

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Monday, July 6, 2026

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Richard Clough, Chair
Edward Guyot, Vice Chair
Stephen Buckley, Alternate

Staff Present:

Evan Clements, Planner / Zoning Administrator

Members Not Present:

Zach LeRoy
Tad Schrantz
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.

Evan Clements, Planner/Zoning Administrator, stated that three members are absent and alternate member Stephen Buckley can thus be a voting member tonight. He continued that it is also worth noting that at the previous meeting, Mr. Buckley was made a voting member for the first application on tonight's agenda, and as is the Board's practice, he should continue to be a voting member for the continuation of that application tonight.

Mr. Clements stated that it would be prudent to ask the applicants if they want to move forward with their applications tonight with only a three-member Board.

Chair Clough asked Mr. Buckley to be a voting member tonight. Mr. Buckley agreed.

Chair Clough stated that regarding the three-member Board, if for any reason the three of them are not unanimous in their vote, they would have to rehear the applications. He asked if that is correct.

Mr. Buckley replied yes that there needs to be three concurrent members to vote to grant or deny an application. He continued that any action of the Board with less than full concurrence of all three members present today would not be a valid decision of the ZBA and would have to be re-heard.

Mr. Clements stated that there are several members of the public present for the meeting. He continued that unless the Applicant is very much against it, he thinks they should at least go ahead with the public hearing, and if the Applicant wants to continue the application again to have it voted on by the full Board, that might be prudent. Chair Clough replied that he understands, and they will continue on with the agenda and see how it plays out when they get to the hearings.

2. Minutes of the Previous Meeting: June 1, 2026

Mr. Buckley made a motion to approve the meeting minutes of June 1, 2026. Mr. Guyot seconded the motion, which passed by unanimous vote.

3. Hearings

- a. Continued 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 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 ZBA opened the public hearing for this application on June 1. He continued that based on testimony received during the public hearing, the Board voted to continue the application to this evening. Since then, the Applicant has amended the proposed location of the bus parking area from the east side of the property adjacent to the residential neighborhood to the west side of the property.

Chair Clough asked if the Board had questions or comments for staff. Hearing none, he asked to hear from the Applicant.

George Hansel from HG Johnson Real Estate stated that he is here on behalf of the owner, JP Irving and Associates. He continued that with him is Steve Rennick from Student Transportation of America (STA), the potential tenant for the site. They are requesting a Variance. They are fine with moving ahead with the public hearing portion of this, but the Applicant is at a disadvantage with so few Board members tonight, so he thinks it makes sense to wait for a vote when there are more Board members present. It is fine to let people speak tonight. In light of that, he will take this opportunity to let the people who showed up tonight see the new, revised plan. It was based on concerned neighbors' feedback. They moved the storage area as far south as possible, as far away from the residential properties as possible, creating a 500-foot distance between the nearest property line and the proposed bus storage area. They circulated that with all parties involved, and the owner and the potential tenant are okay with that. They understood how to adjust some on-site programming to make this work. They think this relieves many of the potential issues that were mentioned at the last meeting. At the last meeting, he tried to collect as many email addresses as he could from the people who showed up, and he sent this map out shortly after the meeting and opened the opportunity for continued dialogue. So far, no one has taken him up on that, which is fine. He appreciates people coming tonight and having the opportunity to see the revised plan.

Mr. Hansel continued that something he wants to clarify from the last meeting is that he made a mistake in describing “trips per day,” when he meant “trips per hour,” so there was some discussion about the threshold for serious impact on intersections adjacent to the property. To clarify, he meant to reference “100 trips per hour.” Any activity happening on this site falls well below that threshold. Hopefully, that is not that much of a concern, and he apologizes for any confusion he caused about that.

Mr. Hansel continued that he would be happy to go through the application again, but if it will be continued in front of a larger Board, he would just as soon hear from the people who came out tonight and not have to repeat it twice.

Chair Clough asked if the Board had questions.

Mr. Buckley stated that it behooves the Applicant to state that they are asking for a full Board to be present for a vote. He asked, for clarification, if that is what the Applicant is asking for. Mr. Hansel replied yes.

Mr. Buckley stated that he applauds the movement of the buses away from the proximity to the residential area. He asked if there also is the ability to impose some kind of traffic movement plan so that the traffic leaving the site uses what he would call the mainly industrial portions of Optical Ave. Using that as the departure point to Rt. 101 makes sense, to minimize the buses going up the smaller section of Optical Ave. onto the section of road that all the residents are on. He is curious about to what degree they can have a condition that would control the traffic movement plan for the buses.

Mr. Hansel replied that he thinks the Board can impose some sort of condition like that, but he can say that there is no practical reason for the buses to go up that way unless it is for local traffic, such as picking up children along that area of Optical Ave. and those areas in East Keene. Otherwise, there is no practical reason for industrial traffic or bus traffic to go out that way. Something else to keep in mind, which they discussed a bit at the site visit, is that putting specific language around not allowing or only allowing a couple of buses a day, or something like that, is something he would caution the Board against, because operationally, things change. Routes might get added here or there.

Mr. Buckley stated that the traveling routes that are employed by STA are well-defined. He asked if it would be possible to say that “the route” for whatever it is, which is well-defined, for that section of Optical Ave. with the residences, is the only route where buses will make a right-hand turn down that small section of hill or go up it. He thinks it would be possible to define it by that specific route, which he assumes is mapped out with the school district already.

Mr. Hansel replied that he thinks it is possible, and STA has already offered to do something like that. He continued that however, what he would offer to the Board based on his experience is that things do change. He would not want to create a situation in which ten years from now, say, when STA is renewing their lease, something changes in the city such as a new development happens and STA’s route number changes. Various things could happen that would mean STA

would have to come back to the ZBA to get the route number changed, or something like that. He would not want to create a situation like that, but he does not think anyone has a problem with the concept of what Mr. Buckley is requesting.

Mr. Buckley asked if Mr. Rennick from STA could say whether he thinks, from his perspective, that there would be a way to do that. Mr. Rennick replied that currently, only two large buses would need to go up the hill and take the left onto the Marlboro St. extension. He continued that one bus that comes from Marlborough comes down Rt. 101 and then goes up that way to pick up high school students, and another one goes up that way to pick up middle school students. STA also has special needs vans that might have to go on that road as well. Thus, there is not a lot of bus traffic going up and down that way, but there is currently some, and it has been like that for years.

Mr. Buckley asked if it would be fair to say that the existing conditions of the bus traffic on that section of Marlboro St. does involve some buses, including some of these smaller vans for handicapped students. Mr. Rennick replied yes that is correct. Mr. Buckley replied that the problem then becomes how to define some limitation which is not too restrictive, which would control and ensure all the other buses using other routes are departing the other way. Mr. Rennick replied that the other buses would exit the parking lot and go to the left, out to Rt. 101.

Chair Clough asked for public comments. Mr. Clements explained the procedures for public comments.

Ken Laine of 551 Marlboro St. stated that he is on the west side of Marlboro St., which would be closest to the building where they want to put the buses now. He continued that putting them on the other side will help reduce some of the noise. At the last meeting when he gave comments, he forgot to mention the backup alarms. From his porch on the west side of the house, he can hear backup alarms from equipment at the asphalt plant, which is about two or three times further away. Thus, the bus operation will still be loud. The air quality will still be diminished tremendously because the wind primarily blows from that direction toward his neighborhood. The thermal layers that currently happen here when the wind does not blow, at certain times of year, will still exist. That will not go away just because they have moved the buses to the other side of the building.

Ms. Rhonda Patnode of 487 Marlboro St. stated that it is a little more toward Marlboro St. and Eastern Ave. She continued that the street they live on is quite historic, as the oldest street in Keene, with the oldest house in Keene on it. It is a small, sleepy neighborhood that this business community is encroaching into. It is already noisy. She has had several contentious conversations with one of the other businesses in the area about a constant, high-pitched noise. She hears it when she gets up in the morning and can still hear it when she goes to bed at night if the windows are still open. She and others can hear traffic noise from Optical Ave., and she can hear other loud noises that come from the end of the street; she is not sure which business they are coming from. C&S Grocery turned the field that was down there behind the house into a parking lot. It is becoming a very industrial area, encroaching on a sleepy, quiet, historic street. The road infrastructure, including the Optical Ave. extension that goes around to the big part of Optical Ave., is not built for those buses. She wants to know if the City will do something with

that road, if this is approved, to make it a better road to accommodate the buses. Already, there are cracks and frost heaves. The narrow width barely carries two normal cars, never mind buses. In addition to the noises, she wants to mention the air quality. She and others notice smells from the pavement plant. She called the City a couple of times because she forgot the pavement plant was there, which is good, until they are making pavement, and then the whole neighborhood smells like asphalt. Having buses that she assumes will run on diesel will add to the issues regarding air quality and odors. It is “like a bowl” down there, because Marlboro St. sits up on a hill. Everything gets trapped in that, including the noises and smells, and comes right up to the neighborhood houses that are on top of the hill.

Ms. Patnode continued that finally, she wants to talk about the fact that so far, they have been talking about bus trips as just being the ones that bring children to and from school. However, schools have late buses, and buses are used for private functions like weddings, parties, trips to games, and more. The buses do work for City-sponsored functions, too, like Pumpkin Festival and others. This area is also used for many fundraising events and City events that bring a lot to Keene, like the Clarence De Mar race, the Four on the Fourth, and the Turkey Trot. This sleepy little neighborhood has a lot of activity. The more they put industry abutting the neighborhood, the more they diminish the neighborhood and the benefits it brings to the city and the residents who live there.

Steve Harfenist of 500 Marlboro St. stated that he has nothing against capitalism and business. He continued that the Zoning rules are the way they are for a reason. He has lived on Marlboro St. for about a decade, and he loves the neighborhood as it’s quiet. He can attest to the tar smell, which has been intense only a couple of times, so he does not worry about it. However, the asphalt plant is in a direct line from the neighborhood to this proposed business and on the other side, which means that if the neighborhood can smell the asphalt, they will be smelling the bus fumes. He appreciates that it is a quiet neighborhood, and that it usually smells nice. He worries about the particulate matter coming from diesel engines. Especially during the winter, they have issues when they have the inversion layer and all of the pollution is trapped down low. He has no problem with free enterprise; he just feels that this is not the place for this business. He works at an optics company in the north side of town, so he understands Optical Ave. and Keene’s remarkable history of optics, but he does not know if that was the intention. There are a ball bearing plant and C&S, but STA is a different type of business, in which engines will be operating at who knows what time of day. All the other businesses around shut down on Fridays, and the weekends are nice and quiet. Thus, he worries about what will happen with other types of transportation going on. In general, he is concerned that his neighborhood’s quality of life will go down and pollution will go up. They can come up with all sorts of ideas and rules, but he wonders who will police it when no one is looking. Buses might run up and down Marlboro St., with no one to stop them.

Shane Maxfield of 534 Marlboro St. stated that assuming his comments from the first meeting still stand on record, he will not repeat himself, but something he forgot to mention last time was that the whole area is snug right next to the highway, which just adds to all of the issues his neighbors have been talking about. He continued that a while ago, he sent in a photo of the asphalt plant. He asked if there was a way to show that. The photo is typical of a summer day in the neighborhood. When the wind is not moving, the air sits in the big “bowl,” and when the

wind is moving, it always seems like it is moving straight up Marlboro St. He would not like anything that adds to that.

Ken Bergeron stated that he has lived in the neighborhood for 56 years. He continued that he has seen the conditions go down and down. In the summer, there are tailgates coming down while picking up asphalt at the asphalt plant. In the winter, it is nice, and peaceful, with only the noise of traffic going up and down Rt. 101. It would be nice if they could keep it that way. If this proposal is approved, buses will start early in the morning, running and making noise at 6:00 AM. He does not think this is a good application for this part of town. He hopes the Board considers the neighborhood and the property values, which will go down. The newest neighbor moved in at the end of Marlboro St. on the left. Unfortunately, whoever represented the sellers did not notify the buyers that there would be a bike path ending right in the back of that house. The bike path is about 50-60 feet from his back door. Already, people occasionally walk down the bike path and back, which he thinks they are not supposed to be doing. The buses' position on the property will not make any difference as far as the noise and pollution go.

Dr. Nora Traviss of 528 Marlboro St. stated that she is a scientist with an expertise in diesel exhaust assessment, which is ironic, since she came home from the weekend and found a note in her mailbox about how a diesel bus depot is potentially moving into the neighborhood. She continued that everyone's concerns about air quality are well-founded. She could cite her own research but will instead cite research from the Journal of American Board of Family Medicine, which found that in the state of California, where they have a safe exposure level of five microgram per meter cubed, that diesel exhaust exposure directly resulted in 2,400 annual early deaths and 3,000 hospitalizations related to respiratory distress and cardiac stress, costing \$19 billion. There has been no such study in the state of New Hampshire, but there have been many studies in the scientific literature by the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the National Institute for Occupational Safety and Health (NIOSH), and many other Federal agencies, including the California Air Resource Board that has studied the harmful effects of diesel exhaust, and having student buses leads to that.

Dr. Traviss continued that she did a study with Symonds School about 10 years ago, because people at Symonds School were concerned about idling. Nobody followed the numerous anti-idling signs. The study found increased particulate matter inside and outside of the school, which led to some policy action from the principal to encourage better anti-idling at Symonds School. She herself is very concerned about, as other speakers have noted, who will enforce anti-idling for STA's proposed use of the property. That would entail an undue hardship, which she believes the ZBA needs to consider, as well as the ordinances to protect the general welfare of the public. She will also point out that Keene's Census tract is high on the social vulnerability index. The income per capita in the Census tract for this neighborhood is one of the lowest in the state, about 10-14% lower than the state's average income and the national income. There are other social vulnerabilities with respect to the age of the residents, and this is all publicly available information from Healthy Monadnock Alliance, which helped write about social vulnerability. A public health priority is to help the two Census tracts in Keene that are most at risk, including the one all of the Marlboro St. residents live in. She asks the Board to consider that when they make a decision. This neighborhood already has the most industry in its Census tract, and the points her neighbors are making are very valid. She asks the Board to think about not voting for this

Variance, because she believes it puts an undue hardship on the residents. She realizes the Board has to consider the benefits of taxes being contributed to the City of Keene, but this Variance, this development, will not decrease residents' property taxes. They will be paying the same property tax while having worse quality air, more noise, and more traffic.

Nick Germana of 206 Baker St. stated that he lives a couple of blocks over from the area in question. He continued that he runs through there frequently, and sees a lot of foot traffic there, such as families with young children, runners, and people walking dogs. Thus, they are also talking about increased traffic in an area used for recreation, which is something for the Board to keep in mind. He is a State Representative, and this is part of his district. He serves on the House Environment and Agriculture Committee, and they are always concerned about cumulative impact of projects. They need to consider not just the impact of this project as it stands alone, because as they have heard from people in the area, there is a cumulative impact. When you add the noise, fumes, and smell to the existing impacts, it magnifies. It is the smell in addition to the fumes from the asphalt plant, and the noise in addition to the noise from the nearby highway. Regarding the impact on this community, he wants to reinforce some of the points Dr. Traviss made about the community that lives here. He does not think there are many other communities in Keene where they would be having this conversation, and he thinks that has a lot to do with what Dr. Traviss was referring to, regarding the demographics of this part of Keene. He asks the Board to use real caution and think about the cumulative impact on top of what residents in this part of Keene already deal with that people in other parts of the city do not have to deal with. He thinks Dr. Traviss made an excellent point about how their property taxes will not go down as a result of an addition like this to their neighborhood.

Councilor Michele Chalice of 25 Beech St. stated that she has a question for Mr. Clements. She asked if the City of Keene has any noise or air quality regulations that the Board should be considering, that could help inform a decision like this. She could email this question to staff if needed.

Chair Clough stated that he will allow Mr. Clements to answer. Mr. Clements stated that he is not aware of any air quality standards the City has. He continued that the City has a noise ordinance through the City Code of Ordinances, which he believes ends at 7:00 AM and starts back up at either 10:00 or 11:00 PM. That is enforced by the Keene Police Department.

Councilor Chalice stated that she believes the NH Department of Environmental Services (NHDES) has an air quality monitoring station along the rail trail up Water St. She asked if the City would have any recourse, should those numbers begin to increase to an unhealthy level, to a level the public deems unacceptable.

Chair Clough replied that he does not think the Board would have the purview to say something like that. Councilor Chalice asked if he means the Board cannot restrict the permissions granted in that way. Chair Clough replied that part of it is the fact that that location might not accurately reflect what "they are having over there." He thinks they are talking more about a micro area, and yes, there is a monitoring station just off of Water St. He is not sure this would be an accurate use of it.

Mr. Buckley stated that maybe Mr. Rennick can say whether STA has to get an air quality permit from NHDES for the other places where STA has a large number of buses parked. He continued that he is curious whether this has ever been an issue for STA in other parking situations so they can clarify how that might bear on the issue of controlling air quality in and around a bus parking facility.

Chair Clough stated that he will pause public comments from people in opposition, because this question has been asked multiple times and he will permit Mr. Rennick to answer.

Mr. Rennick stated that to his knowledge, STA does not have any air quality guidelines that they go by. He continued that STA has a bus terminal near the hospital in Peterborough, one near the fire station in Jaffrey, and one in Salem. They have large terminals. Currently, STA buses are parked in a school lot in Keene, backing up to Tanglewood, and there are laws that apply to the idling of STA's buses. If the temperature is 10 degrees or lower, there is no limit to the idling, but other than that, the law restricts the idling to between three and five minutes. The buses have systems that allow him to see exactly how long a bus has been running, how long it has been idling, where it stops, how many times the door opens, and so on and so forth. STA has policies and procedures in place on the buses themselves.

Mr. Buckley stated that when they do a follow-up of this hearing, he thinks it would be prudent for the Applicant to provide some details of these idling rules and regulations they have to follow, so that can be a part of the record. Chair Clough replied that he agrees. He asked if Mr. Rennick could do that. Mr. Rennick replied yes.

Chair Clough reopened the public hearing and asked for further comments.

Linda Chmielewski of Lorraine St. stated that she thinks it is already quite noisy in the area, with the Rt. 101 traffic and Eastern Ave. being used as a cut-through. She continued that she does not have anything to add that her neighbors have not already covered, regarding what she is against with the noise, the level of traffic, and the smell, but she wanted to be counted as someone else who is asking the Board to not approve this Variance.

Penny Bell of 511 Marlboro St. stated that a lot of her family members live at the Marlboro St. extension at 505, 508, 550, and 511 Marlboro St. She also owns 0 Marlboro St. She continued that she said a lot the last time she was here and still feels the same as she did then. She takes this very personally. This is a historic area. She lives in one of the oldest houses and owns two others that are also very old. Her question is who will govern this if, say, STA takes on the Monadnock school district in addition to Keene's and starts doing weekend events every week. She wonders what will happen if the ZBA approves this Variance and STA doubles in size. For example, if STA goes from something like 30 buses to 60 buses, she wants to know who will govern that. C&S doubled the size of its parking lot and doubled the amount of traffic. She wants to know if there were any stipulations there and if anyone governed that.

Ms. Bell continued that like many others here who own or work for business, she believes in free enterprise. However, the ZBA is in place for a reason. She wants to know who will be watching, if STA are not meeting the criteria, and who will monitor the situation and take action if STA

decides to do something else. She also wants to know whether the buses shut off automatically or if someone is out there monitoring how long they run, because she does not believe that is going to happen. There is a lot involved here. Air quality is number one, but also the increased traffic, from the bus trips to Pumpkin Festival, weddings, and sporting events. She played sports all through high school in Keene, and sometimes they got home at 10:00 PM. The buses go back and forth to the schools for that. She questions who will monitor all of that. It is a big question she does not think they have an answer for.

Chair Clough asked if anyone else was in opposition. Hearing none, he asked to hear from members of the public in favor of the application. Hearing none, he invited the Applicant to respond.

Mr. Hansel stated that he thinks Mr. Rennick would be the best one to address the concerns about backup beeping and idling.

Mr. Rennick stated that the backup beepers are required by law. He continued that they are 90 decibel and they only run when a bus is backing into a parking space. They do “reverse parking,” which means they back into parking spaces and then pull out in the morning, so they do not have to back up at 6:30 or 7:00 AM. Usually, you will only hear the backup beeping when buses come back at 8:30 or 9:00 AM or when they come back between 4:30 and 5:15 PM. In terms of what they are currently doing, because they do charter trips and sports trips late at night, they pull the buses in, in a way that they can just turn them around in the morning. He currently does not let anyone back into the lot after 8:00 PM, because they are currently backing up to Tanglewood Trailer Park, in the school parking lot. Regarding the idling, the buses are all set up so that if the bus is idling for more than 4.5 minutes without the driver stepping on the brake or the gas pedal, it shuts the engine down automatically. Thus, the buses do not idle for more than 4.5 minutes.

Mr. Hansel stated that he would like to talk about some of the other points and give the people who are in attendance tonight an update on the status of the building. He continued that there has been a lot of interest, a surprising amount of interest, in occupying the building. They are moving one tenant in now and have another tenant that is very close. This building will be 100% occupied by the end of the year; he is very confident about that. He again puts out his offer for people who have an interest in what happens at this property to get in contact with him between meetings. He is happy to share his email address with anyone who wants to communicate with him and see what is going on. The owner is very interested in being a good neighbor and is interested in making sure that the uses there work well together and work well for the neighborhood. He thinks the use they are requesting here is very much in keeping with other uses that are allowed by right on this property. There is an old saying, “*The devil that you know is better than the one you don’t.*” It is very possible that there is a use that is allowed here by right that could end up in this part of the building and would have significantly more impacts than what they are proposing here, and there would be no public hearing, no opportunity to work with him and the owner and the tenant to develop that plan. It would just happen. He thinks the accommodations that the owner and the potential tenant have made here, moving the storage area to the opposite side of the lot, is a significant concession. Operationally, it takes some strategy and some work to make that happen and facilitate that move, and he does not want to discount

that. They have tried to accommodate and address some of the concerns voiced at this meeting and the last meeting.

Mr. Hansel continued that he would request another site visit, maybe with the other Board members who were unable to attend the previous one. It is beneficial to get boots on the ground on the site. He asked if Chair Clough would set up another site visit for the Board members who were not present, and he extends the invitation to any members of the public who wish to attend.

Mr. Hansel continued that the last point he wants to make is that this part of the building is well suited to heavier equipment use. It is high bay with drive-in doors. It has been used for that use in the past. If you look at the marketplace and conceivably who will be most interested in utilizing this 20% of the building, which makes up a small percentage of the overall footprint, it will be uses like the one that is being proposed. He would say the one being proposed is relatively “light duty” compared to what could be going in the space. Regarding the noise ordinance, when he was involved with the City government and was working on the noise ordinance, it was more directed at parties and trying to make sure there was a recourse for residents who were bothered by neighbors playing music late at night. He has personally never heard of the KPD showing up for trucks arriving at a facility at night. That happens all over the city. It happened at this facility, and right across the street when UPS was occupying the building there. Again, he thinks that with the team moving the buses and they're in-and-out movements as far away from the residents as possible, that is actually the best scenario. This could be something that has much less of an impact than another user of the site that is doing light manufacturing and would be running shifts per day, moving material in and out of the facility through the loading dock as much as possible. There are lots of things you could come up with. Again, he encourages everyone to reach out to him and work with him, on behalf of the owner. They thank people for taking an interest, and they are interested in working with them.

Chair Clough stated that since it has come up a couple of times, he would like to ask Mr. Rennick to reiterate the number of buses and the number of them that are diesel versus gasoline. Mr. Rennick replied that they currently have 38 buses in the fleet. He continued that ten park at different locations other than on the property. They have seven gas vans, and the rest are diesel.

Mr. Buckley asked if the Applicant could agree to a cap on the total number of buses that would be using that as the transportation center. He continued that to clarify, he means parked on a regular basis. He understands that some buses for handicapped students are parked at drivers' home locations. Mr. Rennick replied yes and no. He continued that they need to have enough parking for all of the buses. Right now, the whole fleet is parked at the parking lot where they currently are, because STA only runs four or five buses for summer school, so the whole fleet is in for maintenance and storage during vacations and summer.

Mr. Buckley asked Mr. Rennick to reiterate how many vehicles are diesel. Mr. Rennick replied 27 out of 38. He continued that he understands the concern about diesel, and he gets the scientific portion of it. However, you have to remember that the amount of time these buses will be idling in a parking lot is far less than they are traveling on the roads with anywhere from 30 to 50 children on a bus for an hour at a time. There is diesel running for all of this time that children

are on the buses, so the amount of time the children are on a bus with diesel will be far less than sitting in a parking lot, starting up, and going.

Mr. Buckley stated that he knows that the EPA and DES were implementing a clean diesel program for some school buses. He asked if any of the STA buses are clean diesel. Mr. Rennick replied yes that all the STA buses are clean diesel.

Chair Clough asked the Applicant to confirm that they would like to postpone the hearing. Mr. Hansel replied yes that he requests that the Board postpone the hearing until a larger portion of the Board is present.

Mr. Buckley stated that under RSA 674:33 VIII, they need to get an affirmation in writing from the Applicant that they have waived the time for “timely action.” He continued that the RSA gives the Board 90 days from the receipt of the application to approve or disapprove the application. It is a good idea to have the Applicant waive that requirement in writing. Mr. Hansel replied that he is happy to do that as a follow-up to the Zoning Administrator. Mr. Clements replied yes that staff can work with the Applicant to get that in writing. He continued that the “date, time, and location certain” would be August 3, at 6:30 PM, in Council Chambers at 3 Washington St.

Mr. Buckley made a motion to continue this matter to the next meeting of the Zoning Board of Adjustment on August 3, 2026, at 6:30 PM, which will be preceded by a site visit at 5:30 PM. Mr. Guyot seconded the motion, which passed by unanimous vote.

Mr. Clements noted that for the site visit to happen, a quorum of Board members will need to be present.

- b. ZBA-26-7: Petitioner, Nathan Kaarto, on behalf of the owner, 434 - 440 Winchester St., LLC, requests a Variance, for property located at 44 Winchester St., Tax Map # 115-004-000-000 and is in the Commerce Limited District. The Petitioner is proposing to replace an existing roadside sign that is 14 feet tall with a 15 foot tall sign, per Article 10.8 of the Zoning Regulations.**

Chair Clough introduced ZBA-26-7 and asked to hear from staff. He continued that since there are only three Board members present tonight, Mr. Kaarto could ask for a postponement until the full Board is present. Mr. Clements replied that he suggests they go through the staff introduction and the Applicant’s presentation, and then the Applicant can decide if he would like to continue and let the Board deliberate, or if he would like to continue the hearing to August as well. Chair Clough agreed.

Mr. Clements stated that the subject property is an existing 2.23-acre site located on the east side of Winchester St., approximately 1,400 feet south of the NH Rt. 101/Winchester St. roundabout. He continued that the property is part of a cluster of car dealerships that share the street access point along Winchester St. The site contains an existing car dealership, Fairfield Kia. The dealership is currently undergoing a comprehensive redevelopment project with a brand-new building that is approximately 15,000 square feet inside. That includes maintenance facilities and associated site improvements, including flood compensation and drainage improvements. This

project is part of a comprehensive rebranding, a refresh for the Kia dealership that incorporates architectural and signage upgrades. The purpose of the application is to seek a Variance from Section 10.8 of the Land Development Code (LDC) to permit a free-standing sign to be 15 feet in height where 14 feet is normally permitted. The existing sign is 14 feet in height. The Applicant can give the details, but apparently the Kia brand signage only comes in a size of 10 feet or 15 feet.

The Staff Report includes the surrounding properties and their zoning designations. Uses that surround the subject parcel include car dealerships to the north and south, a package partial distribution operation the east, and a car wash and convenience store across the street to the west. The Staff Report includes the Purpose Statement for the Commerce Limited District as well as the dimensional requirements for the district, including a 100-foot front setback, 100 feet of road frontage, 100 feet of building width, and a rear setback of 20 feet, which would 50 feet if it were adjacent to a residential district, which this is not.

Mr. Clements continued that the Staff Report also includes what a “free-standing sign”, which is the kind of sign they are talking about tonight: *“A sign primarily supported by a structure affixed to the ground and not supported by a building, including signs supported by one or more columns, poles, or braces placed upon the ground.”* A free-standing sign is regulated based on the zoning district in which it is located. Table 10-9 regulates the height of the sign itself, the area of the sign, and the pedestal the sign is placed on. The Code refers to that pedestal as the “sign structure.” The height of the sign itself as well as the height of the sign structure are regulated in this table based on the district it is located in. For example, in the Downtown Transition, neighborhood, business, and office districts, the maximum height of the sign in this table is read as eight feet for the sign structure itself and six feet for the sign that is placed upon the structure. The Code also has an allowance for if it is within the first half of the front yard setback, those are the dimensional requirements. If it is placed anywhere deeper into the site than that, it is allowed greater height for both the sign structure and the sign itself. In the Commerce Limited District, the regulations do not differentiate between the sign structure and the sign itself. It takes a single, total measurement for the height of the sign, which is 14 feet within the first half of the front yard setback, and up to 18 feet if you are any deeper into the site. Practically speaking, within 50 feet of the front property line it can be 14 feet tall, and anywhere past those 50 feet, it can be 18 feet tall. The purpose of the application this evening is for the 15-foot, free-standing sign within the first 50 feet of the front yard setback, where normally a 14-foot sign is permitted.

Mr. Clements continued that staff is not recommending any obvious conditions related to this application if the Board is inclined to approve the request this evening.

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

Nathan Kaarto stated that he is a Project Manager with Hunter Construction, and he is representing Fairfield Kia. He continued that Mr. Clements did a great job describing the Variance they are applying for. Hunter Construction has been contracted to build the new Kia dealership that is currently under construction. The new Kia dealership sits quite a bit further

back even than the current Kia dealership. With building any car dealership, including in this case, you have to follow the branding guidelines. That includes signage. The existing Kia sign is 14 feet from grade; that does not include the base. He has printouts of what the new, branded sign would look like. It would be 15 feet from base. It would be a replacement in kind, so it would go into the exact same location. Kia's program only offers a road-front sign that is 10 feet, 15 feet, 20 feet, or even larger. If they could buy a 14-foot sign, they would. The owner's concern about a 10-foot sign is that already, the existing Kia sign looks rather small compared to the signs of other businesses in the area. It kind of hides behind the dealership in front of it. The new building will be set quite a ways back, so if they were to move the sign past the 50 feet from roadside to be able to go up to 18 feet per the regulations, then there would be no sign by the street and the dealership would be far back, essentially at the end side of the GMC dealership.

Mr. Kaarto continued that he knows the LDC's regulation is for height, but for what it is worth, the existing sign is 86 square feet, and the new Kia sign will only be 75 square feet. It is narrow, 5 feet wide by 15 feet tall. The existing Kia sign is 9 feet wide at the top with a 5-foot base. The new sign might even look smaller than the current one. That concludes his presentation, but he has printouts for the Board if they want those.

Chair Clough asked Mr. Kaarto to go through the five Variance criteria. Mr. Kaarto replied that he does not have his application with him. Mr. Clements replied that he will give Mr. Kaarto a copy of the application Mr. Kaarto submitted to the City.

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

Mr. Kaarto stated that their reasoning is there an existing Kia sign that is 14 feet tall and 5 feet wide at the bottom, 9 feet wide at the top emblem. He continued that replacing that with a 15-foot tall, 5-foot-wide sign would increase the height by one foot, but the overall surface square footage would not change, or would actually be less than the current sign. This minor change would not have any public health, safety, or welfare impact. They do not see any neighborhood character impact. It would add to the character, as it is a much nicer-looking sign.

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

Mr. Kaarto stated that the new sign would go in the location of the existing sign, not affecting life safety, street congestion, or any other dangers.

3. *Granting the Variance would do substantial justice.*

Mr. Kaarto stated that Kia only offers certain sizes of signs and their signs must be used at a Kia dealership. He continued that these options are 15 feet tall or 10 feet tall, or taller. The new dealership will sit much further off the road than the existing one, so they want to have the most adequately sized sign to promote the dealership on the street. Having a much smaller sign than they already have would certainly compromise notification to the public of the new dealership, resulting in potential loss of customers for the owner. The proposed sign being one foot taller but narrower than the existing one will not harm the public, but street advertising for the owners' new building will significantly decrease if they are required to use a 10-foot sign.

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

Mr. Kaarto stated that the new sign matches the new Kia branding and looks nice. He continued that they think this would improve value to the neighboring properties. The new sign would not impede any abutters' view.

5. *Unnecessary Hardship*

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

Mr. Kaarto stated that it would create unnecessary hardship because the size of the proposed sign is only slightly taller than the zoning requirement and might actually appear smaller than the existing sign. He continued that there are neighboring properties with much taller and bigger signs, which already hide the existing Kia sign. Going to a smaller sign would make this even more dramatic. Also, with the widening of Winchester St. they will already be limited with their ability to advertise vehicles at the roadside. A smaller sign would make their ability to advertise even worse.

and

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

Mr. Kaarto stated that if Kia offered a 14-foot sign, Fairfield Kia would install it. He continued that however, the only choices from Kia are 10 feet or 15 feet, and they would greatly appreciate the allowance of the 15-foot sign. The new sign has equal or less square footage than the existing one.

Chair Clough asked if the Board had questions. Mr. Buckley asked Mr. Clements what the proposed improvement to Winchester St. is, regarding the widening, and when that project is expected to be completed. Mr. Clements replied that the subject property currently has an easement owned by the City along its frontage to accommodate the Winchester St. widening project. He continued that it is in the Capital Improvement Program (CIP). The City recently completed all its necessitated eminent domain work for the project, and he does not know exactly when it is scheduled to start, but it is sooner rather than later, within the next three to five years at the latest. He is not sure if it will be happening at the same time as the Downtown Infrastructure Project.

Mr. Buckley stated that he is looking at the site plan in the packet, which he assumes is the site plan that the Planning Board approved for this site. He continued that he assumes the site plan incorporates whatever additional setbacks there are from the improved widening of Winchester

St. What he is driving at is he does not want the City to be in a position where they approve a new sign and then all of a sudden it has to be moved due to the widening of Winchester St. He assumes that is not an issue here. Mr. Clements replied that is correct. He continued that the Fieldstone page in the agenda packet is the improved site plan that incorporates the comprehensive redevelopment that they were talking about at the top of this application. It shows the 25-foot right-of-way that he was talking about, intended to be used as part of the Winchester St. project. The existing sign, where this new sign is proposed, is outside of that right-of-way.

Mr. Guyot stated that he has a question for Mr. Clements, regarding abutters' signs. He continued that the Applicant stated that there are several larger signs on abutting properties. He asked if Variances were granted to those abutters. Mr. Clements replied that he does not know off the top of his head. He continued that the Sign Code allows for new sign copy to be installed on existing signs without the need of a sign permit and without the need to remove non-conforming signage and replacement. He believes some legal non-conforming signage is located along this way. Most of this part of Winchester St. is zoned as Commerce Limited, which is effectively car dealership zoning. That use along Winchester St. has been long practiced, so he would not be surprised if some of those signs have existed for 30 or 40 years or more.

Mr. Buckley stated that he would like to know if the Applicant is going to ask the Board for a continuation, given that only three members are present, or if he is prepared to proceed with a Board of only three, knowing that he needs a unanimous vote to approve the proposed Variance. Chair Clough replied that that was going to be his next question. He asked Mr. Kaarto what he would like to do. Mr. Kaarto replied that he is comfortable continuing with the three Board members.

Chair Clough stated that the public hearing is open and anyone who wishes to speak in opposition or in favor of this application is welcome. He continued that seeing no members of the public wishing to speak, he will close the public hearing and ask the Board to deliberate.

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

Mr. Buckley stated that he agrees that granting the Variance would not be contrary to the public interest, and he would point out that the bulk of this sign is diminished in its aesthetic appearance. He continued that the new sign will be nicer than the current concrete one.

Mr. Guyot stated that he agrees with Mr. Buckley. He continued that the mass of the new sign will be perceived as less and might be less measurement-wise. He thinks the aesthetic aspects of it make it less intrusive to sightlines.

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

Mr. Buckley stated that he agrees, as it is basically the addition of one foot. He continued that that does not do violence to the purposes of the Ordinance and therefore, the spirit of the Ordinance will be observed.

Mr. Guyot stated that he agrees. He continued that again, the overall perceived mass of the new sign will be much less than the existing sign, and there will be no infringement on sightlines, in his opinion. He drives by the area frequently, so he has a good sense.

3. *Granting the Variance would do substantial justice.*

Mr. Buckley stated that the theory with this criterion is to weigh the burden on the applicant versus the burden on the purposes of the ordinance, and in this instance, granting the Variance would do substantial justice, because the Applicant has an existing relationship of a corporate nature that requires the use of certain signs with certain dimensions, and he will lose the ability to have a decent sign comparable to the existing one if he does not follow what in effect is a requirement imposed by the franchise agreement.

Mr. Guyot stated that he would add that from a competitive standpoint, coming into the auto strip of Keene with a smaller sign could potentially put the Kia dealership at a disadvantage to its competitors. Chair Clough replied that he agrees.

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

Mr. Buckley stated that this is the car dealership area of the city. He continued that this is not a residential area hard up against an industrial area, like they heard in the prior agenda item, so it is a different set of circumstances. He does not think there would be a diminishment due to a higher sign that is more aesthetically pleasing and has less bulk than the current sign.

Mr. Guyot stated that he is not an automotive marketing expert, but he thinks they have all read reports about why auto dealerships group themselves. He continued that auto dealerships see that as an advantage for their marketing. Thus, he does not see any harm to granting this Variance. It may actually increase the value of this property because of the signage being on a competitive basis, and it certainly will not hurt the others, because they tend to want to group together like this. Chair Clough replied that he agrees.

5. *Unnecessary Hardship*

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

Mr. Buckley stated that the special conditions here, consistent with the Harborside case, arise from the property itself. He continued that it has an existing sign of a dimension and bulk that is almost the same as the new one being proposed, but the new one will have less bulk and be more aesthetically pleasing. Due to the nature of the dealership and its corporate relationship to the franchise operation, Fairfield Kia is required to achieve certain limited sign dimensions. If they had to change, they would have to put their sign in the middle of a parking lot at a much higher

height, and they would be much farther away from the street. He thinks that consistent with the Harborside case, the special conditions do arise out of the property itself and therefore a hardship does exist to justify granting the Variance.

Chair Clough and Mr. Guyot replied that they agree.

Mr. Buckley made a motion to approve ZBA-26-07 to permit a 15-foot free-standing sign where a 14-foot sign is normally permitted per Section 10.8 of the Zoning Ordinance, as shown in the application and supporting materials received on June 12, 2026, with no conditions.

Mr. Buckley asked if it was an internally lit sign. He continued that he assumes the existing one is not internally lit. Mr. Kaarto replied that the letters are not internally lit, but there is some backlighting on the edge of the sign and on the edge of the word "Kia." Mr. Buckley asked if it is correct that the new sign will be different in that the current one had no lighting other than exterior lighting projecting onto it. Mr. Kaarto replied that is correct. Mr. Buckley asked if it is correct that the new one would have some internal lighting, but not external lighting. Mr. Kaarto replied yes.

Mr. Guyot seconded the motion.

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

Met with a vote of 3-0.

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

Met with a vote of 3-0.

3. *Granting the Variance would do substantial justice.*

Met with a vote of 3-0.

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

Met with a vote of 3-0.

5. *Unnecessary Hardship*

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

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

and

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

Met with a vote of 3-0.

The motion to approve ZBA-26-7 passed on a vote of 3-0.

Mr. Buckley stated that with regards to ZBA-26-7, he makes a motion for the ZBA to find that there are facts that they discovered as a result of the public hearing, supporting granting this Variance. Two of the most important facts would be:

1. The bulk of the sign that is being proposed is smaller in general dimensions and thus, aesthetically, the bulk of the sign has less of an impact on the surrounding area.
2. The particular franchise arrangement between Kia and this franchisee dictates that the only reasonable sign that can be placed in this location rather than in a location in the parking lot area is the 15-foot sign dictated by the franchise agreement.

Mr. Guyot seconded the motion, which passed by unanimous vote.

4. **Staff Updates**

5. **New Business**

a) **Annual City Council Report**

Chair Clough stated that he will consult with staff about the ZBA's annual report to the City Council.

6. **Adjournment**

There being no further business, Chair Clough adjourned the meeting at 8:05 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Reviewed and edited by,
Corinne Chaisson, Clerk