

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, June 1, 2026

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Richard Clough, Chair
Edward Guyot, Vice Chair
Zach LeRoy
Tad Schrantz
Stephen Buckley, Alternate (Voting)

Staff Present:

Evan Clements, Planner / Zoning Administrator

Members Not Present:

Adam Burke
Michael Zoll, Alternate

1. Roll Call

Chair Clough called the meeting to order at 6:30 PM and explained the procedures of the meeting. Roll call was conducted. Chair Clough invited Mr. Buckley to be a voting member tonight.

2. Minutes of the Previous Meeting: May 11, 2026

Mr. Clements stated that he has a note from the City Clerk's Office: even if a member was not present at the meeting of the minutes that are being voted on, they can still vote whether to approve the minutes. He continued that they should not abstain from the vote.

Mr. Buckley made a motion to approve the meeting minutes of May 11, 2026. Mr. Guyot seconded the motion, which passed by unanimous vote.

3. Hearings

- a. **ZBA-26-5: Petitioner, JP Irving, LLC, of Concord, NH., requests a Variance, for property located at 59 Optical Ave., Tax Map # 241-006-000-000 and is in the Industrial Park District. The Petitioner is requesting a Variance to permit a space for dispatch, office, bus storage and routine maintenance where this use is not permitted, per Article 6.3.5 of the Zoning Regulations.**

Chair Clough introduced ZBA-26-5 and asked to hear from staff.

Mr. Clements stated that the subject parcel is an existing, 5.5-acre lot located on the southern side of Optical Ave., with NH Route 101 to the south and Marlboro St. to the east. He continued that the site contains an existing 53,000-square-foot, two-story, mixed use, multi-tenant, manufacturing office and warehouse facility. The building was constructed in 1974. The site contains a paved parking area that wraps around, with approximately 106 parking spaces. Three site access points are located roughly 210 feet of frontage on Optical Ave. The building is broken up into roughly 16,000 square feet of office space and 37,000 square feet of manufacturing space. The owner's intent for this property is to create individual tenant spaces that provide office and manufacturing for users appropriate for the zoning district. At this time, the owner anticipates five to seven tenants in total for the property when it is filled.

Mr. Clements continued that the purpose of this application is to seek a Variance to permit the Student Transportation of America's (STA's) operation center to be located on the property. The proposed use is a unique mix of office, outdoor storage, transportation, and vehicle repair, which does not fit into the limited uses permitted in the Industrial Park Zone. The use is proposed to be located on the eastern portion of the property, near a residential neighborhood along Marlboro St. An existing, undeveloped parcel provides roughly 70 feet of separation between the subject parcel and the neighborhood. The Board may want to discuss with the Applicant the potential noise, vibration, and odor impacts to the adjacent neighborhood of 25 school buses preparing for operation daily. Surrounding uses include industrial light to the north, NH Route 101 to the south, single-family residential to the east, and more light industrial and undeveloped land to the west.

Mr. Clements continued that the staff report includes the definition of the Industrial Park Zoning District as well as the permitted use table for that district; some definitions and use standards for office, minor vehicle repair facility, and outdoor storage yard; and the standards for parking lot screening, specifically for perimeter landscaping areas. Lastly, staff has prepared several suggested conditions that staff recommend the Board use as a starting point. None are set in stone, including the numerical values, such as "*vehicle idling shall not be permitted before 7:00 AM.*" That is just a placeholder time. It is up to the Board to determine what would be appropriate if they were so inclined. The same is true for the "*ten vehicles idling*" at a time. Staff notes that vehicle repair and wastewater runoff have potential implications. He does not know what the facility already has installed, so items that the Industrial Pretreatment Coordinator might want to see related to this use, such as a grease separator, might already exist. It is up to the Applicant to provide that information. There are suggested conditions for noise and vibration mitigation. He can read all the proposed conditions aloud if the Board wants.

Mr. Buckley stated that his first question is that the Applicant references the fact that the property was previously occupied by "Mountain Corporation," which had some kind of equipment maintenance and storage operation. He asked if Mr. Clements can give more information about what Mountain Corporation was and when it was last operating. Mr. Clements replied no, but that would be a great question for the Applicant.

Mr. Buckley stated that he noticed in the Land Development Code (LDC) that the only place the term "transportation uses" appears in the ordinance seems to be solely related to parking activities. He continued that there does not seem to be any place in the ordinance that references,

for instance, a Ford dealership having a maintenance facility. He asked Mr. Clements to clarify this. The city does have several automobile dealerships, which have maintenance facilities. He asked how those fit into the use tables.

Mr. Clements replied that the use tables are only for principal uses. He continued that any principal use can also utilize any other principal use as “accessory,” as long as it is truly incidental and subordinate to the principal use. A motor vehicle dealership is defined as “*An establishment that sells or leases new or used automobiles, vans, trucks, motorcycles, recreational vehicles, or other similar, motorized transportation, with outdoor storage and/or display. Motor vehicle dealerships do not include sale of commercial vehicles or heavy equipment.*” There is no specific comment related to maintenance, so his understanding is that vehicle maintenance associated with a motor vehicle dealership would be considered an accessory use, with no specific additional use standards applied to it.

Chair Clough asked if the Board had further questions for Mr. Clements. Hearing none, he asked to hear from the Applicant.

George Hansel from HG Johnson Real Estate introduced Steve Rennick from STA, a potential tenant at 59 Optical Ave. Before he gets into the application itself, he will give the Board basic background of how they got here. The building had been occupied by the Mountain Corporation, which made T-shirts. Before that, he believed Don Brehm had the building and was building machines in there. Thus, it has had an industrial past. A couple of years ago, the Mountain Corporation vacated the building, and it was sold at auction to someone, and then he thinks the current owner bought it from that person. He does not know the exact chain of ownership. Regardless, Mr. Ben Kelley, whom he represents here today, is the owner of JP Irving, LLC, bought the building and planned to market it to another tenant. Mr. Kelley is a prosperous commercial real estate person in the Concord area. He buys these kinds of properties and reinvigorates them. When he (Mr. Hansel) got involved with it about four or five months ago, the owner came to him and asked how they could reposition this building for the Keene market.

Mr. Hansel continued that part of what they are seeing in Keene, which is not exclusive to Keene, is big buildings that used to have one industrial tenant, such as one manufacturing company with many employees. Those are not in high demand anymore. Not many big, single firms need that real estate. Thus, they have been successfully repositioning those assets into multi-tenant properties. That is what they are trying to do here. They looked at what was there, and the goal is to break it up into multiple tenant spaces and have tenants that mingle well and use the property to its highest and best use. They want to get it occupied and get it producing revenue and jobs and economic activity for the local community. They have one tenant with a signed lease, who will be moving in within the next few days. They will occupy approximately 30% of the building.

Mr. Hansel continued that STA is another potential tenant. They found a potential space inside the building, approximately 20% of the overall footprint, that STA could occupy as their main dispatch center office or local headquarters to operate a bus service. The idea is that they would also have designated space out back for the buses. Other tenants would be operating in the rest of the building, doing similar but different things. Unfortunately, Keene’s zoning for this district is

quite limited. Only three or four uses are allowed by right. The vision when this was devised was that it would be one big manufacturing company like there were 10 of at the time when it was being worked on, but times have changed.

Mr. Hansel continued that the other difficulty they have had is that STA's use is not explicitly defined in the LDC, to Mr. Buckley's point. This is not a garage, a transportation center, or an outdoor vehicle storage. It is an operations center for a bus company. That was not conceived of or defined in the Code, which is what brings the Applicant here today. They want to apply for this Variance to allow for this use. He asked Mr. Rennick to introduce himself and the company.

Steve Rennick stated that he represents STA, a new bus company to the Keene area as of July 2025 when they won the contracts for the Keene School District buses. He continued that most of his buses and drivers were at First Student. First Student now handles Monadnock's district, and STA handles Keene's district. STA's fleet currently has 36 buses total, five of which are special needs vans. Nine of those vehicles are not parked on the property. They are "park outs," meaning drivers bring them home and park them at their homes. STA does all the transportation for Keene, Marlow, Nelson, Marlborough, Harrisville, Surry, and Sullivan. Those are the towns they have three-year contracts with, with a two-year renewal. STA is temporarily housed at the Jonathan Daniels Preschool on Maple Ave. and has an office in the Community Education building. They park buses on the old basketball court there. They also have a temporary garage location in Westmoreland, where they bring the buses to be maintained.

Mr. Rennick continued that they feel that the property on Optical Ave. is a great fit for STA. It makes it easily accessible for STA in Keene, since they provide all the Keene transportation. It is easy access to Rt. 101, which is the way they would be coming in and out of the property for most of the runs. They would go to Marlborough and Harrisville that way and get on the bypass and go to all the other areas. They travel up and down Marlboro St. currently for some of the runs, but they are all accessed by the roundabout by the Post Office. Then they go up and come back down. Two buses would continually run the Optical Ave. loop up to the Marlboro St. extension, which they currently run right now. One is a Keene bus and the other comes in from Marlborough and goes up that way and picks up children to bring them to the Keene Middle School and High School. Other than that, STA's buses would not be running up and down Marlboro St. or the Marlboro St. extension to get back to their headquarters.

Mr. Rennick continued that STA currently has 40 staff members, although some are just "casual drivers," which are trip drivers and spare drivers in case a regular driver calls out. He is the full-time location manager, and has a full-time mechanic. Seven monitors ride on the buses with the special needs students. A full-time dispatcher will be joining in late August. The hours of operation are short. The first four buses roll out at about 6:30 AM, and those are for the out-of-town buses, mainly for Nelson and Marlow, and one of the Harrisville buses. Most buses roll out around 7:00 AM. They are back between 8:40 and 9:00 AM, then they start back up at 2:00 and roll out, and most are back by 4:30 PM. The out-of-town ones return closer to 5:00 PM. They run buses on the weekend for sports trips, and the times vary. They do wedding charters, which also vary. Sometimes weddings can bring the buses back at midnight or 1:00 AM. They never back in the buses that late at night no matter where they are parked, because they know there are

neighbors and they are considerate of that. They just pull the buses in and turn them off and then turn them around in the morning.

Mr. Rennick continued that they fuel offsite. All bus maintenance will be done inside a building; no buses get repaired outside. The State restricts how long a bus can idle, to three minutes at most when it is 32 degrees and above, or up to five minutes in other circumstances. A bus can idle “unlimited” only if the weather is 10 degrees below zero or lower. The buses have GPS and they are tracked with Zonar so they know how long they have been idling, and staff get reports on that all the time. The fleet is a mix of diesel and gas, and all fueled off property, so there would be no chance of fuel spillage at the location.

Mr. Guyot asked what the nature of the bus maintenance is that will be done inside the building. Mr. Rennick replied oil changes, servicing, brakes, tires, engine repairs, windshield repairs, or any basic maintenance that needs to be done. He continued that anything major gets sent out.

Mr. Buckley asked when the start time is for the first pickups in the morning. Mr. Rennick replied that the start time for rolling out of the lot, for some of the out-of-town buses, is about 6:28 AM. Mr. Buckley asked when they have to get the buses started, in order to leave at 6:28 AM. Mr. Rennick replied 6:15 AM. He continued that that is usually the Nelson bus, Marlow bus, and one of the Harrisville buses. Nelson has two buses, but one of them parks in Nelson. Marlow has two buses, but now, if they can go onto the Optical Ave. property, they will not start until after 7:00 AM because it is much closer than where STA is now. One of the Harrisville buses parks at STA’s current lot, and the other parks at the bus driver’s home. One Surry bus parks in the STA’s lot and the other parks at the driver’s home. The Sullivan bus parks at the driver’s home. Thus, many of the out-of-town buses will not be leaving early in the morning from the STA lot. There are three buses that will be leaving around 6:30 AM.

Mr. Buckley asked if the amount of transportation STA provides to athletic teams is also part of the contract they have with Keene and the other towns. Mr. Rennick replied yes, STA only services Keene and these other small towns, and yes, STA does all of the sports trips, too. Mr. Buckley asked if it is correct that there will be evening drop-offs. Mr. Buckley replied yes, evening drop-offs returning back to base. Mr. Buckley asked if that could be as late as 9:00 PM. Mr. Buckley replied yes.

Chair Clough asked if there is a rough breakdown of the sizes of the buses, regarding number of passengers. Mr. Rennick replied there are five special needs vans that can have 24 passengers and six 84-passenger buses, and the rest are 72-passenger buses. He continued that the six largest buses are 40 feet long, and the others are 38 feet.

Mr. Hansel stated that today he took a picture of STA’s current setup, which he did not include in the application, but he would be happy to pass it around today. Chair Clough replied certainly, they can enter that in.

Mr. Buckley asked if the photo is where the SAU offices are located. Mr. Rennick replied yes, next to the SAU building is the old Jonathan Daniels Preschool, and his office is in there. He

continued that the buses are parked to the left of all the buildings, on the old basketball court, which abuts where all the trees were just cut down and Tanglewood.

Mr. Schrantz asked for clarification on STA's current situation at Jonathan Daniels. He asked if they have a temporary lease there, or what the relationship is. Mr. Rennick replied that it is STA's temporary office until they find permanent housing. He continued that they lease the office space and the parking lot from SAU 29, but it is a month-to-month lease they can easily get out of. If they can go into the Optical Ave. property, they would move out of the Jonathan Daniels building.

Mr. Schrantz replied that it sounds like STA does not *have* to move, but they can move if they want to. Mr. Rennick replied that STA does not have to move, but it is very difficult being in three different places. He continued that for any service or any time a bus needs maintenance, they have to drive up to Westmoreland. The Westmoreland garage is great, but the mechanic is up there alone. They all need to be under one roof to make this work. Because STA is in a temporary location, many corporate things cannot be set up because they are in so many locations. For example, he cannot have certain programs because they do not have a permanent address. The mechanic cannot have certain programs because STA does not have a permanent location. They want to all be under one roof, for everyone's safety.

Chair Clough asked if there were any other operational questions, before they moved on to the site plan. Hearing none, he asked Mr. Hansel to present.

Mr. Hansel stated that the slide shows the property as it sits. He continued that no exterior changes are proposed with this new tenant, so it is important to note that this does not trigger any kind of site plan review. This is just a zoning application for a use Variance for the Board to consider, but they need to get a good context of how the use will work on the site. The highlighted portion is the proposed designated area for bus storage. The rear section of the building, the closest one to the highlighted section, would be the area for bus servicing and the operations center. Everything would be consolidated to that back side of the building to keep that all contiguous, and it would provide some separation from the other tenants that are operating in more of a manufacturing-type manner with trucks coming in and out from the loading dock. Maybe Mr. Rennick can elaborate a bit on the comings and goings and the number of employees.

Mr. Rennick stated that STA currently has 11 big bus routes for the Keene transportation for all the elementary, middle, and high schools. He continued that five special needs vans also run in Keene. Everything else is out of town. They pick up at the bottom of Chesterfield Hill, all the way through Marlborough, Harrisville, and Nelson. They cover a large distance, but only 11 buses are slated for the Keene area. On any normal day, STA has 27 buses on the road, so with those drivers plus the five monitors, there are approximately 32 employees per day, plus himself, the mechanic, and the dispatcher, who would be on the property as well.

Mr. Hansel stated that given Mr. Rennick's description of the operations, he does not see it as that dissimilar from the number of trips per day that would be going to this facility if it operated as a manufacturing facility or light industrial facility as it is currently zoned for. He continued that they are talking about 25 people coming to work, then those operations back and forth with

the buses, and all told, it will still be less than 100 vehicle trips per day, which the ITE (Institute of Traffic Engineers) says constitutes a major change in traffic for the adjacent roads. He does not see that this change would substantially modify how those adjacent streets operate today, or how they operated in the past, when the Mountain Corporation was receiving deliveries and had many employees coming and going every day. He does not see that as being too much of a concern, but he recognizes that some might disagree.

Mr. Buckley stated that for a bus that starts up and leaves and goes on a trip, picking up students and delivering them, and then returns to the central location, that is two trips in. He continued that in the afternoon, they do the same thing, leave, do their circulation, and come back. Thus, there are four trips in, multiplied by 36 buses. He counts more than 100 trips in.

Mr. Hansel replied that there are not 36 buses on the site. He continued that he calculated less than 100 trips. Mr. Buckley replied that he thinks they are close to 100, and skating near to the ITE would consider a major impact for traffic. Mr. Rennick stated that nine of the buses would not park on the property. Mr. Buckley replied that 25 would, and 25 times four is 100. He continued that they are thus right at the threshold of the ITE standard.

Mr. Hansel stated that the property is zoned for light industrial, and was intended, and has been used in the past with over 100 employees coming to and leaving the site in the same day, at a much higher traffic impact than what is being proposed.

Mr. Guyot asked what time employees arrive at the facility to get their buses ready. Mr. Rennick replied that he, the Marlow driver, Nelson driver, and Harrisville driver arrive at 6:00 AM. Mr. Guyot asked where the parking area is for employee vehicles, and where that is relative to the bus parking. Mr. Hansel replied that all the other spaces shown on the plan are open parking for the other tenants and the employees. Mr. Guyot asked if he means the non-highlighted parking spots on what Mr. Hansel calls the back of the building. Mr. Hansel replied yes.

Mr. Guyot asked where the bay door is for the buses to access the maintenance area. Mr. Hansel replied that it is very close to the parking area. Mr. Rennick replied that there are two bay doors right on the corner, near the plan's yellow lines up against the building. Mr. Guyot asked if it is correct that it is on the loading dock side of the building, but towards the back of the building. Mr. Rennick replied yes.

Mr. Schrantz stated that on the document, it appears that the 22 spaces on the most easterly portion are actually not on the property and they are on the abutting property. He continued that he is trying to understand how that occurred. He understands that JP Irving owns both parcels, but as a further ongoing concern, there is obviously something to be sold in the future. He asked Mr. Hansel to walk the Board through the history of that, if he knows it, and help them understand more about that situation. They had talked about a 70-foot separation from the residential properties, but that actually encroaches into 70 feet by 20 feet. It would reduce the amount closer to 50 feet or less.

Mr. Hansel replied that he does not know the history of why there are two parcels on this lot, but he can say that it is not unusual. He continued that across the street the old drive-in is three actual parcels. He is not sure if this could be subdivided, based on the frontage.

Mr. Schrantz replied that he thinks the concept was that Parcel 5 could actually be accessed because it has frontage on Rt. 101, so that was potentially going to be a separate parcel for an additional development, or it could be sold separately, and then have the drive come down through that 70-foot access point. But at this point, because of the encroachment onto the other property, that probably will not happen.

Mr. Clements stated that the City has a record of a subdivision from 1998 that calls out where the parking spaces in question are as a proposed driveway to this flag-shaped lot. He continued that he does not know when that got turned into extra parking for the 59 Optical Ave. site. It is not uncommon for users to sometimes “creep,” which does not necessarily mean it is appropriate. The plan the City has that the Applicant submitted is an existing conditions survey. Thus, it is not necessarily an approved site plan, but it was a plan that was prepared, that documents where everything actually is.

Mr. Guyot stated that he is looking at the literal fine print on the site plan, and those additional 22 spaces along the most rear part of the parking lot almost appear as if they are in or have exceeded the 30-foot setback area of this lot. He continued that that would imply to him that there may have been a Variance in the past on this lot. He asked if he was looking at the lines correctly. Mr. Clements replied yes, he is looking at the lines correctly. He continued that parking spaces and parking lots are not subject to the traditional building setbacks. At some point, the City adopted parking lot setbacks. Unfortunately, there is some history to this property that he does not have, so he cannot explain this. Mr. Guyot replied that he understands that the plan shows it as-is.

Mr. Schrantz stated that his point in bringing it up was that it moves the parking area closer to the residential properties, so it is something to consider. He continued that his follow up question is about how the building is empty now but has one tenant moving in shortly. He asked if they considered moving the buses to the other end of the property to get them away from the residential area, and whether that is a possibility.

Mr. Rennick replied that the problem with moving from the back portion to the front is the maintenance would be done in the back. He continued that if STA is in the front of the building and the back of the building was rented to a different tenant, and the buses have to come to the back for service, it would be unsafe, because buses would be backing in and out of the bays. If they used the back parking lot for, say, staff parking for another business that is going in, they would be in the same mix of traffic with the school buses coming in and out or going in and out of the bays for maintenance. Mr. Hansel added that the Board does not have, because the application did not provide, the interior of the building. He continued that there is only one section that works for STA to be able to pull buses inside, and it is separated, because it was once an addition. It provides nice separation from the rest of the building and its uses. The other reason to have STA at the back of the building is for screening purposes. Although you cannot see it on this plan, the existing conditions have quite a bit of screening from the road and back

behind. Thus, if you were trying to find a spot that was the least visible by the public right-of-way, it would be this spot for the buses.

Mr. Hansel went through the Variance criteria.

1. Granting the Variance would not be contrary to the public interest.

Mr. Hansel stated that granting the Variance would not be contrary to the public interest, because they would not be altering anything with this proposed request. He continued that he and the owner have been striving to reposition this property without a lot of wholesale renovation of the site and without a lot of site development. They want this to be an occupied building, which everyone should want, that is producing and providing economic vitality. STA's occupancy does not require any external or internal modifications. The only change is the storage of the buses, but he would even argue that that is not a wholesale change from how the site operated in the past. He himself previously managed a manufacturing company in a building of 100,000 square feet with 100 employees. The employees showed up at 6:00 AM, and the parking lot probably had more diesel pickup trucks than STA will have buses. His company had 2.5 shifts, so people were coming and going until 3:00 AM. That was a light industrial use, which is allowed in the district. Thus, if he wanted to move that company here, they would be generating a lot more noise and there would be a lot more activity going on than is being proposed.

Mr. Hansel stated that the reason the plan puts the buses where they are is because there is a lot of existing screening in that area, but again, this is not a site plan review. Due to the screening, STA would only be visible from a small portion of the roadway. It is also important to recognize that STA's use is only taking up 20% of the overall building. If you think about a full, single tenant occupancy, only 20% of that full occupancy will be this type of use. To get to the point Mr. Buckley raised, the previous tenant, the Mountain Corporation, had forklifts, maintenance activities, and tractor trailers stored on site and sometimes going in and out. Thus, he does not think the use that tonight's application requests will be a significant change, nor contrary to the public interest.

Mr. Hansel continued that consistent with the NH Supreme Court guidance and the cases that have been tried over this "public interest" concept, they need to look at whether the proposal interferes with public health, safety, or welfare. That is the narrow criteria the Board is evaluating against, and from what he heard from Mr. Rennick and how he has looked at this use, he does not see anything contrary as it relates to that.

2. If the Variance were granted, the spirit of the Ordinance would be observed.

Mr. Hansel stated that STA's proposed use is a dispatch center. He continued that this office, this sort of multi-functional use, is not clearly defined in the LDC, so it could not have clearly been disallowed from this zone. He thinks this is exactly why the Variance process exists, to handle uses like this that do not fit so easily in the box. He thinks the spirit of the Ordinance would be observed, in that it is a consistent level of activity with uses that are allowed in the district.

3. Granting the Variance would do substantial justice.

Mr. Hansel stated that granting the Variance would do substantial justice because it would allow STA to move their base of operations, which are currently locating out of three separate areas in a very dysfunctional way, to one location where they do not have to move material and personnel around to serve their purpose in the city. He continued that now, they have to make unnecessary moves and work inefficiently, when they could efficiently work from one location. In addition, this site is unique because it provides such easy and unobstructed access to Rt. 101, a main route STA needs to get to the various towns that they serve. Not many locations in Keene in a central area like that provide that level of access. STA could go to another location and maybe be shoehorned into a use that is allowed so they would not need to go for a Variance, but they would be driving through a residential neighborhood or in a very rural location that was not built to withstand this level of activity. Thus, he believes substantial justice would be served by granting this Variance.

4. If the Variance were granted, the values of the surrounding properties would not be diminished.

Mr. Hansel stated that in his view, this is a low impact use. He continued that it is not inconsistent with what has existed on this site in the past. They are not requesting any modifications to the site that would substantially change the character of the neighborhood, so he does not see how the values of surrounding properties would be diminished.

5. Unnecessary Hardship

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

Mr. Hansel stated that the site is uniquely suited to this use, for the size and everything in the same way that he described; this is just a perfect opportunity for this use that is not described in the LDC to work. He continued that denial of the Variance would therefore prevent reasonable and appropriate use of the property, which he believes is, and is otherwise compatible with the physical characteristics and surroundings. He thinks that is a very important point. They are not proposing any changes with this property, which is, in essence, the lowest impact you can have on a change of use like this. They are not adding pavement or changing or reconfiguring things. They are using an existing space that has been active and vibrant in the past, trying to bring it back to some level of vibrancy.

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

Mr. Hansel stated that no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property because of the Ordinance. He continued that it is to protect public health, safety, and welfare, and neighborhood character, which he believes they have thought through as part of the application. They are open to conversations and want to be good neighbors. They want to serve the city well,

and they want to hear everyone's concerns. Anyone who has concerns can voice them, no matter how this application goes. They will be marketing the property to get it occupied, and they want to have tenants that will be good for the folks in the audience and the folks in their homes in the surrounding properties. He encourages anyone to reach out to him after this and bring up any concerns. He and the property owner, who has been one of the best he has ever worked with, will certainly work with folks to the best of their abilities.

Mr. Hansel continued that given the property's size, layout, and existing improvements, it is uniquely capable of accommodating this use without undermining the Ordinance's objectives. If you apply the Ordinance strictly in this instance, it does not advance its stated purposes, in his opinion, and instead prevents this reasonable and compatible use from moving forward.

ii. The proposed use is a reasonable one because:

Mr. Hansel stated that the property possesses characteristics that make it well suited to an operation center for a student transportation company. He continued that the site was previously occupied by the Mountain Corporation, and similar activity occurred there. Accordingly, this proposal represents a reasonable and appropriate use of the property given its history, physical characteristics, and the nature of uses permitted in this district.

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

Mr. Hansel stated that if the criteria in subparagraph A are not established, unnecessary hardship is nonetheless present, because owing to the special existing conditions, it cannot be reasonably used. Given the property size, building configuration, and site layout, it is unlikely that they will be able to find someone as well suited for this space, as configured, as they have with STA.

Mr. LeRoy asked Mr. Rennick how many buses are undergoing maintenance per day, on average. Mr. Rennick replied three. Mr. LeRoy replied that he finds it a little disconcerting that there was no flexibility in moving the buses to the front of the building if the main concern is safety, when only three would be in motion. Mr. Rennick replied that more than three would be in motion, because all the buses would be coming and going from their runs, if they were parked in the back. Mr. LeRoy replied that what he is getting at is that it is the same amount of movement. If they parked in the front parking lot, they would not be crossing over any additional people as if when they were in the back. It seems to him that there was a lack of consideration for the abutting residential neighborhood, with the lack of flexibility in that regard. That is his concern.

Mr. LeRoy continued that his other issue is the math that Mr. Buckley brought up, regarding the 100 bus runs, which does not account for the 20-30 employees coming in and out, too.

Mr. Hansel stated that if the Board wants him and the owner to reconfigure and move the buses to the other side of the building, that is certainly something they can discuss. He continued that it was not something they originally considered, because they were trying to locate STA in a compact, contiguous area of the site. That does not mean it is off the table.

Mr. Hansel stated that if it is okay with the Chair, he would like to address some of the conditions. Chair Clough replied yes. Mr. Hansel stated that he does not have too much of a problem with most of the conditions City staff suggest, but he has a problem with a few. He continued that regarding the screening from the public right-of-way, they are open to screening ideas, if it is determined that the public welfare or one of those criteria is impacted because of the lack of screening. He takes issue with requiring the compliance with Section 9.4 of the LDC and putting that language in there. They are not proposing any changes with this application. This is not a site plan review. If they are not proposing renovation of an existing building, say, they do not need to put the building up to the most recent version of the Building Code. He is using that same logic here. If the Board wants screening, fine, but he asks that they not put in the compliance with the section of the LDC that is more typically reviewed under a site plan review, because he thinks it sets a precedent he does not want to be held to. It is no problem to have the vehicle maintenance, besides washing, be conducted indoors. Mr. Rennick said that is how they do things anyway. Regarding idling, if the Board is going to put some extra condition on that, he requests that it be at 6:00 AM, since that is what STA's operations will require. Regarding "*no more than 10 vehicles shall idle at a time,*" Mr. Rennick says that is not something that would happen, so there is no problem with including it as a condition. Regarding meeting with the Public Works and Industrial Pretreatment Coordinator, they are happy to do that, but he does not think it is required, because STA will not be putting anything into the wastewater treatment system. As far as he knows, for any oil changes, they would be collecting the oil and taking it off site. It is not like a restaurant or any kind of use that would impact the wastewater system on site. He does not see any problem with putting together the Spill and Prevention Mitigation Plan and filing it with the City. Obviously, they would obtain all required building, fire, and operations permits. He does not know what "*any additional noise and vibration mitigation the Board deems appropriate*" looks like, but he would be happy to talk about it if necessary.

Chair Clough stated that if the Board has no further questions, they would welcome public comment, beginning with anyone in opposition to the application.

Ken Laine of 551 Marlboro St. stated that his house is on the west side of Marlboro St. He continued that he is very close to the building in question. The houses are up on a bank, looking down on top of the building. His concern is that some residents are getting old; he himself is 82 years old. They still like to go outside, work in their gardens, and work on their lawns. When the wind is coming from the south, the asphalt plant has a very strong odor, so that keeps them from going outside. When the wind changes and blows from the west, that is right from the area where the buses will be. Residents like to open their windows. His deck is on the west side, facing that same area. This will add another layer of noise and pollution. Plus, the buses come and go several times a day at different times. Then there will be maintenance people driving buses in and out of the building, which is more traffic. When the wind is not blowing and the air is stable, when the buses are running at this location, the density of the cloud is going to increase tremendously, because the wind is not blowing it out of the way. That is a health issue for him

and others, and they need to be careful. The other factor is the cleaning fluids STA will use. He does not know if he and his neighbors will be able to smell them. If the building is used for commercial purposes, he wonders if other companies can come in and have equipment, or if this is all. His main concerns are that another layer of noise and pollution will really affect the quality of life for him and his neighbors.

Mr. Buckley asked staff to put the site plan up again, and for the abutter to point out which parcel is his, so the Board can know how this impact will occur. Mr. Laine indicated his property, stating that when the wind changes from the area of the asphalt plant and finally cleans up so he and his neighbors get some fresh air, it generally comes across over "here" (he indicated) from the north or northwest.

Mr. Buckley stated that Mr. Laine indicated that his house is at an indication higher than the industrial building. Mr. Laine replied yes, approximately 25 to 30 feet higher. He continued that he and his neighbors look down on the roof of the building.

Mr. Buckley asked if there is anything in terms of a screen or vegetation between Mr. Laine's and his neighbors' properties and the industrial building. Mr. Laine replied yes, there are some trees growing. He continued that when the leaves are on, he can still see the building. If there were bushes down there, he would be able to see them. When the leaves are gone, he has a full, five-mile view to the west.

Chair Clough asked how long Mr. Laine has lived there. Mr. Laine replied since 2012.

Ken Bergeron stated that he has lived in the neighborhood for 56 years. He continued that he lived there before there were any factories. He did all of Don Brehm's work. There were never more than 25 employees in the building. The Mountain Company had very few employees. There were no trucks going in and out of there all day. This application would be encroaching on the neighborhood. They have to get their facts straight before they say it, regarding the number of people who were previously in that building. There were never more than 25 people in it. The asphalt plant has been a problem, not in the fall and winter. He has wiped particles from the asphalt plant off his truck before, and he still has to do that. The asphalt plant does not clean its scrubbers. It is not enforced by the City or anyone. They recycle the asphalt that has been scraped from the road and run it through their plants. There is a brown cloud every day that that place is running. Regarding parking spaces, there are many more parking spaces on the Applicant's plan than there are in the parking lot. He does not think he has ever seen 25 cars in that parking lot since he has lived there. It would be a mistake to have 25 buses in front of all these houses on Marlboro St., including his. He does not think the property should be rezoned. He thinks it should be left as it is.

Chair Clough stated that since Mr. Bergeron has lived there for 56 years, he wants to ask him about when UPS was there across the street. Mr. Bergeron replied that UPS had nowhere near that amount of cars or trucks in that period. He continued that that is the reason they moved, because they needed much larger space. At one point, there was a proposal to put the recycling plant in the same building, and he is grateful that that was voted against. The [inaudible] who was in there right now has two or three cars and has never been a problem as far as pollution

goes. It will be a rough situation if STA moves in there. It will devalue his and his neighbors' properties, which already have a bike path running behind them. This type of business should not be allowed in this neighborhood.

Penny Bell of 511 Marlboro St. stated that she owns five properties in that section of Marlboro St., numbers 505, 508, 511, 550, and 0. She continued that many of those properties house her family of five children and 13 grandchildren. Her mother lived there with her until she passed away this past December. Thus, this is personal. It is not just about her or her family, and it is not just her neighbors here. She has lived there since 199, and raised her children and several grandchildren there. It means a lot to her. She has about 2.5 acres there, which is a large lot for Keene. She could put cottage courts there. Her property is not commercial, but she also owns 9.5 acres on Marlboro Rd. and another two-acre adjoining lot, so about 11.5 acres. Her question is whether she would thus be able to change her property to "commercial," cut down half her taxes, and put a commercial repair facility there. Her question for Mr. Hansel is what the names are of the three separate businesses he referred to, as she heard that there are three separate tenants or three separate businesses.

Mr. Hansel stated that the plan is to break the building up into multiple tenant spaces that would be occupied by individual companies. He continued that they have one signed lease and someone moving in soon, but it is a use that is allowed by right.

Ms. Bell asked how long the Mountain Company was there for. Mr. Hansel replied that he does not know. Ms. Bell replied that everyone should know the facts. She continued that the Mountain Company did not do repairs there. The one heavy truck they had she now owns.

Ms. Bell asked the Applicant several questions. Mr. Clements stated that the public comment period is not for members of the public to question the Applicant; it is for them to address their concerns about the application to the Board. The Applicant is given the opportunity for rebuttal after hearing public comment.

Ms. Bell stated that her concerns are not just about herself or the way the proposal would devalue the properties she owns. She continued that buses are big, and there will be a lot of traffic. Many people take the shortcut; they go around, instead of going on the major part of Optical Ave. Their employees will go down Marlboro St. Many children live on that section of the street, play in the street, and ride bicycles. People walk dogs there, and people from Markem, Timken, and other companies nearby walk there every day. She sees them walking by her house every day. That is part of their life. It is about the community. There are road races and bike races there. She and the few neighbors who are present tonight are not the only ones with concerns. Many people could not make it to the meeting tonight.

Ms. Bell continued that Mr. Bergeron said there have never been more than 25 cars on the property. There may have been more than 25 at one time or another, but not the amount that will be there with this proposal, and not of the size of buses. Even when UPS was there, that was small, then became large. UPS has the accommodating space for that now. This space will not accommodate something like that without having a huge impact on the neighborhood, the community, and property values. She takes that personally. She spent her entire life building a

real estate portfolio, and this proposal would take a large portion of that and destroy it for her. Her final comment to the Board is that if they approve tonight's application, she wonders what would happen if she applied to the Board to have her property use changed, too. She wonders if they would say yes or discriminate against her.

John Hillock of 511 Marlboro St. stated that he spent the last 20 years in the city trying to build a repair shop. He continued that they do not compare it to a dealership. It is a lot more work. What [STA] is going to do is the same. "*Repairs are repairs*" is what they told him. He spent thousands of dollars in the city to get a garage built. He would not be able to use that garage if he wanted to move there. He has been to a lot of these Boards, to get where he got, to get his garage. STA does not belong here if his garage did not belong here. He had to move from one garage because he did not belong there, due to the noise and trucks. He spent a lot of money to build a new shop that was a fight to get to. He could have retired by now, but now he has to work another 40 years to pay for it.

Shane Maxfield of 534 Marlboro St. stated that he has the same concerns that his neighbors have expressed. He continued that where the buses are planned to be parked is literally in several of their backyards. In the mornings and afternoons when they are moving the buses from their proposed locations, he does not think it will be as easy as it is made out to be. The parking spaces on the diagram are about 18 to 20 feet long and school buses are about twice as long as that. He walks in front of that area at least twice a day, and looks at it every day, and he is trying to visualize this. Trying to get 36-foot-long school buses around that corner and then finesse them into parking spaces is a lot more than just hopping into them, starting them, and driving off on the route. If they park them all on one side, they still need to try and finesse them out of that corner. The east side seems untenable to him as a place to park a lot of school buses, putting aside the noise and odor concerns. A neighbor spoke about odor. They are talking about internal combustion particulates. He knows the City is big on air quality. This general neighborhood, as talked about by his neighbors, is such that when the air does not move, the particulates from the asphalt plant and highway build up and affect the neighborhood's air quality. This proposal will make it even worse. The east side of the building seems impossible to him, without a lot of effort in driving around and inching around with the school buses. At best, the far west side might work, but in general, it will negatively affect the neighborhood.

Mr. Buckley asked if Mr. Clements could bring up the site and overview of where all the lots are. He continued that he keeps hearing about the batching plant, and now he is curious about where all these attributes are. He does not see them on the site plan. Mr. Clements displayed the diagram and stated that 59 Optical Ave. is outlined in yellow. He continued that the asphalt plant is at 36 Rose Lane. He indicated the intersection with Optical Ave. and Rt. 101, and Marlboro St. to the east.

Chair Clough asked if there was further public comment in opposition.

Richard Bergeron of 564 Marlboro St. stated that he lives directly across the street from the closest abutters. He continued that he thinks all the concerns are valid. It is a quiet area. When you go to sell your house, someone drives through an area that looks busy, that affects the value of your property. It is hard to argue with that, or with concerns about air quality and noise.

Occasionally a rogue bus driver might come down the street, and many children play in the street. He drives down the street at about 10 mph, because children come first, no matter what. That is one of his concerns. He wonders if they could do something like a probationary period with a Variance. He hears no, that is not possible. That means that once they are committed, they are committed. Everyone should think about it, look at the pros and cons, and go through the neighborhood and look around at different times of day to see what is there, before they make any decisions. He does not like a lot of traffic and lives here because it is quiet. Everyone's concerns are valid.

Dustin Clark of 543 Marlboro St. stated that he has lived directly behind the proposed bus parking area, for 17 years. He continued that over that time; he has had consistent experience with how sound and activity from the site carries to his home. His property is approximately 100 feet from where the buses are proposed to be stored and operated. He believes the application understates the impacts the use will have on the residential neighborhood immediately adjacent to the site. The Applicant repeatedly described this as "low impact" and states there will be no material increase in noise and other impacts. He can only speak about his own experience living next to this property, which leads him to a different conclusion. He has lived with activity from this property for years. His house sits somewhat higher than the parking lot, and the sound carries clearly from the site. From inside his bedroom, he can hear people talking in that section of the parking lot. He can hear ordinary car doors opening and closing, vehicles driving through the lot, and in the past, occasional truck activity associated with previous tenants. At times, the sound of shipping activity was enough to wake him early in the morning. Because of those experiences, he is concerned about the proposal to park and dispatch approximately 25 school buses at this location. He is not concerned about what the buses look like. Trees and screening might help with visibility. His concern is the operational activity associated with the STA. Buses do not simply sit parked. Drivers arrive, engines start, vehicles move through the lot, and air brakes cycle. Buses leave on routes early in the morning. Those activities are fundamentally different from indoor manufacturing office use that has historically occupied this property. The application repeatedly refers to the use of only 20% of the building, but the impacts to nearby residents are not determined by how much office space is occupied. Impacts come from the outdoor operation of the bus fleet immediately adjacent to the adjacent homes.

Mr. Clark continued that he is also concerned about the diesel exhaust. His home was built in 1842, and like many older homes, it cannot simply be sealed off from outside air. During the warmer months, they rely on open windows and air conditioning. If he is driving behind a diesel school bus, he immediately switches to "recirculate" or turns the air off. At home, he does not have that option if buses are regularly idling and operating approximately 100 feet from his property. That will affect how he, his spouse, and his three children experience and use their home. Three bedrooms face the side of the property where the buses are proposed to operate. His family already hears activity from the site today. The Applicant states there will be no material increase in noise, but he has not seen any noise study demonstrating what 25 buses departing early in the morning hours will sound like at the nearest homes. The Applicant states the proposal will not affect the neighborhood character. He asks the Board to consider that the neighborhood immediately adjacent to the site includes some of the city's oldest homes and long-established residential properties. The question is not whether the buses can be screened from view, the question is whether a transportation operations center with approximately 25

buses is compatible with that residential neighborhood. He respectfully asks the Board to consider that, and to consider whether it is consistent with the purpose of the Industrial Park District.

Chair Clough asked if anyone else wanted to speak in opposition. Hearing none, he asked if anyone wanted to speak in favor. Hearing none, he invited the Applicant to address the public comment.

Mr. Hansel stated that he thanks everyone who came out tonight to give feedback. He continued that he has been in their shoes. He has argued against granting Variances in front of this Board, as recently as two months ago, so he understands and respects the process. He also respects everything people have said. Based on people's feedback, if they are open to it, he would request the Board table this application for a month and allow him and the owner some time to meet with the folks who have shown opposition. He still wants to hear the Board's feedback, if that is okay, but he and the owner are open to tabling this, to speak with the residents if they are open to that and comfortable sharing their contact information. He is working almost every day to make sure activity increases on this site. An empty, vacant building is good for no one. He does not think they will see the days of old when they have hundreds of employees, no matter what use comes in. It will not be crazy. It will not be what this zone was designed for. He knows the owner is willing to work on this, and he and the owner would love to work with the neighborhood and come up with maybe some modifications, maybe some things that would alleviate some concerns but still allow the owner to move forward with getting the building occupied.

Chair Clough stated that to back up for a minute, there were two letters that were introduced. Mr. Clements stated that he suggests noting them for the record. He continued that they are part of the file, and Chair Clough does not have to read them into the minutes unless he wants to. Chair Clough stated that the two letters were both in opposition, and they are in the file. If someone wants to review the file, they may.

Chair Clough asked for further public comment. Hearing none, he closed the public hearing and asked the Board to deliberate on the proposed postponement until next month.

Mr. Guyot stated that he has a procedural question. He asked if the Applicant is asking the Board to table the application at this time, or if that was just a suggestion pending the Board's commentary during their deliberations. Mr. Hansel replied, that what to do with the application is up to the Board, but that he and the owner are open to the Board tabling this for a month, allowing them to hopefully talk with the folks who spoke tonight. He replied that he and the owner also want to hear the Board's thoughts. If the Board is willing to have some discussion and provide feedback on what has been presented so far and how they are feeling about it, he and the owner would take that into consideration.

Mr. Guyot stated that part two of his procedural question is: if the Board says they will move forward and deliberate, at what point do they stop their deliberation in advance of making a decision that may affect the Applicant's request as to whether they suggest the Board table it. He continued that his understanding is that if the Board moves forward and deliberates, then reaches

a conclusion, positive or negative, that conclusion is permanent. Thus, there is some measure of risk to the Applicant in that regard.

Mr. Clements replied that generally speaking, Mr. Guyot is correct. He continued that once the Board acts, barring an appeal for reconsideration of the decision, the decision stands. Pre-deliberative suggestions would be non-binding. If the Board makes a suggestion or two and then continues the application until next month and the Applicant comes back with revisions, the Board is not obligated to accept and approve those revisions just because some changes were made in some part due to the Board's suggestions. They could still deliberate and determine that this application does not pass the test. He suggests not beginning the deliberation on the five criteria, if the Board is inclined to continue. They could maybe have a general discussion on the concept of continuing until next month and what changes the Board might suggest, or whether they believe nothing can be done to this application. He apologizes for not being able to give clear advice, because he cannot see what the next month will result in.

Mr. Guyot stated that his intent is to be fair to all concerned, the Applicant, abutters, and so on and so forth, and not hastily or procedurally get to the point where the Board must reach a conclusion. He continued that that is what he is concerned about. Mr. Clements replied that he recommends that if the Board decides to continue to next month and allow the Applicant to make changes, they would want to open the public comment portion again at the next meeting, to let everyone speak to any changes or additions that have been made to the application. Mr. Guyot replied that that makes perfect sense to him.

Mr. Buckley stated that there is a burden imposed on the abutters who have come out tonight, expecting that a decision would be made, and now it is being suggested that perhaps some meeting of the minds can be achieved by the Applicant and the abutters and then they would come back. He continued that it still requires the abutters to return on a different day to give their point of view. On the other hand, trying to achieve consensus is always a worthwhile endeavor, and that is clearly the Applicant's desire. He agrees that the Board members cannot express their views and discuss what they are going to do, at this stage, if that is what the Applicant wants to do. The Board does not even know if the abutters are inclined to have a meeting of the minds with the Applicant, so he does not want to impose that burden on them. He does not believe the Board can express any preliminary assessments of what they are going to do, if there will be a tabling of the application.

Chair Clough stated that at this point, the Applicant could ask the Board to table it before they go into deliberations. He continued that otherwise, they have to go into deliberations, and they would have to go further down that. Mr. Hansel replied that it is up to what the Board is comfortable with. He continued that he was just thinking that if there was anything the Board wanted him to know, or that the Board would like to give to him as he and the owner rethink this, he hopes they would offer it. If not, he suggests the Board just table it.

Mr. Schrantz stated that he thinks the Board can discuss the proposal without moving to the five questions, and that allows for some deliberation. He continued that Mr. Guyot posed a very good question, which was whether there is a line the Board draws there. It sounds like it is a gray area.

Mr. Clements replied that the Zoning Board's role is different from that of the Planning Board, which is slightly more collaborative. He continued that the Zoning Board is supposed to make a judgement on what is put in front of them. They are not supposed to pre-judge, and they are definitely not supposed to pre-judge potential changes that might happen in the future. He is inclined to agree with Chair Clough that they should not deliberate, because once that ball starts rolling, they are rather obligated to bring that to a conclusion. If the Applicant has heard the questions, given the Board the answers, heard public testimony, and they feel like before the Board deliberates on the application they would like a continuance to the next month to make some changes for the Board to then evaluate, ask questions, receive answers, and give the public another chance to comment before the Board goes into deliberation, he thinks that might be a more appropriate process. That process would be less likely to compromise the Board's role.

Mr. LeRoy stated that to Mr. Buckley's point about the burden on everyone who showed up tonight, he wonders if the Board can save them that time by using their comments from tonight for the next hearing. Mr. Clements replied that everything that has been said is on the record. He continued that the Board has heard concerns from the neighborhood about specific aspects and general aspects. They are not precluded from remembering all of that. It is all part of this application.

Mr. Guyot stated that if the Applicant comes back with alternatives based on what they have heard today from the abutters, it may behoove the abutters to return to the next meeting, hence the burden that Mr. Buckley pointed out, because they may have different responses to the alteration of the application. He continued that it continues the discussion that the abutters want to have input on. Mr. Clements replied that is correct, and there is certainly a balance between the rights of the Applicant to navigate their application as well as the input of the neighborhood. He continued that the public process is public, and sometimes it takes more than one meeting to get done. That is definitely something for the Board to balance in their decision about how to handle this application.

Chair Clough asked if there were other thoughts.

Mr. Schrantz made a motion to continue the hearing for this application, ZBA-26-5, from Petitioner JP Irving, LLC of Concord, New Hampshire until the next Zoning Board of Adjustment meeting on July 6, 2026, at 6:30 PM in Council Chambers. The motion was seconded by Mr. Buckley.

Mr. Buckley stated that the Board has an obligation under NH Statute 674:33 VIII to make a final decision within 90 days of receipt of the application. He asked when this application was received, because if they will not comply with the 90-day deadline, they will need the Applicant to waive timely action, on the record and in writing. Mr. Guyot replied that he sees that the letter signed by the Applicant was dated May 5, 2026. Mr. Buckley replied that they are within the 90 days, then.

The motion passed with a vote of 4-1. Mr. LeRoy was opposed.

Mr. Schrantz stated that he thinks this is a great example, for everyone here tonight and for others concerned, to learn something from this opportunity, which is: go talk to your neighbors, go talk to your abutters, before you put the application in. He continued that it specially makes sense for something sensitive like this, so they can have consensus before having to look at a continuation. He appreciates everyone's time and efforts but would suggest that as a good path forward. Chair Clough replied that he, too, thanks everyone who came out tonight. He continued that it is very important for the Board to hear every aspect they can for any application that comes before them, no matter how it is ultimately determined.

4. Staff Updates

5. New Business

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

6. Adjournment

There being no further business, Chair Clough adjourned the meeting at 8:15 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Chaisson, Board Clerk