

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, April 27, 2026

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Kenneth Kost, Chair Pro Tem
David Bergeron
Andrew Madison
Mayor Jay V. Kahn
Joseph Cocivera, Alternate

Staff Present:

Mari Brunner, Senior Planner
Evan Clements, Planner / Zoning Administrator

Members Not Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
Michael Hoefler
Councilor Molly Ellis
Stephon Mehu, Alternate
Tammy Adams, Alternate

A. CALL TO ORDER & ROLL CALL

Senior Planner Mari Brunner asked for Kenneth Kost to be appointed as Chair Pro-Tem. Joseph Cocivera was asked to join the session as a voting member. A motion was made by Andrew Madison to nominate Kenneth Kost as Chair Pro-Tem. The motion was seconded by Mayor Kahn and was unanimously approved.

Chair Kost called the meeting to order at 6:30 PM and a roll call was taken.

B. MINUTES FROM PRECEDING MEETING - March 23, 2026

A motion was made by Mayor Kahn to approve the meeting minutes of March 23, 2026. The motion was seconded by Andrew Madison and was unanimously approved.

C. EXTENSION REQUESTS

- 1. PB-2025-06 – Cottage Court Conditional Use Permit, Major Site Plan, & Surface Water Protection Conditional Use Permit – Guitard Homes, Court St – Applicant Fieldstone Land Consultants PLLC, on behalf of owner Guitard Homes LLC, requests a second extension to the deadline to satisfy the precedent conditions of approval for the proposed 29-unit single-family Cottage Court**

Development on the undeveloped lot at 0 St (TMP #228-016-000). The parcel is ~9.7-ac in size and is located in the Low Density District.

Ms. Brunner stated the applicant is not present tonight for this extension request. This extension request was filed at the request of staff because there was a lapse between when the application would have expired and this evening. She explained the extension request is to make sure that the application would not expire prior to the granting of final approval this evening. She noted the applicant met all conditions for final approval prior to the expiration, but had to wait for this Planning Board meeting date; this was the reason for the extension request. Staff advised the applicant that they did not need to be present this evening for the extension request - the project is ready to get started.

Mayor Kahn felt the public is interested in this project and asked for added clarification as to how the project would be moving forward. He also noted that clearing of the site was going to be in phases but that does not seem to be the case and felt the project has evolved since the time it was approved.

Ms. Brunner responded to the Mayor and stated that she believes this project received one extension previously. They have been working on meeting their conditions of approval for quite some time. They were able to meet their conditions of approval, but because they met the conditions of approval a few days after the expiry date, they submitted the extension request to keep their approval valid. The project is still moving forward.

Clearing has happened on the site, and they have started to install some of the erosion control measures to make sure there is no sedimentation leaving the site. However, no site work can begin until after they receive final approval from the Board this evening.

The project is still planned to occur in phases. Phase one is the phase that is closest to the street. In order to get the transmission lines in due to the location of the pole, additional tree clearing is required which wasn't shown on the original plan. The applicant is proposing to replant that area after the clearing has taken place.

Ms. Brunner noted this was the only change from when the plan was approved by the Board.

The Mayor clarified the electrical lines are being fed from the back of the property to the front of the site. Ms. Brunner answered in the negative and noted they are coming from the street. There was supposed to be a buffer of mature trees that was to remain between the road and the site but some of these had to be removed, in order to get the transmission lines through.

As far as the rear of the site, the applicant ended up clearing that area at the same time as the front of the site. Tree clearing was done a few months ago and agreed it was very visible.

A motion was made by Mayor Kahn that the Planning Board grant a second 6 month, 180-day extension to the timeframe to satisfy the precedent conditions of approval for PB-2025-06. The motion was seconded by Andrew Madison and was unanimously approved.

D. FINAL VOTE ON CONDITIONAL APPROVALS

Chair Kost stated this is this is a standing agenda item. As a matter of practice, the Board will issue a final vote on all conditionally approved plans after all of the “conditions precedent” have been met. The Chair asked whether there were any applications that are ready for final vote.

Ms. Brunner stated there were two applications tonight that are ready for final approval, one of which was listed in the agenda packet; PB-2025-06 Cottage Court Conditional Use Permit, Major Site Plan and Surface Water Protection Conditional Use Permit for Guitard Homes located at 0 Court Street, Tax map parcel number 228-016-000. There were six conditions precedent, including: 1) Owner signature appears on the plans; 2) Submittal of five full size paper copies and a digital copy of the final plan set, including renderings; 3) Submittal of an updated plan set that addresses all outstanding comments from the City Engineer and shows the proposed name for the private driveway; 4) Submittal of security and in a form and an amount acceptable to the Community Development Director to cover the cost of landscaping, sediment and erosion control measures and as built plans; 5) Submittal of draft written documentation of the required utility easements and any other necessary legal instruments required for this application, which shall be subject to review by the City Attorney; and 6) Approved permit numbers for the Shoreline Protection Alteration of Terrain and Wetlands Permits, as well as any other required state permits, shall be added to the proposed conditions plan of the plan set.

All conditions have been met.

A motion was made by Mayor Kahn that the Planning Board issue final approval for PB-2025-06. The motion was seconded by Andrew Madison and carried on a unanimous vote.

The second item is PB-2025-20, Cottage Court Conditional Use Permit, Surface Water Protection CUP and Major Site Plan, for property at 454 Elm Street. This application had four conditions precedent to final approval, including: 1) Owner’s signature appears on the plan; 2) Submittal of five paper copies and a digital copy of the final plan; 3) Submittal of a security in a form and an amount acceptable to the Community Development Director. The fourth condition precedent was submittal of draft written documentation of the required utility easements and any other necessary legal instruments required for this application, subject to review by the City Attorney. Staff is recommending to make that a condition subsequent to final approval. Ms. Brunner noted this was at the request of the City Attorney, who felt that it would be better to include a condition that also required that the easement would be executed. She noted the first three conditions have been met and then if the Board decides to issue final approval this evening and make the fourth condition a condition subsequent then that would be met after the client’s plans are finalized and signed.

Mr. Madison stated he is not seeing any supporting documents included in the packet for this item. Ms. Brunner explained this application met its final condition of approval today. She noted the agenda packet comes out ten days before the meeting. Applications that meet their conditions for approval between the timeframe when the agenda packet goes out and the meeting date, is brought to the Board the night of the meeting. She added the complete folder is available including plans should the Board wish to review them. This is for the 18-unit Cottage Court on Elm Street.

The Mayor asked whether this requires a subsequent action of the Board. Ms. Brunner answered in the negative and stated if the Board issues final approval this evening, then that would be the final approval. However, staff would follow up on all subsequent conditions. If the applicant were to not comply with those conditions subsequent, the application would go through an enforcement process which could ultimately end up coming back to the Board to revoke the approval, which she noted was very rare.

The Mayor clarified the subsequent review is for the utility easement. Ms. Brunner stated there are a number of conditions subsequent they would be held to and referred to that language:

Subsequent to final approval –

- 1) *Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures have been installed and the 30-foot surface water buffer is flagged by a surveyor licensed in the State of New Hampshire.*
- 2) *Community Development staff shall inspect the erosion control measures and wetland flagging to ensure compliance with the approved plans in all City of Keene regulations.*
- 3) *Submittal of recorded utility easements and any other legal instruments necessary for this application to the Community Development Department.*
- 4) *The applicant shall obtain final acceptance of the new utilities from the Keene City Council, following the completion of all infrastructure construction.*
- 5) *Following the initial installation of plantings, the Community Development Department shall be contacted to perform an initial landscaping inspection.*
- 6) *Final landscaping inspection happens one year later.*

These are the conditions subsequent that they would have to meet and they would not get their security back until the landscaping has survived for a full year in good health and they submit as-built plans.

Mr. Clements noted staff are also proposing a subsequent condition #7, which is staff review of the utility easement. He added the applicant did submit draft documents in time, but staff has not been able to review them, and staff felt delaying final approval for this application by a month would not be prudent. Staff are also working on easement language to the benefit of the City. By making it subsequent, it is tied to the issuance of a building permit for the first new unit for this project.

A motion was made by Andrew Madison that the Planning Board issue final approval for PB-2025-29 with the following condition subsequent: 7) Prior to the issuance of a building permit for new dwelling unit construction, the utility easement shall be reviewed to the satisfaction of the City Attorney and City Engineer and executed and recorded by the applicant. Proof of recording shall be delivered to the Community Development Department.

The motion was seconded by Joseph Cocivera and carried on a unanimous vote.

E. PUBLIC HEARINGS

1. **PB-2025-21 – Subdivision & Surface Water Protection Conditional Use Permit – Applicant Cardinal Surveying & Land Planning and applicants/owners Fernando & Marguerite Cyr propose to subdivide the ~10.6-ac lot at 315 Old**

Walpole Rd (TMP# 210-027-000) into a ~7.9-ac lot and a ~2.7-ac lot. About 7,815 sf of impact to the surface water buffer is Page 1 of 53 requested for a proposed driveway and grading for a leach field. The parcel is in the Rural district.

i) Board Determination of Completeness

Mr. Clements stated the applicant has requested exemptions from submitting a separate existing and proposed conditions plan, landscaping plan, lighting plan, elevations, traffic analysis, soils analysis, historic evaluation, architectural and visual appearance analysis, and any other technical reports. Planning Staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of this application and recommend that the Board accept the application as “complete.”

A motion was made by Mayor Kahn that the Planning Board accept this Application as complete. The motion was seconded by Andrew Madison and was unanimously approved.

ii) Public Hearing

Ms. Wendy Pelletier from Cardinal Surveying, representing owners Fred and Marguerite Cyr, addressed the Board. She was joined by Josh Joslin of Graz Engineering.

Ms. Pelletier stated this is a 10.6-acre parcel at 315 Old Walpole Road. There is a single-family home on the lot, and the applicant is proposing to subdivide the lot into two parcels. The site is surrounded by other single-family homes on smaller lots and she felt it was a great use of the property. The rear of the lot has prohibitive slopes, and no construction would happen in that area. The front of the lot is encumbered by a wetland. She referred to an orange line on the plan that shows the wetland buffer and stated that no building is proposed within that area. The only building area is highlighted in yellow (one half acre).

Mr. Josh Joslin of Graz Engineering addressed the Board next and stated he completed the Conditional Use Permit for work proposed within the Surface Water Protection Overlay District. He stated there are wetlands to the south and the north, and there is an existing culvert that was recently replaced by the property owner. The driveway is proposed to come in as far to the north as possible, essentially hugging the property line, maintaining the three-foot setback requirement for the driveway off the property line and matching it back up to one of the existing paths where it crosses the culvert. It would be a 300-foot driveway and they are proposing to keep it 10-feet wide to minimize the disturbance in that area. They are also proposing to cross pitch the driveway to the south where runoff will be caught by a drainage ditch which flows towards Old Walpole Road into a stone level spreader and then into a roadside ditch. On the other side of the driveway, a curb or berm is being proposed which would capture water from the top section of the driveway, which would ultimately enter the stone level spreader. He referred to the bold lines around the driveway which is the silt fence. Replacement of the culvert needs NHDES approval and has been submitted to DES for review.

This concluded the applicant’s presentation.

Chair Kost asked for the distance from the wetland to the edge of the driveway. Mr. Joslin stated it is between 30 and 35 feet along the length up to the crossing point. The low point at the stone level spreader would be about 45 feet from the wetlands. He added that the seeding being proposed within the 75-foot buffer is a New England buffer zone mix; a mixture of wildflowers, items that will be good for slope restoration and to enhance buffer zones.

Chair Kost asked whether there is any difference if the driveway is paved or not. Mr. Joslin stated they treat gravel as impervious only because once it gets compacted and driven on, there is no real infiltration. However, if it is a paved driveway, the berm would be a modified Cape Cod berm. If it is gravel, it would be an embankment which would be higher and it will be loamed and seeded.

Staff comments were next. Mr. Clements stated as the applicant described, this is an existing roughly 10-acre parcel with the proposal to subdivide approximately 2.7 acres and create a new building lot. The purpose of the conditional use permit is proof of concept that the proposed lot to be subdivided is actually feasible to build on for residential development.

Mr. Clements began with the review of the subdivision regulations:

Lots: The proposed lots appear to meet all dimensional requirements for the Rural District. The new lot will have 80 feet of frontage along Old Walpole Rd, which is a class V roadway. The remaining lot will have approximately 159 feet of frontage on Old Walpole Rd. It appears that this standard has been met.

Character for the land for subdivision: The applicant has described the front half of the parent parcel as sloping between 3% and 8%, with the rear half being prohibitively steep. Wetland systems are present at the front of the parcel with the prohibitive slopes to the rear and about a half-acre of buildable land in between them. Mr. Clements noted the Board would ultimately need to decide this evening whether the Board believes that this land is appropriate to be subdivided.

Scattered or Premature Development: The proposed lot is located on an existing City road in a developed residential area. This proposed subdivision is not premature. This standard is met.

Preservation of Existing Features: The applicant proposes to minimize impacts to the existing wetland system by designing the driveway to cross at the narrowest point of the wetland. The prohibitive slopes are not proposed to be impacted in any way. The stone wall along the road will be altered to create the driveway entrance. With reference to the interior stone walls, as far as this application is concerned, they are not proposed to be altered in any way. The Board will need to determine if this is sufficient for the preservation of existing features.

Monumentation: 5/8-inch cap steel rebar is proposed to be set at each new corner and angle point. A condition of approval related to the monuments being set or submittal financial security given to ensure the monumentation is recommended and is in the suggested motion language.

The lots are not in a special flood hazard area – this is not applicable.

Fire Protection and Water Supply: There is a fire hydrant located .8 miles from Old Walpole Road, and the site is .71 miles from a hydrant on Wyman Road. The Fire Department did not raise any concerns about serving this building lot – this standard has been met.

Utilities: The proposed new building lot will be served by private well and septic. NHDES subdivision approval will be required for the new lot as it is less than five acres in size.

Surface Water Protection.

1. Relocation of the Proposed Use and activity – Mr. Clements explained the question is whether the applicant has done everything that they can to limit the amount of proposed impact, i.e., Could the driveway be located somewhere else that would further reduce the impact on the wetland? Mr. Clements stated after reviewing the application, staff believe the applicant has made a real effort to minimize impact to the wetland. For example, crossing the wetland at the narrowest point, keeping the proposed driveway as far away from the wetland as possible with the proposed new lot lines, while also utilizing the existing topography of the site.

Buffer encroachment is proposed to be 7,815 square feet. The driveway is designed to meet the long driveway standards in Section 9.3.5 of the land development code. These standards include the requirement for the driveway be no wider than 10 feet; this reduces the impact to the buffer. The design includes the installation of two stone level spreaders, a drainage swale, and berm to control stormwater runoff to both the wetland and the public rights of way. The impact for the leach field is related to the grading to install the system. The leach field itself will not be located within the buffer, which is a requirement of the regulation.

As far as adverse impacts are concerned. The applicant has shown that most of the future residential development on the property is proposed to be located outside the wetland buffer.

Stormwater management systems are proposed with the driveway and take advantage of the existing soils on the site, which percolate well and have good infiltration.

The amount of clearing proposed is limited to what is necessary to install the driveway and associated infrastructure.

For preservation of the buffer, they are limiting cutting to what is necessary. They are proposing a native wetland buffer seed mix to restore impacted areas. The applicant did note that the existing condition of the buffer is minimal, low-growth vegetation.

Additional criteria - The applicant notes that the existing wetland system is small and was created by a minor watershed that drains into already developed land. The system is not connected to a larger wetland system in any meaningful way. No potential potentially endangered species were observed, and the NHDES data check tool provided a negative response with respect to the presence of endangered species. The applicant also notes that, due to the condition of the wetland system, it is unlikely to be used as a wildlife corridor.

Mr. Clements reviewed the proposed motion as outlined in the Board's packet.

Mr. Clements noted there were some discrepancies between the City Engineer and the applicant's engineer. As a result, staff is giving the applicant time to resolve some of the methodologies with the stormwater simulation and report; if it is deemed to need to be altered. This is not an uncommon occurrence.

Mr. Clements referred to the following language proposed in the motion:

Subsequent to final approval, the following conditions shall be met: prior to the issuance of a building permit for new residential construction, a plan showing the proposed building envelope. Driveway grading and erosion control measures shall be submitted to the Community Development Department for review by the city engineer.

He explained this language is the conditional use permit effectively in action. The applicant this evening is providing proof of concept that this lot is buildable. The future end user may be interested in potentially changing the driveway layout and/or relocating where the house is going to be located, which could trigger a new requirement to either amend the surface water conditional use permit, or some other mechanism that we really can't anticipate at this moment. If something different to what is being proposed is presented, that new applicant will be required to come before this Board. This concluded staff comments.

Mayor Kahn clarified in the remaining seven acres there is currently a house. Mr. Clements answered in the affirmative and added there is an existing single-family residence and a couple of outbuildings located northwesterly off Old Walpole Road – away from the wetland system. The Mayor asked for the length of the driveway. Mr. Clements stated it is 300 feet.

Mr. Clements went on to say this item went before the Conservation Commission who conducted a site visit and are proposing a few recommendations, ultimately, it would be the Board's decision as to whether to include these recommendations into the final approval. The three recommendations are: 1. Utilization of Road Salt Best Management Practices on the driveway to reduce the amount of salt contamination into the wetland; 2. Invasive species management during construction; 3. Monitoring the silt dam weekly with repairs as needed by the developer.

Mr. Clements reminded the Board this is going to be a single-family residential building lot and the City is limited in the amount of enforcement of very specific conditions for a development at this scale. The Conservation Commission noting best management practices for both erosion control and salt usage into the record for this application is productive. However, he felt invasive species management would be harder but felt it is good advice for any builder to be aware of any invasive species within their working area and any opportunity to address that issue during construction certainly will be appreciated by the city.

Ms. Brunner stated she was present at the Conservation Commission's discussion and noted most of these recommendations are suggestions for the owner. The Commission did have concerns about any fill that is being brought onto the property as it is getting more and more difficult to make sure that fill is clean and won't have invasive species growing in it. They are trying to raise awareness about that issue because the spread of things like Japanese Knotweed and Burning Bush are becoming a problem around the City. These concerns were shared with the State as well to be submitted with the wetlands permit application.

Chair Kost referred to what Mr. Clements stated earlier; if this site was to be changed significantly, it comes back through the Planning Board process. He indicated the house depicted looks like a square on the proposed plan and asked if this was to change whether that too could be something that would come before this Board. Mr. Clements stated as long as the house is not proposed to be built in the wetland buffer, it does not necessarily need to come back.

The Chair asked for public comment, with no comments from the public the Chair closed the public hearing.

The Chair stated he does not see that there is any potential for regional impact.

iii) Board Discussion and Action

A motion was made by Andrew Madison that the Planning Board approve PB-2025-21 as shown on the plan set prepared by Cardinal Surveying & Land Planning at a scale of 1"=50' on September 17, 2025 and last revised on April 14, 2026 and on the plan set prepared by Graz Engineering with a variable scale on March 22, 2026 with the following conditions:

1. Prior to the final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:
 - a. Owners' signatures appear on the plans.
 - b. The wetland scientist stamp shall be put on the subdivision plans.
 - c. Submittal of four (4) full sized paper copies, 2 mylar copies, and a flattened PDF version of the final plan set.
 - d. Submittal of a check in the amount of \$51.00 made out to the City of Keene to cover the cost of recording fees.
 - e. Inspection of lot monuments by the Public Works Director, or in lieu of this, the submittal of a security in a form and amount acceptable to the Public Works Director to cover the cost of monumentation.
 - f. Submittal of documentation demonstrating that subdivision approval has been granted by the New Hampshire Department of Environmental Services.
 - g. A revised stormwater management report to be reviewed and approved by the City Engineer.
2. Subsequent to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:
 - a. Prior to the issuance of a building permit for new residential construction, a plan showing the proposed building envelope, driveway, grading, and erosion control measures shall be submitted to the Community Development Department for review by the City Engineer.
 - b. Prior to the commencement of site work, the Community Development Department shall be notified when all erosion control measures have been installed and the 75-ft surface water buffer is flagged by a surveyor licensed in the State of NH. Community Development Staff shall inspect the erosion control measures and wetland flagging to ensure compliance with the approved plans and all City of Keene regulations."

- c. Submittal of an approved wetland permit from the New Hampshire Department of Environmental Services to the Community Development Department.

The motion was seconded by Joseph Cocivera and was unanimously approved.

F. OTHER BUSINESS

None

G. STAFF UPDATES

1. Bicycle and Pedestrian Master Plan Update

Ms. Brunner stated the City has started an update to the Bicycle and Pedestrian Master Plan. She stated the City was an early adopter of bicycle pedestrian plans. The first one was adopted in 1999 and was added as an appendix to the last master plan and indicated this is an update that is long overdue. The project started around Earth Day and there is a survey out right now for anyone interested. If the plan does get adopted by City Council, it will come back to the Board to be added as an appendix to the master plan. She stated there is information about this item in the Board's packet. There is also information available on the Bicycle Pedestrian Path Advisory Committee page.

H. UPCOMING DATES OF INTEREST

- Joint Committee of the Planning Board and PLD – May 11, 6:30 PM
- Planning Board Steering Committee – May 12, 12:00 PM
- Planning Board Site Visit – May 20 – To Be Confirmed
- Planning Board Meeting – May 26, 6:30 PM

I. MORE TIME ITEMS

1. Training on Site Development Standards

The Chair suggested completing some of the proposed training. The Mayor felt the Board is not well represented tonight to complete a training. The Chair felt the sessions are recorded for members who are not present tonight. Mr. Madison stated after next meeting, it might be easier to get these trainings completed.

Ms. Brunner stated there are training videos available on the City's You Tube channel.

J. ADJOURNMENT

There being no further business, Chair Kost adjourned the meeting at 7:45 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner