



City of Keene Zoning Board of Adjustment

SPECIAL MEETING

AMENDED

AGENDA

Monday, September 15, 2025

6:30 p.m.

City Hall, 2nd Floor Council Chambers

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

ZBA-2025-13: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the setback requirements per Article 6.3.2 of the Zoning Regulations.

ZBA-2025-14: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

ZBA-2025-15: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the parking surface requirements per Article 9.4.2 of the Zoning Regulations.

ZBA-2025-16: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

ZBA-2025-17: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot where the building currently encroaches approximately four feet into the 30 foot side setback line on the southwesterly corner per Article 6.3.2 of the Zoning Regulations.

ZBA-2025-18: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow an indoor recreation/entertainment facility where not permitted per Article 6.3.5 of the Zoning Regulations.

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

Page intentionally left blank

150 CONGRESS ST.
ZBA-2025-13



Petitioner requests a lot that does not meet setback requirements per Article 6.3.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-13

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-13: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the setback requirements per Article 6.3.2 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk

Notice issuance date September 5, 2025

STAFF REPORT

ZBA-2025-13 – VARIANCE – SETBACKS AMALGAMATED SQUASH, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the setback requirements per Article 6.3.2 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the setback requirements of the Industrial Park zoning district to allow for the subdivision of a new parcel to accommodate the squash court and associated parking spaces. The request is to permit a 37.8 ft rear setback where 50 ft is normally required.

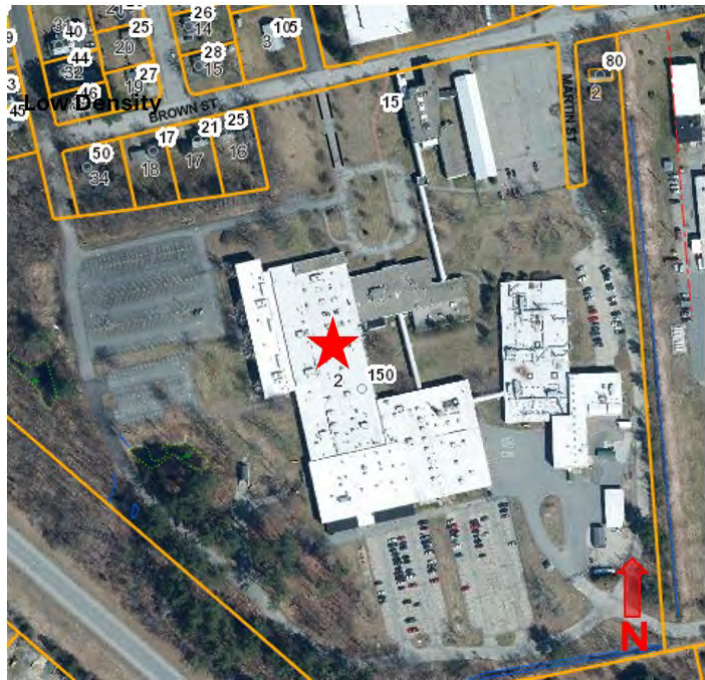


Fig 1: Aerial of 150 Congress St located at the red star.



Fig 2: Squash Court building

STAFF REPORT

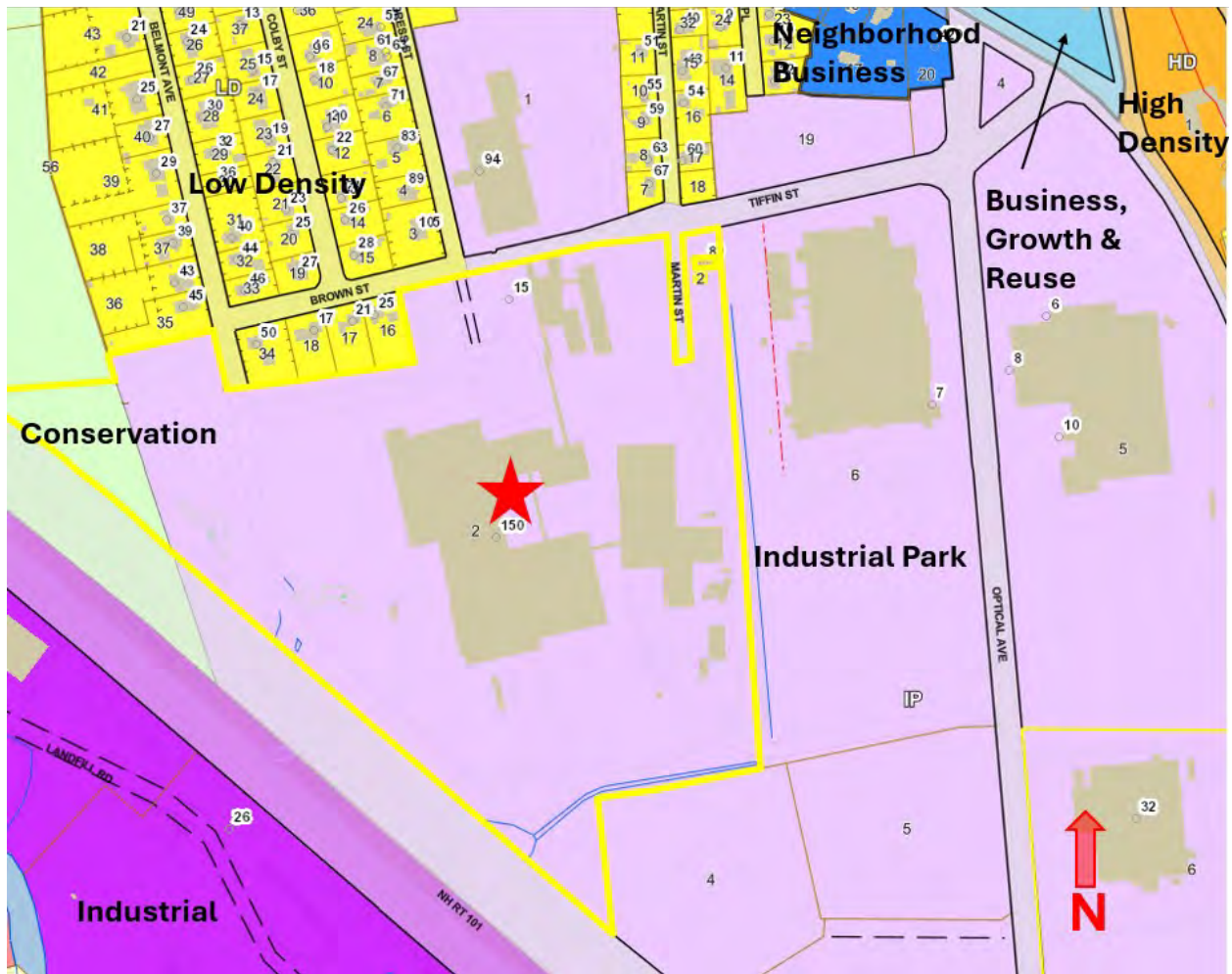


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

STAFF REPORT

Dimensions & Siting Table 6.3.2

6.3.2 Dimensions & Siting

Min Lot Area	4 acres
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	30 ft

Suggested Conditions and Draft Motion:

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

“Approve ZBA-2025-013, for the Variance to allow a 37.8 ft rear setback where 50 ft is normally required for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled “Zoning Board of Adjustment Exhibit” dated August 15, 2025 at a scale of 1” = 100’ prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on August 15, 2025 with no conditions.”

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-13

Date Filled 8/15/2025

Rec'd By CJM

Page 1 of 17

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: **Markem-Imaje**

MAILING ADDRESS: **150 Congress Street, Keene, NH 03431**

PHONE:

EMAIL: **mgokey@markem-imaje.com**

SIGNATURE:

PRINTED NAME: **Mike Gokey**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **Fieldstone Land Consultants, PLLC**

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

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

EMAIL: **jglefebvre@fieldstonelandconsultants.com**

SIGNATURE:

PRINTED NAME: **Jonathan Lefebvre**

SECTION 2: PROPERTY INFORMATION

Property Address: 150 Congress Street, Keene, NH 03431

Tax Map Parcel Number: 598-2-1-2

Zoning District IP

Lot Dimensions: Front: 75.38 Rear: 78.19 Side: 96.17 Side: 100.64

Lot Area: Acres: 0.17 Square Feet: 7548

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 10.59% Proposed: 0.00%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 10.59% Proposed: 33.17%

Present Use: Recreational Squash Ball Court

Proposed Use: Recreational Squash Ball Court

SECTION 3: WRITTEN NARRATIVE

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

See Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Narrative

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

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

See Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

5. Unnecessary Hardship

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

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

See Narrative

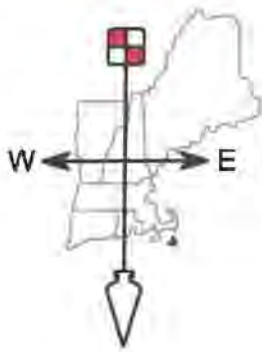
and

ii. The proposed use is a reasonable one because:

See Narrative

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

See Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAINE CRITERIA

City of Keene – Land Development Code (LDC)

Article 6 Section 3.2

Tax Map 598, Lot 2

150 Congress Street - Keene, NH

August 15, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2-1-2) encompasses approximately 0.17 acres where 4 acres is required. This proposed parcel has frontage on both Tiffin and Martin Streets. Markem Corporation is the Lessor to the Amalgamated Squash, Chowder & Development Corporation for this building located on the subject premises (Tax Map 598 Lot).

In 1976, an agreement was made to relocate the building from West Street to its current location due to the sale of the bank property on which it previously stood. The City of Keene subsequently assigned a Tax Map and Lot Number (598-2-1-2) specifically for the building. The purpose of this variance request is to establish a permanent location for the Amalgamated Squash, Chowder & Development Corporation by enabling proper ownership of the land on which the building currently resides.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

We are requesting a variance from Article 6, Section 3.2 of the City of Keene Land Development Code (LDC) to allow the creation of a lot that does not meet the setback requirements for properties within the Industrial Park zoning district. This variance would permit the continued use of the existing squash court and the accommodation of three (3) parking spaces.

The squash court building has been located on this property since 1976, predating the adoption of the City's LDC. It currently encroaches on the side setback areas. Although the structure does not conform to current setback standards, it has remained in its current location for nearly 50 years without issue. Additionally, the property is screened from neighboring parcels by mature trees, providing natural buffering. No modifications are proposed to the building. The additional three (3) parking spaces will have no direct impacts to abutting properties.

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

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

The proposed variance will not be contrary to the public interest. The purpose of the zoning ordinance is to protect public health, safety, and welfare. Setback requirements are intended to ensure appropriate physical and visual separation between adjacent land uses and to maintain adequate distance between adjacent buildings and the street. The existing building on the proposed lot was originally constructed in the early 1900s and was relocated to the Markem Corporation property in 1976. It has remained in its current location, unchanged, for nearly 50 years. The Amalgamated Squash, Chowder, and Development Corporation (ASC&DC) is not proposing any new construction—only the transfer of land ownership.

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

The spirit of the ordinance is to ensure adequate separation from buildings to adjacent properties and the street. The proposed relief is to the side setback of a dead-end road it will not alter the essential character of the neighborhood, threaten public health, safety or welfare, or otherwise injure public rights. For these reasons we believe the proposed variance will observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance serves the interest of substantial justice. It will enable the property

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

owner to transfer a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC), which has leased the site since 1976. The property owner would benefit from the relief of tax and liability obligations associated with this parcel. Denying the variance would provide no corresponding public benefit, as no new development is proposed and there would be no impact on density.

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

The abutters will not experience any substantial change from granting this variance; the area of the current recreational squash building will remain the only building on the lot with three (3) parking spaces. It is our experience that creating a lot while making no improvements to the building or surrounding area will not diminish surrounding property values.

5. *Unnecessary Hardship*

- a. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The setback requirements are intended to ensure appropriate physical and visual separation between adjacent land uses and to maintain adequate distance between buildings and the street. Literal enforcement of the ordinance would overlook the fact that this building predates the regulations. Consideration should also be given to the fact that this is a low-traffic and low-density area; therefore, the variance will have no impact on the general public of Keene. For this, and the reasons stated above, we believe there is no substantial relationship between the general public purpose and the division of this lot.

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

The proposed use is reasonable, with no substantial changes being made to the existing building or the surrounding land. The creation of the ordinance after the construction of the building imposes a hardship, as the Amalgamated Squash,

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

Chowder, and Development Corporation has occupied and enjoyed this building since 1976. The transfer of ownership of this portion of the property will relieve the current owner of liability.

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

There are special conditions that distinguish this property from others in the area. Since 1976, the current owner has leased a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC) for recreational use and now seeks to transfer ownership of that portion to ASC&DC in order to relieve themselves of liability. A key distinguishing factor is that the property is confined by Martin Street, which terminates at the Markem Corporation property, limiting access and development potential. Furthermore, due to the required setbacks within the Industrial Park Zone, this portion of land is not suitable for development. The presence of an existing easement to PSNH and a utility shed also create a logical boundary for subdividing the lot. As a result of these constraints, the proposed lot cannot meet the minimum lot size requirement outlined in Article 6, Section 3.2.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge



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

August 13, 2025

City of Keene
Office of Community Development
City Hall, 4th Floor
3 Washington Street
Keene, NH 03431

RE: **Subdivision & Variance Applications**
Amalgamated Squash, Chowder
& Development Corporation
Tax Map 589, Lot 2-1-2
80 Martin Street
Keene, NH 03431

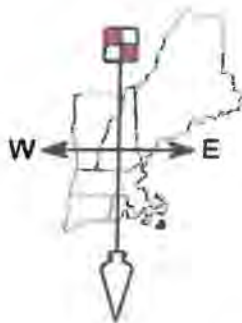
To Whom It May Concern:

The undersigned being the Lessee of the above referenced property consisting of a building identified as Tax Map 589 Lot 2-1-2 (situated on Tax Map 589 Lot 2), hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking necessary approvals from the City of Keene and the New Hampshire Department of Environmental Services.

Very truly yours,

Signature: Vaughan C Hennam
President, ASC&DC

Print: Vaughan C Hennam Date 14 August 2025



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

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

August 13, 2025

City of Keene
Office of Community Development
City Hall, 4th Floor
3 Washington Street
Keene, NH 03431

RE: **Subdivision & Variance Applications**
Markem-Image Corp.
Tax Map 589, Lot 2
150 Congress Street
Keene, NH 03431

To Whom It May Concern:

The undersigned being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking necessary approvals from the City of Keene and the New Hampshire Department of Environmental Services.

Very truly yours,

Signature: 

Print: Steven T. Mash

Date: 13 Aug 2025

Page intentionally left blank

150 CONGRESS ST. ZBA-2025-14



Petitioner requests a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-14

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-14: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk
Notice issuance date September 5, 2025

STAFF REPORT

ZBA-2025-14 – VARIANCE – LOT SIZE AMALGAMATED SQUASH, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000-001-002 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the lot size requirements of the Industrial Park zoning district to allow for the subdivision of a new parcel to accommodate the squash court and associated parking spaces. The request is to permit .17 ac lot where 4 ac is normally required.



Fig 1: Aerial of 150 Congress St located at the red star.



Fig 2: Squash Court building

STAFF REPORT

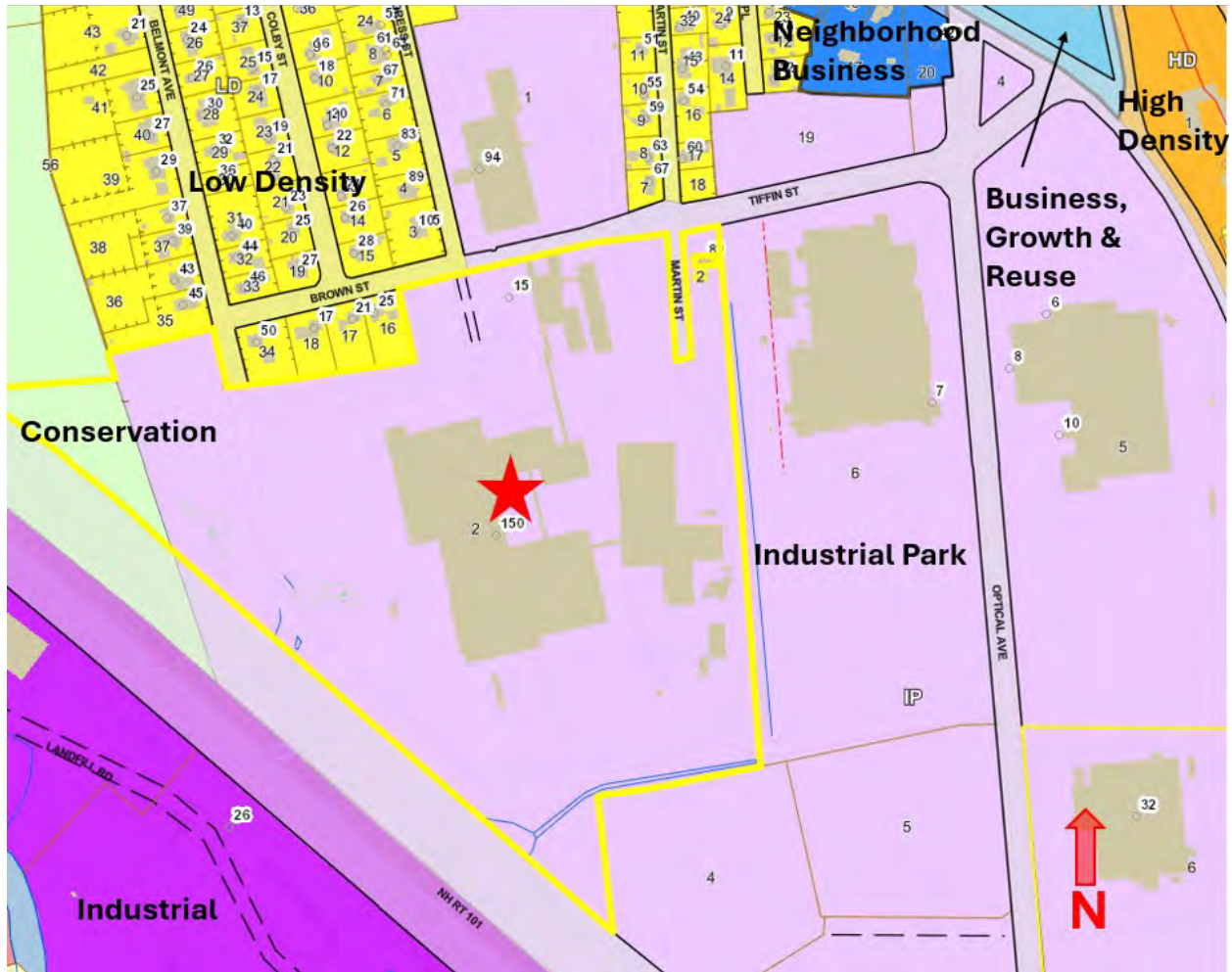


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

STAFF REPORT

Dimensions & Siting Table 6.3.2

6.3.2 Dimensions & Siting

Min Lot Area	4 acres
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	30 ft

Suggested Conditions and Draft Motion:

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

“Approve ZBA-2025-014, for the Variance to allow a .17 ac lot where 4 ac is normally required for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled “Zoning Board of Adjustment Exhibit” dated August 15, 2025 at a scale of 1” = 100’ prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on August 15, 2025 with no conditions.”

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-14

Date Filled 8/15/2025

Rec'd By CJM

Page 1 of 10

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: Markem-Imaje

MAILING ADDRESS: 150 Congress Street, Keene, NH 03431

PHONE: _____

EMAIL: mgokey@markem-imaje.com

SIGNATURE: _____

PRINTED NAME: Mike Gokey

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: _____

MAILING ADDRESS: _____

PHONE: _____

EMAIL: _____

SIGNATURE: _____

PRINTED NAME: _____

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Fieldstone Land Consultants, PLLC

MAILING ADDRESS: 206 Elm Street, Milford, NH 03055

PHONE: (603) 672-5456

EMAIL: jglefevre@fieldstonelandconsultants.com

SIGNATURE: (Signature) (AGENT)

PRINTED NAME: Jonathan Lefebvre

SECTION 2: PROPERTY INFORMATION

Property Address: 150 Congress Street, Keene, NH 03431

Tax Map Parcel Number: 598-2-1-2

Zoning District IP

Lot Dimensions: Front: 75.38 Rear: 78.19 Side: 96.17 Side: 100.64

Lot Area: Acres: 0.17 Square Feet: 7548

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 10.59% Proposed: 0.00%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 10.59% Proposed: 33.17%

Present Use: Recreational Squash Ball Court

Proposed Use: Recreational Squash Ball Court

SECTION 3: WRITTEN NARRATIVE

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

See Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Narrative

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

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

See Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

5. Unnecessary Hardship

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

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

See Narrative

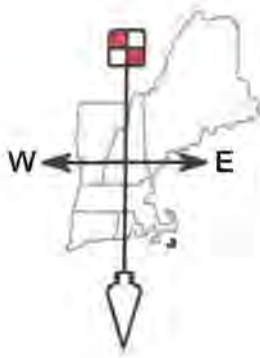
and

ii. The proposed use is a reasonable one because:

See Narrative

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

See Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAANCE CRITERIA

City of Keene – Land Development Code (LDC)

Article 6 Section 3.2

Tax Map 598, Lot 2

150 Congress Street - Keene, NH

August 15, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2-1-2) encompasses approximately 0.17 acres where 4 acres is required. This proposed parcel has frontage on both Tiffin and Martin Streets. Markem Corporation is the Lessor to the Amalgamated Squash, Chowder & Development Corporation for this building located on the subject premises (Tax Map 598 Lot).

In 1976, an agreement was made to relocate the building from West Street to its current location due to the sale of the bank property on which it previously stood. The City of Keene subsequently assigned a Tax Map and Lot Number (598-2-1-2) specifically for the building. The purpose of this variance request is to establish a permanent location for the Amalgamated Squash, Chowder & Development Corporation by enabling proper ownership of the land on which the building currently resides.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

We are requesting a variance from Article 6, Section 3.2 of the City of Keene Land Development Code (LDC) to permit the creation of a lot that is below the minimum lot size requirement. This variance would allow for the continued use of the squash court and provision of three (3) parking spaces. Markem Corporation intends to transfer the 0.17-acre parcel to ASC&DC, enabling the organization to continue operating and promoting the game of squash while relieving Markem of the associated property ownership and liability.

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

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

The proposed variance will not be contrary to the public interest. The zoning ordinance is in place to ensure public health, welfare, and safety. The minimum lot size provision is required by the ordinance to manage development, control density, and preserve the character of the area. The existing building on the proposed lot was built in the early 1900s and moved to the Markem Corporation lot in 1976. This building will remain the only structure on the lot, used for recreational purposes, along with three (3) parking spaces. The lot is being created solely for ownership and liability purposes. Consequently, the creation of this lot will have no impact on public health, welfare, or safety. The ASC&DC aims "To promote the health, pleasure, and social and mental improvement of the members."

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

The spirit of the ordinance is to manage development, control density, and preserve the character of the area. This spirit will be upheld by leaving the property unchanged, except for the creation of a new lot for ownership and liability purposes. The proposed relief—to create a lot smaller than the required minimum lot size—will not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise infringe upon public rights. The Master Plan for the City of Keene aims to "promote the stewardship of New Hampshire's resources for recreation and other activities that contribute to health and quality of life for citizens and visitors in New Hampshire." For these reasons, we believe the proposed variance will observe the spirit of both the ordinance and the Master Plan.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

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

Granting this variance serves the interest of substantial justice. It will enable the property owner to transfer a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC), which has leased the building since 1976. The property owner would benefit from the relief of tax and liability obligations associated with this parcel. Denying the variance would provide no corresponding public benefit, as no new development is proposed and there would be no impact on density.

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

The abutters will not experience any substantial change from granting this variance; the area of the current recreational squash building will remain the only building on the lot with three (3) parking spaces. It is our experience that creating a lot while making no improvements to the building or surrounding area will not diminish surrounding property values.

5. *Unnecessary Hardship*

- a. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
 - i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The general public purpose of the ordinance is to manage development, control density, and preserve the character of the area. Literal enforcement of the ordinance would overlook the fact that this building predates the regulations. Consideration should also be given to the fact that this is a low-traffic area; therefore, the variance will have no impact on the general public of Keene. For this, and the reasons stated above, we believe there is no substantial relationship between the general public purpose and the division of this lot.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

ii. The proposed use is a reasonable one:

The proposed use is reasonable, with no substantial changes being made to the existing building or the surrounding land. The creation of the ordinance after the construction of the building imposes a hardship, as the Amalgamated Squash, Chowder, and Development Corporation has occupied and enjoyed this building since 1976. The transfer of ownership of this portion of the property will relieve the current owner of liability.

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

There are special conditions that distinguish this property from others in the area. Since 1976, the current owner has leased a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC) for recreational use and now seeks to transfer ownership of that portion to ASC&DC in order to relieve themselves of liability. A key distinguishing factor is that the property is confined by Martin Street, which terminates at the Markem Corporation property, limiting access and development potential. Furthermore, due to the required setbacks within the Industrial Park Zone, this portion of land is not suitable for development. The presence of an existing easement to PSNH and a utility shed also create a logical boundary for subdividing the lot. As a result of these constraints, the proposed lot cannot meet the minimum lot size requirement outlined in Article 6, Section 3.2.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge

Page intentionally left blank

150 CONGRESS ST. ZBA-2025-15



Petitioner requests a lot that does not meet the parking surface requirements per Article 9.4.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-15

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-15: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the parking surface requirements per Article 9.4.2 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk
Notice issuance date September 5, 2025

STAFF REPORT

ZBA-2025-15 – VARIANCE – PAVEMENT SETBACK, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the parking surface requirements per Article 9.4.2 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the parking lot setback requirement for a parking area located on the southern part of the campus. The request is to permit a 8 ft parking lot setback where a 10 ft setback is normally required.

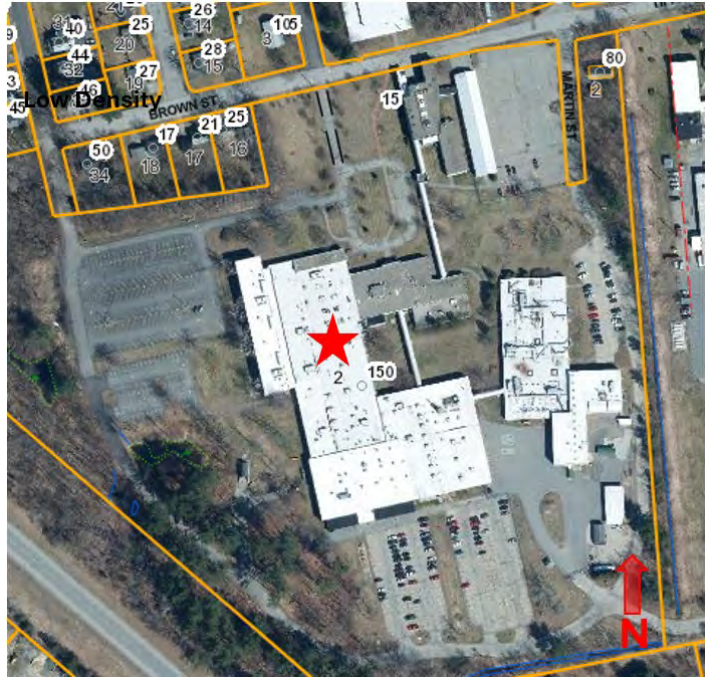


Fig 1: Aerial of 150 Congress St located at the red star.



Fig 2: Parking area with requested setback relief in red.

STAFF REPORT

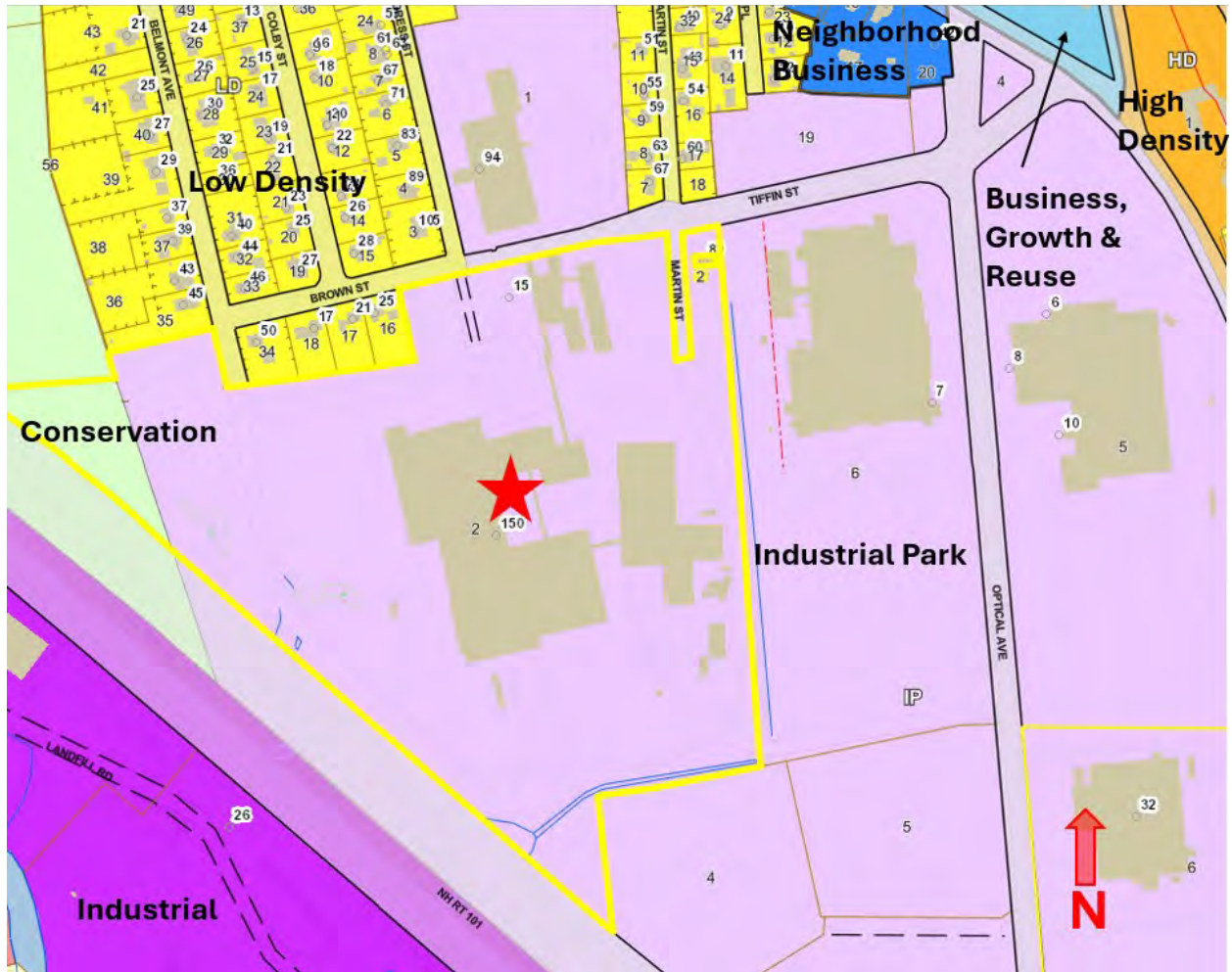


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

STAFF REPORT

Dimensions & Siting 9.4.2

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft
>10,000 to ≤30,000 sf	10 ft	8 ft
>30,000 sf to ≤2 acres	15 ft	10 ft
>2 acres	20 ft	15 ft

Suggested Conditions and Draft Motion:

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

“Approve ZBA-2025-015, for the Variance to allow a 8 ft parking lot surface setback where 10 ft is normally required for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled “Zoning Board of Adjustment Exhibit” dated August 15, 2025 at a scale of 1” = 100’ prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on August 15, 2025 with no conditions.”

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-15

Date Filled 8/15/2025

Rec'd By CJM

Page 1 of 10

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: **Markem-Imaje**

MAILING ADDRESS: **150 Congress Street, Keene, NH 03431**

PHONE:

EMAIL: **mgokey@markem-imaje.com**

SIGNATURE:

PRINTED NAME: **Mike Gokey**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **Fieldstone Land Consultants, PLLC**

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

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

EMAIL: **jglefebvre@fieldstonelandconsultants.com**

SIGNATURE:

PRINTED NAME: **Jonathan Lefebvre**

SECTION 2: PROPERTY INFORMATION

Property Address: 150 Congress Street, Keene, NH 03431

Tax Map Parcel Number: 598-2.3

Zoning District IP

Lot Dimensions: Front: 299.46 Rear: 437.2 Side: 2194.09 Side: 1236.09

Lot Area: Acres: 17.63 Square Feet: 768101

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 22.05% Proposed: 0.00%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 53.51% Proposed: 0.00

Present Use: Industrial Building

Proposed Use: Industrial Building

SECTION 3: WRITTEN NARRATIVE

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

See Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Narrative

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

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

See Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

5. Unnecessary Hardship

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

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

See Narrative

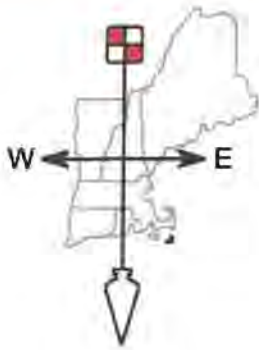
and

ii. The proposed use is a reasonable one because:

See Narrative

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

See Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAANCE CRITERIA

City of Keene – Land Development Code (LDC)

Article 9 Section 4.2

Tax Map 598, Lot 2

150 Congress Street – Keene, NH

August 15, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2.3) encompasses approximately 17.63 acres and has frontage on Brown Street and Belmont Avenue. We are requesting a variance from Article 9, Section 4.2 of the City of Keene Land Development Code (LDC) to allow the creation of a lot that does not meet the parking surface setback requirements. This variance would permit the continued use of the existing 169,314 square foot, industrial building and its associated parking lot. No modifications are being proposed to the building or surrounding area.

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

Markem-Image Corporation
150 Congress Street
Keene, NH
Variance Application

1. *Granting the variance is not be contrary to the public interest:*

The requested variance does not conflict with the public interest. The primary purpose of parking setback requirements is to protect public health, safety, and welfare by ensuring parking lots are not directly adjacent to roads or other properties to guarantee visual appeal and functionality of parking areas. In this case, no new construction is proposed; the building in question was constructed in the early 1950s and has remained unchanged. The proposed variance would allow for a minor 2-foot encroachment into the required 10-foot side parking setback to facilitate a subdivision. Since this change does not alter existing site conditions or intensify use, granting the variance would not be contrary the public interest.

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

The spirit and intent of the zoning ordinance are to ensure parking lots are not directly adjacent to roads or other properties to guarantee visual appeal and functionality of parking areas. The requested relief involves an existing parking lot associated with the industrial structure on the proposed lot. The proposed property line does not satisfy the full side parking setback of 10-feet. The encroachment is minimal, encroaching 2-feet into the setback and does not impact the character of the neighborhood or compromise safety. Therefore, the variance is aligned with the underlying intent of the ordinance.

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

Granting the variance serves substantial justice by allowing for a practical and beneficial land transfer without impacting surrounding properties. The proposed subdivision will allow for more efficient use of the property, improved site management, and flexibility. It would also help formalize property boundaries between two industrial users. The benefit gained by granting the variance and allowing the subdivision far outweighs any gain the public would have from denial.

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

Approval of the variance will not negatively impact the value of adjacent properties. The proposed lot line adjustment does not involve any physical changes to the buildings or

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

surrounding site, and the use of the property will remain the same. The abutters will not experience any visual or functional change, and it is our experience that creating a lot without modifying structures or operations does not affect neighboring property values.

5. *Unnecessary Hardship*

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

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

Parking setback requirements are generally intended to ensure parking lots are not directly adjacent to roads or other properties to guarantee visual appeal and functionality of parking areas. However, the building parking lot has existed in its current location for over five decades and the proposed encroachment is minimal. Strict application of the parking setback rule would require removal of a portion of the parking lot. The relief sought would simply formalize the lot line between two existing industrial buildings and to include the associated parking lots. Therefore, enforcing the ordinance in this context serves no substantial public purpose and creates an unnecessary burden on the property owner.

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

The proposed use remains unchanged and is entirely reasonable. No new construction is planned. The goal is to subdivide the property in a way that respects existing structures while conforming as closely as possible to zoning regulations. The proposed boundary was designed to be as straight as possible, minimizing irregularities while attempting to meet setback requirements. However, due to the 10-foot setback, it is difficult to comply with the 10-foot side parking lot setback. A 2-foot variance is necessary to accommodate this existing parking lot without necessitating the removal of existing pavement and reducing the number of parking spaces.

b. *Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably*

Markem-Image Corporation
150 Congress Street
Keene, NH
Variance Application

used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

This property qualifies for relief due to unique physical and functional characteristics that sets it apart from others. The site contains two long-standing industrial buildings, each with its own associated parking area that has supported operations for decades. These buildings and parking lots are situated in close proximity but function independently, making the logical division of the property both practical and necessary. Including the associated parking areas with each building in the subdivision ensures continued usability, and preserves the functional of both uses. Due to these existing site constraints, the property cannot be reasonably subdivided in strict compliance with the Land Development Code (Article 9, Section 4.2). Therefore, a variance is necessary to facilitate a reasonable, beneficial, and historically consistent use of the property.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge

Page intentionally left blank

150 CONGRESS ST. ZBA-2025-16



Petitioner requests a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-16

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-16: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk

Notice issuance date September 5, 2025

STAFF REPORT

ZBA-2025-16 – VARIANCE – LOT SIZE, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot that does not meet the minimum lot size requirements per Article 6.3.2 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the lot size requirement of the Industrial Park zoning district. The request is to permit a lot size of 3.52 ac where 4 ac is normally required.



Fig 1: Aerial of 150 Congress St located at the red star.



Fig 2: Proposed 3.52 ac lot outlined in red.

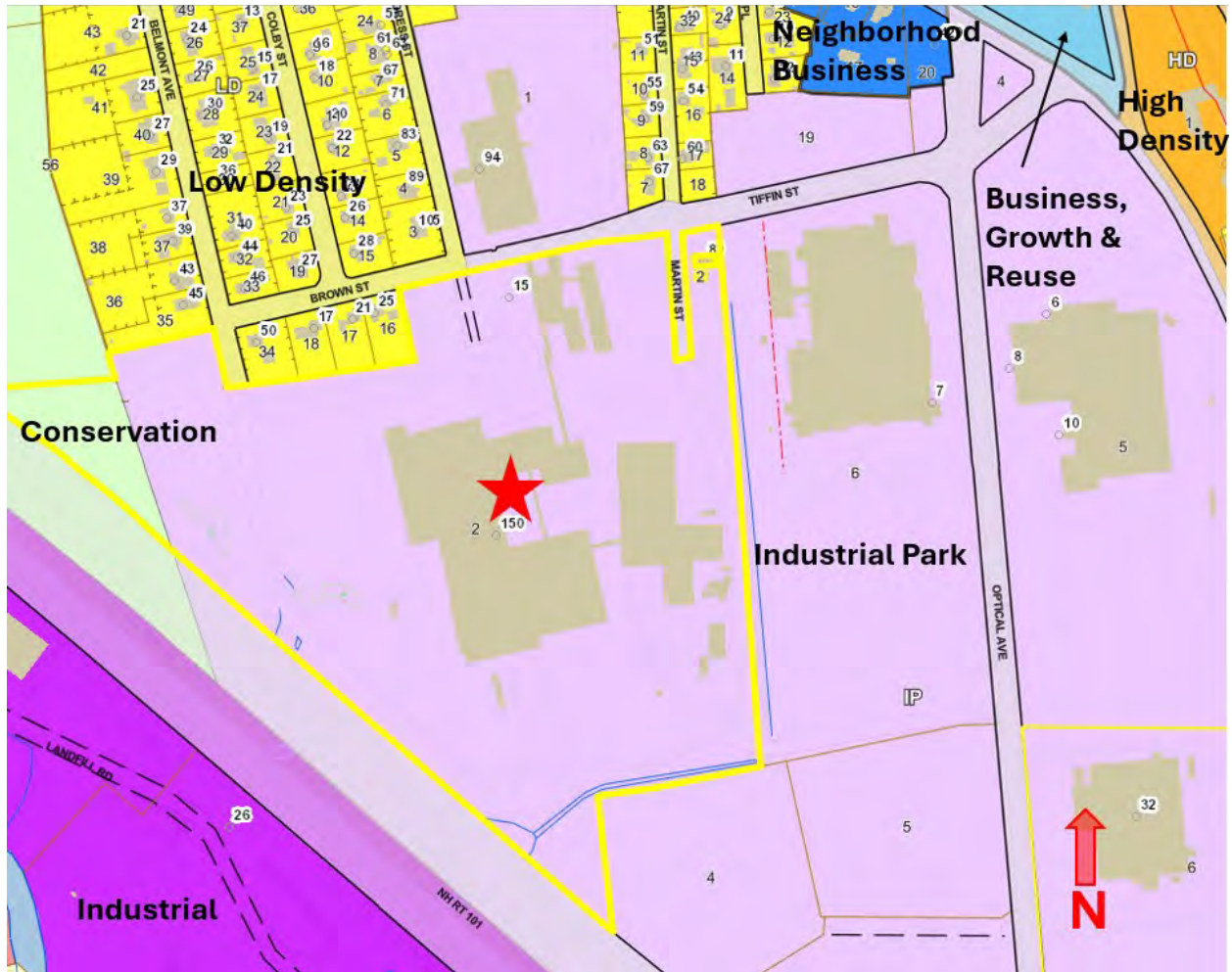


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

STAFF REPORT

Dimensions & Siting 6.3.2

6.3.2 Dimensions & Siting

Min Lot Area	4 acres
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	30 ft

Suggested Conditions and Draft Motion:

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

"Approve ZBA-2025-016, for the Variance to allow a 3.52 ac lot where 4 ac is normally required for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled "Zoning Board of Adjustment Exhibit" dated August 15, 2025 at a scale of 1" = 100' prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on August 15, 2025 with no conditions."

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-16

Date Filled 8/15/2025

Rec'd By CJM

Page 1 of 10

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: **Markem-Imaje**

MAILING ADDRESS: **150 Congress Street, Keene, NH 03431**

PHONE:

EMAIL: **mgokey@markem-imaje.com**

SIGNATURE:

PRINTED NAME: **Mike Gokey**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **Fieldstone Land Consultants, PLLC**

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

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

EMAIL: **jglefebvre@fieldstonelandconsultants.com**

SIGNATURE:

PRINTED NAME:

Jonathan Lefebvre

SECTION 2: PROPERTY INFORMATION

Property Address: 150 Congress Street, Keene, NH 03431

Tax Map Parcel Number: 598-2.1

Zoning District IP

Lot Dimensions: Front: 445.57 Rear: 410.91 Side: 417.59 Side: 892.24

Lot Area: Acres: 3.52 Square Feet: 153,245

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 17.94% Proposed: 0.00%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 47.27% Proposed: 0.00

Present Use: Industrial Building

Proposed Use: Industrial Building

SECTION 3: WRITTEN NARRATIVE

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

See Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Narrative

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

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

See Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

5. Unnecessary Hardship

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

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

See Narrative

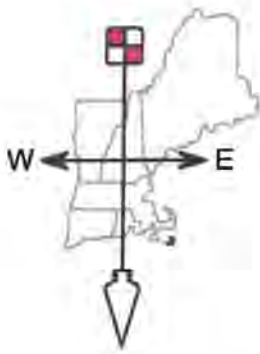
and

ii. The proposed use is a reasonable one because:

See Narrative

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

See Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAINCE CRITERIA

City of Keene – Land Development Code (LDC)

Article 6 Section 3.2

Tax Map 598, Lot 2

150 Congress Street - Keene, NH

August 15, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2.1) is approximately 3.52 acres and has frontage on Tiffin, Martin, and Congress Streets. We are requesting a variance from Article 6, Section 3.2 of the City of Keene Land Development Code (LDC) to permit the creation of a lot that does not meet the minimum lot size requirement. No new construction is proposed for this lot, and all existing structures and uses will remain unchanged.

The purpose of this request is to allow for the sale of the existing building and its associated parking area as a separate entity from the other buildings currently located on the parcel. This will enable a new owner to more effectively utilize the existing building at a reduced cost, without the additional tax burden or maintenance responsibilities associated with the remaining buildings and land.

Markem-Image Corporation
150 Congress Street
Keene, NH
Variance Application

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

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

The proposed variance will not be contrary to the public interest. Zoning ordinances are designed to protect public health, safety, and welfare by managing development, controlling density, and preserving the character of the community. The variance requested is for relief from the minimum lot size requirement, in order to subdivide an existing developed parcel. The subject building, constructed in the early 1900s, will remain unchanged, as will the surrounding parking area, which includes approximately 130 spaces. This building and parking lot are currently used for industrial purposes and will continue to be used in that way. The purpose of this request is solely to allow the sale of the building and its associated parking area as a separate lot, with no proposed new construction or intensification of use.

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

The spirit and intent of the ordinance are to manage development, control density, and preserve the character of the community. This request supports those goals. While the proposed lot size would be smaller than the minimum required, the subdivision results in no physical changes to the site or its surroundings. Instead, it simply formalizes a separation of ownership between two existing industrial buildings. The continued use of the site aligns with existing zoning regulations and the City's broader land use objectives, including those outlined in the Master Plan, such as promoting economic development, land use efficiency, and sustainable redevelopment. This variance enables the productive reuse of underutilized space while maintaining the established character and use.

3. Granting the variance would do substantial justice because:

Granting this variance serves the interest of substantial justice. It will enable the property owner to transfer a portion of the land in an effort to better utilize the existing buildings within the City and space. It allows for more efficient site management, improved allocation of parking and loading areas, and leasing opportunities. Separating the parcel can also enhance the property's marketability and make it easier to meet zoning or financing requirements. Denying

Markem-Image Corporation
150 Congress Street
Keene, NH
Variance Application

the variance would provide no corresponding public benefit, as no new development is proposed and there would be no impact on density.

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

This subdivision will not negatively impact neighboring property values. There will be no changes to the size, appearance, or function of the building or the surrounding land. The industrial use remains consistent, and all existing access and infrastructure will continue to serve the property as it does today. Based on industry standards and comparable property cases, creating a new lot for an existing structure without proposing any improvements or redevelopment is not expected to diminish adjacent property values. Abutters will experience no noticeable change as a result of this variance.

5. *Unnecessary Hardship*

- a. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

This parcel is unique in that it contains long-standing development that predates current zoning regulations. The existing industrial building and parking area have been in place for over a century. The general public purposes of the ordinance such as managing density and preserving community character are not compromised by this variance, as no additional development is proposed. The site is located in a low-traffic area, and the proposed lot division will not increase traffic, change site usage, or otherwise affect the public. Therefore, strict enforcement of the minimum lot size requirement does not reasonably serve its intended purpose in this particular case.

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

The continued industrial use of the subdivided lot is consistent with current zoning and land-use objectives. The structure is well suited to its purpose, and

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

only a portion of the buildings on the overall property are currently being used to their full potential. Creating a separate lot for the surplus building and parking area will enable adaptive reuse, create new business opportunities, and support job creation and additional tax revenue. No physical changes are proposed, making this a low-impact, high-benefit request.

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

Due to the unique physical characteristics of the site, including its frontage along both Martin Street and Congress Street, and the presence of multiple industrial buildings and parking areas, the property cannot be reasonably subdivided in strict conformance with the ordinance. The logical division line needed to maintain appropriate setbacks and parking yields a 3.52-acre lot that falls below the minimum lot size. These constraints make strict compliance impractical and prevent reasonable use of the land without a variance. Therefore, relief from the lot size requirement is necessary to facilitate the division of the property.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge

Page intentionally left blank

150 CONGRESS ST.
ZBA-2025-17



Petitioner requests a lot where the building currently encroaches side setback per Article 6.3.2 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-17

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-17: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot where the building currently encroaches approximately four feet into the 30 foot side setback line on the southwesterly corner per Article 6.3.2 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk

Notice issuance date September 5, 2025

ZBA-2025-17 – VARIANCE – SETBACK, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow a lot where the building currently encroaches approximately four feet into the 30 foot side setback line on the southwesterly corner per Article 6.3.2 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the side setback requirement of the Industrial Park zoning district. The request is to permit a side setback of 25.93 ft where a 30 ft side setback is required.



Fig 1: Aerial of 150 Congress St located at the red star.

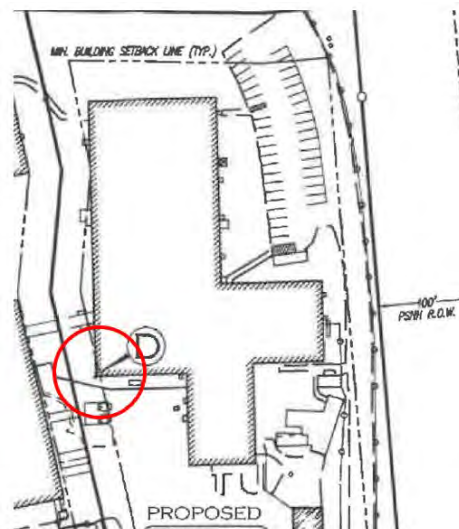


Fig 2: Proposed side yard encroachment circled in red.

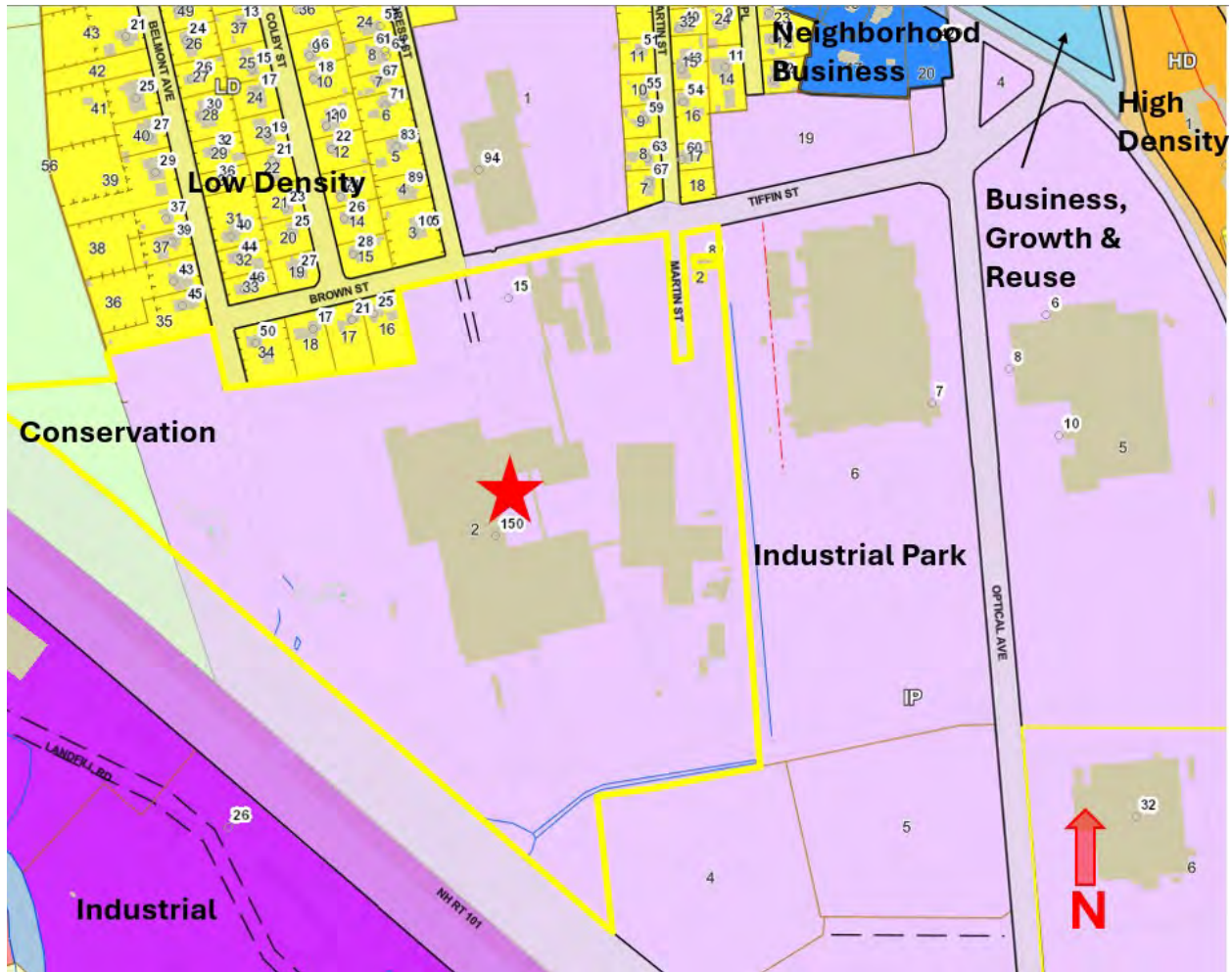


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

Dimensions & Siting 6.3.2

6.3.2 Dimensions & Siting

Min Lot Area	4 acres
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	30 ft

Suggested Conditions and Draft Motion:

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

"Approve ZBA-2025-017, for the Variance to allow a 25.93 ft setback where 30 ft is normally required for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled "Zoning Board of Adjustment Exhibit" dated August 15, 2025 at a scale of 1" = 100' prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on August 15, 2025 with no conditions."

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-17

Date Filled 8/15/2025

Rec'd By CJM

Page 1 of 12

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: **Markem-Imaje**

MAILING ADDRESS: **150 Congress Street, Keene, NH 03431**

PHONE:

EMAIL: **mgokey@markem-imaje.com**

SIGNATURE:

PRINTED NAME: **Mike Gokey**

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY:

MAILING ADDRESS:

PHONE:

EMAIL:

SIGNATURE:

PRINTED NAME:

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: **Fieldstone Land Consultants, PLLC**

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

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

EMAIL: **jglefebvre@fieldstonelandconsultants.com**

SIGNATURE:

PRINTED NAME: **Jonathan Lefebvre**

SECTION 2: PROPERTY INFORMATION

Property Address: 150 Congress Street, Keene, NH 03431

Tax Map Parcel Number: 598-2.2

Zoning District IP

Lot Dimensions: Front: 61.27 Rear: 326.78 Side: 1652.05 Side: 1270.09

Lot Area: Acres: 6.40 Square Feet: 278,728

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: 18.83% Proposed: 0.00%

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: 53.57% Proposed: 0.00

Present Use: Industrial Building

Proposed Use: Industrial Building

SECTION 3: WRITTEN NARRATIVE

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

See Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s)

of the Zoning Regulations to permit:

See Narrative

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

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

See Narrative

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

See Narrative

3. Granting the variance would do substantial justice because:

See Narrative

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

See Narrative

5. Unnecessary Hardship

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

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

See Narrative

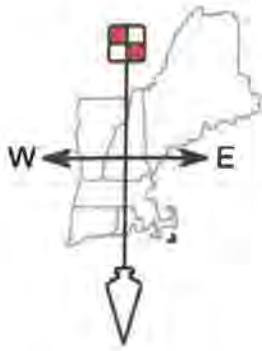
and

ii. The proposed use is a reasonable one because:

See Narrative

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

See Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAANCE CRITERIA

City of Keene – Land Development Code (LDC)

Article 6 Section 3.2

Tax Map 598, Lot 2

150 Congress Street - Keene, NH

August 15, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2.2) encompasses approximately 6.4 acres and has frontage on Optical Avenue. We are requesting a variance from Article 6, Section 3.2 of the City of Keene Land Development Code (LDC) to allow the creation of a lot where the building currently encroaches approximately four (4) feet into the 30-foot side setback line on the southwesterly corner. This variance would permit the continued use of the existing industrial building and its associated parking lot despite the minor encroachment. No modifications are being proposed to the building or surrounding area.

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

1. *Granting the variance is not be contrary to the public interest:*

The requested variance does not conflict with the public interest. The primary purpose of zoning setback requirements is to protect public health, safety, and welfare by ensuring adequate physical and visual separation between structures. In this case, no new construction is proposed; the building in question was constructed in the early 1970s and has remained unchanged. The proposed variance would allow for a minor four (4) foot encroachment into the required 30-foot side setback to facilitate a subdivision. Since this change does not alter existing site conditions or intensify use, granting the variance would not negatively affect the public interest.

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

The spirit and intent of the zoning ordinance are to maintain appropriate spacing between buildings and property lines, ensuring safety, privacy, and orderly development. The requested relief involves an existing condition between two long-standing industrial structures that do not currently meet the full side setback due to their proximity (58 feet apart). The encroachment is minimal and does not impact the character of the neighborhood or compromise safety. Therefore, the variance is aligned with the underlying intent of the ordinance.

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

Granting the variance serves substantial justice by allowing for a practical and beneficial land transfer without impacting surrounding properties. The proposed subdivision will allow for more efficient use of the property, improved site management, leasing, or financing. It would also help clarify property boundaries between two industrial users. Denial of the variance due solely to a minor setback encroachment on a building that has existed without issue for over 50 years would impose unnecessary hardship with no public benefit.

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

Approval of the variance will not negatively impact the value of adjacent properties. The proposed lot line adjustment does not involve any physical changes to the buildings or surrounding site, and the use of the property will remain the same. The abutters will not

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

experience any substantial visual or functional change, and it is our experience that creating a lot without modifying structures or operations does not affect neighboring property values.

5. *Unnecessary Hardship*

- a. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
- i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

Setback requirements are generally intended to preserve space and safety between structures and property lines. However, the building in this case, has existed in its current location for over five decades and the encroachment is minimal. Strict application of the setback rule would prevent subdivision of the parcel despite no physical or operational changes being proposed. The relief sought would simply formalize the lot line between two existing industrial buildings. Therefore, enforcing the ordinance in this context serves no substantial public purpose and creates an unnecessary burden on the property owner.

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

The proposed use remains unchanged and is entirely reasonable. No new construction is planned. The goal is to subdivide the property in a way that respects existing structures while conforming as closely as possible to zoning regulations. The proposed boundary was designed to be as straight as possible, minimizing irregularities while attempting to meet setback requirements. However, due to the 58-foot separation between existing buildings, each lot cannot fully comply with the 30-foot side setback. A four (4) foot variance is necessary to accommodate this existing, long-standing condition.

- b. *Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably*

Markem-Image Corporation
150 Congress Street
Keene, NH
Variance Application

used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it:

This property qualifies for relief due to unique physical conditions that distinguish it from others. The presence of two large, existing industrial buildings in close proximity creates a practical need for subdivision. The logical dividing line between them results in a small encroachment at the southwest corner of the building. As a result, the property cannot be reasonably subdivided in strict compliance with the Land Development Code (Article 6, Section 3.2), and a variance is necessary to enable reasonable and beneficial use of the property.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge

Page intentionally left blank

150 CONGRESS ST. ZBA-2025-18



Petitioner requests an indoor recreation/entertainment facility where not permitted per Article 6.3.5 of the Zoning Regulations.



NOTICE OF HEARING

ZBA-2025-18

A meeting of the Zoning Board of Adjustment will be held on **Monday, September 15, 2025, at 6:30 PM** in City Hall Council Chambers, 2nd floor, 3 Washington St, Keene, New Hampshire to consider the following petition.

ZBA-2025-18: Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow an indoor recreation/entertainment facility where not permitted per Article 6.3.5 of the Zoning Regulations.

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

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

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

Corinne Marcou, Zoning Clerk

Notice issuance date September 5, 2025

ZBA-2025-18 – USE VARIANCE – AMALGAMATED SQUASH, 150 CONGRESS ST

Request:

Petitioner, Mike Gokey, of Markem-Imaje, 150 Congress St., represented by Jonathan Lefebvre, of Fieldstone Land Consultants, 206 Elm St., Milford, requests a Variance for property located at 150 Congress St., Tax Map #598-002-000 and is in the Industrial Park District. The Petitioner requests a Variance to allow an indoor recreation/entertainment facility where not permitted per Article 6.3.5 of the Zoning Regulations.

Background:

The subject property is an existing 31 ac parcel located on the southern side of Tiffin St approximately 1,000 ft from the Optical Ave, Marlboro St intersection with Timken Manufacturing located directly to the east. The property is home to the Markem-Imaje corporate headquarters campus consisting of several buildings with ~246,000 SF of office, manufacturing, and warehouse floor space. The property also contains associated site improvements such as walkways, drive aisles, parking areas, and drainage structures.

The property also contains a 798 SF building located in the northeast corner of the parcel along Tiffin St which contains an indoor squash court owned and operated by the Amalgamated Squash, Chowder & Development Corporation. In 1976, an agreement was made to relocate the building from West St to its current location. There are three parking spaces associated with the squash court.

The purpose of this application is to seek a Variance from the permitted uses in the Industrial Park zoning district to allow for an Indoor Recreation/Entertainment Facility use which is normally not permitted.



Fig 1: Aerial of 150 Congress St located at the red star.



Fig 2: Squash Court building

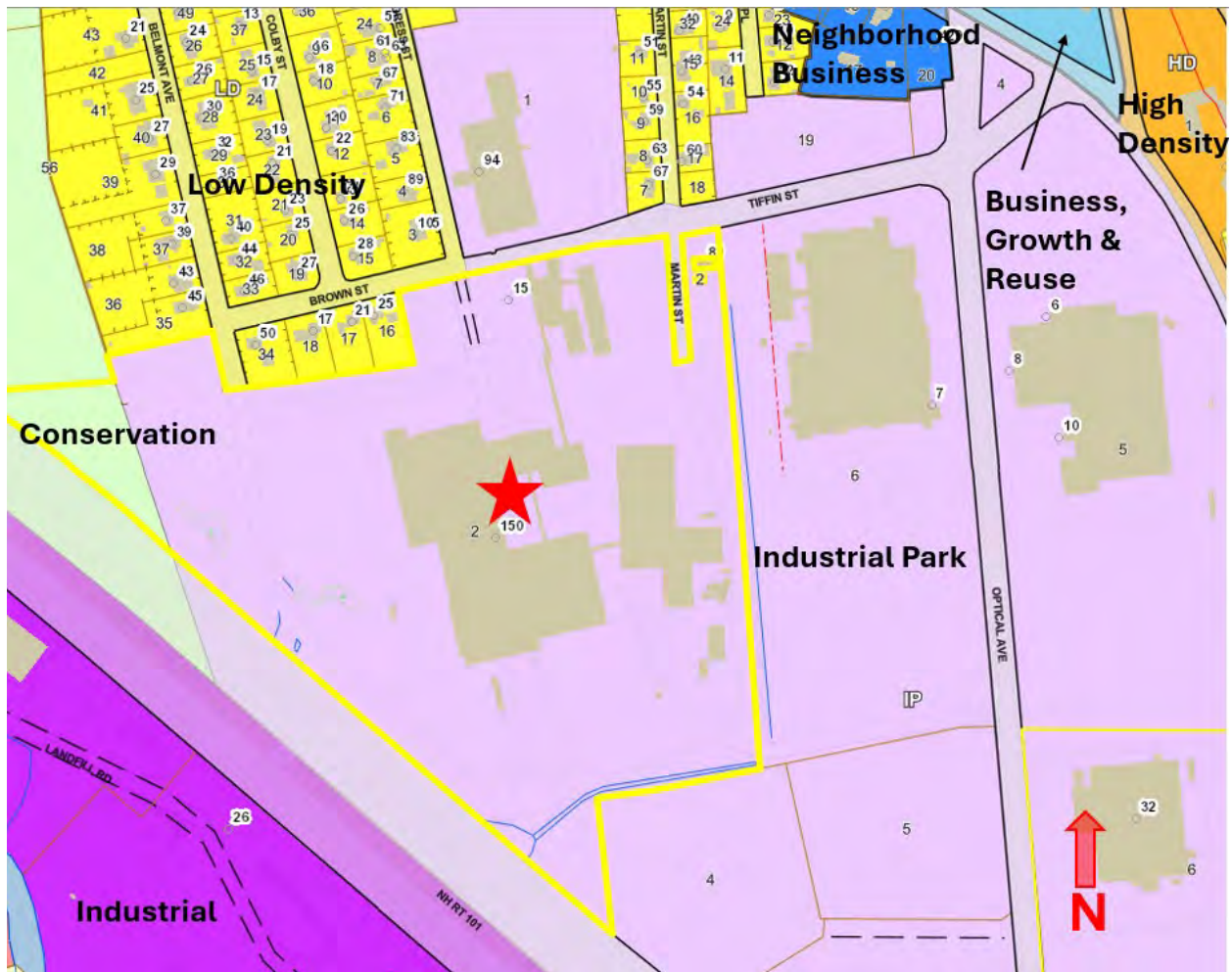


Fig 3: 150 Congress St located at the red star with surrounding zoning districts.

Surrounding Uses:

North: Industrial manufacturing, single-family residential

South: Vacant, State highway

East: Industrial manufacturing

West: State highway, Industrial manufacturing

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

Industrial Park: The Industrial Park (IP) District is intended to provide for relatively low-intensity manufacturing and research and development firms that are employee intensive, clean in nature, and promote an attractive industrial park environment. Service operations and sales activities are excluded from this district, except for minor sales that may be accessory to the primary use. All uses in this district shall have city water and sewer service.

8.3.2.Z Recreation/Entertainment Facility – Indoor: A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, live performance venues, night clubs, indoor sports arenas, bowling alleys, skating centers, physical adventure game facilities, and pool halls.

The squash court was considered an accessory use of the Marken-Imaje site when it was located on the same parcel as the campus. By creating its own parcel, the squash court becomes the principal use of the property. This use is not normally permitted in the Industrial Park district as it is considered a Recreation / Entertainment Facility – Indoor.

Suggested Conditions and Draft Motion:

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

“Approve ZBA-2025-018, for the Variance to allow a Recreation / Entertainment Facility – Indoor use when the use is not normally permitted for property located at 150 Congress St., Tax Map #598-002-000-001-002 as shown in the plan titled “Zoning Board of Adjustment Exhibit” dated August 15, 2025 at a scale of 1” = 100’ prepared by Fieldstone Land Use Consultants and in the application and supporting materials, received on September 5, 2025 with no conditions.”

City of Keene, NH

Zoning Board of Adjustment Variance Application



For Office Use Only:

Case No. ZBA-2025-18

Date Filled 9/5/2025

Rec'd By CJM

Page 1 of 10

Rev'd by _____

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

SECTION 1: CONTACT INFORMATION

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

OWNER / APPLICANT

NAME/COMPANY: Markem-Imaje

MAILING ADDRESS: 150 Congress Street, Keene, NH 03431

PHONE: _____

EMAIL: mgokey@markem-imaje.com

SIGNATURE: _____

PRINTED NAME: Mike Gokey

APPLICANT (if different than Owner/Applicant)

NAME/COMPANY: _____

MAILING ADDRESS: _____

PHONE: _____

EMAIL: _____

SIGNATURE: _____

PRINTED NAME: _____

AUTHORIZED AGENT (if different than Owner/Applicant)

NAME/COMPANY: Fieldstone Land Consultants, PLLC

MAILING ADDRESS: 206 Elm Street, Milford, NH 03055

PHONE: (603) 672-5456

EMAIL: jglefebvre@fieldstonelandconsultants.com

SIGNATURE: _____

PRINTED NAME: Jonathan Lefebvre

SECTION 2: PROPERTY INFORMATION

Property Address: **150 Congress Street, Keene, NH 03431**

Tax Map Parcel Number: **598-2-1-2**

Zoning District **IP**

Lot Dimensions: Front: **75.38** Rear: **78.19** Side: **96.17** Side: **100.64**

Lot Area: Acres: **0.17** Square Feet: **7548**

% of Lot Covered by Structures (buildings, garages, pools, decks, etc): Existing: **10.59%** Proposed: **0.00%**

% of Impervious Coverage (structures plus driveways and/or parking areas, etc): Existing: **10.59%** Proposed: **33.17%**

Present Use: **Recreational Squash Ball Court**

Proposed Use: **Recreational Squash Ball Court**

SECTION 3: WRITTEN NARRATIVE

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

See Attach Narrative

SECTION 4: APPLICATION CRITERIA

A Variance is requested from Article (s) 6.3.5 of the Zoning Regulations to permit:

Recreational Use

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

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

See Attach Narrative

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

See Attach Narrative

3. Granting the variance would do substantial justice because:

See Attach Narrative

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

See Attach Narrative

5. Unnecessary Hardship

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

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

See Attach Narrative

and

ii. The proposed use is a reasonable one because:

See Attach Narrative

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

See Attach Narrative



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARAINCE CRITERIA

City of Keene – Land Development Code (LDC)

Article 6 Section 3.5

Tax Map 598, Lot 2

150 Congress Street - Keene, NH

September 5, 2025

Prepared For:

Markem-Imaje Corporation

On behalf of Markem-Imaje, Fieldstone Land Consultants, PLLC respectfully submits this variance application for consideration by the Zoning Board of Adjustment.

The proposed project involves subdividing the existing 31-acre parcel (Tax Map 598, Lot 2) into five (5) separate lots. One of the proposed lots will include the existing recreational squash court.

The subject property is located within both the Industrial Park and Conservation Zones, south of downtown Keene. It has frontage on Tiffin Street, Martin Street, Brown Street, Belmont Avenue, and NH Route 101 and is primarily surrounded by low-density development in a low-traffic area. The property consists of approximately 18% building coverage and 45.8% impervious surface area, both of which are within the allowable maximum buildout limits.

The purpose of the subdivision is to facilitate the distribution of ownership of the three (3) existing buildings and a portion of the remaining land in order to improve the utilization of currently under-used structures.

One of the proposed parcels (Tax Map Parcel 598-2-1-2) encompasses approximately 0.17 acres. This proposed parcel has frontage on both Tiffin and Martin Streets. Markem Corporation is the Lessor to the Amalgamated Squash, Chowder & Development Corporation for this building located on the subject premises (Tax Map 598 Lot 2-1-2).

In 1976, an agreement was made to relocate the building from West Street to its current location due to the sale of the bank property on which it previously stood. The City of Keene subsequently assigned a Tax Map and Lot Number (598-2-1-2) specifically for the building. The purpose of this variance request is to establish a permanent location for the Amalgamated Squash, Chowder & Development Corporation by enabling proper ownership of the land on which the building currently resides.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

We are requesting a variance from Article 6, Section 3.5 of the City of Keene Land Development Code (LDC) to permit the creation of a lot despite the use laying outside of the permitted Industrial Park zoning uses. This variance would allow for the continued use of the squash court and provision of three (3) parking spaces. Markem Corporation intends to transfer the 0.17-acre parcel to ASC&DC, enabling the organization to continue operating and promoting the game of squash while relieving Markem of the associated property ownership and liability.

The numbered items below correlate to the variance criteria outlined in the City of Keene – Land Development Code (LDC).

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

The proposed variance will not be contrary to the public interest. The zoning ordinance is in place to ensure public health, welfare, and safety. The current use provision is required by the ordinance to ensure land is used for its intended and appropriate purposes. The existing building on the proposed lot was built in the early 1900s and moved to the Markem Corporation lot in 1976. This building will remain the only structure on the lot and continue to be used for recreational purposes. The lot is being created solely for ownership and liability purposes. Consequently, the creation of this lot will have no impact on public health, welfare, or safety. The ASC&DC aims “To promote the health, pleasure, and social and mental improvement of the members.”

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

The spirit of the ordinance is ensuring land is used for its intended and appropriate purposes. This spirit will be upheld by leaving the property unchanged, except for the creation of a new lot for ownership and liability purposes. The proposed relief—to allow the property to be used for recreational purposes—will not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise infringe upon public rights. The Master Plan for the City of Keene aims to “promote the stewardship of New Hampshire’s resources for recreation and other activities that contribute to health and quality of life for citizens and visitors in New Hampshire.” For these reasons, we believe the proposed variance will observe the spirit of both the ordinance and the Master Plan.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

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

Granting this variance serves the interest of substantial justice. It will enable the property owner to transfer a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC), which has leased the building since 1976. The property owner would benefit from the relief of tax and liability obligations associated with this parcel. Denying the variance would provide no corresponding public benefit, as no new development is proposed and there would be no impact on density.

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

The abutters will not experience any substantial change from granting this variance; the area of the current recreational squash building will remain the only building on the lot with three (3) parking spaces. It is our experience that creating a lot while making no improvements to the building or surrounding area will not diminish surrounding property values.

5. *Unnecessary Hardship*

- a. *Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:*
 - i. *No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:*

The general public purpose of the ordinance is to ensure land is used for its intended and appropriate purposes. Literal enforcement of the ordinance would overlook the fact that this building, along with its use and location, predate the zoning regulations where relief is being sought. Consideration should also be given to the fact that this is a low-traffic area; therefore, the variance will have no impact on the general public of Keene. For this, and the reasons stated above, we believe there is no substantial relationship between the general public purpose and the division of this lot.

Markem-Imaje Corporation
150 Congress Street
Keene, NH
Variance Application

ii. The proposed use is a reasonable one:

The proposed use is reasonable, with no substantial changes being made to the existing building or the surrounding land. The creation of the ordinance after the construction of the building imposes a hardship, as the Amalgamated Squash, Chowder, and Development Corporation has occupied and enjoyed this building and the associated recreational use since 1976. The transfer of ownership of this portion of the property will relieve the current owner of liability.

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

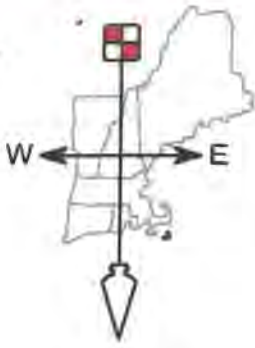
This property has unique characteristics that distinguish it from others in the area. Since 1976, the current owner has leased a portion of the land to the Amalgamated Squash, Chowder, and Development Corporation (ASC&DC) for recreational use. The owner now seeks to transfer ownership of this portion to ASC&DC in order to eliminate associated liability.

A key differentiator is ASC&DC's longstanding presence and use of the site for recreational purposes, spanning more than five decades. Since the early 1900s, ASC&DC has played a significant role in the community, fostering a love for squash among local youth, many of whom have gone on to play at the collegiate level. This legacy emphasizes the organization's contribution to promoting both athletic development and community engagement.

Although the original building has been relocated and updated over the years to align with modern standards, ASC&DC remains a historic and valued part of the neighborhood. Due to the long-standing use and historical constraints, the proposed lot does not meet the permitted use requirements set forth in Article 6, Section 3.5 of the City of Keene Land Use Development Code.

This information was prepared by:
Fieldstone Land Consultants, PLLC

Chelsea Roberge



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

8/13/2025

FLC#3551.01 / CLR1

List of Abutters
Tax Map 598 Lot Number 2
Keene, New Hampshire

Map 598 Lot 2, Map 598 Lot 1
Markem Corp
150 Congress Street
Keene, NH 03431

Map 113 Lot 7, Map 112 Lot 6
Map 595 Lot 56
City of Keene - C/O City Manager
3 Washington Street
Keene, NH 03431

Map 114 Lot 12, Map 114 Lot 3
560 Main Street LLC
20 Manchester Street
Keene, NH 03431

Map 112 Lot 7
Monro Muffler Brake Inc.
c/o Baden Tax Management LLC
6920 Pointe Inverness Way Ste 301
Fort Wayne, IN 46804

Map 598 Lot 35
45 Belmont Ave. LLC
27 Belmont Ave.
Keene, NH 03431

Map 598 Lot 36
William R. Hope
43 Belmont Avenue
Keene, NH 03431

Map 598 Lot 37
Jeanne S. Hearn Living Trust
39 Belmont Avenue
Keene, NH 03431

Map 598 Lot 38
Sally M. Luksevish
37 Belmont Ave.
Keene, NH 03431

Map 598 Lot 34
Janis O. Manwaring
50 Belmont Avenue
Keene, NH 03431

Map 598 Lot 33
Currier Road Holdings LLC
18 Wright Acres Road
Bedford, NH 03110

Map 598 Lot 32
Megan Louise Smith
44 Belmont Avenue
Keene, NH 03431

Map 598 Lot 31
NGA Pham Rev. Trust
40 Belmont Avenue
Keene, NH 03431

Map 598 Lot 18
Michael Andrew McLeroy Jr.
& Sarah Anne McLeroy
17 Brown Street
Keene, NH 03431

Map 598 Lot 19
Victoria L. Keller
27 Colby Street
Keene, NH 03431

Map 598 Lot 20
Robert E. Barnard
25 Colby Street
Keene, NH 03431

Map 598 Lot 21
David D. Lugo
23 Colby Street
Keene, NH 03431

Map 598 Lot 17
Jason A. & Laura J. Silver
6 Cranberry Road
Keene, NH 03431

Map 598 Lot 16
Pamela A. Sayre
75 Pine Hill Ave.
Nashua, NH 03064

Map 598 Lot 15
Kendal Amick
Mary & Mark Johnson
PO Box 237
Weston, VT 05161

Map 598 Lot 14
Raul & Janice Ramirez
26 Colby Street
Keene, NH 03431

Map 598 Lot 13
Sharron A Becker Rev. Trust
24 Colby Street
Keene, NH 03431

Map 598 Lot 3
Maurice B. Marcotte
105 Congress Street
Keene, NH 03431

Map 598 Lot 4
Marie A. Merrill
89 Congress Street
Keene, NH 03431

Map 597 Lot 7
Jennifer N. Mackay
67 Martin Street
Keene, NH 03431

Map 597 Lot 8
Ronald J. Kenyon
63 Martin Street
Keene, NH 03431

Map 597 Lot 9
Kyle Gunnell
59 Martin Street
Keene, NH 03431

Map 597 Lot 18, Map 597 Lot 17
Costas Georakopoulos
4 Angelo Ln.
Londonderry, NH 03053

Map 597 Lot 16
Beth A. Sibley
54 Martin Street
Keene, NH 03431

Map 598 Lot 2-1-2
Amalgamated Squash C & D Corp
68 Timberland Drive
Keene, NH 03431

Map 598 Lot 2-2-2
Northern NE Telephone Operations LLC
770 Elm Street
Manchester, NH 03101

Map 597 Lot 6, Map 597 Lot 19
MPB Corp
7 Optical Avenue
Keene, NH 03431

Map 113 Lot 5, Map 113 Lot 4
HL Realty Holdings LLC
C/O 1911 Office
PO Box 323
Keene, NH 03431

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

Map 597 Lot 5
East Keene RE, LLC
Attn: C & S Real Estate 7
Corporate Drive
Keene, NH 03431

Map 113 Lot 6
Samson Associates, LLC
32 Optical Ave
Keene, NH 03431-4319