

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, August 25, 2025

6:30 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

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

Members Not Present:

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

I) Call to Order – Roll Call

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

II) Minutes of Previous Meeting – July 28, 2025

Chair Farrington offered the following corrections:

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

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

Line 367 – the number 350 should be 3 50

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

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

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

A motion was made by Roberta Mastrogiovanni that the Planning Board grant a first six-month extension for PB-2025-01. The motion was seconded by Councilor Remy and was unanimously approved.

IV) **Final Vote on Conditional Approvals**

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

V) **Continued Public Hearing**

- a) **PB-2024-20 – Earth Excavation Permit Major Amendment & Hillside Protection Conditional Use Permit – Gravel Pit, 21 & 57 Route 9** – Applicant Granite Engineering LLC, on behalf of owner G2 Holdings LLC, proposes to expand the existing gravel pit located at 21 & 57 Route 9 (TMP#s 215-007-000 & 215-008-000). A Hillside Protection CUP is requested for impacts to steep slopes. Waivers are requested from Sections 25.3.1.D, 25.3.3, 25.3.6, and 25.3.13 of the LDC related to the 250' surface water resource setback, excavation below the water table, toxic or acid forming materials, and the 5-ac excavation area maximum. The parcels are a combined ~109.1-ac in size and are located in the Rural District.

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

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

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

Attorney Ice stated there has been a long process to get the application to this point. She felt the Keene Earth Excavation Code is probably one of the most comprehensive in the State and in all instances exceeds the State Earth Excavation regulations under RSA 155-E. She indicated Staff have done an amazing job with the highly technical subject matter of ensuring that the regulations have been met in terms of what is being presented tonight. Under Staff direction, they hired two independent third-party reviewers to oversee and analyze the technical aspects of the project.

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

Attorney Ice went on to say there has been a minority of the public that has opposed this project, many of which are not Keene residents. None of those objectors who have spoken so far about the project are abutters to the Keene portion of the project. She felt the Sullivan property owners would have an opportunity to address their comments when the applicant goes in front of Sullivan at a hearing on September 3rd. Attorney Ice continued by stating for the purposes of Keene's approval, their concerns should be viewed as coming from the general public rather than those having abutter status. She felt the comments from the public fall under the category of "not in my backyard," which, if afforded too much weight, would completely foreclose gravel pits anywhere unless in a region so remote that the public's interest in keeping transportation costs low would also be harmed. She indicated statute RSA 155-E was passed specifically to resolve this situation.

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

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

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

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

He noted the applicant owns 300 acres of which they are disturbing 31 acres. He noted Keene regulations require 300 feet to the property line, which far exceeds the 50 feet the State requires. He noted the applicant complies with Keene's regulations. He noted this operation cannot be seen from Route 9.

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

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

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

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

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

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

Mr. Cole noted this proposed site is a well-buffered site on Route 9. It is 300 acres, and the applicant is only disturbing 10%, which will be reclaimed to somewhat of a natural site once the work is completed. The closest abutter to this site is 1,600 feet away. There are only two

residential abutters in Keene. He noted the safeguards in place for this work exceed Keene's regulations, which are already pretty rigorous.

Geologist Joel Banaszak of Frontier Geoservices was the next to address the Board. He indicated he worked on the acid mine drainage report for this project. Mr. Banaszak explained to assess for acid mine drainage potential, quantifiable results need to be provided that indicate this work either does or does not have the potential to produce acid mine drainage. He indicated samples of bedrock were collected and sent to a laboratory in Canada to look at the ratio of potential acid forming minerals versus the potential alkaline forming minerals. What was discovered is that a lot of the rock in the area actually does have a ratio that is more acidic than it is alkaline, which does have the potential for this rock to produce acid mine drainage.

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

Mr. Banaszak went on to say as a result, the first thing that has been done is the development of a monitoring program to look at groundwater throughout a series of monitoring wells, which are located at the site. Second, he looked at the surface water and stormwater. He noted Sanborn Head's Geologist reviewed that monitoring program and had great input on it. Those comments are included in the Staff report. He added there will be quarterly monitoring as well as monthly reports that will be produced, which he felt goes above and beyond what is typically required for an actual contaminated site in New Hampshire. He stated this is just monitoring for something that might not show up.

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

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

This concluded the applicant's presentation.

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

Mr. Kost clarified the acid mine drainage will not run off the site but would go into an infiltration pond and infiltrate into the groundwater and noted this would still have an impact on

groundwater areas and wells. Mr. Cole stated he would refer this to Mr. Banaszak but added the acid being referred to does sound concerning but it is not true acid. Mr. Banaszak stated acid mine drainage is not like a true sulfuric acid, such as a car battery. It is more about a low pH level in water, which has the ability to dissolve heavy metals out of rock. He added their monitoring program would be looking at places of surface water and groundwater. If it shows up in the surface water, there is already mitigation efforts in place with limestone lined stormwater conveyances as well as infiltration ponds, which will be lined with limestone as well. This is the first item that would stop acid mine drainage from getting into the groundwater.

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

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

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

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

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

Mayor Kahn noted one could not determine the type of minerals that are present on this site through the detection method used by the applicant today. Mr. Banaszak stated the method is actually more looking at the geochemistry of that rock, not necessarily the mineralogy. You can look at the mineralogy, but that would be gross overview, whereas this method is very specific to

the elemental composition. This is more robust than if you just looked at the mineralogy. This is a very specific analysis, which gives a quantifiable result as required in the regulations. The Mayor asked what mineral falls to the alkaline or the acidic side. Mr. Banaszak stated pyrite has the acidic formula and calcium carbonate is the one you look at for alkaline. The Mayor asked about sulfate and iron. Mr. Banaszak stated sulfate comes from pyrite and iron is a separate metal (not acidic or alkaline). He explained the bedrock is not being turned into powder with the applicant's operation, which will not cause heavy metals to leach out, what is being done is creating nugget sized rock.

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

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

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

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

Ms. Vezzani clarified there has been no blasting done previously anywhere within the 300 acres. Mr. Cole stated there was blasting on the Sullivan side, but no groundwater testing was

done because that area did not exceed the requirements for having to do testing. Ms. Vezzani asked where the results would be stored. Mr. Banaszak stated the AOT portion will be sent to the State and those are recorded annually. The City will get a copy of the result and will be included in the report within 45 days of receiving the sample results.

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

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

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

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

Should the Board approve this application, the conditions of approval to be met prior to final approval and signature of the plans would be as follows:

Owner's signature appears on the plans.

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

Submittal of a security for sedimentation and erosion control.

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

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

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

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

Subsequent to final approval, Staff recommends the following conditions:

Erosion, sediment control and drainage measures be installed and maintained during and prior to the commencement of work and throughout the entirety of the project.

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

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

Sub Condition:

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

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

The conditions recommended by the hydrogeology consultant are as follows:

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

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

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

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

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

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

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

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

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

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

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

Councilor Remy referred to Section 25.3.6—acid warning elements—if this was something that starts to happen during a period, would the Board have the opportunity address it. Ms. Fortson stated this is why they have the acid mine drainage monitoring plan in place and would need to address it with Staff to see how it can be addressed.

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

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

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

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

Mr. Russ Abell of Sanborn Head addressed the Board next. He stated he reviewed the application for two primary reasons. One was to look at the two waivers, which mostly applied to hydrogeology in regard to the acid mine drainage concern. The other was the waiver that has been withdrawn regarding excavation below water table. He noted in the recommended conditions of approval there is a condition related to understanding where the seasonal high water table is. Mr. Abell explained groundwater can be at a higher level or a low level depending on precipitation, time of year, etc. The proposed condition is related to having information collected during the high water table, mostly during the springtime when there is a lot of rainfall and snowmelt, so that the applicant can confirm that their proposed excavation grades will maintain that compliance of six feet above the water table. They do not have that data right now based on the timing in which they collected their information.

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

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

Attorney Ice clarified what was just said regarding the requirement for a compliance hearing and permit application and wanted to make sure the language is clear that it is not a new permit process, but to make sure whatever compliance was required under the conditions have been met to move forward to the next period. Ms. Fortson clarified the language in the motion refers to

“permit renewal period” and the compliance hearing is to address concerns the Board might have. Prior to a permit renewal, in addition to the logs, plans and reports Staff will be receiving regularly, there will be site visits to make sure that the site appears to be in compliance with the approved plans.

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

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

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

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

Ms. Fortson stated this is related to some erosion present based on aerial imagery on an adjacent portion of the site, which is part of the former Palmer Lodge that operated on this property a while ago. Ms. Fortson stated Staff discussed this with the applicant and Staff’s understanding is that there was previously a stream that ran through here, which was diverted to the pool that was on this property and was never redirected back. She stated Staff is aware of this but because the applicant is not proposing to modify this portion of the site at this time as part of the excavation,

it will be something that will be handled in the future as part of a separate potential site plan application for the development. Mr. Clements agreed with what Ms. Fortson stated it is an existing condition of the site.

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

Ms. Fortson stated Staff did receive a traffic analysis in December when the applicant initially submitted their application. It was actually the original traffic analysis that was performed when the application was previously approved in 2022. She stated her understanding is that the applicant was not submitting an updated traffic analysis because they expected the rate of removal was going to be the same on the property, so they were not expecting a change in the number of vehicle trips to be generated as a result of this application and felt it might be prudent to have this verified by the applicant.

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

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

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

Ms. Yulia Sokol of Sullivan stated her home is two miles from this site. She stated she wanted to focus on the regional impact of this project. She stressed the need to protect the beauty of this region as it brings in a lot of revenue from tourism. She talked about having to drive through a

cloud of dust due to this project and noted nearly 100 trucks were counted driving through Gilsum. She indicated she has driven behind a gravel truck on Old Sullivan Road, which she indicated is not permitted on this road. Ms. Sokol stated Apple Hill Center for Chamber Music is two miles from this site. She indicated, living two miles from this site, she constantly hears construction noise, vibration, and felt Apple Hill would have the same experience. In closing, she noted if this project needs this many exemptions, it probably is not the best project for this area.

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

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

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

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

Attorney Friedrich Mukhal addressed the Board on behalf of Jim Manley. Attorney Mukhal stated the applicant's attorney started her presentation talking about jurisdiction and "not in my backyard" concept. He stated his response to that is the New Hampshire legislature and the Supreme Court have decided that when it comes to excavation issues like this, not in my backyard matters. He noted RSA 155 E finds that gravel pits are necessary, but we do not want them in our backyard. The overall take away from the statute is in addition to the technical things that have been discussed tonight is that no one wants to see operations such as this from the road. He stated when you are standing right at the driveway, you won't be able to see this operation,

but as you drive along Route 9, you will be able to see the 200-foot cliffs, which the engineer has accurately stated does not need to be reclaimed. He noted if this is approved, the Board will be approving 200-foot cliffs in Granite Gorge, which would be the result because the statute says you do not have to reclaim ledge face.

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

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

He next referred to traffic. At the last meeting, he noted he provided a handout of what the applicant stated to this Board in 2022: 30 to 40 loads a day. However, at the Sullivan meeting, the applicant indicated it would be upwards of 80 loads a day, which he pointed out, would be 160 trips, which he indicated is consistent with the testimony heard today. He felt this was a misrepresentation to this Board and felt the applicant was planning on an increase to the volume daily and for the duration of the project.

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

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

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

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

Councilor Remy felt he would rather discuss each item under the recommended conditions of approval individually to understand them as a Board than continue the application for a month. He stated that the applicant and others have been in front of this Board a number of times

regarding this project. Councilor Remy agreed this list of conditions is a lot to review but disagreed on the more-time idea.

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

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

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

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

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

Ms. Mastrogiovanni asked Staff to expand on what Mr. Clements meant by "articulated" and if a person would see the cliff. Ms. Fortson referred to the Telecommunications Ordinance in Article 13 of the Land Development Code, which divides properties in Keene into three different viewsheds. Viewsheds one and two are considered more important areas than viewshed three.

This property is in viewshed three and is considered to have lower restrictions. Ms. Mastrogiovanni, with reference to trucks entering and exiting, asked whether there was any plan to add a pull-off, which would be safer, but noted this is a State Route.

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

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

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

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

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

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

Mayor Kahn stated Staff has found that the design at the 75-foot distance is satisfactory and is inclined to approve this waiver. The waiver for the surface water setback carried on a unanimous vote.

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

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

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

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

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

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

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

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owner's signature shall appear on the title page and overview plan on Sheet 1 of the plan set.
 - b. Submittal of five (5) full size paper copies and a digital copy of the final plan set.
 - c. Submittal of security for sedimentation and erosion control, stormwater management, and reclamation for the first permit period of work to be completed.
 - d. The applicant or owner shall pay all outstanding third party consultant fees.
 - e. Submittal of all approved state and federal permits. The approval numbers for these permits shall be added to the cover sheet of the plan set.
 - f. The requested waivers and conditional use permits with results shall be added to the cover sheet.
2. Subsequent to final approval, the following conditions shall be met:
 - a. Erosion control, sedimentation control, and drainage management shall be installed before any site preparation and/or excavation work begins and shall be maintained in good working order during the excavation project.
 - b. Over the life of the excavation permit and any renewal thereof, the applicant shall provide monthly inspections by a qualified third party licensed professional in the state of NH regarding erosion and sedimentation control, PH, and stormwater runoff. Reports for these inspections shall be submitted to the Community Development Department.
 - c. Over the life of the excavation permit and any renewal thereof, in accordance with Section 25.3.4.C of the LDC the applicant shall monitor ground water levels and surface water levels on a monthly basis to determine the extent to which there are any adverse impacts.

- i. The applicant shall notify the Community Development Department within 24-hours of any adverse impacts on ground water levels.
 - ii. The applicant shall implement the approved protocol for providing replacement water supplies for water supplies that are disrupted as a result of the excavation operations.
- d. In accordance with Section 25.3.3 of the LDC, a monitoring well shall be installed in the area of Period 1 in Spring 2026 to confirm the seasonal high water table conditions.
- e. In accordance with Section 25.3.3 of the LDC, seasonal high water level monitoring shall be completed in bedrock well BRW-09 prior to the commencement of work in Permit Period 8 and throughout the duration of work within this phase to confirm that the revised grades are at least 6-ft above the water table.
- f. In accordance with Section 25.3.5.C of the LDC, ongoing monitoring of ground water quality shall be conducted semi-annually throughout the term of the permit and any renewal thereof, and for a period of not less than 2-years following the cessation of excavation activities and reclamation of the excavation site.
- g. Six months prior to the commencement of work for the next permit period, the property owner shall submit a Permit Renewal application for review and approval by the Planning Board and sufficient security to cover the cost of sedimentation and erosion control, stormwater management, and reclamation for the next permit period of work to be completed.
- h. Excavation activities shall only occur between the hours of 7:00 am and 5:00 pm, Monday through Friday.
- i. The area of un-reclaimed, inactive, and active excavation area shall not exceed 12 acres.
- j. At the end of all excavation operations, the site shall be reclaimed and monitored in accordance with Section 25.4 of the Land Development Code.

The motion was seconded by Councilor Remy.

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

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

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

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

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

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

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

Mr. Clements stated this vote is a denial.

Mr. Cole stated there was no motion to deny, but rather that the motion to approve did not pass. Chair Farrington explained a tie vote is equivalent to a denial. Ms. Fortson referred to Section 5.2 of the Planning Board's rules of Procedure, which specifies what happens in the case of a tie vote - *in the case of a tie vote on any motion or recommendation, said motion or recommendation shall be deemed defeated*. Mr. Cole agreed the motion did not pass but the Board will need to make a motion to deny, continue the motion, or ask for additional items, etc. The Chair stated that is not how the Board has operated in the past. Mr. Cole in response stated this would be against State rules.

Councilor Remy stated if the Board is not taking making a decision tonight, he would default to the position Mr. Cole is taking which is that the motion on the table was defeated, which is traditionally Robert's Rules. There is now no motion on the table. The Board could then move to a continuance if that would help figure out what else is needed.

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

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

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

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

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

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

Mr. Clements stated he would like to remind the Board that their responsibility is to weigh the merits of this application based on the regulations that are before the Board outlined in the Land Development Code. The Board has already decided that the three deviations from the regulations are acceptable for this application and approved those waivers. To then turn around and not act on this application as a whole, where you have already said that these deviations are acceptable, is moving outside of the Board's role in this process. He stated he understands and appreciates the concern for neighbors and abutting communities. However, the Board's responsibility this evening is to look at the application and the materials submitted and reviewed by the third party consultants and determine whether they meet the standards. Then make a decision whether the application meets those standard or not.

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

With that, the Board voted on the following motions:

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

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

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

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

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

Ms. Fortson stated Staff wanted to make sure that it is very clear for the applicant what the Board is asking them to come to this next meeting with. If the Board is requesting the applicant to provide data related to wells, she wanted to make sure those are wells are within the City of Keene. If they are not, then that is outside the purview of this Planning Board. However, if the Board wanted updated traffic data that would be within the Board's purview to ask for updated information related to that. She added that although this is a development of regional impact, as was noted by Chair Farrington, that really only affords the Regional Planning Commission and any adjacent municipalities additional notice by the Planning Board. The purview that the Board has over this project falls within the jurisdiction of the City of Keene, not Sullivan or anywhere else.

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

Attorney Ice stated she would like to point out that a special hearing would need to be scheduled on this item as the regulations indicate that a decision needs to be made in 20 days after the hearing. The Chair disagreed and felt it is continued to the next Planning Board meeting. Ms. Fortson referred to page 324 of the LDC says that *within 20 calendar days following the closing of the public hearing at the Planning Board shall approve with conditions or disapprove of this application. Notice of the decision shall be provided to the applicant in writing.*

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

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

Chair Farrington addressed this item. He stated that the Steering Committee has completed its ad-hoc efforts and has referred the 2025 Comprehensive Master Plan to the Planning Board to do two things. The first is to set a public hearing and at that meeting, a vote will be taken to approve

or not approve the masterplan. The next is to refer the master plan to City Council for endorsement.

A motion was made by Councilor Remy that the Planning Board refer the 2025 Comprehensive Master Plan to City Council for endorsement. The motion was seconded by Mayor Kahn and was unanimously approved.

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

VII) Correspondence

a) Letter from Ariane Ice dated August 8th

No action was taken on this item.

VIII) Staff Updates

None

IX) New Business

IX) Upcoming Dates of Interest

- Special Planning Board Meeting – September 8, 5:30 PM
- Joint Committee of the Planning Board and PLD – September 8, 6:30 PM
- Planning Board Steering Committee – September 16, 12:00 PM
- Planning Board Site Visit – September 24, 8:00 AM – To Be Confirmed
- Planning Board Meeting – September 29, 6:30 PM

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

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Emily Duseau, Planning Technician