The applicant, during that meeting, had requested a continuation to allow the applicant and the consultant sufficient time to prepare and review updated materials in preparation for tonight's meeting. Since the last meeting, there have been certain iterations of the applicant submitting updated materials, such as updated plans, hydrogeologic analysis, and stormwater reports. The applicant met with Staff and the consultants last week to review the final round of revisions. Chad Brannon from Fieldstone Lane Consultants and Russ Abell, who is attending remotely tonight, has been reviewing the third-party hydrogeology review with his team and felt comfortable with the project moving forward to the next step of presenting the application.

Ms. Fortson stated Chad Brannon felt the applicant had satisfied all the comments that he had provided in previous memos, and Mr. Abell did have a few comments related to stormwater infiltration during period one and period eight. Those two periods are right next to one another because the applicant would be working up the hill and back down. Those two conditions are included in the recommended conditions for this evening.

Ms. Fortson next reviewed the proposed conditions of approval. She reminded the Board there were originally four waiver requests for this application. The first was related to the reduced surface water buffer. The second was related to the minimum excavation area. The third was related to acid mine drainage, and the fourth was related to excavation below the water table. Neither of the consultants, after reviewing the updated materials, felt that the waiver related to excavation below the water table was necessary, because the applicant was going to ensure that they are maintaining a six-foot buffer between the seasonal high groundwater table and where they are excavating as required by the City regulations.

Should the Board approve this application, the conditions of approval to be met prior to final approval and signature of the plans would be as follows:
Owner's signature appears on the plans.

Submittal of five (full size) paper and digital copies of the final plan set.

Submittal of a security for sedimentation and erosion control.

Stormwater management and reclamation for the first permit period of work.

The applicant or owner shall pay all outstanding third-party consultant fees.
Submittal of all required State and Federal permits.

Inclusion of the approval number for these permits on the cover sheet of the plan set.

Inclusion of the waivers and conditional use permits with the results also added to the cover sheet.

Subsequent to final approval, Staff recommends the following conditions:
Erosion, sediment control and drainage measures be installed and maintained during and prior to the commencement of work and throughout the entirety of the project.

Over the life of the excavation permit and any renewal thereof, the applicant shall provide monthly inspections by a qualified third party licensed professional in the State of New Hampshire regarding erosion and sedimentation control, PH, and stormwater runoff. Reports for these inspections shall be submitted to the Community Development Department.

Over the life of the excavation permit and any renewal thereof in accordance with Section 25.3.4.c, the applicant shall monitor groundwater levels and surface water levels on a monthly basis to determine the extent to which there are any adverse impacts.

Sub Condition:

The applicant shall notify the Community Development Department within 24 hours of any adverse impacts on ground water levels.

The applicant shall implement the approved protocol for providing replacement water supplies for water supplies that are disrupted as a result of the excavation operations.

The conditions recommended by the hydrogeology consultant are as follows:

In accordance with Section 25.3.3 of the LDC, a monitoring well shall be installed in the area of Period 1 in Spring 2026 to confirm the seasonal high water table conditions.

In accordance with Section 25.3.3 of the LDC, seasonal high water level monitoring shall be completed in bedrock well BRW-09 prior to the commencement of work in Permit Period 8 and throughout the duration of work within this phase to confirm that the revised grades are at least 6-ft above the water table.

In accordance with Section 25.3.5.C of the LDC, ongoing monitoring of ground water quality shall be conducted semi-annually throughout the term of the permit and any renewal thereof, and for a period of not less than 2-years following the cessation of excavation activities and reclamation of the excavation site.

Six months prior to the commencement of work for the next permit period, the property owner shall submit a Permit Renewal application for review and approval by the Planning Board and sufficient security to cover the cost of sedimentation and erosion control, stormwater management, and reclamation for the next permit period of work to be completed.

Excavation activities shall only occur between the hours of 7:00 am and 5:00 pm, Monday through Friday.

The area of unreclaimed, inactive, and active excavation area shall not exceed 12 acres.

At the end of all excavation operations, the site shall be reclaimed and monitored in accordance with Section 25.4 of the Land Development Code.

Attorney Ice clarified the hours of operation. She agreed the hours would be 7 am to 5 pm but there will be some Saturday morning activity that could happen, which won't be blasting and wanted to make sure this matches the Keene code. Ms. Fortson stated the condition specifies excavation activity shall occur between 7:00 AM and 5:00 PM and noted the specific section of the code states that *the sale and loading of stockpiled materials may also occur from 8:00 AM to 1:00 PM on Saturdays. However, no other excavation activities shall be permitted on this day.*

Mr. Hoefer asked what type of authority the Board has between the periods of operation. The Chair noted at the last meeting the Board delegated authority for inspection to code enforcement Staff. Mr. Hoefer asked what standing the Board would have to affect the operation of the next period.

Ms. Fortson referred to language regarding this item in the recommended motion:
Six months prior to the commencement of work for the next permit period, the property owner shall submit a permit renewal application for review and approval by the Planning Board and sufficient security to cover the cost of sedimentation and erosion control, stormwater management and reclamation for the next permit period of work to be completed.

She explained the intent behind that condition is to ensure that six months before the next period, the application will be coming back to the Planning Board for a permit renewal to be able to provide an update to the Board on the status of the current period that they are working on and how they anticipate the next period will go. If there were to be any substantial change in the scope of the project, such as if the applicant expects to get more material or were going to be excavating at a different period and rate than expected, this could fall under a minor amendment. If it is a faster timeframe for excavation, it could be considered a major permit amendment and would need to be reviewed by the Board.

Councilor Remy referred to Section 25.3.6—acid warning elements—if this was something that starts to happen during a period, would the Board have the opportunity address it.

Ms. Fortson stated this is why they have the acid mine drainage monitoring plan in place and would need to address it with Staff to see how it can be addressed.

Ms. Mastrogiovanni asked what liability the City has for regional impact.

Ms. Fortson stated at the December 16 meeting, the applicant and their team had come before the Board for advice and comment to see if the Board felt that this project was going to be a development of regional impact. At that meeting, the Board had decided that this application was of regional impact. Once application the was submitted and it was accepted as complete, the City noticed the other community, which in this case was Sullivan, notifying them as well as our local Regional Planning Commission, in accordance with that RSA. She stated it has already been determined that it is a development of regional impact.

Mr. Clements added the City doesn't necessarily have liability with other towns in the most literal sense. If the applicant is not operating within the terms of their permit there are remedies for that under the local ordinance and under State statute.

Mr. Kost asked for Mr. Abell's comments next.

Mr. Russ Abell of Sanborn Head addressed the Board next. He stated he reviewed the application for two primary reasons. One was to look at the two waivers, which mostly applied to hydrogeology in regard to the acid mine drainage concern. The other was the waiver that has been withdrawn regarding excavation below water table.

He noted in the recommended conditions of approval there is a condition related to understanding where the seasonal high water table is. Mr. Abell explained groundwater can be at a higher level or a low level depending on precipitation, time of year, etc. The proposed condition is related to having information collected during the high water table, mostly during the springtime when there is a lot of rainfall and snowmelt, so that the applicant can confirm that their proposed excavation grades will maintain that compliance of six feet above the water table. They do not have that data right now based on the timing in which they collected their information.

Mr. Abell stated that in his opinion, the applicant has satisfied the understanding of where the water table is currently throughout the area and have designed appropriately to address that. He added with that condition to collect water in the in a high-water table condition they will then confirm where the water table is, and then if needed, they would modify their excavation grades to be sure they meet that six feet above the water table.

Mayor Kahn asked how the applicant would know it is above the six feet water table.

Mr. Abell stated they will do the monitoring before they start the excavation in those periods and will be able to understand where the water table is before they start the excavation process. They are going to install a well in period one, which will be measured in the springtime so they can understand where the high-water table is. Mr. Clements added if the seasonal high water table is six feet higher than anticipated, the applicant would be aware of it because of this monitoring well and would make an adjustment in their practice to remain in compliance with the regulations when they come in for the compliance hearing, if they haven't already contacted the City.

Attorney Ice clarified what was just said regarding the requirement for a compliance hearing and permit application and wanted to make sure the language is clear that it is not a new permit process, but to make sure whatever compliance was required under the conditions have been met to move forward to the next period. Ms. Fortson clarified the language in the motion refers to "permit renewal period" and the compliance hearing is to address concerns the Board might have. Prior to a permit renewal, in addition to the logs, plans and reports Staff will be receiving regularly, there will be site visits to make sure that the site appears to be in compliance with the approved plans.

Mr. Rangel asked Staff if Keene approves this plan but Sullivan takes other action, will that halt the process in any way. Ms. Fortson stated her understanding is that the applicant needs a special exception to operate on the Sullivan lot; a hearing on that was delayed to wait to hear the decision from Keene. Mr. Clements stated it is the responsibility of this Board to act on the application before it tonight. What other towns decide to do with this application is not necessarily germane to Keene's action on this application. However, if Sullivan requires a change to the application, that could require the applicant to come back before this Board.

Ms. Fortson reviewed major amendment/minor amendment compared to a permit renewal: She explained if the applicant wishes to continue their excavation project, they cannot propose any modifications to the size or location of the excavation, the rate of removal, or the plan for reclamation (these are the three triggers). As long as those three things are not changing, they can come back for a regular permit renewal. If there are any changes proposed to location, size of excavation, or rate of removal, the applicant would need to potentially go through a minor amendment or a major amendment process.

Mr. Abell went on with his comments. With reference to acid mine drainage, Mr. Abell stated acid mine drainage is uncommon in New Hampshire, particularly, in the types of rocks that we have. However, there is pyrite in some of the rocks, so that potential is there. However, he was comfortable with the applicant's plans to address acid mine drainage if it does become an issue. Mr. Abell went on to say the changes in the monitoring plan was based on his recommendations to provide monthly monitoring for pH, etc. for greater frequency of information to be able to detect if there is going to be a problem. He stated he has also recommended that after a certain period, if you are not seeing acid mine drainage developing, the applicant could lower the frequency of data collection because by that time, if you have not seen it by then, it is not likely to occur. Mr. Abell stated based on this, he is comfortable that their approach, plan, and actions (if they do see it) are appropriate. However, there is no guarantee that some of it might not get into the groundwater, lower pH, or some of the dissolved metals, but the applicant has an action plan in place to stop that excavation and reclaim it if they have those problems.

Chair Farrington referred to Fieldstone's latest report dated August 23rd (page 15 of the packet) and to #13 in which every box is checked with a possible exception and noted he did not see this explicitly referred to in the Staff report. Fieldstone has highlighted the driveway where it goes into Route 9, where Granite Engineering has their response to that. In blue italics, Fieldstone has a further comment which leaves it to Staff to address.

Ms. Fortson stated this is related to some erosion present based on aerial imagery on an adjacent portion of the site, which is part of the former Palmer Lodge that operated on this property a while ago. Ms. Fortson stated Staff discussed this with the applicant and Staff's understanding is that there was previously a stream that ran through here, which was diverted to the pool that was on this property and was never redirected back. She stated Staff is aware of this but because the applicant is not proposing to modify this portion of the site at this time as part of the excavation, it will be something that will be handled in the future as part of a separate potential site plan application for the development. Mr. Clements agreed with what Ms. Fortson stated it is an existing condition of the site.

The Mayor noted he has not seen a traffic analysis on Route 9 with respect to this application. He indicated his personal experiences on this route have not been pleasant and added if this is going to be a continuing work site, it does concern him.

Ms. Fortson stated Staff did receive a traffic analysis in December when the applicant initially submitted their application. It was actually the original traffic analysis that was performed when the application was previously approved in 2022. She stated her understanding is that the applicant was not submitting an updated traffic analysis because they expected the rate of removal was going to be the same on the property, so they were not expecting a change in the

number of vehicle trips to be generated as a result of this application and felt it might be prudent to have this verified by the applicant.

Mr. Cole addressed traffic and stated the study in 2022 was accurate to what they expect to see with the current operation. He stated as mentioned, the first phase proposes to open up seven acres with all the other phases proposing to be less than that. He stated they are not proposing to have more traffic but that the duration of traffic will be longer. He added as per request of the Mayor, they are going to be locating extra signage; “*trucks entering on the highway*” signs are spaced every 100 feet to make sure that safety is being upheld. He added this is a DOT jurisdictional roadway and DOT has granted the driveway permit and monitor the roadway for safety. They have agreed with the traffic study done in 2022. The Mayor stated what he is concerned about is the eastbound traffic and the hill that descends to the applicant’s driveway. He noted, when you come around that bend, sight distance is difficult. The Mayor in response stated he ran the risk of a driver in front of him stopping abruptly when they noticed one of the applicant’s trucks and he did not see the sign asking him to slow down. Mr. Cole in response stated the signage they placed strategically, based on Mr. Mayor’s, comments were not necessarily related to the applicant’s plan yet, as it is part of the approved plan but there are signs that say “*trucks entering highway*” placed within 425 feet and stated he will get that sign extended further to make sure to give as much warning.

Councilor Remy asked to clarify, given that this is a state highway, if this issue is within the Board’s purview because the state issued a driveway permit. Ms. Fortson stated the street access itself is not under the Board’s purview. The applicant had to go through a separate process with the state to obtain that street access permit. However, the Board could potentially require as a precedent condition of approval that requires the installation of additional signage on the applicant’s property; the Board cannot require signage on the State highway.

With that, the Chair asked for public comment. He asked the public to keep their comments to the new material addressed tonight.

Ms. Yulia Sokol of Sullivan stated her home is two miles from this site. She stated she wanted to focus on the regional impact of this project. She stressed the need to protect the beauty of this region as it brings in a lot of revenue from tourism. She talked about having to drive through a cloud of dust due to this project and noted nearly 100 trucks were counted driving through Gilsom. She indicated she has driven behind a gravel truck on Old Sullivan Road, which she indicated is not permitted on this road. Ms. Sokol stated Apple Hill Center for Chamber Music is two miles from this site. She indicated, living two miles from this site, she constantly hears construction noise, vibration, and felt Apple Hill would have the same experience. In closing, she noted if this project needs this many exemptions, it probably is not the best project for this area.

Ms. Jodi Newell of 32 Leverett Street Keene addressed the Board next. Ms. Newell expressed her concern that it was indicated that the Board should only listen to the two Keene abutters, and felt Keene should be good neighbors by looking out for others who are also affected by this project.

Mr. Jim Manley of Sullivan NH, abutter to this site, addressed the Board. He noted he has been requesting a visualization of the end stage of this project and is yet to receive one. He also

questioned the one-mile radius when Board regulations call for 2,500 feet. He noted within the 2,500-foot radius there are at least 25 households. Mr. Manley felt beyond the environmental and aesthetic considerations, the decision comes down to revenue. He noted to the price of \$500,000, G2 Holdings paid for 300 acres and felt the applicant has made their money on this property. Mr. Manley pointed out according to the Town of Gilsum, there is no liability insurance if something happens to any of the abutters. This project is causing well contamination, foundation damage, and quality of life impact. Gilsum is having issues with dust and noise, the applicant is not using water trucks to mitigate dust. He indicated RSA 155-E is adamant about adverse impacts to property values and felt this needs to be taken into consideration.

Mr. Matt Keenan, a Dublin resident, addressed the Board on behalf of Habitat of Humanity. He stated he would like to present to the Board how generous the application has been to his organization. He stated Habitat for Humanity occupies their site at no charge for its marketplace restore concept. The applicant has offered the site next to their current site for development of a full restore building and noted this is how they raise money to build homes for workforce housing. He felt this was a good organization that gives back to the community.

Mr. Michael Brooks, 32 Tyler Lane, Sullivan was the next speaker. Mr. Brooks stated he is a Sullivan resident who is actually in favor of the project. He stated we need gravel, and the applicant has been a good business to deal with. He stated he would like to know if there are any safety aspects as it pertains ledge face. He asked, after the reclamation, if the ledge face was going to be something that will be addressed.

Attorney Friedrich Mukhal addressed the Board on behalf of Jim Manley. Attorney Mukhal stated the applicant's attorney started her presentation talking about jurisdiction and "not in my backyard" concept. He stated his response to that is the New Hampshire legislature and the Supreme Court have decided that when it comes to excavation issues like this, not in my backyard matters. He noted RSA 155 E finds that gravel pits are necessary, but we do not want them in our backyard. The overall take away from the statute is in addition to the technical things that have been discussed tonight is that no one wants to see operations such as this from the road. He stated when you are standing right at the driveway, you won't be able to see this operation, but as you drive along Route 9, you will be able to see the 200-foot cliffs, which the engineer has accurately stated does not need to be reclaimed. He noted if this is approved, the Board will be approving 200-foot cliffs in Granite Gorge, which would be the result because the statute says you do not have to reclaim ledge face.

With reference to AMD, the statement was that these rocks do not have any porosity. He noted granite and gneiss have porosity. He went on to say it is concerning that the seasonal water table elevation has not yet been determined.

Attorney Mukhal continued and talked about what Sullivan is going to do. Sullivan is going to determine whether to approve a special exception, but so too will Keene, because in addition to approval under this Board's jurisdiction, the Keene LDC requires a special exception from the Zoning Board as well.

He next referred to traffic. At the last meeting, he noted he provided a handout of what the applicant stated to this Board in 2022: 30 to 40 loads a day. However, at the Sullivan meeting, the applicant indicated it would be upwards of 80 loads a day, which he pointed out, would be

160 trips, which he indicated is consistent with the testimony heard today. He felt this was a misrepresentation to this Board and felt the applicant was planning on an increase to the volume daily and for the duration of the project.

With no further comment, the Chair closed the public hearing.

Councilor Remy referred to Condition 1. E. of the recommended motion that states *submittal of State and Federal permits and that the approval numbers should be added to the cover sheet*. He felt this condition should be revised to state *submittal and approval of State and Federal permits* or perhaps remove the word *submittal* and replace it with *approval of all State and Federal permits*. Councilor Remy stated it was implied that the necessary State and Federal permits must be approved, but this would make the language clearer. He continued by stating that the other conditions seem clear, and the Board will need to first address the requested waivers.

Councilor Remy continued and stated that generally speaking, you cannot not choose where there is gravel, and you cannot choose where there are the appropriate materials to do excavation. He felt 155 E is clear on that issue. He asked that the Board consider the motion to approve be read so the Board could discuss it further.

Mayor Kahn stated that after a number of months, it would be hard to think that this application should be continued; however, there is the potential to review the long list of recommended conditions of approval and new information over the next month. The Mayor continued by stating he was not sure if he wanted to approve this item during this meeting because it covers a lot of information and suggested a continuance based on other data provided this evening.

Councilor Remy felt he would rather discuss each item under the recommended conditions of approval individually to understand them as a Board than continue the application for a month. He stated that the applicant and others have been in front of this Board a number of times regarding this project. Councilor Remy agreed this list of conditions is a lot to review but disagreed on the more-time idea.

Ms. Vezzani stated she felt somewhere in between with respect to what the Mayor and Councilor Remy stated. She stated she has concerns about the wells of the residents in Sullivan and what blasting had done to those wells. She stated she did not see any information that tells her that these issues were not true and did not want any other residents' wells affected. Councilor Remy stated it was Gilsum residents who were having issues with their wells. Ms. Vezzani stated her comments should apply to Gilsum wells instead. The Chair stated that Gilsum has different regulations related to an excavation site and that the code in Keene would likely address the issue for Keene residents. Ms. Vezzani stated she was concerned that the residents in other towns would be affected due to this application being of regional impact. Ms. Mastrogiovanni questioned who would be held responsible if wells in other communities were affected. The Chair stated that a motion to continue be made.

A motion was made by Mayor Kahn to continue PB-2024-20 to the Planning Board meeting on September 29, 2025 at 6:30 pm in City Hall 2nd floor Councilor Chambers. The motion was seconded by Sarah Vezzani.

Mr. Hoefer stated he was not inclined to support a continuance without being specific as to what additional information the Board would be looking for. He stated he reviewed the provided documents in the packet and feels the Board knows what they need to know to make a decision. He felt the Board should be clear as to what specific information is being requested that is preventing the Board from making a decision at this point.

The Mayor stated he would like to review a 2022 traffic analysis and satisfy his concern related to traffic. The Mayor continued and stated the second concern he has is about reclamation. There were two different kinds of information provided earlier. One was that reclamation was to be done in stages all the way up, and the other statement made was that reclamation would only be done at the lower stage. He stated he would like to see it done all the way up the hill. He stated he is also concerned about regional impact on neighbors and whether or not that issue has been addressed properly. The Mayor stated he also does not know what to make of the seasonal high water monitoring. Councilor Remy stated the applicant has indicated seasonal high water table monitoring would be measured during spring prior to the commencement of work and digging would remain six feet above where the water table is located.

Mr. Kost stated he was not sure about visual impact and what someone will see when driving into Keene. He stated he understands there are three different visual areas that were identified as sensitive and asked for Staff clarification that this operation would not be in one of those areas. Mr. Clements stated this site is not in the sensitive visual areas as articulated in the Land Development Code for Earth Excavation.

Ms. Mastrogiovanni asked Staff to expand on what Mr. Clements meant by “articulated” and if a person would see the cliff. Ms. Fortson referred to the Telecommunications Ordinance in Article 13 of the Land Development Code, which divides properties in Keene into three different viewsheds. Viewsheds one and two are considered more important areas than viewshed three. This property is in viewshed three and is considered to have lower restrictions. Ms. Mastrogiovanni, with reference to trucks entering and exiting, asked whether there was any plan to add a pull-off, which would be safer, but noted this is a State Route.

Chair Farrington asked for added clarification regarding Viewsheds.

Ms. Fortson referred Article 25.1.2.c.3 - Earth Excavation Regulations. Ms. Fortson stated land areas identified as zone one or zone two in the view preservation overlay are not allowed to be developed as a gravel pit, unless the applicant can demonstrate to the satisfaction of the Planning Board that the proposed operation will not be visible from vistas or public rights of way in the City. This parcel does not fall into zone one or two. Councilor Remy clarified that this operation can be visible from the road under the City of Keene regulations because it is located in zone three.

Chair Farrington referred to the motion to continue and noted the Board is likely to request a confirmed traffic analysis, rendering of the reclamation, and decide on the regional impact issue. Councilor Remy stated the Board already has a traffic study from 2022. With respect to regional impact, the City has notified the surrounding towns as to this operation. As far as renderings, this is not an area the applicant needs to hide from the road. He noted the applicant is planning to reclaim every step but there is not much you can do about ledge face.

Mr. Hoefer stated what he was indicating is that if the Board wanted to continue it needs to be clear as to what it is looking for from the applicant. He further felt the traffic study should be accepted as is and felt the applicant was testifying to what they believe the traffic would be coming in and out of this site.

Ms. Vezzani stated she would like to move on a vote tonight and not continue the item, as all parties are present tonight. She stated the issue with the wells concerns her and felt it has not been addressed adequately by the applicant.

The motion to continue failed on a 2-8 vote, with Mayor Kahn and Roberta Mastrogiovanni voting in favor.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve a waiver from Section 25.3.1.D of the LDC to allow the excavation perimeter to be within 250 feet, but not less than 75 feet of surface water resources. The motion was seconded by Councilor Remy.

Mayor Kahn stated Staff has found that the design at the 75-foot distance is satisfactory and is inclined to approve this waiver.

The waiver for the surface water setback carried on a unanimous vote.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve a waiver from Section 25.3.6 of the LDC to allow excavation of bedrock where bedrock contains toxic or acid forming elements or compounds. The motion was seconded by Councilor Remy.

Councilor Remy stated given the fact the third-party consultant was comfortable with this plan and was satisfied with the requests he was in waiver of approving this waiver.

The waiver for excavation of bedrock where bedrock contains toxic or acid forming elements or compounds carried on an 8-2 vote, with Mayor Kahn and Sarah Vezzani voting in opposition.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve a waiver from Section 25.3.13 of the LDC to allow a maximum excavation area of 12 acres. The motion was seconded by Councilor Remy.

The Mayor questioned what justifies the expanded 12-acre site. Councilor Remy explained the applicant is permitted to have up to 12 acres un-reclaimed. The site down at the base of the hill is five acres now and they are going to leave that un-reclaimed, while they do work in other areas which are five acres and up to a seven-acre sections in one of the zones. They will leave the five acres open, which would be the last area reclaimed.

The waiver to have up to 12 acres un-reclaimed carried on a unanimous vote.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2024-20 as shown on the plan set identified as 'Gravel and Earth Removal Plan; G2 Holdings, LLC' prepared by Granite Engineering at varying scales on December 20, 2024 and last revised on August 22, 2025 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owner's signature shall appear on the title page and overview plan on Sheet 1 of the plan set.
 - b. Submittal of five (5) full size paper copies and a digital copy of the final plan set.
 - c. Submittal of security for sedimentation and erosion control, stormwater management, and reclamation for the first permit period of work to be completed.
 - d. The applicant or owner shall pay all outstanding third party consultant fees.
 - e. Submittal of all approved state and federal permits. The approval numbers for these permits shall be added to the cover sheet of the plan set.
 - f. The requested waivers and conditional use permits with results shall be added to the cover sheet.
2. Subsequent to final approval, the following conditions shall be met:
 - a. Erosion control, sedimentation control, and drainage management shall be installed before any site preparation and/or excavation work begins and shall be maintained in good working order during the excavation project.
 - b. Over the life of the excavation permit and any renewal thereof, the applicant shall provide monthly inspections by a qualified third party licensed professional in the state of NH regarding erosion and sedimentation control, PH, and stormwater runoff. Reports for these inspections shall be submitted to the Community Development Department.
 - c. Over the life of the excavation permit and any renewal thereof, in accordance with Section 25.3.4.C of the LDC the applicant shall monitor ground water levels and surface water levels on a monthly basis to determine the extent to which there are any adverse impacts.
 - i. The applicant shall notify the Community Development Department within 24-hours of any adverse impacts on ground water levels.
 - ii. The applicant shall implement the approved protocol for providing replacement water supplies for water supplies that are disrupted as a result of the excavation operations.
 - d. In accordance with Section 25.3.3 of the LDC, a monitoring well shall be installed in the area of Period 1 in Spring 2026 to confirm the seasonal high water table conditions.
 - e. In accordance with Section 25.3.3 of the LDC, seasonal high water level monitoring shall be completed in bedrock well BRW-09 prior to the commencement of work in Permit Period 8 and throughout the duration of work within this phase to confirm that the revised grades are at least 6-ft above the water table.
 - f. In accordance with Section 25.3.5.C of the LDC, ongoing monitoring of ground water quality shall be conducted semi-annually throughout the term of the permit and any renewal thereof, and for a period of not less than 2-years following the cessation of excavation activities and reclamation of the excavation site.
 - g. Six months prior to the commencement of work for the next permit period, the property owner shall submit a Permit Renewal application for review and approval by the Planning Board and sufficient security to cover the cost of

sedimentation and erosion control, stormwater management, and reclamation for the next permit period of work to be completed.

- h. Excavation activities shall only occur between the hours of 7:00 am and 5:00 pm, Monday through Friday.
- i. The area of un-reclaimed, inactive, and active excavation area shall not exceed 12 acres.
- j. At the end of all excavation operations, the site shall be reclaimed and monitored in accordance with Section 25.4 of the Land Development Code.

The motion was seconded by Councilor Remy.

Councilor Remy stated quarry mining is an inconvenience to abutters. He stated he could not think of a better location than the one the applicant has chosen especially because woods surround it.

The Mayor felt the owners have done a good job in answering the questions the Board has raised. The concern he has is with regional impact and needing to protect the region's highway, which is Route 9. He stated the sight view does not bother him as much as the traffic effect, which would be negative issue for the region and stated he would vote accordingly.

Mr. Hoefer talked about the necessity for projects such as this, which help with local construction. He felt the strict regulations the City has would make sure this project operates according to property standards and stated he would vote in favor.

Mr. Kost stated having a thorough engineering study from the applicant and a thorough third party engineering review would help his decision.

Ms. Vezzani stated the applicant has made an effort to provide the necessary information the Board needs to review this application. She stated that based on the regional impact she is not inclined to vote to approve this application. She stated if this item does move forward, she advised the public that the applicant is required to notify the public, present the data for the pre-water monitoring 45 days prior, and then follow up with the results two years after excavation cessation. She felt this provides for a lot of water monitoring in the future, which will provide some comfort for her.

Chair Farrington stated he always looks for ways to approve projects that come before the Board. He stated the Board has a responsibility to protect and have smart growth in the City. The Chair stated each project is reviewed carefully and this project in particular has quite a few conditions and the applicant has addressed all his conditions as it pertains to this application.

The motion carried on a 4-4 vote with Mayor Kahn, Roberta Mastrogiovanni, Armando Rangel, and Sarah Vezzani voting against the motion.

Mr. Clements stated this vote is a denial.

Mr. Cole stated there was no motion to deny, but rather that the motion to approve did not pass. Chair Farrington explained a tie vote is equivalent to a denial. Ms. Fortson referred to Section 5.2 of the Planning Board's rules of Procedure, which specifies what happens in the case of a tie vote - *in the case of a tie vote on any motion or recommendation, said motion or*

recommendation shall be deemed defeated. Mr. Cole agreed the motion did not pass but the Board will need to make a motion to deny, continue the motion, or ask for additional items, etc. The Chair stated that is not how the Board has operated in the past. Mr. Cole in response stated this would be against State rules. Councilor Remy stated if the Board is not taking making a decision tonight, he would default to the position Mr. Cole is taking which is that the motion on the table was defeated, which is traditionally Robert's Rules. There is now no motion on the table. The Board could then move to a continuance if that would help figure out what else is needed.

Mr. Clements stated, for the sake of at least attempting to take an action on this application tonight, perhaps a motion to deny would be germane and then if that is tied again then continue the motion. The Chair suggested considering what Councilor Remy suggested and continuing this application.

A motion was made by Councilor Remy that the Planning Board reconsider the continuance of moving the public hearing for PB 2024-20 to the Planning Board scheduled for September 29th, 2025 at 6:30 PM in City Hall, 2nd Floor Council Chambers. The motion was seconded by Chair Farrington.

Mr. Hoefer stated he would like to reiterate his earlier statement that if the Board is going to reconsider, that the Board needs to have new information available when they meet again in September.

Mayor Kahn stated he would like to see an updated traffic impact report. He also stated he would like to have an overview of the City's responsibilities as it pertains to regional impact.

Ms. Mastrogiovanni stated she would like clarification on zone 3. Ms. Fortson referred to Article 13 of the Land Development Code, which states that the view preservation overlay map that defines the three zones was dated March 2019. The Land Development Code did not go into effect until September of 2021, so it predates the adoption of the Land Development Code.

Ms. Vezzani stated she would like to see that the applicant go back to the individuals who were affected regionally, and that she would like to see data provided on whether or not those claims are valid. Chair Farrington stated anyone who was impacted was unlikely to have been impacted by the 2022 dig. The Chair did not feel this was information the Board could require. Ms. Vezzani stated how can regional impact be determined if the Board cannot be provided this information. Mr. Hoefer stated the Board has met its regional impact requirements because the City has informed the region that this project is happening and invited them to be a part of the process. Ms. Vezzani stated regional impact is a subjective term and there might be minimum requirements that you need to meet to alleviate that for some people, and it is going to be different for others. She indicated this one is different for her. There was a discussion between members as to the Board's role in regional impact; subsequently, it was stated that regional impact only requires a communication through a notice to let the communities designated as being impacted know what is happening.

Mr. Clements stated he would like to remind the Board that their responsibility is to weigh the merits of this application based on the regulations that are before the Board outlined in the Land Development Code. The Board has already decided that the three deviations from the regulations

are acceptable for this application and approved those waivers. To then turn around and not act on this application as a whole, where you have already said that these deviations are acceptable, is moving outside of the Board's role in this process. He stated he understands and appreciates the concern for neighbors and abutting communities. However, the Board's responsibility this evening is to look at the application and the materials submitted and reviewed by the third party consultants and determine whether they meet the standards. Then make a decision whether the application meets those standard or not.

Mayor Kahn stated the Board was provided a lot of information tonight and even though the Board is supposed to make a decision based on the standards outlined in the LDC, he was not focusing on the motion as there was a lot more information that has been provided, especially the traffic information provided in December.

With that, the Board voted on the following motions:

A motion was made to reconsider a continuation of project PB-2024-20 and carried on a unanimous vote.

A motion to continue project PB-2024-20 to September carried on a unanimous vote.

Councilor Remy requested the City Attorney be present at the next meeting.

Mr. Cole clarified information the applicant needed to provide for next meeting:

Unlikelihood of sediment in wells.

Resubmit the traffic study that was submitted in December. Chair Farrington stated this is the information he recalls and added if there were different traffic information provided to Sullivan the Board would like to see that information as well.

Ms. Fortson stated Staff wanted to make sure that it is very clear for the applicant what the Board is asking them to come to this next meeting with. If the Board is requesting the applicant to provide data related to wells, she wanted to make sure those are wells are within the City of Keene. If they are not, then that is outside the purview of this Planning Board.

However, if the Board wanted updated traffic data that would be within the Board's purview to ask for updated information related to that. She added that although this is a development of regional impact, as was noted by Chair Farrington, that really only affords the Regional Planning Commission and any adjacent municipalities additional notice by the Planning Board. The purview that the Board has over this project falls within the jurisdiction of the City of Keene, not Sullivan or anywhere else.

Ms. Mastrogiovanni asked whether the State portion has anything to do with Keene with reference to traffic. Ms. Fortson stated the state reviewed and approved the street access permit, and the state is not going to review anything related to potential traffic generation or traffic impacts because of the use. Ms. Clements added the state looks at what operation is being connected to the state right of way. They evaluate the use of the property when they issue a driveway permit.

Attorney Ice stated she would like to point out that a special hearing would need to be scheduled on this item as the regulations indicate that a decision needs to be made in 20 days after the hearing. The Chair disagreed and felt it is continued to the next Planning Board meeting.

Ms. Fortson referred to page 324 of the LDC says that *within 20 calendar days following the closing of the public hearing at the Planning Board shall approve with conditions or disapprove of this application. Notice of the decision shall be provided to the applicant in writing.*

The Chair stated he would leave it up to Staff to work with the applicant on a special hearing date.

VI) Master Plan Steering Committee Referral: 2025 Comprehensive Master Plan – The Master Plan Steering Committee voted to recommend that the Planning Board set a public hearing date for the adoption of the 2025 Comprehensive Master Plan, and refer the plan to City Council to endorse.

Chair Farrington addressed this item. He stated that the Steering Committee has completed its ad-hoc efforts and has referred the 2025 Comprehensive Master Plan to the Planning Board to do two things. The first is to set a public hearing and at that meeting, a vote will be taken to approve or not approve the masterplan. The next is to refer the master plan to City Council for endorsement.

A motion was made by Councilor Remy that the Planning Board refer the 2025 Comprehensive Master Plan to City Council for endorsement.

The motion was seconded by Mayor Kahn and was unanimously approved.

A motion was made by Councilor Remy that the Planning Board set a public hearing for the adoption of the 2025 Comprehensive Master Plan for Monday September 29, 2025 at 6:30 PM. The motion was seconded by Mayor Kahn and was unanimously approved.

VII) Correspondence

a) Letter from Ariane Ice dated August 8th

No action was taken on this item

VIII) Staff Updates

None

IX) New Business

IX) Upcoming Dates of Interest

- Special Planning Board Meeting – September 8th, 5:30 PM
- Joint Committee of the Planning Board and PLD – September 8th, 6:30 PM
- Planning Board Steering Committee – September 16th, 12:00 PM
- Planning Board Site Visit – September 24th, 8:00 AM – To Be Confirmed

1025 • Planning Board Meeting – September 29th, 6:30 PM

1026

1027 There being no further business, Chair Farrington adjourned the meeting at 9:51 PM.

1028

1029 Respectfully submitted by,

1030 Krishni Pahl, Minute Taker

1031

1032 Reviewed and edited by,

1033

1034 Emily Duseau, Planning Technician

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, September 8, 2025

5:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Mayor Jay V. Kahn
Councilor Michael Remy
Sarah Vezzani
Armando Rangel
Ryan Clancy
Kenneth Kost
Michael Hoefer, Alternate

Staff Present:

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

Members Not Present:

Randyn Markelon, Alternate
Tammy Adams, Alternate
Stephon Mehu, Alternate

I) Call to Order

Chair Farrington called the meeting to order at 5:30 PM and a roll call was taken. Mr. Hoefer was asked to join the meeting as a voting member.

II) Boundary Line Adjustment

a) **PB-2025-16 – Boundary Line Adjustment – 124-126 & 130 Eastern Ave –**
Applicant HG Johnson Real Estate, on behalf of owner Bishop 2024 Revocable Family Trust, proposes to transfer ~0.22-ac of land from the ~0.57-ac parcel at 130 Eastern Ave to the ~0.95-ac parcel at 124-126 Eastern Ave (TMP#s 588-031-000 & 588-032-000). Both parcels are located in the Low Density District.

A. Board Determination of Completeness

Planner Evan Clements stated the applicant has requested an exemption from submitting separate existing and proposed condition plans and all technical reports. After reviewing each request, Planning Staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as complete.

A motion was made by Roberta Mastrogiovanni that the Planning Board accept Application PB-2025-16 as complete. The motion was seconded by Councilor Michael Remy and was unanimously approved.

B. Public Hearing

Mr. George Hansel of HG Johnson Real Estate addressed the Board on behalf of applicant Terry Bishop. Mr. Hansel explained that all parcels in question have the same owner. The request is to adjust the property line at the rear of the parcel and add 0.22 acres from one parcel to the other. No new development is being proposed but the property owner is looking to add a ground mounted solar array and would like more space on one of the properties. If the plan for the solar array moves forward, which is not an item before the Board tonight, that too would need to comply with the City's regulations as it would relate to that kind of development.

He referred to the plan in which these parcels are located next to each other. There are some wetlands, which have been delineated on this plan. The wetlands are in the opposite section of the area that the boundary line is going to be adjusted.

Mr. Hansel referred to Section 20.2.1 – Zoning District Dimensional Requirements – and noted this adjustment is not going to create any non-compliance. The lots will be in compliance after the adjustment.

Section 20.2.2 – Character of the Land: Mr. Hansel noted the only character of land issue that could be contemplated are wetlands. However, because the wetlands are located on the opposite side of one of the lots it is not really affected. The applicant does not feel it is applicable.

Section 20.2.3 - Scattered or Premature Development: This section is to make sure there is adequate infrastructure for a subdivision, however, no such development is being proposed here. Both lots are serviced by city water and sewer and are also serviced by Eversource.

Section 20.2.4 – Preservation of Existing Features: None of the features are going to be changed as a result of this adjustment.

Section 20.2.6 – Special Flood Hazard Area: Property is not located in a flood zone.

Section 20.2.7 – Fire Protection and Water Supply: Property is connected to City water and no part of this application would require fire protection

Section 20.2.8 – Utilities: Property has city utilities.

This concluded Mr. Hansel's comments.

Applicant Terry Bishop stated the plan is to produce nearly 750,000-Kilowatt hours of electricity into the power grid that they would share. He stated he is waiting for to hear about this new high efficiency chip, which would produce more kilowatt hours.

Staff comments were next. Mr. Evans addressed the Board and stated the subject parcels are located on the east side of Eastern Avenue in southeastern Keene, approximately 1,700 feet from the Marlboro Street intersection to the South and 350 feet from the Bellevue intersection to the

north. The property at 124 and 126 Eastern Avenue contains an existing three-unit multifamily building, an existing single-family building, a carport shed and associated site improvements. There is also a stream that runs along the northwest corner of the parcel under Eastern Avenue. The property at 130 Eastern Avenue contains an existing single-family building, detached garage, shed and other improvements.

He noted the purpose of this application is to transfer 0.22 acres of land from 130 Eastern Avenue to 124 and 126 Eastern Avenue. No development is being proposed at this time as part of this application.

The parcel at 130 Eastern Avenue is 0.57 acres in size and the parcel at 124 and 126 Eastern Avenue is 0.99 acres. Following the transfer of land, both lots will continue to comply with all zoning dimensional requirements for the low-density district.

The end parcel size, after the transfer will leave 124 and 126 Eastern Avenue at 1.21 acres in size and 130 Eastern Avenue at 0.34 Acres in size.

Mr. Clements noted, as indicated by the applicant, the character of land for the subdivision is described as gently sloping towards Eastern Avenue with a low point located in the northern edge of 124 and 126 where that stream is located. A portion of the stream is located on the corner of the parcel itself and has been delineated by a licensed wetland scientist. A 30-foot wetland buffer is shown on the plan. This standard appears to be met.

With reference to scattered or premature development, both parcels contain existing developed residential uses with access to city water and sewer. This standard has been met.

Preservation of existing features – Mr. Clements stated there are no impacts to existing site features as no additional development is proposed. This standard has been met.

Monumentation – the submitted plan shows the boundaries will be marked using a 5/8 inch capped rebar post, which will be set in all corners and there is a condition of approval related to the inspection of that lot.

Special Flood Hazard Area – This standard is not applicable as neither of the parcels are in a special flood hazard.

Fire Protection, Water Supply and Utilities – These standards are also not applicable as everything is fully developed with no additional development proposed.

Mr. Clements next reviewed the conditions of approval as outlined in the Board's packet. Mr. Clements stated Staff have made a preliminary determination that this project has no regional impact. This concluded Staff comments.

Mayor Kahn asked whether the solar array would be sufficient to power all the properties the applicant owns in the neighborhood. Mr. Bishop stated he would not be using solar but would be selling it back to the grid.

As there was no public comment, the Chair closed the public hearing.

C. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2025-16 as shown on the plan identified as “Boundary Line Adjustment Plan” prepared by Envirespect Land Services, LLC at a scale of 1 inch = 20 feet dated June 28, 2025 and last revised August 2025 with the following conditions precedent prior to final approval and signature of the plans by the Planning Board Chair:

1. Owners’ signatures appear on the proposed BLA plan.
2. Submittal of two (2) mylar copies of the plans.
3. Submittal of a check in the amount of \$51 made out to the City of Keene to cover recording fees.
4. Inspection of the lot monuments by the Public Works Director, or their designee, following their installation, or the submittal of a security in a form and amount acceptable to the Public Works Director to ensure that the monuments will be set.

The motion was seconded by Councilor Remy.

The Councilor agreed this is not a regional impact project and felt it was a straightforward project.

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

III) Public Hearings

a) PB-2025-15 – Cottage Court Conditional Use Permit – Barn Conversion, 429 Elm St – Applicant HG Johnson Real Estate, on behalf of owner JC&C Rentals LLC, proposes to convert a barn into 2 dwelling units on the property at 429 Elm St (TMP# 520-005- 000). The parcel is ~0.48-ac and is located in the Low Density District.

A. Board Determination of Completeness

Planner Evan Clements stated the applicant has requested exemptions from submitting separate existing and proposed conditions plan, a grading plan, a lighting plan, a landscaping plan, and all technical reports. Staff recommend that the Board grant these exemptions and accept the application as complete.

Ms. Vezzani stated she lived close to this property and asked the Board if she should recuse herself from voting on this application. Ms. Brunner asked Ms. Vezzani to clarify whether or not she lives 200 feet from this property and Ms. Vezzani answered in the negative. The Board did not feel it was necessary for Ms. Vezzani to be recused.

A motion was made by Mayor Kahn that the Planning Board accept Application PB-2025-15 as complete. The motion was seconded by Councilor Remy and was unanimously approved.

B. Public Hearing

Mr. Hansel of HG Johnson Real Estate addressed the Board and introduced Mr. Joe Bagster, applicant. Mr. Hansel stated this application is for a Cottage Court Overlay District project. He stated this was a Cottage Court development built in the 30’s and is a legal non-conforming use right now. Mr. Hansel noted to this property on a plan located on Elm Street. It is an existing lot that has multiple single-family buildings on it. The request is to convert an existing garage/barn into two new apartments. There is sufficient parking already on the site. The site has about eight

parking spots, which would allow two more apartments to be added and have one spot per apartment on the entire lot with two extra spots.

Mr. Hansel went on to say the overlay district allows for single-family duplex and triplex uses in the low-density district. There are not many changes being proposed to the outside of the property, most of the work would be to the interior to create the two new units. The three garage overhead doors will be removed and replaced with traditional door entrances for the apartments. Storage areas are also going to be added, and the dormers are going to be expanded to get a little more headroom on the second floor. The two curb cuts and the loop configuration will remain.

The dwelling size standard allows for a maximum average unit size of 1,250 square feet and a maximum building footprint of 900 square feet per unit. Mr. Hansel stated this project, both with the existing and the new proposed units, is going to have an average unit size of 900 square feet and an average footprint of 637 square feet, which will fall below the maximum in the standard.

Parking – The standard requires a minimum of one parking space per unit and a maximum of one parking space per bedroom. There are eight existing parking spots on the site. Those eight spots will be shared between the five units and nine total bedrooms. This application, if approved, would fall into compliance with the standard.

Building Separation – All buildings exist. The applicant is not proposing any new buildings or expanding the footprint of any of the existing buildings. The applicant would need to apply for a building permit if this application is approved, which would address any life safety issues.

No modifications are being proposed for the driveways.

There are no internal roads being proposed.

Screening – No changes are being proposed to the exterior of the buildings. Hence, screening doesn't apply.

Architectural Guidelines – Standard 17.5.4. – Minimal exterior changes. The only change being proposed is that the applicant is replacing the garage doors and changing the windows to more modern energy efficient windows, which Mr. Hansel noted is not a substantial change.

Mr. Hansel noted in his application that he has indicated the proposal would be four additional units, which he indicated is a typographic error. The addition is only two units.

Mr. Hansel felt this type of additional housing would help with the housing crisis the City is experiencing. This concluded Mr. Hansel's presentation and turned the presentation over to the applicant.

Mr. Joe Bagster addressed the Board and stated he would reiterate what Mr. Hansel stated that this type of housing would address the shortage of housing in the City.

Ms. Mastrogiovanni stated this was a great idea and stated she has been to this property in the past and the only issue she has is that tenants seem to block the driveway, which makes it difficult to get in and out of the property.

Mr. Clancy asked for the square footage of the front unit. Mr. Hansel stated the average is about 900 square feet per unit.

The Chairman asked whether a bathroom needs to be added to the barn. Mr. Hansel stated the site is currently serviced by City water and sewer and the applicant is looking to see if that line could be extended or if it needs to be replaced; this will be decided during the building permit process.

Mayor Kahn asked if each unit would have its own staircase. Mr. Hansel stated each unit would have its own entry as required by the building code. Mr. Hansel referred to page 22 showing the three doorways in the front. One of those areas would be a common area (laundry, storage), the one in the middle would access the unit upstairs, and the other would access the unit downstairs.

Staff comments were next.

Mr. Clements addressed the Board and stated the subject parcel is an existing 0.48-acre lot located on the eastern side of Elm Street, directly across the street from Fuller Elementary School and about 333 feet from the Timberlane Drive Intersection.

The parcel contains three detached single-family residences, as well as a shed and a barn. Improvements include a U-shaped gravel driveway with two street access connections.

The purpose of this application is to convert the existing approximately 1,120 square foot barn into a duplex with a two bed and one bath unit and a one bed and one bath unit. This will increase the total count of residential units on the property to five. The property contains eight parking spaces where only five parking spaces are required. He added there is no proposed alteration to the site besides the barn conversion, and this project does not meet the threshold for major site plan review.

Regional Impact – Mr. Clements stated that after reviewing the application, Staff have made a preliminary evaluation that the proposed duplex does not appear to have the potential for regional impact; the Board will need to make a final determination on that.

He went on to say that the duplex is an allowed development type according to the table in the Cottage Court ordinance in the Low Density District.

The three existing detached single-family units were constructed between 1936 and 1940.

The existing development of the site is considered legal non-conforming, as the applicant explained, because multiple principal uses are not normally allowed on a single lot in a residential zoning district. Approval of this Cottage Court Conditional Use Permit will bring the property into conformance with the City's zoning regulations in terms of allowed uses. All requirements appear to be met.

Regarding dwelling unit size, this standard requires a maximum of 1,250 square feet gross floor area and a maximum building footprint of 900 square feet per unit. The proposed project will result in an average ground floor area of 900 square feet per unit with five dwelling units. Total building footprint of all existing buildings is approximately 3,185 square feet, with an average building footprint size of 637 square feet per unit.

Mr. Clements added that each building footprint appears to be less than the required 900 square feet, so this standard has been met.

The parking standard requires a minimum of one parking space per unit and a maximum of one parking space per bedroom. Each unit within the property has access to one of the eight existing parking spaces on site. This standard has been met.

Building separation – All buildings already exist. The conversion of the barn to a duplex will require a building permit application that meets all applicable building, fire and life safety codes. This standard has been met.

Driveways – The property contains an existing driveway, which appears to be at least 20 feet wide to accommodate vehicular traffic to parking areas. The standard appears to be met.

Internal roads – There are no internal roads, hence this standard does not apply.

Screening – The standard says that either a six-foot tall fence or a landscape buffer is required for screening. If the proposed building type, not density, is more intense than the adjacent building type. The proposed conversion is an existing barn into a duplex with no significant changes.

The overall site does not appear to constitute a more intense building type to the surrounding property. Staff believe that this standard does not apply.

Architectural Guidelines – Mr. Clements stated the applicant has clearly articulated the intent to maintain a New England vernacular that already exists at the proposed site and surrounding area. He suggested the Board have its own deliberation on this issue.

Mr. Clements reviewed the conditions of approval included in the Board packet. This concluded the staff comments.

The Chair asked for public comment. With no comments for the Board, the Chair closed the public hearing.

C. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni approve PB-2024-15 as shown on the site plan identified as “429 Elm Street, Keene” prepared by H.G. Johnson Real Estate at a scale of 1 inch = 15’8” dated July 8, 2025 and in the application materials received July 9 2025, and August 4, 2025, with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:

- a. Owner’s signature appears on the site plan.
- b. Submittal of five (5) paper copies and one digital copy of the site plan.

The motion was seconded by Councilor Remy.

Councilor Remy stated this project does not qualify for regional impact and agreed with Staff that this project looks similar to the existing property. He felt the proposal is a better use of an existing structure and felt it was a great application.

Ms. Vezzani stated she agreed with Councilor Remy and felt it was a great addition to the neighborhood.

Mayor Kahn felt it is going to be difficult to maintain a vernacular look that resembles the existing units on site. He asked whether there would be some process by which Staff would be reviewing a final plan, which shows the intended finish so that look has some kind of review post approval.

Mr. Clements stated this application is different in that it is a commercial site plan with a visual architectural analysis, which is essentially a collection of single-family and two-family structures.

He indicated the Cottage Court Conditional Use Permit gives some sort of guidelines on architectural appearance. He stated this duplex is not going to be reviewed under the Planning Board's architectural and visual appearance standards because this is not a major site plan review and doesn't meet the threshold for that type of review. He added if a condition was to be added regarding final visual appearance, it might be too subjective for Staff to make a determination on. Staff does not have a clear set of regulations to compare that final product to. He stated an option would be to require architectural elevations and renderings of the final barn, which would increase time and cost for the applicant and would probably require the Board to continue the application to another meeting to give them time to put that together. The Mayor did not feel that was necessary.

The motion made by Roberta Mastrogiovanni was unanimously approved.

IV) Continued Public Hearing

a) **PB-2024-20 – Earth Excavation Permit Major Amendment & Hillside Protection Conditional Use Permit** – Gravel Pit, 21 & 57 Route 9 – Applicant Granite Engineering LLC, on behalf of owner G2 Holdings LLC, proposes to expand the existing gravel pit located at 21 & 57 Route 9 (TMP#s 215-007-000 & 215-008-000). A Hillside Protection CUP is requested for impacts to steep slopes. Waivers are requested from Sections 25.3.1.D, 25.3.6, and 25.3.13 of the LDC related to the 250' surface water resource setback, toxic or acid forming materials, and the 5-ac excavation area maximum. The parcels are a combined ~109.1-ac in size and are located in the Rural District.

Public Hearing

Mr. Manley stated that during the last meeting at the two hour and nine minute mark, the Chairman closed the public hearing.

Senior Planner Mari Brunner reminded the Board that this was not a public hearing, and no public comment was being taken tonight. The Chair noted the public hearing was closed at the last meeting and the Board will be continuing its deliberation tonight. He stated he would like to start the deliberation with a motion.

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-2024-20 for an Earth Excavation Permit Major Amendment and Hillside Conditional Use Permit as shown on the plan set identified as 'Gravel and Earth Removal Plan; G2 Holdings, LLC' prepared by Granite Engineering at varying scales on December 20, 2024 and last revised on August 22, 2025 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owner's signature shall appear on the title page and overview plan on Sheet 1 of the plan set.
 - b. Submittal of five (5) full size paper copies and a digital copy of the final plan set in pdf format.
 - c. Submittal of security for sedimentation and erosion control, stormwater management, and reclamation for the first permit period of work to be completed.
 - d. The applicant or owner shall pay all outstanding third-party consultant fees.
 - e.
 - f. Submittal of all approved state and federal permits. The approval numbers for these permits shall be added to the cover sheet of the plan set.
 - g. The requested waivers and conditional use permits with results shall be added to the cover sheet.
 - h.
2. Subsequent to final approval, the following conditions shall be met:
 - a. Erosion control, sedimentation control, and drainage management shall be installed before any site preparation and/or excavation work begins and shall be maintained in good working order during the excavation project.
 - b. Over the life of the excavation permit and any renewal thereof, the applicant shall provide monthly inspections by a qualified third party licensed professional in the state of NH regarding erosion and sedimentation control, PH, and stormwater runoff. Reports for these inspections shall be submitted to the Community Development Department.
 - c. Over the life of the excavation permit and any renewal thereof, in accordance with Section 25.3.4.C of the LDC the applicant shall monitor ground water levels and surface water levels on a monthly basis to determine the extent to which there are any adverse impacts.
 - i. The applicant shall notify the Community Development Department within 24-hours of any adverse impacts on ground water levels.
 - ii. The applicant shall implement the approved protocol for providing replacement water supplies for water supplies that are disrupted as a result of the excavation operations.
 - d. In accordance with Section 25.3.3 of the LDC, a monitoring well shall be installed in the area of Period 1 in Spring 2026 to confirm the seasonal high water table conditions.
 - e. In accordance with Section 25.3.3 of the LDC, seasonal high water level monitoring shall be completed in bedrock well BRW-09 prior to the commencement of work in Permit Period 8 and throughout the duration of work within this phase to confirm that the revised grades are at least 6-ft above the water table.
 - f. In accordance with Section 25.3.5.C of the LDC, ongoing monitoring of ground water quality shall be conducted semi-annually throughout the term of the permit and any renewal thereof, and for a period of not less than 2-years following the cessation of excavation activities and reclamation of the excavation site.

- g. Six months prior to the commencement of work for the next permit period, the property owner shall submit a Permit Renewal application for review and approval by the Planning Board and sufficient security to cover the cost of sedimentation and erosion control, stormwater management, and reclamation for the next permit period of work to be completed.
- h. Excavation activities shall only occur between the hours of 7:00 am and 5:00 pm, Monday through Friday.
- i. The area of un-reclaimed, inactive, and active excavation area shall not exceed 12 acres.
- j. The boundary between the excavation perimeter and buffer area should be clearly marked on the site for each permit period to avoid encroachment into the buffer area. Buffer areas should not be used to store stumps, boulders, earth materials or other debris in accordance with section 25.3.2 of LDC.
- k. The boundary of approved setbacks from service water resources within the excavation perimeter shall be clearly marked on the site to avoid encroachment
- l. At the end of all excavation operations, the site shall be reclaimed using pollinator friendly plantings and monitored in accordance with Section 25.4 of the Land Development Code.

The motion was seconded by Mayor Kahn

The Chairman noted because this application was reviewed over a period of a few months whether the Board was adequately versed to vote on it.

Mr. Hoefer stated he has attended site visits, and meeting and was prepared to vote on the application.

Mr. Kost stated he had also attended site visits, and meeting and was prepared to vote on the application.

Councilor Remy stated he missed one meeting in March but had watched the video of that meeting.

Ms. Mastrogiovanni stated she too was prepared to vote on this issue and did attend many of the meetings, read all the notes and watched videos of the ones she wasn't able to attend.

Mayor Kahn stated he was prepared to vote this evening.

Mr. Rangel stated he too was prepared to vote. He had attended all the meetings but was not able to attend the site visit.

Ms. Vezzani was prepared to vote. She stated she reviewed notes and watched the video of the meeting she missed.

Mr. Clancy stated he was prepared and ready to vote on this matter tonight.

Attorney Ice stated one of the alternate Board members who has voted previously on this project is now removed from voting, which she felt was an issue. She noted that this alternate member,

Mr. Hoefer, replaced a Board member at the March meeting and questioned if that Board member can vote tonight. She indicated Mr. Hoefer replaced one of eight members so only eight can vote. She stated the Board is allowed by statute to have nine Board members, but the Board never appointed a 9th member.

Ms. Brunner agreed that Attorney Ice did have a point. She stated because Mr. Hoefer has been sitting on this matter from the beginning and has been at every meeting, he should continue to vote this matter. She advised that the Chair ask one of the regular members here tonight to step down and have Mr. Hoefer pick that spot for this vote. The Chair stated he would ask for volunteers and otherwise he would name someone to step down. Mr. Clancy was recused from this vote.

The Chair stated there are four additional conditions included in the packet and asked that the Board discuss this first.

The first is a condition subsequent and it is regarding an addition to the reclamation regarding planning native tree species. Councilor Remy stated he was in favor of this condition. He stated there is already a lot of tree cover and did not feel the applicant would have to do too much to comply with this condition. Ms. Vezzani stated she was comfortable with this condition.

The second condition was regarding traffic and has two parts: Part A and Part B. Mayor Kahn stated as he has stated previously that safety is a concern to him on this route. He felt these traffic considerations are modest and achievable by the owner. He noted Item A and that the current traffic study outlines 74 trips to and from the site on a weekly basis. He felt what is being proposed was a generous statement. He further stated the site has increased in size from the original application of 10 acres to 12 acres. The situation with the eastbound direction is of concern for site distances and other traffic safety measures. If the applicant is seeking the guidance both for the updated driveway permit for the additional acres and to gain the best recommendations from the party responsible for the safety on that highway, which is NHDOT, this is an important additional condition.

Councilor Remy stated he agrees with Part A, however, for Part B, he stated he wasn't sure if requesting an updated driveway permit is what he would go for as much as perhaps submitting notification to NHDOT that there has been a concern around the safety and the visibility around this area and asking for their recommendations. He felt this could trigger a safety study for the State and how they might make modifications to the road. He stated the applicant is not necessarily expecting more traffic. However, if the Board has concerns about the current layout, he felt it was appropriate for the applicant to send a letter to NHDOT with a copy to the City indicating the concern that exists on this route and for DOT to investigate the issue. The Councilor noted there is a sign that just says trucks entering on the eastbound side but felt another sign around the corner could be helpful.

The Mayor in response stated he agrees with Councilor Remy and to make sure the sign is more visible would be helpful. The Mayor noted the driveway permit request is because there is an alteration to the plan and asked for clarification. Ms. Brunner stated her understanding is that the New Hampshire Department of Transportation, which has jurisdiction over this road, requires a driveway permit when the use expands or is enlarged. The applicant would have to reapply just to make sure this is still an adequate driveway. She did not think DOT would necessarily require anything, but it could give DOT another opportunity to just look at the driveway access points

and then let the applicant know if there is anything they could do to help improve safety. She felt this is an avenue to have DOT provide some safety suggestions but added what Councilor Remy has proposed would also work. She also suggested the Chair could give the applicant an opportunity to weigh in on some of these conditions, as the applicant has not had an opportunity to review the new proposed conditions.

Ms. Vezzani asked whether there was a cost for applying to the DOT for an updated driveway permit compared to what Councilor Remy suggested. Ms. Brunner stated what Councilor Remy suggested would not have a cost associated with it but wasn't sure how much the driveway permit would cost. Councilor Remy felt writing a letter would be at no cost and will also trigger the state to review this area. The Chairman stated he agrees with Councilor Remy's suggestion.

The Mayor felt the applicant should be the one initiating the correspondence with the state. He also added that with a driveway permit, this might enable a justification for the department to make these kinds of recommendations. He felt the idea was to link this with a process the Planning Department has in place and to not create something different. He added it is a fact that the trip generation has increased, and the driveway permit in place is based on less traffic. The Mayor felt the motion is worded appropriately because it gives the Department of Transportation the rationale as to why they ought to look at this issue. The Mayor did not feel DOT has any basis to provide this kind of feedback without this kind of regulation in place. DOT has given approval for a 10-acre site, and this is now a 12-acre proposal, which could require additional mitigation.

Mr. Manley addressed the Board and noted as a point of order, Section 2.1 of the Board's Rules of Procedure states that the Planning Board is made-up of nine members consistent with state law. The Chair stated Mr. Manley did not have standing.

Ms. Vezzani stated she would be in agreement with either one of the proposed suggestions.

Mr. Hoefler stated, with respect to the driveway permit, he understands the spirit for the request and asked whether this is not something that the Board should have requested with the original request to the applicant. He noted the Board was aware that the site was larger from the beginning of this process.

Councilor Remy stated that according to what Staff has stated, if the applicant meets the requirements of having had a change of use, they have to apply for an updated permit if there is something that triggers the State to require one. He felt if the expanded use required the applicant to obtain a new permit, they should be aware that this is State law and hence would need to work with the State. He did not feel this is something the Board should require.

Ms. Mastrogiovanni stated with respect to traffic and the proposal of a mitigation strategy of some kind, how does the City keep count of vehicles entering and exiting the site. She stated we are expecting an increase to traffic and asked if that is the case, what the mitigation strategy would be from Public Works. She added Route 9 is by far the most important artery into Keene and it is always a busy artery. Route 9 is not wide enough and to hypothetically see 10-wheeler dump trucks rolling off into that pit is a concern and wanted to make sure it is safe. She felt a mitigation strategy and the proper discussion with the State would make sense for this project.

Mr. Kost questioned as of now whether there was an increase to traffic. He stated the number appears to remain the same but just spread over more years. The Chairman agreed that this was the information provided in the application.

The applicant's representative, Mr. Cole, stated they would be willing to comply with either one of the items being suggested by the Board.

The third condition was in reference to monitoring vibration during and after blasting. Mr. Clancy stated that even though he is not voting on this matter, he is still part of deliberation on this Board. In reviewing all documents and hearing Board's concerns at the last meeting, he wanted to make sure the Board had appropriate tools to address any issues that would arise. He suggested having a third party monitor a baseline before a blast starts.

Mr. Kost, after having heard about foundation issues from abutters, agreed with what Mr. Clancy had stated. He felt what is being proposed would provide opportunity to monitor the work.

Councilor Remy stated this is not his expertise but wanted to know the applicant's position on this; if they are not opposed to it, that would be ok. If not, it would need to be discussed further.

Attorney Ice felt this is a duplication. She indicated the Board's packet has expert testimony, which indicates that outside of ½ mile, there would not be any issues at all. She felt it was overkill, but if this condition is needed to approve the application, the applicant agrees to it.

The next new condition was in reference to liability insurance. Attorney Ice stated the applicant just learned of this condition. The applicant does not have issue with this, but it is usually the blaster who carries insurance. She stated she wasn't sure the applicant would be able to obtain this type of insurance as they haven't had time to look into it. The concern with this condition is whether the applicant is going to be able to comply with it.

Councilor Remy stated the way he would interpret this language "*the applicant shall maintain in full force*" – whether it is carried by the sub-contractor or the applicant, they are covered by that insurance. Ms. Brunner stated in the motion the Board could clarify that language "*the applicant or their blaster should hold the insurance*".

Ms. Vezzani stated, as someone who has some expertise in this field, she would recommend that the Board leave it as *the applicant shall maintain in full force commercial general liability policy for \$5,000,000 with the City of Keene as an additional insured*. She further stated the company that issues this \$5,000,000 policy will require the applicant prove that the sub-contractor is also carrying insurance.

With that the following amended motion was made by Councilor Remy:

m. The applicant shall plant native tree species in reclaimed areas as necessary to mitigate the view of the excavation operation, cliff faces, and access roads visible from Route 9.

n. If traffic impacts to Route 9 exceed the proposed conditions of a maximum of 90 trips per day or a

maximum of 8 trips per peak hour as stated in the traffic memorandum dated February 18, 2022, a traffic management plan shall be required to evaluate and propose mitigation strategies. This plan and proposed mitigation strategies shall be subject to review and approval by the Public Works Director.

o. Due to the increase in size of the operation, the applicant shall apply to the New Hampshire Department of Transportation for an updated driveway permit and shall communicate back to the Board through city staff any New Hampshire DOT recommendations regarding vegetation clearing all season, safe sight distance and any other recommended Traffic Safety measures.

p. All blasting activities shall comply with the vibration and air over pressure standards established under NH Admin Rule Saf-C 1625.04 and any successor regulations.

q. Prior to the commencement of blasting, the applicant shall retain a licensed independent third-party blasting consultant acceptable to the City of Keene. The consultant shall

i. Install seismographs at selected structures and locations within a two-mile radius of the blast site with a focus on the closest residence as well as and other sensitive receptors.

ii. Record vibration and air over pressure levels for the first blast, event.

iii. Prepare and submit a certified monitoring report to the City of Keene Community Development Department within 14 days of the blast.

r. If monitoring results indicate the vibration and air over pressure levels exceed allowable State standards, the applicant shall:

i. Immediately cease further blasting until corrective measures are proposed, viewed and approved by staff.

ii. Conduct an additional round of third-party monitoring for the next scheduled blast, at the applicant's expense.

s. All seismograph records for subsequent blast shall be retained by the blasting contractor for a minimum of 12 months and be made available to the city upon request.

t. The applicant shall maintain in full force and effect a commercial general liability insurance policy with coverage specifically endorsed for blasting and excavation activities, including coverage for:

i. Damage to structures, wells and other properties resulting from vibration, error of pressure, or fly rock.

ii. Contamination or degradation of groundwater or surface water attributable to the excavation or blasting operations.

u. Coverage shall extend to claims by all property owners located within a two-mile radius of the blast site and shall also apply to any persons or property impacted by groundwater or surface water contamination within the affected watershed.

v. The policy shall provide no less than \$5,000,000 combined single limit per occurrence and shall name the City of Keene as an additional insured.

w. Proof of insurance, including the blasting, environmental endorsements shall be submitted to the Community Development Department, prior to the issuance of the excavation permit and renewed annually.

x. The applicant shall be responsible for ensuring the claims under this policy are processed and resolved promptly in the event of verified damage or contamination.

The motion to amend was seconded by Sarah Vezzani and carried on a unanimous vote.

Ms. Vezzani stated the Board has addressed the regional impact, gone through the application with a fine toothcomb, added in appropriate adjustments and conditions to be able to move forward with this application.

Mr. Rangel stated this still continues to be a difficult application and appreciates all the additional work that has been put into this to add the additional conditions, which he felt would help mitigate some of the concerns. However, he thought it might not address all concerns. There are still those concerns about noise, drop in property values, historical site preservation, etc. He felt the additional conditions do help to address some of the larger issues.

Mayor Kahn agreed the additional conditions, along with the reports Staff have collected from expert land analysts, help approve this application. He felt there is regional impact, which the Board had taken into consideration. He felt the concerns of the public could continue to be evaluated by Staff and this Board.

Ms. Mastrogiovanni stated this is a difficult subject for both sides. She stated she appreciates all the planning the applicant had to do and agreed we need gravel as has been indicated by the State. She felt the process was a difficult one. There is regional impact, which the Board has voted on. At the last meeting, there were concerns raised by the Board that were addressed at this meeting. She indicated the Board has done its job and felt it is now up to the City to make sure what is outlined in the conditions are being followed.

Councilor Remy stated he supported this item in August. He felt the new conditions should help provide some comfort to the abutters. He felt these types of applications are always hard but felt the Board has reached a good spot with this application.

Mr. Kost stated he too supported this application last month. He felt the items the Board controls under the Land Development Code were addressed. He indicated the additional conditions make it easier to continue to support this application. He added the monitoring of this site does have to happen. He stated he would support this application.

Mr. Hoefer stated he was in favor of this application last meeting. He felt the Board's process was very thorough and noted that the City of Keene does have the strongest permit process in the State. He stated the City brought in experts whose concerns have been addressed to protect neighbors and the region.

Chair Farrington agreed with Mr. Hoefer that Keene does have a strong permit process as it relates to this item. He stated the Board has learned from the applicant that there are items in the code that could be modified.

The motion to approve this application carried on a 7-1 vote with Mr. Rangel voting in opposition.

V) Staff Updates

None

VI) New Business

Chair Farrington stated there are AI tools available and they save time but cautioned the Board in using AI to reach conclusion with applications that come before the Board.

VII Upcoming Dates of Interest

- Joint Committee of the Planning Board and PLD – September 8th, 7:30 PM
- Planning Board Steering Committee – September 16th, 12:00 PM
- Planning Board Site Visit – September 24th, 8:00 AM – To Be Confirmed
- Planning Board Meeting – September 29th, 6:30 PM

There being no further business, Chair Farrington adjourned the meeting at 7:21 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Emily Duseau, Planning Technician



MEMORANDUM

TO: Planning Board
FROM: Community Development Staff
DATE: September 22, 2025
SUBJECT: Agenda Item III - Final Vote on Conditional Approvals

Recommendation:

To grant final approval for any projects that have met all their “conditions precedent to final approval.”

Background:

This is a standing agenda item in response to the “George Stergiou v. City of Dover” opinion issued by the NH Supreme Court on July 21, 2022. As a matter of practice, the Planning Board issues a final vote on all conditionally approved projects after the “conditions precedent to final approval” have been met. This final vote will be the final approval and will start the 30-day appeal clock.

As of the date of this packet, the following application is ready for final approval:

1. PB-2025-16 – Boundary Line Adjustment – 124-126 & 130 Eastern Ave

If any projects meet their conditions precedent between date of this packet and the meeting, they will be identified and discussed during this agenda item.

All Planning Board actions, including final approvals, are posted on the City of Keene website the day after the meeting at [KeeneNH.gov/planning-board](https://www.KeeneNH.gov/planning-board).

STAFF REPORT

APPEAL OF STREET ACCESS PERMIT EXCEPTION REQUEST – 15 CRESTVIEW ST

Request:

Applicants and owners, Christopher Jager & Brittany Hill, are requesting an appeal of a denied Street Access Permit exception request from Section 23.5.4.A.8 of the Land Development Code related to the allowed driveway width for single- and two-family homes. The parcel is ~0.22-ac in size and is located in the Low Density District.

Background:

Located at the intersection of Crestview St and Phil Ln, the subject parcel at 15 Crestview St (TMP #529-040-000) is ~0.22-ac in size and is located in the Low Density District. The property serves as the site of an existing single-family home with a pool and an attached enclosed porch that was previously used as a garage.

Owners, Christopher Jager & Brittany Hill, are proposing to expand their driveway to include an additional parking space to the south of the existing enclosed porch. In order to accommodate the proposed design, the owners are seeking an exception from Section 23.5.4.A.8 of the Land Development Code (LDC) to allow for a driveway greater than 20'-wide at the property line.



Figure 1. Aerial imagery from 2020 showing the parcel at 15 Crestview St.

In April 2025, a Street Access Permit exception request was submitted to the City Engineer's Office in accordance with Section 26.19.9 of the LDC. The application was denied due to the City Engineer's determination that there are no unique characteristics of the land or property which present a physical hardship to the requester.

The property owners are appealing the City Engineer's decision to the Planning Board and are entitled to a de novo (i.e. – "new") review of the application and exception request in accordance with Section 27.8 of the LDC. While the proposed driveway design has been slightly modified from what was initially submitted to the City Engineer's Office for review, the intent of the proposal is largely still the same.

STAFF REPORT

Determination of Regional Impact:

After reviewing the application, staff have made a preliminary evaluation that the proposed Street Access Permit exception request does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

Completeness:

The applicant has not requested any exemptions from submittal items as part of this application. Planning Staff recommend that the Planning Board accept the application as “complete.”

Departmental Comments:

1. Engineering Staff Comments.

- a. This is a different proposed driveway widening design than what was previously submitted with the original Street Access Permit exception request. With that said, this proposed design still does not meet City Code for driveway width as outlined under Section 23.5.4.A.8 of the LDC.
2. It looks like the applicant is trying to keep the driveway 30’ long at the road and then is proposing 41’ wide at the property line (City code allows 20’). If the Planning Board is inclined to approve this driveway expansion, Public Works Department Staff’s preference would be to have the driveway squared off at the road to minimize the impacts of cars driving over the grassy area between the road and the proposed driveway.
- a. Similar to the previous denial, no information has been provided to demonstrate that this property or land has unique characteristics that present a physical hardship to the property owner in accordance with Section 23.5.6.C of the LDC.

APPLICATION ANALYSIS: *The following is a review of the standards relevant to this application.*

SECTION 9.3 – DRIVEWAY DESIGN STANDARDS:

Section 9.3.2 – Driveway Dimensions: This section of the code states that vehicle parking spaces shall be a minimum of 8’-wide by 18’ long, must be located to the rear of the front setback or front building line, and must be set back a minimum of 3’ from the side property line. The property owner is proposing to create an 8’x18’ parking space to the south of the existing enclosed porch that will begin behind the front line of this structure and will be set back more than 3’ from the southern property line as shown in Figure 2. This standard appears to be met.

Section 9.3.3 – Surface Material: This section of the code states that driveways and associated parking spaces must be constructed using either concrete, asphalt, crushed stone, or semi-pervious materials that are able to withstand vehicular traffic or other heavy-impact uses. The project narrative states that the property owner anticipates using asphalt to expand the driveway, but notes that they will consult with a professional contractor to make a final determination as to what the best material may be. Planning Staff recommend that the City Engineer complete a final inspection following the completion of the driveway expansion to ensure that the finished product complies with this section of the LDC.

Section 9.3.4 – Grading & Drainage: This section of the code outlines the requirements for any grading and drainage measures proposed as part of driveway construction. The project narrative

STAFF REPORT

states that the property owner does not believe that any drainage measures will be necessary. This standard is not applicable.

Section 9.3.5 - Long Driveways: This section of the code outlines the standards for long driveways, which are those greater than 300' in length. The proposed driveway will not be this long, so this standard is not applicable.

Section 9.3.6 – Driveways Crossing Steep Slopes: The proposed driveway will not be crossing any steep slopes, which are those greater than 15% in grade, so this standard is not applicable.



Figure 2. A diagram showing the approximate dimensions of the existing and proposed driveway layouts for 15 Crestview St.

SECTION 23.5.4.A – STREET ACCESS PERMIT REVIEW STANDARDS:

- 1. If the installation of a street access requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with this Article.***

The proposed driveway expansion will not require the disruption of an existing sidewalk. This standard is not applicable.

STAFF REPORT

- 2. Street access shall be placed so as to ensure that vehicles entering and exiting the street access have an all season safe sight distance in all directions, not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. For purposes of this Section, an all season safe sight distance shall be at least 200-ft in all directions within which there are no visual obstructions.**

During his review of the submitted plot plan and narrative, the City Engineer did not express any concerns related to safe sight distance.

- 4. There shall be no more than 1 street access point for each residential lot.**

The property owners are proposing to expand their existing single curb cut, not create any additional street access points. This standard is not applicable.

- 6. Street access shall not block the flow of drainage in gutters, drainage ditches or pipes.**

The City Engineer did not express any concerns related to the proposed driveway blocking the flow of drainage.

- 7. Street access shall be constructed so that surface runoff runs neither from private property onto the City street nor from the City street onto private property.**

The City Engineer did not express any concerns related to the proposed driveway expansion directing runoff onto the City Street or adjacent private properties.

- 8. Street access for single-family dwellings and two-family dwellings, including shared drives, shall not be more than 20-ft wide at the property line and 30-ft wide at the curbline.**

The submitted plot plan shows that the property owner is proposing to expand the existing driveway, which is currently ~28'-wide at the property line and curb line. Two additional feet of pavement will be added at the curb line for a total width of 30' of pavement in this area, which will comply with this standard. Additionally, the property owner is proposing to expand the pavement by ~13' at the property line, resulting in an overall driveway width of 41' in this area. In order to allow for a width greater than 20' at the property line, the Board would need to grant an exception from Section 23.5.4.A.8 of the LDC.

During his review of the revised application materials, the City Engineer noted that Public Works Department Staff would prefer that the driveway maintain a consistent 41'-width from the curb line to the start of the parking space to reduce the likelihood of cars driving over the area of grass shown between the property line and curb line on the attached plot plan. When Planning Staff discussed this with the property owner, he said that he would like to proceed with the design as proposed and did not want the driveway to be 41'-wide at the curb line. The Board will need to make a determination as to whether or not the proposed driveway design should be modified based on the feedback provided by the City Engineer.

In making a determination as to whether or not to grant the requested exception, the Planning Board will need to evaluate the criteria below, which are outlined under Section 23.5.6 of the LDC. The project narrative states that the unique physical characteristics of the land that create a hardship are the fact that the house was constructed diagonally on the lot, which creates an inefficient use of space. Additionally, the conversion of the former garage into an enclosed porch

STAFF REPORT

by a previous owner has resulted in the loss of a potential parking space. The complete narrative addresses each of the below criteria individually and is included as an attachment to this staff report.

"23.5.6 Exceptions to Street Access Standards

Requests for exceptions to the street access standards in Section 23.5 shall be made in writing to the appropriate permit issuing authority, as defined in Section 23.5.3, which shall have authority to approve or disapprove a requested exception in accordance with the application and review procedures for street access permits in Section 26.16 and upon evaluation the following criteria.

- A. Issuance of the exception will not adversely affect the safety of pedestrians, bicyclists, and vehicles using adjacent streets and intersections.*
- B. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.*
- C. There are unique characteristics of the land or property which present a physical hardship to the requestor.*
- D. In no case shall financial hardship be used to justify the granting of the exception."*

11. Street access on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.

This proposal does not involve the creation of a new street access point. This standard is not applicable.

12. All street access shall be constructed to standards approved by the City Engineer.

Planning Staff recommend that the Planning Board include a condition of approval related to the completion of a final inspection of the expanded driveway following by the City Engineer the completion of work to ensure that it has been constructed to the standards deemed necessary by the City Engineer.

This is not a temporary street access, so this standard is not applicable.

15 When the installation of a street access requires the cutting of trees or the disturbance of stone walls which are within the public right-of-way, separate permission for such cutting or disturbance must be obtained, in accordance with Sections 82-158 and 82-187 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.

This proposal does not involve the cutting or trees or disturbance of stone walls within the public right-of-way. This standard is not applicable.

RECOMMENDED MOTION:

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

Exception Request: "Move to grant an exception from Section 23.5.4.A.8 of the Land Development Code to allow for a driveway width greater than 20' at the property line."

Application Motion: "Move to approve the Street Access Permit for the expansion of the driveway at 15 Crestview Street with the following condition:

STAFF REPORT

1. *Following the completion of construction, a final inspection shall be performed by the City Engineer, or their designee, to ensure that all work was completed in accordance with the driveway design standards in Article 9.3 of the LDC, Street Access Standards in Article 23.5.4.A of the LDC, and all other applicable City of Keene regulations."*



City of Keene, NH

Street Access (Driveway) Permit Application

If you have questions about how to complete this form, please contact the Public Works Department at (603) 352-6550.

SECTION 1: PROJECT INFORMATION

PROPERTY ADDRESS:

15 Crestview Street
Keene, NH 03431

PARCEL SIZE:

.22 acres

ZONING DISTRICT:

LD

TAX MAP PARCEL #(s):

529-040-000-000-000

PERMIT TYPE:

☒ RESIDENTIAL STREET ACCESS PERMIT (for single-family & two-family homes)

☐ COMMERCIAL & MULTI-FAMILY STREET ACCESS PERMIT

☐ TEMPORARY STREET ACCESS PERMIT

SECTION 2: CONTACT INFORMATION

PROPERTY OWNER

APPLICANT

(If different than property owner.)

NAME/COMPANY:

Chris Jager and Brittany Hill

NAME/COMPANY:

MAILING ADDRESS:

15 Crestview Street Keene, NH

MAILING ADDRESS:

PHONE:

603-499-2333

PHONE:

EMAIL:

Jager.c@gmail.com

EMAIL:

SIGNATURE:

Chris Jager Brittany Hill

SIGNATURE:

PRINTED NAME:

Chris Jager Brittany Hill

PRINTED NAME:

SECTION 3: SUBMITTAL REQUIREMENTS

LOCATION MAP: This map should show the general location of the property. The City of Keene's [GIS Database \(axisgis.com/keenenh/\)](http://axisgis.com/keenenh/) can be used to generate a map.

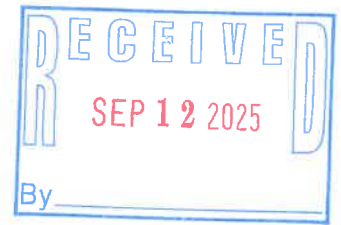
DRIVEWAY DIAGRAM: This diagram should show the dimensions and drainage of the proposed driveway.

FEES: There is a \$50 fee for Driveway Permit Applications. Checks should be made payable to the City of Keene. Credit card payments are accepted in-person or by calling 603-352-5440.

DESCRIPTION OF PROJECT: The proposed design of a driveway will need to comply with the standards outlined in the Land Development Code (LDC) under **Section 9.3**, **Section 23.5.4**, and **Section 21.9.2** (for commercial/multi-family driveways only). These standards are attached to this application form.

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED DRIVEWAY LOCATION, DIMENSIONS, SURFACE MATERIAL, AND GRADING/ DRAINAGE MECHANISM (IF NOT INCLUDED ON THE DRIVEWAY DIAGRAM):





Chris Jager
Brittany Hill
15 Crestview Street
Keene, NH 03431
603-499-2333

To Whom it may concern,

Writing to you to further detail our narrative for exception to street access code 23.5.6. We have a new sketch for the proposed driveway extension based on the dimensions suggested by the staff comments recently received from community development which is attached separately. The following will detail all points outlined in the "23.5.6 exceptions to street access standards" which we need to further explain:

- A. An exception to street access standards would NOT adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections as the proposed driveway extension would be further removed from the intersection of Crestview street and Phil lane, being proposed for the south side of the driveway. The new driveway would be further from this intersection and would pose no issue any kind of traffic
- B. The new driveway would NOT adversely affect the efficiency and capacity of the street or intersection. As stated the proposed extension would be further away from the closest intersection and street capacity would certainly not be affected as we would be able to pull an additional vehicle into the new driveway.
- C. There are indeed unique physical characteristics of the land or property which present a hardship to us. We have a corner lot which is great but the house sits on a diagonal on this corner lot which we believe limits the overall feasible use of the property which may not be the case had the house been built parallel to the street. The diagonal layout seems to have limited the depth of the driveway at least in the present day. Also, the garage on the property was changed by a previous owner and the garage door traded for a framed wall with windows and a normal doorway essentially creating a garage "space" but not able to be used to house a vehicle. Other changes to this space include the addition of a large closet that spans the entire back wall of the garage. This closet houses the pool pump and filter and was seemingly built for other storage. Even if there was currently a traditional garage door, for a vehicle to fit in the garage would be very difficult based on changing of the space by a previous owner.
- D. We do not believe financial hardship comes into play here

The surface material for the proposed extension is likely to be asphalt which seems to make the most sense and match the existing driveway, however we would also want to lean on the guidance of a professional contractor as to what the best material may be. We imagine asphalt would be best but also would want to consult that with a contractor

We do not believe any drainage measures would be necessary. Phil lane slopes nicely to Crestview street and considering we would be keeping the curb on Phil lane in front of the proposed extension rainwater from the street would flow nicely to Crestview as it does now. Also the driveway pitch coincides with the slope from Phil lane to Crestview so any water from the driveway during rain flows nicely back to the street.

We thank you for your continued efforts with our request for this exemption on hope we have now better detailed and outlined a plan that will accommodate an exemption the the street access code

Regards,

Chris Jager
Brittany Hill



15 Crestview Street

City of Keene, NH

1 inch = 20 Feet



www.cai-tech.com

August 1, 2025



STAFF REPORT

PB-2025-18 – SITE PLAN REVIEW – CHARITABLE GAMING FACILITY, 109-147 KEY RD

Request:

Applicant Anagnost Companies, on behalf of owner Key Road Development LLC, proposes to convert ~61,526-sf of existing retail space in the Key Road Plaza development into a charitable gaming facility for Revo Casino & Social House. The parcel is ~5.8-ac in size and is located at 109-147 Key Rd (TMP #110-022-000) and is located in the Commerce District.

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 approval for a change of use and site plan modifications to accommodate approximately 15,000 SF change from a retail use to a mixed use that includes a charitable gaming facility with 180 gaming positions, a 75-seat restaurant, and 1,000 SF of associated storage space. Additional parking spaces, landscaping, parking lot lighting fixtures, and screening are also proposed with this application.

STAFF REPORT

Determination of Regional Impact:

After reviewing the application, staff have made a preliminary evaluation that the proposed Site Plan does not appear to have the potential for “regional impact” as defined in RSA 36:55. The Board will need to make a final determination as to whether the proposal, if approved, could have the potential for regional impact.

Completeness:

The applicant has requested an exemption from submitting separate existing and proposed condition plans, elevations, drainage report, soils, screening, architectural and visual analysis, historic evaluation, and other technical reports. After reviewing each request, Planning Staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as “complete.”

Application Analysis: The following is a review of the Planning Board development standards relevant to this application.

- 21.2 **Drainage:** The applicant states in their narrative that the site will not be changed in a way that alters drainage patterns on the property. The existing management system will continue to operate and no increase in runoff will be generated as no additional impervious surface is proposed. This standard is not applicable.
- 21.3 **Sediment & Erosion Control:** There is no proposed earthwork associated with this project. This standard is not applicable.
- 21.4 **Snow Storage & Removal:** Existing snow storage and removal operations will continue to function as they currently do on the site. This standard is not applicable.
- 21.5 **Landscaping:** The proposed addition of 45 new parking spaces requires the installation of five (5) parking lot trees. The application proposes the installation of five (5) White Oak trees, three (3) to the rear of the site, one (1) along the eastern property line, and one (1) along Key Road. A condition of approval related to a financial security to ensure that the proposed landscaping survives is included in the suggested motion. It appears that this standard has been met.
- 21.6 **Screening:** A six (6) ft tall solid stockade fence is proposed along approximately 190 ft of the northern property line to provide screening of the new parking spaces and the charitable gaming facility use from the adjacent multi-family residential use to the north. It appears that this standard has been met.
- 21.7 **Lighting:** The applicant proposes to install two (2) wall mounted light fixtures along the rear of the building to provide lighting for the new parking area. The fixtures will be installed 15 ft high and are full cut off fixtures with a color rendering index of 80 and a color temperature of 3000K.

The photometric data does not show the average/minimum calculation that is required per section 21.7.4.A.2 of the LDC which requires a uniformity ratio no greater than 5:1 in footcandles. Staff has requested this information but at the time of this staff report the

STAFF REPORT

information was not provided. A condition of approval related to the submittal of this information is included in the suggested motion language. The Board should also consider if additional lighting will be needed around the rear of the building to accommodate the usage of these new parking spaces. The Board will need to determine if this standard has been met.

- 21.8 Sewer & Water: The applicant states in their narrative that the existing municipal water and sewer services will be sufficient to meet the needs of the proposed use. It appears that this standard has been met.
- 21.9 Traffic & Access Management: The applicant states in their narrative that all traffic access will be from the existing street access points along Key Road. There are no proposed changes to the location or orientation of traffic access or vehicle circulation throughout the site as part of this application. The applicant proposes to create 45 new parking spaces within the plaza. Of the proposed 45 new spaces, 25 are proposed within the existing rows of parking throughout the site. The remaining 20 new parking spaces are proposed to the rear of the charitable gaming use near the existing loading dock. The Board should consider discussing with the applicant who the intended users of the rear parking spaces are and how they will enter the building.

The submitted traffic study notes the existing condition daily weekday traffic volume at 5,416 trips for the entire plaza. Table 1 below shows the existing and proposed weekday daily trips and weekday PM peak hour trips. The net increase for peak hour trips is 13. The memo states that the proposed change of use does not reach the ITE and NHDOT threshold of 100 trips per peak hour to qualify this proposal as having a noticeable impact on surrounding street systems. It appears that this standard has been met.

Table - 1	Weekday Daily Trips	Weekday PM Peak Hour
Existing	818	99
Proposed	1770	112
Net Increase	952	13

- 21.10 Filling & Excavation: There is no proposed filling or excavation activity as part of this application. This standard is not applicable.
- 21.11 Surface Waters & Wetlands: The property is fully developed, and no wetlands appear to be on the site. This standard is not applicable.
- 21.12 Hazardous & Toxic Materials: The applicant states in their narrative that there are no hazardous or toxic materials associated with the proposed use. This standard has been met.
- 21.13 Noise: The applicant states in their narrative that the noise generated by the proposed use would be minimal as the use will be conducted inside. They anticipate that the use would generate noise comparable to a movie theater or other similar use. It appears that this standard has been met.

STAFF REPORT

21.14 Architecture & Visual Appearance: The applicant states that there will be no changes proposed to the façade of the building with this application. This standard is not applicable.

Recommended Motion:

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

"Approve PB-2025-18 as shown on the plan identified as "Site Plan Exhibit" prepared by Fieldstone Land Consultants, PLLC at a scale of 1 inch = 40 feet dated August 22, 2025 and last revised September 15, 2025 with the following conditions prior to final approval and signature of the plans by the Planning Board Chair:

- 1. Prior to final approval and signature by the Planning Board Chair, the following conditions precedent shall be met:**
 - A. The owner's signature shall appear on the plan.**
 - B. Submittal of security for landscaping in a form and amount acceptable to the City Engineer.**
 - C. Updated photometric data showing that the proposed parking lot lighting meets the uniformity ratio lighting standard.**
 - D. Submittal of five full-size paper copies and one digital copy of the final plan.**



City of Keene, NH Site Plan Application

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

SECTION 1: PROJECT INFORMATION

PROJECT NAME: 133 Key Road - Change of Use

TYPE OF APPLICATION BEING SUBMITTED:

- ☒ MAJOR PROJECT APPLICATION
☐ MINOR PROJECT APPLICATION

PROJECT ADDRESS(ES): 133 Key Road

EXISTING OR PREVIOUS USE: Toy Store

PROPOSED USE: Charitable Gaming Facility

**GROSS FLOOR AREA OF
NEW CONSTRUCTION** (in square feet)
0 SF (no new construction)

**GROSS FLOOR AREA OF EXISTING
BUILDINGS/STRUCTURES** (in square feet)
61,526 SF (per gis)

**AREA OF PROPOSED NEW
IMPERVIOUS SURFACES** (in square feet)
0 SF (no new impervious surfaces)

TOTAL AREA OF LAND DISTURBANCE (in square feet)
0 SF (no new construction)

SECTION 2: CONTACT INFORMATION

PROPERTY OWNER

NAME/COMPANY: Key Road Development, LLC

MAILING ADDRESS: 1662 Elm Street, Manchester, NH 03101

PHONE: 603-669-6194

EMAIL: dick@anagnost.com

SIGNATURE: See attached letter of Authorization
Charlie Ritchie

PRINTED NAME: Dick Anagnost

APPLICANT

NAME/COMPANY: Anagnost Companies

MAILING ADDRESS: 1662 Elm Street, Manchester, NH 03101

PHONE: 603-669-6194

EMAIL: dick@anagnost.com

SIGNATURE: See attached letter of Authorization
Charlie Ritchie

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, 03055

PHONE: 603-672-5456

EMAIL: cebranon@fieldstonelandconsultants.com &
clritchie@fieldstonelandconsultants.com

SIGNATURE: *Charlie Ritchie*

PRINTED NAME: Chuck Ritchie

FOR OFFICE USE ONLY:

TAX MAP PARCEL #(s):

110 - 022 - 000 -

PARCEL SIZE:

5.8 ac

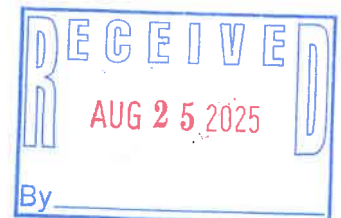
ZONING DISTRICT:

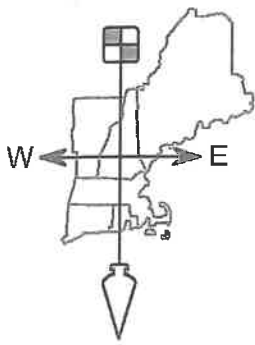
Commerce

PROJECT #:

PB-2025-18

DATE STAMP:





FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

Change of Use Site Plan Project Narrative

Tax Map Lot 110-22

133 Key Road

August 22, 2025

Prepared For:

Anagnost Companies

Fieldstone Land Consultants, PLLC, on behalf of Anagnost Companies is submitting this narrative as part of the Planning Board Site Plan review application. This project proposes to change the use of use from Toy City Toy Store to a Charitable Gaming Facility, Revo Casino & Social House. The property is a commercial site located at 133 Key Road in Keene, tax map 110-22 and is 5.8± acres with frontage on Key Road. The building on site is occupied with multiple tenants in the same strip mall. Other tenants include Sherwin-Williams Paint, Keene Cinemas, Keene Department of Health & Human Services District Office, Enterprize Comics, Etc., and Oriental Rug Works. The entire building is 61,526 square feet of gross area per online tax card. This change of use would not require any new construction on site or additional impervious surfaces. A variance request has been submitted to the Keene Zoning Board of Adjustment to allow this use to operate 170'± from a multi-family residential structure where 250' is required.

Below is an outline of the Site Development Standards on the application and how each is addressed.

20.2 Drainage & Stormwater Management:

The stormwater management on site will not be changed due to the proposed change of use. Runoff from the site will continue to be captured in catch basins in the parking lot. There will be no increase in runoff as there is no additional proposed impervious surfaces.

20.3 Sediment and Erosion Control:

There is no proposed earthwork or grading associated with this project. Changes made will be interior improvements, and there will be no sediment or erosion control for this change of use.

20.4 Snow Storage & Removal

The site will continue to function as it currently operates in terms of snow storage.

20.5 Landscaping

As an existing operational facility, there are no proposed changes to existing landscaping at this time.

20.6 Screening

As an existing operational facility, there are no proposed changes to existing screening at this time.

20.7 Lighting

The site is currently lighted from pole mounted lights around the site and parking areas. There is no proposed changes to lighting at this time.

20.8 Sewer & Water

The site is currently will maintain current sewer and water services, which have sufficient capacity for the new use. Review that the change of use will be able to be properly serviced will be reviewed with the Department of Public Works or other necessary entity.

20.9 Traffic & Access Management

All traffic and access to the site will be off Key Road, as it currently operates. Parking will continue to be provided on site. Additional parking spaces will be striped within the existing paved areas as shown on the site plan. Based on the ITE Trip Generation, a 9,000± square foot casino will generate 245 trips in the weekday peak pm hour.

20.10 Filling & Excavation

There is no proposed filling or excavation of materials for the proposed change of use.

20.11 Surface Water & Wetlands

The property is a fully developed site with a building and paved parking area. There do not appear to be any surface waters or wetlands on site.

20.12 Hazardous & Toxic Materials

There are no hazardous or toxic materials believe to be associated with the proposed business use.

20.13 Noise

The noise associated with this business would be minimal as patrons at the gaming facility will be indoors. The use will likely create no more noise than adjacent movie theater or other similar uses.

20.14 Architecture & Visual Appearance

The building is proposed to remain the same but there will be façade improvements along the portion of the building being renovated. This design is in process and will be provide as part of the building permit. The existing building consists of brick columns and brick façade, with metal roofing. There will be updated signage for the new use and permitting for signage will be handled separately when final designs are determined.

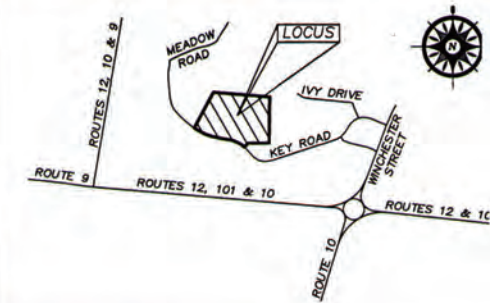
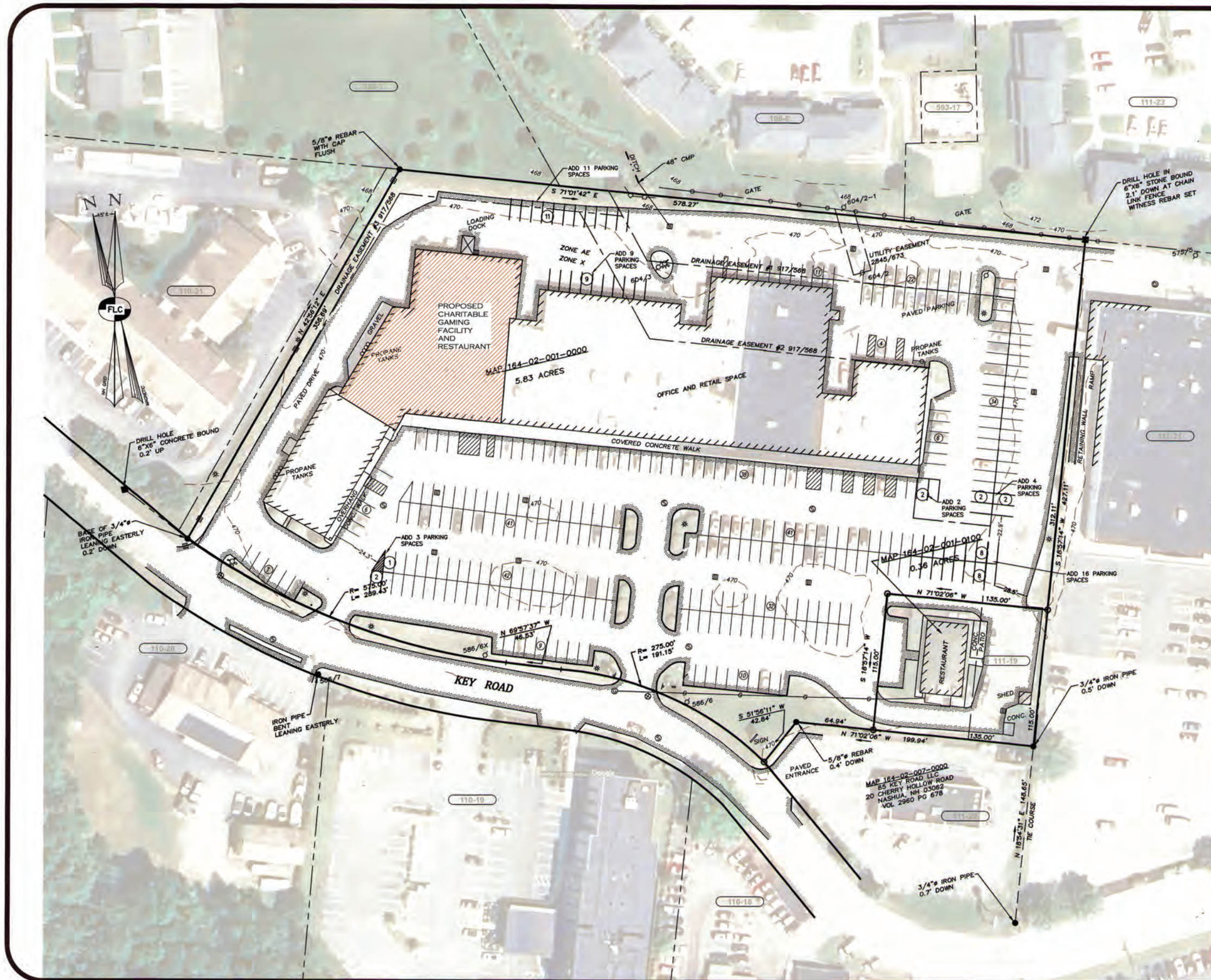
This information was prepared by:

Fieldstone Land Consultants, PLLC



Chuck L. Ritchie, E.I.T.

Project Engineer



REFERENCE PLAN:

"BOUNDARY PLAN - LOTS 164-02-001-0000 & 164-02-001-0100 - 101 & 109-147
KEY ROAD - KEENE, NH 03431" SCALE: 1"=40'. DATED: MARCH 2, 2017 LAST REVISED ON
3/2/2017, DRAWN BY: CARDINAL SURVEYING & LAND PLANNING, RECORDED IN THE C.C.R.D.
AS PLAN 24133.

NOTES:

1. THE OWNER OF RECORD FOR TAX MAP 110 LOT 22 IS KEY ROAD DEVELOPMENT, LLC, 1662 ELM STREET, MANCHESTER, NH 03101. THE DEED REFERENCE FOR THE LOT IS RECORDED AT THE CHESHIRE COUNTY REGISTRY OF DEEDS IN BOOK 3296 PAGE 1071 DATED 12/12/24.
2. THE PURPOSE OF THIS PLAN IS TO SHOW THE APPROXIMATE EXISTING CONDITIONS FOR TAX MAP 11 LOT 3 AND PROPOSED IMPROVEMENTS FOR A CHANGE OF USE APPLICATION FOR A CHARITABLE GAMING FACILITY TO OCCUPY A PORTION OF THE EXISTING PLAZA.
3. CURRENT ZONING IS COMMERCE (COM).

ZONING REQUIREMENTS FOR THE COMMERCE (COM) DISTRICT INCLUDE:

- MIN. LOT SIZE: 15,000 AC.
- MIN. FRONTAGE: 50 FT.
- MIN. FRONT SETBACK: 20 FT.
- MIN. SIDE & REAR SETBACK: 20 FT.

4. INFORMATION SHOWN ON THIS PLAN WAS DEVELOPED FROM THE REFERENCE PLAN CITED HEREON, LIDAR AND GIS DATA. THIS IS NOT A RESULT OF A FIELD SURVEY.
5. CONTOURS SHOWN HEREON WERE GENERATED FROM POINT CLOUD DATA FROM THE CONNECTICUT RIVER WATERSHED (2015).
6. TAX MAP 110 LOT 22 CONTAINS 303 EXISTING PARKING SPACES.

7. PARKING CALCULATION:

REQUIRED:
CHARITABLE GAMING FACILITY: 1 SPACE/0.75 GAMING SPOTS
180+ GAMING SPOTS X 0.75 = 135 PARKING SPACES

RESTAURANT: 1 SPACE/5 SEATS
75 SEATS / 5 = 15 SPACES

RETAIL: 4 SPACES/1,000 SF
24,651 SF / 250 = 98.6 SPACES

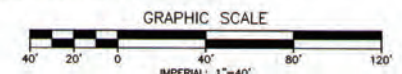
OFFICE: 4 SPACES/1,000 SF
15,976 SF / 250 = 63.9 SPACES

STORAGE: 1 SPACE/3,000 SF
4,350 SF / 3,000 = 1.5 SPACES

TOTAL REQUIRED PARKING SPACES = 314 SPACES

EXISTING PARKING SPACES = 303 SPACES
PROPOSED PARKING SPACES = 45 SPACES

TOTAL PARKING SPACES PROVIDED = 348 SPACES



REV.	DATE	DESCRIPTION	C/O	DR	CK
------	------	-------------	-----	----	----

SITE PLAN EXHIBIT

TAX MAP 110 LOT 22

(133 KEY ROAD)

KEENE, NEW HAMPSHIRE

PREPARED FOR:

ANAGNOST COMPANIES

1662 ELM STREET, 2ND FLOOR, MANCHESTER, NH 03101

LAND OF:

KEY ROAD DEVELOPMENT LLC

1662 ELM STREET, MANCHESTER, NH 03101

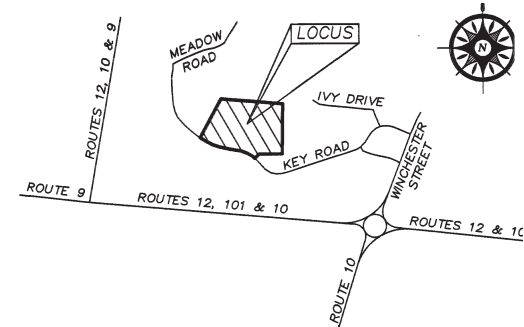
SCALE: 1" = 40'

AUGUST 22, 2025

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

**FIELDSTONE**
LAND CONSULTANTS, PLLC
206 Elm Street, Milford, NH 03055
45 Roxbury Street, Keene, NH 03431
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 4233SP00.dwg PROJ. NO. 4233.00 SHEET: SP-1 PAGE NO. 1 OF 1

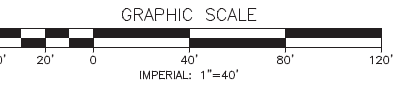


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"BOUNDARY PLAN - LOTS 164-02-001-0000 & 164-02-001-0100 - 101 & 109-147
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3/2/2017, DRAWN BY: CARDINAL SURVEYING & LAND PLANNING, RECORDED IN THE C.C.R.D.
AS PLAN 24133.

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TOTAL PARKING SPACES PROVIDED = 348 SPACES



B	9/16/25	REV'S TO LIGHTING	CJC	CEB
A	9/15/25	REV'S PER STAFF REVIEW	CEB	CEB
REV.	DATE	DESCRIPTION	C/O	DR
			CK	

SITE PLAN EXHIBIT
TAX MAP 110 LOT 22
(133 KEY ROAD)
KEENE, NEW HAMPSHIRE

PREPARED FOR:
ANAGNOST COMPANIES
1662 ELM STREET, 2ND FLOOR, MANCHESTER, NH 03101
LAND OF:
KEY ROAD DEVELOPMENT LLC
1662 ELM STREET, MANCHESTER, NH 03101

SCALE: 1" = 40' AUGUST 22, 2025

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

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OVERVIEW	
Lumen Package	3,000 - 21,000
Wattage Range	23 - 175
Efficacy Range (LPW)	125 - 158
Weight lbs(kg)	27 (12.2)
Control Options	IMSBT, ALB, ALS, PCJ



Mirada Medium Wall Sconce (XWM)
Outdoor Wall Sconce

BUILDING MOUNTED LIGHTS:
OR EQUAL

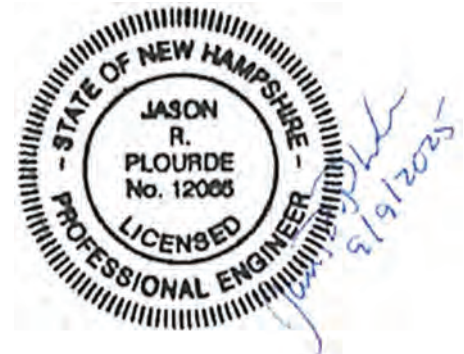
NEW PARKING SPACES

Illuminance (Fc)
Average = 0.85
Maximum = 3.6
Minimum = 0.0
Avg/Min Ratio = N.A.
Max/Min Ratio = N.A.

Luminaire Schedule					
Symbol	Qty	Label	Arrangement	Description	Tag
□	2	W2	Single	XWM-3-LED-6L-30-80CRI-UE-CXX-ALBMR1LR	WALL MOUNTED 15' AFG
					[MANUFAC] LSI INDUSTRIES, INC.

MEMORANDUM

Date: August 28, 2025
To: Chad Brannon
Fieldstone Land Consultants, PLLC
45 Roxbury Street
Keene, NH 03431
From: Jason R. Plourde, PE, PTP
Subject: **Traffic Assessment**
133 Key Road Proposed Project Change
Keene, New Hampshire



INTRODUCTION

BETA Group, Inc. (BETA) has prepared this Traffic Assessment to summarize the anticipated traffic impacts associated with a proposed project change to the existing use at 133 Key Road in Keene, New Hampshire. The site currently contains a 61,526 square foot strip shopping plaza within Key Road Plaza. The proposed project includes renovating the existing 15,000 square foot Toy City store within the plaza with a 180-gaming position charitable gaming facility, 1,000 square feet of associated storage space, and a 75-seat restaurant.

Key Road is legislatively categorized as a Class V: Local Road, functionally classified as a Local Road, and is under City of Keene jurisdiction. Therefore, review and approval are expected to be required with respect to traffic through the City of Keene permitting process. In accordance with Article 21.9.1.A of the City of Keene's Land Development Code, a traffic study is required for any commercial, office, or industrial development projected to generate 100 or more daily vehicle trips. This evaluation has been conducted to summarize the anticipated traffic impacts associated with the proposed project change.

EXISTING CONDITIONS

Existing traffic volumes in the area were researched from historical data provided within New Hampshire Department of Transportation's (NHDOT's) Transportation Data Management System (TDMS) database. NHDOT conducts a three-year traffic count program along Key Road west of Old Key Road.¹ The most recent traffic counts collected and uploaded to the NHDOT traffic-volume database for this location were from July 2025.

On Wednesday, July 16, 2025, the traffic volumes along Key Road west of Old Key Road experienced the highest peak hour demands during the commuting periods between 8:00-9:00 AM and between 5:00-6:00 PM, as well as during the midday period between 1:00-2:00 PM. On Saturday, July 12, 2025, the highest peak hour demand along Key Road occurred between 1:00-2:00 PM. The NHDOT historical data are summarized in **Table 1** and are provided in the Appendix.

¹ NHDOT TDMS, Key Road west of Old Key Road, Keene. (Location ID: 82237137).

Table 1 – Existing Traffic Volume Summary

Location/Time Period	Daily Traffic Volume (vpd) ^a	Peak Hour Traffic Volume (vph) ^b	K-Factor (percent) ^c
Key Road west of Old Key Road			
Weekday Daily	5,416	--	--
Weekday AM Peak Hour	--	180	3.3
Weekday Midday	--	495	9.2
Weekday PM Peak Hour	--	458	8.5
Saturday Daily	5,756		
Saturday Peak Hour	--	579	10.0

^a In vehicles per day. Collected on Wednesday, July 16, 2025, and on Saturday July 12, 2025.

^b In vehicles per hour. Collected on Wednesday, July 16, 2025, and on Saturday, July 12, 2025.

^c Percent of average daily traffic occurring during the peak hour.

The K-factor is the proportion of daily traffic that occurs in an hour. This factor helps traffic engineers in analyzing and designing roadways to meet the demands of varying traffic conditions. Many rural and urban roadways experience a K-factor that falls between 9.0 and 10.0 percent. The K-factor may exceed 10.0 percent for roadways with heavy peak traffic demand.² Higher K-factors are generally experienced along commuting routes and in residential areas when people are driving to and from work. In retail areas, the K-factors are typically higher during the weekday midday, weekday evening, and Saturday midday peaks.

As shown in **Table 1**, the K-factors along Key Road during the weekday AM and PM commuting peaks are below the typical range (9.0-10.0), which suggests that traffic volumes along Key Road may have had a relatively even distribution of traffic throughout the day, or that traffic volumes were not the highest during the weekday commuting peak hours. During the weekday midday and Saturday midday peaks, Key Road is shown to have higher K-factors when customers are typically patronizing the retail establishments along Key Road.

BUILD TRAFFIC VOLUMES

As evaluated within this Traffic Assessment, the proposed development consists of replacing the existing 15,000 square foot toy store with a 180-gaming position charitable gaming facility, 1,000 square feet of associated storage space, and a 75-seat restaurant.

² Dowling, Richard, et al. Planning and Preliminary Engineering Applications Guide to the Highway Capacity Manual. National Cooperative Highway Research Program Report 825, Washington, DC: National Academy of Sciences, 2016.

TRIP GENERATION

Institute of Transportation Engineers (ITE) trip rates were reviewed to estimate the additional volume of traffic to be generated by the proposed project change.³ **Table 2** summarizes the ITE trip-generation estimates for the proposed development. The trip-generation calculations are provided in the Appendix.

Based on ITE trip-generation methodologies, the proposed project change is estimated to generate 13 additional vehicle trips (10 entering and 3 exiting) during the weekday PM peak hour of adjacent street traffic, 63 additional vehicle trips (35 entering and 28 exiting) during the weekday PM peak hour of generator, and 53 additional vehicle trips (31 entering and 22 exiting) during the Saturday peak hour of generator.

In accordance with ITE methodologies⁴ and New Hampshire Department of Transportation (NHDOT) general guidance,⁵ a development may result in a noticeable change in vehicular operations if the addition of site trips would increase peak hour traffic volumes at an intersection by 100 vehicles or more. Traffic increases less than this threshold could be attributed to the fluctuation of vehicles due to driver patterns that occur during the day, on different days of a week, or different months of a year. Based on standard traffic engineering practice and methodologies, the proposed development is not projected to meet this threshold during the weekday PM peak hour of adjacent street traffic, weekday PM peak hour of generator, and Saturday peak hour of generator. Therefore, standard traffic engineering practice suggests that the proposed development would not be expected to result in noticeable impacts to the adjacent roadway system.

SUMMARY OF FINDINGS

In summary, traffic engineering practice suggests that the additional vehicular trips associated with the proposed project change do not meet the ITE and NHDOT 100 vehicle per hour increase threshold for which developments may have a noticeable impact.

³ Institute of Transportation Engineers. Trip Generation Manual, 11th ed. Washington, DC, Sept. 2021.

⁴ Institute of Transportation Engineers. Transportation Impact Analyses for Site Development: An ITE Proposed Recommended Practice. Washington, DC. 2010.

⁵ Bollinger, Robert E. Inter-Department Communication. New Hampshire Department of Transportation, Bureau of Traffic. 17 Feb. 2010.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: July 17, 2025

To: Mayor and Keene City Council

From: Donald Lussier, Public Works Director

Through: Elizabeth Ferland, City Manager

Subject: Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street *and* Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure
Petition - Public Works Director
Resolution R-2025-26
Resolution R-2025-27

Council Action:

In City Council July 17, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee and Planning Board. Site visit scheduled for September 4, 2025 at 5:30 PM. Public hearing to be held September 4, 2025 at 7:00 PM.

Recommendation:

That the Mayor set a date and time for a site visit and public hearing on a Petition to Amend the Layout of Grove Street; and further that the attached petition be referred along with Resolutions R-2025-26 and R-2025-27 to the Municipal Services, Facilities and Infrastructure Committee as well as the Planning Board for their consideration and recommendations.

Attachments:

1. 2025 0715 Petition to amend the Layout of Grove Street
2. R-2025-26 Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street
3. R-2025-27 Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure

Background:

On December 18, 2014, the Keene City Council authorized the acceptance of a deed and the modification of the Grove Street layout. These actions were taken in order to widen the roadway at its intersection with Water Street. The anticipated development project that required the addition of a dedicated left turn lane never came to fruition. In recent years, Public Works has received requests from the public to reconfigure the Grove Street / Water Street intersection to better align with Community Way and to eliminate the left turn lane. A recently completed traffic study suggests that

this request can be safely accommodated.

In addition, Habitat for Humanity has requested that the City return a strip of land acquired from parcel No. 585-057 in 2015. This narrow strip of land along the eastern parcel boundary will allow the non-profit organization to pursue development of a duplex on the property instead of a single-family home.

The attached petition would remove a strip of land, ranging in width from less than three feet to approximately 5 feet, from the public right-of-way. A portion of the original 2015 property acquisition will be retained, as it is needed to accommodate existing public infrastructure. Although Public Works believes the land is not needed for existing public infrastructure or orderly traffic operation, removal of the strip from the right-of-way will likely preclude any future construction of a sidewalk along the west side of Grove Street.

If the City Council agrees to amend the layout of the roadway, Resolution R-2025-27 will authorize the City Manager to execute a deed conveying the land removed from the public right-of-way to the adjacent property owner. In exchange, the City will receive an easement from the property owner to retain the current public infrastructure (i.e., a fire hydrant), in its current location.

CITY OF KEENE

Petition for an Amended Layout of Grove Street

TO: Mayor and Keene City Council

The undersigned represents that for the accommodation of the Public there is occasion to amend the layout of Grove Street by completely discontinuing and removing from the Public ROW the following tract of land:

Beginning at an iron pin set in the Western line of Grove Street, said pin being the southeast corner of a Parcel No. 585-057; Thence,

North 5° 44' 54" East along the westerly line of said Grove Street a distance of 59.81 feet to a metal spike set in the pavement; Thence,

Following a curve to the left with a Delta angle of 66° 54' 51", a radius of 16.00 feet, and an arc length of 18.69 feet to a metal spike set in pavement; Thence,

Following a curve to the right with a point of curvature bearing of South 30° 38' 45" East, a Delta angle of 74° 7' 46", a radius of 21.00 feet, and an arc length of 27.17 feet to a drill hole in granite curbing; Thence,

South 7° 49' 28" West a distance of 60.18 feet to a point in the Westerly line of Grove Street, said point also being the northeasterly corner of parcel No. 585-056; Thence,

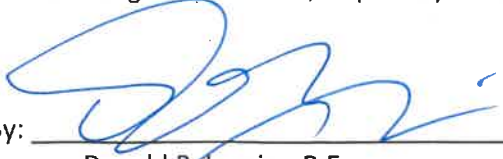
North 89° 31' 8" West along the northerly line of said Parcel No 585-056 a distance of 2.73 feet to the place of beginning..

Containing 257 Square Feet, More or Less.

All being as shown on a plan titled "Right of Way Amendment Plan, Prepared for the City of Keene," Dated 6-25-2025; by David A. Main Survey, on file at the Office of the City Engineer for the City of Keene.

The costs of construction and all other necessary improvements for the amended layout shall be paid by the Petitioner and shall conform to the Public Infrastructure Standards of the City of Keene.

The undersigned therefore, requests you amend the layout of Grove Street as described above.

By: 
Donald B. Lussier, P.E.
Public Works Director

Date: 7/15/25



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to an Amended Return of Layout for a Public Right-of-Way known as Grove Street

Resolved by the City Council of the City of Keene, as follows:

WHEREAS the Keene City Council has received a “Petition for an Amended Layout of Grove Street”; and,

WHEREAS at a regularly scheduled City Council meeting on July 17, 2025, the Mayor scheduled a site visit and public hearing to occur on August 21, 2025, and directed the City Clerk to make appropriate notifications to the petitioner and affected property owners; and,

WHEREAS the Petition was referred to the Planning Board in accordance with RSA 670:40; and,

WHEREAS the City Council made a personal examination of the requested amendments at a properly noticed site visit conducted on August 21, 2025, and heard testimony from concerned parties at a property noticed public hearing held that same day; and,

NOW THEREFORE, BE IT RESOLVED THAT:

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to amend the layout of Grove Street for the purposes of altering the highway, utilities and other public improvements as described in a “Petition for an Amended Layout of Grove Street” dated July 15, 2025, subject to the following conditions:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated and in connection with the Petition shall be borne by the petitioner.
3. All affected property owners shall provide a written Waiver of Damages in a form satisfactory to the City Attorney.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.

In City Council July 17, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee and Planning Board. Site visit scheduled for September 4, 2025 at 5:30 PM. Public hearing to be held September 4, 2025 at 7:00 PM.

City Clerk

Jay V. Kahn, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

A RESOLUTION Relating to a Deed for land removed from the Right-of-Way and an Easement for Public Infrastructure

Resolved by the City Council of the City of Keene, as follows:

The City Manager be and hereby is authorized to:

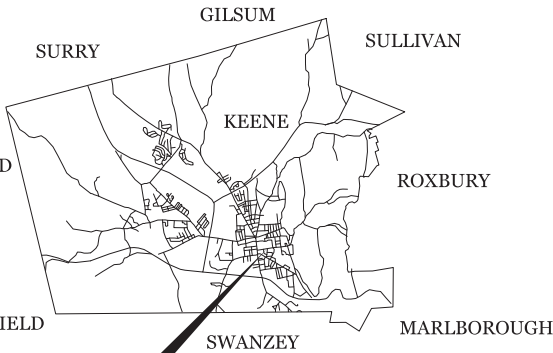
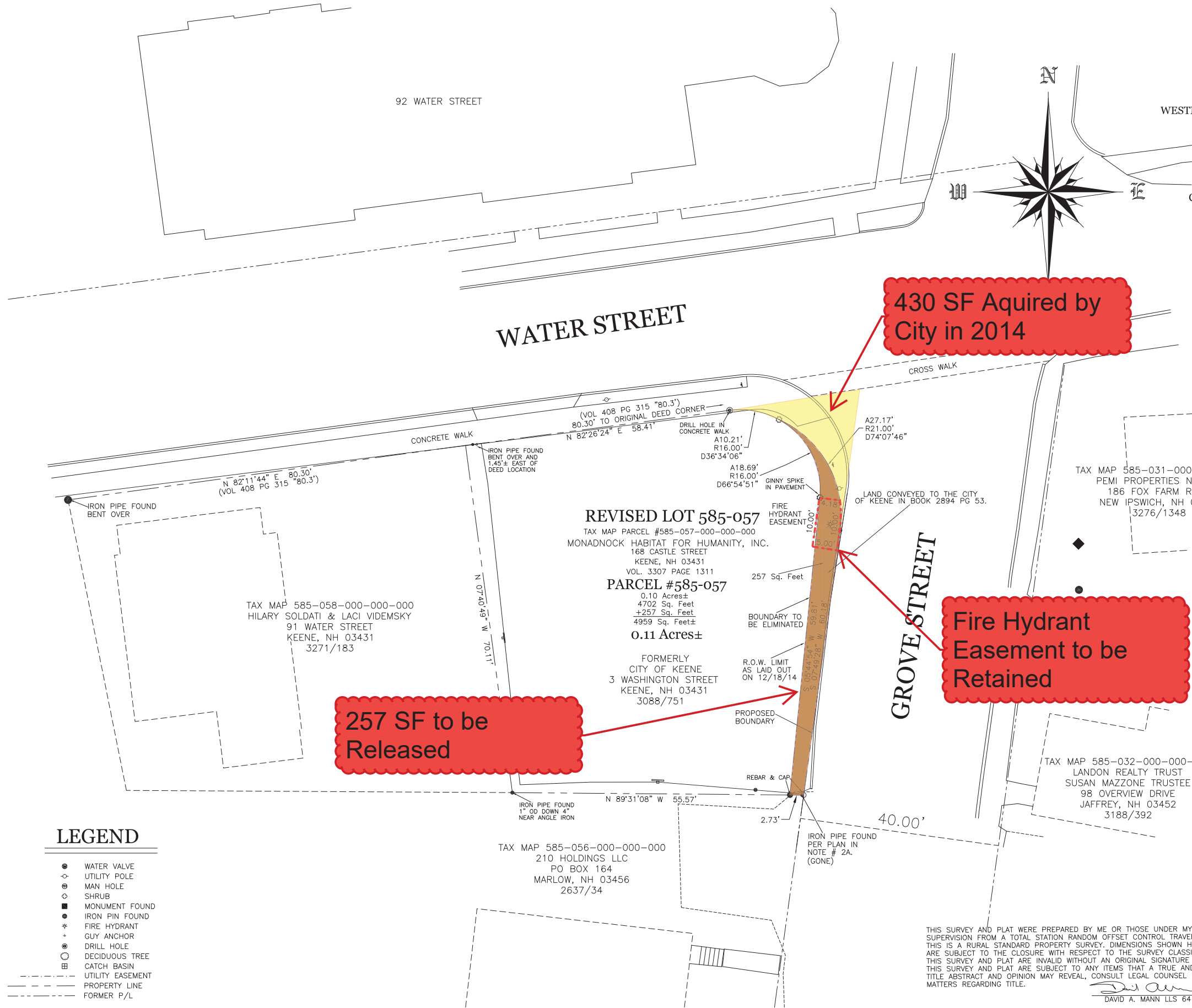
1. Execute a deed conveying land removed from the public Right-of-Way as described in Resolution R-2025-26 back to the owner of the adjacent parcel; and,
2. To accept an easement to operate, maintain, repair, and replace an existing fire hydrant installed within the land to be conveyed; and,
3. To apply to the Keene Planning Board for a Boundary Line Adjustment, or other such land use applications as the Community Development Director may deem necessary; and,
4. To do all things necessary to carry out the Resolution R-2025-26.

In City Council July 17, 2025.

Referred to the Municipal Services, Facilities and Infrastructure Committee and Planning Board. Site visit scheduled for September 4, 2025 at 5:30 PM. Public hearing to be held September 4, 2025 at 7:00 PM.

City Clerk

Jay V. Kahn, Mayor



PROJECT

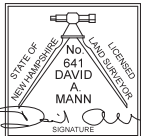
NOTES

1. BEARINGS ARE BASED ON GPS OBSERVATION AS PROVIDED. AND THE PLAN IN NOTE 2A.
2. PLAN REFERENCES:
A. GROVE STREET WIDENING PLAN, PREPARED BY SVE ASSOCIATES DATED 3-11-2013, ON FILE AT KEENE PUBLIC WORKS.
3. ASSESSOR INFORMATION BASED ON TOWN RECORDS:
TAX MAP PARCEL #585-057-000-000-000
MONADNOCK HABITAT FOR HUMANITY, INC.
PO BOX 21
KEENE, NH 03431
VOL. 3307 PAGE 1311
4. ZONING DISTRICT: RP
5. THE RIGHT OF WAY OF WATER STREET AND GROVE STREET ARE AS SHOWN ON CITY MAPPING AS PROVIDED, SEE NOTE 2A ABOVE.

DRAFT 6-26-2025
FOR REVIEW AND COMMENT

RIGHT OF WAY AMENDMENT PLAN
OF
REVISED LOT 585-057
PREPARED FOR
CITY OF KEENE
AND
MONADNOCK HABITAT
FOR HUMANITY, INC.

ZERO GROVE STREET
CITY OF KEENE
COUNTY OF CHESHIRE
STATE OF NEW HAMPSHIRE
SCALE: 1 INCH = 10 FEET
MAY 27, 2025



DAVID A. MANN SURVEY
10 GULF ROAD
CHESTERFIELD, N.H. 03443
603.903.7259
6-25-2025, EAST BOUNDARY
6-9-2025, ADDRESS

LEGEND


- WATER VALVE
- UTILITY POLE
- MAN HOLE
- ◇ SHRUB
- MONUMENT FOUND
- IRON PIN FOUND
- * FIRE HYDRANT
- GUY ANCHOR
- DRILL HOLE
- DECIDUOUS TREE
- CATCH BASIN
- UTILITY EASEMENT
- PROPERTY LINE
- FORMER P/L

THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION RANDOM OFFSET CONTROL TRAVERSE. THIS IS A RURAL STANDARD PROPERTY SURVEY. DIMENSIONS SHOWN HEREON ARE SUBJECT TO THE CLOSURE WITH RESPECT TO THE SURVEY CLASSIFICATION. THIS SURVEY AND PLAT ARE INVALID WITHOUT AN ORIGINAL SIGNATURE AND SEAL. THIS SURVEY AND PLAT ARE SUBJECT TO ANY ITEMS THAT A TRUE AND ACCURATE TITLE ABSTRACT AND OPINION MAY REVEAL. CONSULT LEGAL COUNSEL FOR ALL MATTERS REGARDING TITLE.

DAVID A. MANN LLS 641

City of Keene
New Hampshire

MEMORANDUM

TO: Mayor and City Council
FROM: Rhett Lamb, Planning Director 
DATE: November 12, 2014
SUBJECT: Planning Board recommendation regarding R-2014-22 and R-2014-23 – Resolution relating to the layout of Grove Street and the acquisition of land to be added to the existing layout.

At its meeting of October 27, 2014 the Planning Board voted to recommend adoption of R-2014-22 and R-2014-23.

BACKGROUND

Mr. Lamb stated that new road layouts under the statute are being referred to the Planning Board; the City Council does have the final say but the Planning Board can provide advice to the Council. In this case there is a petition filed by the City's Public Works Department to widen the approaches to Grove Street to add turn lanes at the southern end of Marlboro Street and at the northern end of Grove Street. It was part of the improvements carried out to accommodate the additional traffic and the development on the Railroad property.

The petition before the Planning Board adds to the layout of three parcels at the south end of Grove Street on the Savings Bank of Walpole side which is the land acquired from the bank. Also, at the corner of Jennison Street, a small corner to accommodate the sidewalk; and at the other end where Water Street, Grove Street and Community Way come together to widen the road.

Mr. Lamb stated that there are two Resolutions before the Planning Board; R-2014-22 and R-2014-23 for the acceptance of land for the amended portions of Grove Street and the return of land to the portions of Grove Street. He indicated that the action the Planning Board would be taking is to recommend that the City Council approve the petitions for the amendment to Grove Street. Mayor Lane stated that what is happening is a formality because the road has already been built. Mr. Lamb added that the amendment puts it in a status of a public highway.

A motion was made by Michael Welsh that the Planning Board approve the petitions for the amendment to Grove Street. The motion was seconded by Gary Spykman and was unanimously approved.



CITY OF KEENE

6A2
R-2014-22

In the Year of Our Lord Two Thousand andFourteen.....

A RESOLUTIONFOR THE ACCEPTANCE OF LAND AND DEEDS FOR AMENDED.....

PORTIONS OF LAYOUTGROVE STREET

Resolved by the City Council of the City of Keene, as follows:

- That the City Council of the City of Keene accepts and hereby does accept conveyances from Savings Bank of Walpole, and, Michael Lynch and Jeanette Wright for property along Grove Street as described in the attached Warranty Deeds.
- That the City Manager be and hereby is authorized to accept deeds for the land described in the attached Warranty Deeds.
- This Resolution is conditional upon all documentation be in a form and content acceptable to the City Attorney, City Engineer, and Planning Director.

Kendall W. Lane, Mayor

In City Council October 2, 2014.

Referred to the Planning Board and the Municipal Services, Facilities and Infrastructure Committee.

Site visit scheduled for 5:30 PM, Thursday, November 6, 2014. Public Hearing scheduled for the same evening at 7:00 PM in Council Chambers.


City Clerk

PASSED



CITY OF KEENE

6A3
R-2014-23

In the Year of Our Lord Two Thousand and Fourteen

A RESOLUTION FOR THE AMENDED RETURN OF LAYOUT OF A PUBLIC RIGHT OF

WAY KNOWN AS GROVE STREET

Resolved by the City Council of the City of Keene, as follows:

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to amend the layout of Grove Street for the purposes of altering a highway, utilities or other public improvements as described in the attached Return of Layout and said Petition, subject to the following conditions:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated an in connection with the lay out and acceptance of request street, utilities, and/or public improvement borne by the petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, utilities, and/or other public improvements within a thirty-six (36) month period from the approval vote by the City Council
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of lay out shall not become effective and can only be extended upon petition to the City Council.

Kendall W. Lane, Mayor

In City Council October 2, 2014.

Referred to the Planning Board and the Municipal Services, Facilities and Infrastructure Committee. Site visit scheduled for 5:30 PM, Thursday, November 6, 2014. Public Hearing scheduled for the same evening at 7:00 PM in Council Chambers.

PASSED

Patricia C. Little
City Clerk

From: [Mari Brunner](#)
To: [Kathleen Richards](#); [Evan Clements](#)
Cc: [Megan Fortson](#); [Emily Duseau](#)
Subject: RE: For distribution to Planning Board
Date: Wednesday, September 17, 2025 11:43:34 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)

Thank you Kathleen, we will include this in the September 29 Planning Board agenda packet.

Best,
Mari

From: Kathleen Richards <krichards@keenenh.gov>
Sent: Wednesday, September 17, 2025 10:04 AM
To: Mari Brunner <mbrunner@keenenh.gov>; Evan Clements <eclements@keenenh.gov>
Subject: For distribution to Planning Board

Hello Mari and Evan,

The below communications is being distributed by our office to the Mayor and City Council.

Would you please also distribute that to the Planning Board.

My best,
Kathleen



Kathleen Richards
DEPUTY CITY CLERK

External: (603) 352-0133 x2
Internal: x6029
krichards@keenenh.gov
3 Washington Street, Keene, NH 03431
KeeneNH.gov



From: Erik Murphy <erikmurphy@me.com>
Sent: Wednesday, September 17, 2025 9:42 AM
To: Kathleen Richards <krichards@keenenh.gov>
Cc: Joan Murphy <joangmurphy@me.com>
Subject: Please distribute to the City Council

Keene City Council and Planning Board:

We are opposed to the ordinance until the "6 dwelling units by right" change is removed.

The reason for this letter is to request the addition of three requirements to the 6-unit ordinance:

1. Require site plan for 4–6 units

Trigger administrative/site-plan review for projects >4 units in MD so staff can check stormwater, waste storage, snow storage, and fire access (apparatus turning, hydrant offsets). Reference NFPA 1

access width in the checklist.

2. Stormwater/LID standard for 4–6 units

Require on-site infiltration sized per the NH Stormwater Manual (with underdrains where soils are poor) and a canopy/trees standard (e.g., 1 new shade tree per 2 spaces paved).

3. Curb management in MD blocks

Direct Public Works/KFD to pre-mark fire lanes where needed, add stop bar/daylighting at corners with frequent curb saturation, and be ready to pilot RPP on the first blocks that exceed occupancy thresholds at night.

ALONGSIDE THE ORDINANCE

Adopting specific mitigations can also reduce the negative impact of new 6-unit dwellings:

A) Parking & curb management

- On-street spillover is the typical complaint when minimums of 6 units fit on legacy lots. Neighbor pushback often cites *overflow and character*.

Safety at intersections. More parked cars closer to corners can hide people biking/walking. Similar cities now “daylight” corners (remove the first parking space) to improve sight lines. Expect trade-offs with curb space.

- **Mitigations:** adopt corner-daylighting rules; signed residential permit zones or time limits; allow/require shared parking; keep new driveways/curb cuts to alleys or side streets to preserve on-street supply and sight lines.

B) Fire & emergency access

- Narrowed clear width from heavy on-street parking can impede apparatus. Standard fire-code language requires 20–26 ft clear widths and multiple access routes for taller/larger buildings (IFC §503 & Appendix D).

Mitigations: stripe “no-parking” fire lanes; require turn-radius templates in site plan review; ensure aerial apparatus setbacks for anything >30 ft tall (common with stacked sixplexes).

C) Water, sewer & stormwater

- Localized capacity pinch points (old 4–6” mains, low-pressure zones, or flat sanitary runs) may trigger service upgrades.
- In older New England towns with combined sewers, added roof/driveway area can worsen CSO risk during heavy rain unless offset by green infrastructure. EPA guidance is explicit on using LID to curb CSOs.
- **Mitigations:** require on-site LID (bioretention, permeable paving, tree canopy targets), roof-leader disconnection, and post-construction stormwater controls per the MS4 program; use modeling tools (e.g., EPA SSOAP/SWMM) during review to verify downstream capacity.

Please consider both recommendations for improving the ordinance, bringing flexibility to developers and landlords and protecting the safety and beauty of medium density neighborhoods. If no revisions are made to the proposed

ordinance we stand in opposition.

Respectfully,
Erik & Joan Murphy
287 Roxbury Street Keene NH 03431