

City of Keene
New Hampshire

PLANNING BOARD
MEETING MINUTES

Monday, August 24, 2026

6:30 PM

**Council Chambers,
City Hall**

Members Present:

Harold Farrington, Chair
Roberta Mastrogiovanni, Vice Chair
David Bergeron
Michael Hoefer
Kenneth Kost
Mayor Jay V. Kahn
Councilor Molly Ellis
Stephon Mehu, Alternate
Joseph Cocivera, Alternate

Staff Present:

Paul Andrus, Community Development
Director
Megan Fortson, Planner

Members Not Present:

Andrew Madison
Tammy Adams, Alternate

A. CALL TO ORDER & ROLL CALL

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

B. MINUTES FROM PRECEDING MEETING

1. July 27, 2026

Chair Farrington offered the following correction:
Line 428 – “forum” should be “form”

A motion was made by Roberta Mastrogiovanni that the Planning Board approve the July 27, 2026 meeting minutes as amended. The motion was seconded by Mayor Kahn and was unanimously approved.

C. EXTENSION REQUESTS

None

D. FINAL VOTE ON CONDITIONAL APPROVALS
1. Applications Ready for Final Approval

Planner Megan Fortson stated the first item ready for final approval is PB-26-10, Cottage Court Conditional Use Permit for Habitat for Humanity on Grove Street.

There were four precedent conditions of approval for the application: Owner's signature appear on the final plans; Submittal of five full size paper copies and a PDF version of the final plan set and elevations; Submittal of an updated proposed conditions plan showing the ZBA approval number; Submittal of draft written documentation of any easements or other legal instruments necessary for the application. The applicant has met all conditions precedent and staff recommends the Board issue final approval.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for PB-26-10. The motion was seconded by David Bergeron and carried on a unanimous vote.

The second application ready for final approval is PB-26-12, Major Site Plan Cottage Court conditional use permit application for Elm City Commons.

The applicant had seven conditions precedent: Owner sign the final plans; Submittal of full-sized copies of the final plan sets and elevations; Submittal of a recorded voluntary merger for the four subject parcels; Submittal of a security; Submittal of draft written documentation of any easements or other legal instruments necessary for the application; Submittal of an updated plan sets showing a native replacement for the Caloric Pear trees; Completion of a sewer flow study to demonstrate that there is adequate capacity in the City sewer line. Ms. Fortson stated the applicant has satisfied all conditions precedent and staff recommends the Board issue final approval for PB-26-12.

The Chair asked whether staff knows the results of the sewer study. Ms. Fortson stated the applicant is proposing to upgrade the sewer infrastructure within the public right of way, which negates the need for the completion of a sewer flow study. She added the actual upgrade of the sewer would take place once work has started on the project and the applicant would need to get an initial approval of the infrastructure from City Council. Once it is constructed, it would need to be inspected by the Public Works Director to make sure that it met all necessary City standards and go back to City Council for final acceptance of the utilities and infrastructure as public infrastructure.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for PB-26-12. The motion was seconded by Stephon Mehu and carried on a unanimous vote.

The third application ready for final approval is PB-26-15, Major Site Plan and Surface Water Conditional Use Permit for changes to the Eversource L163 transmission line. There were four conditions precedent: Owner's signature appear on the final plans; Submittal of five color copies of the final plan sets; Submittal of documentation of all necessary permits and approvals, including an NH DES Statutory Notification; Alteration of Terrain Permit; US Army Corps of

Engineer Permit; EPA 20/20/22 general construction permit; Update the proposed plan set to include a note stating that Old Gilsum Road will be returned to pre-construction conditions. Ms. Fortson stated all precedent conditions of approval have been met and staff recommends Board issue final approval.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for PB-26-15. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

The item ready for final approval is PB-26-18, boundary line adjustment involving the parcels at 35 and 39 Kendall Road. There were three precedent conditions: Owner's signature appearing on the final plans. Submittal of paper and mylar copies of the final plans; Submitta, of a check to cover the cost recording fees. Ms. Fortson stated the applicant has satisfied conditions and staff recommends the Board issue final approval.

A motion was made by Roberta Mastrogiovanni that the Planning Board issue final site plan approval for PB-26-18. The motion was seconded by Mayor Kahn and carried on a unanimous vote.

E. BOUNDARY LINE ADJUSTMENT

None

F. CONTINUED PUBLIC HEARINGS:

G. PUBLIC HEARINGS

- 1. PB-26-21 - Major Site Plan - Bensonwood Parking Lot Modifications, 25 Production Ave - Applicant Bensonwood, on behalf of owner LIDA Realty LLC, proposes to construct a new 46-space employee parking area and make associated site improvements on the parcel at 25 Production Ave (TMP #110-007-000). The parcel is 6.87-ac in size and is located in the Industrial District.**
 - a. Board Determination of Completeness***

Planner Megan Fortson stated the applicant has requested exemptions from submitting a separate landscaping plan, elevations/renderings, a traffic report, a soil analysis, a historic evaluation, a screening analysis, and an architectural analysis. Planning Staff have made the preliminary determination that granting the requested exemptions would have no bearing on the merits of the application and recommend that the Board accept the application as "complete."

A motion was made by Roberta Mastrogiovanni that the Board accept this Application as complete. The motion was seconded by and was unanimously approved.

b. Public Hearing

Ms. Liza Sargent of SVE Associates addressed the Board and referred to a rendering that showed the existing conditions at the site. She explained that this is an existing facility for manufacturing panels for Unity Homes. She indicated currently the product is being stored in the parking lot. She noted to an existing gravel roadway along the north side of the building, a tax ditch along the border with Eversource to the south, Ash Swamp Brook is along the west side of the property. She indicated the applicant is having a difficult time storing the product they are making. Delivery trucks and tractor-trailers are having a difficult time backing into the site.

Ms. Sargent stated there is no change to the number employees. The proposal is to store product at the ... **(she said here and pointed to the map)** with an employee only driveway along the north side with parking along the face of the building. There are doors at that location for employees only. Ms. Sargent explained the alignment is such that fire trucks can make it around the building, but general public will not be driving in that area. This requires a Shoreland Permit, which has been applied for and will be submitted to the City.

Ms. Sargent went on to say there is a series of catch basins in the southern parking lot that discharge to the front. The two tax ditches have culverts that outlet to Ash Swamp Brook.

She noted lighting will be along the face of the building and there will be no light trespass. Screening of the parking lot – she noted it is very limited on the north side. There is a power line easement and water main in this area. She noted there is existing vegetation along the tax ditch which the applicant is going to try to maintain, but an alternative would be to add plantings in the front of the building to try to shield the existing parking at the face of the building, which she added is an enhancement along Production Avenue.

Drainage - Storm water that runs off from the parking is being captured in the catch basins along the curb line as well as into the cleaned out expanded storm water pond at the front of the site. The City Engineer has requested some improvements to the drainage, such as a rip rap apron to the outlet of the pipe along the tax ditch. Other alternatives the applicant has proposed in dealing with storm water would include porous asphalt, but added in this climate, this option would be a challenge to maintain. This concluded Ms. Sargent's comments.

Mr. Bergeron pointed out there were some questions from Public Works about water and sewer lines along that side and asked whether that has been addressed. Ms. Sargent stated they have made those modifications and the City Engineer has reviewed them and has accepted them.

Staff comment were next.

Ms. Fortson addressed the Board and stated this subject parcel is approximately 6.87 acres in size, located at the end of Production Avenue. The site is developed with an existing approximately 104,428 square foot building that house Benson Wood and Unity Homes. The parcel currently has site access via an existing curb cut along Production Avenue. There are light industrial uses to the north and east. To the south and west is undeveloped land as well as residential uses. This parcel is located in the industrial district and the parcels to the west are located in the rural district.

Ms. Fortson went on to say that the applicant is proposing to create a second curb cut on the property and construct a 43 space parking area which would consist of approximately 22,970 square feet of asphalt. This work is being proposed to be completed along the northern portion of the site, which is currently grassed with a small gravel access road and some trees.

Under Section 26.12.3.8.1.e of the Land Development Code, the installation of new impervious surfaces exceed 10,000 square feet of contiguous area which meets the threshold for major site plan review by this Body. Ms. Fortson stated this is the reason this application is before the Board tonight because of the amount of impervious surface that is being added.

During staff's review of the application, staff did not feel the project had the potential for regional impact, but ultimately this is something the Board would need to address.

In regards to staff comments on the application, Ms. Fortson stated the Zoning Administrator did note that the proposal typically would have to comply with the landscaping standards for 50 or more parking spaces. In this case, the applicant is proposing an alternative landscaping design due to the site constraints and the proximity of the northern most building facade to the northern property line.

Ms. Fortson stated the Fire Department made some specific comments related to signage and parking spaces not blocking the way of their connections to the building; the applicant has addressed those comments. As was mentioned by Mr. Bergeron, there were some comments from the City Engineer related to the property infrastructure and the potential drainage on the site. The applicant has submitted a revised grading and drainage plan and has submitted a revised drainage narrative. Those materials were reviewed by the City Engineer and they have been approved.

Ms. Fortson next reviewed the application analysis. All standards relevant to this application are under Article 21 of the LDC.

Drainage - Currently, storm water from the existing paved parking and storage area is directed into a detention basin at the front or the eastern end of the site. The basin discharges into a City tax ditch along the southern property line that connects to Ash, Swamp Brook. Ms. Fortson pointed out that Ash, Swamp Brook makes up the entire western property boundary of the parcel. Runoff from the north side of the building goes into tax ditch along the northern property line and then into Ash Swamp Brook. Storm water from the new parking lot on the northern side of the building is proposed to be collected in catch basins and piped into the existing storm water basin, which will be expanded to handle the additional volume of runoff.

The City Engineer had questions regarding post development storm water runoff rate, as well as specifications regarding the design of the new drainage infrastructure. Staff has received updated materials from the applicant and this material has addressed all comments and questions raised by the City Engineer. Ms. Fortson stated Planning Staff recommends as a condition of approval, the Board include submittal of a security to cover the cost of as built plans.

Sediment and Erosion Control - The applicant is proposing to install silt fencing along the northern and northwestern portions of the site to protect the City tax ditch from siltation during construction. Planning Staff recommends that the applicant submit a security to cover the cost of sediment and erosion control measures, and also recommend the Board include a condition related to Community Development Staff inspecting these measures prior to the start of construction or site work – This standard appears to be met.

Snow Storage and Removal - Snow storage areas are shown in the proposed conditions plan to the west of the proposed parking lot area and the applicant has also added a note on the plan stating that snow cannot be pushed into or stored within the 30 foot surface water buffer. Because this parcel is located in the industrial district, the applicant has to maintain a 30-foot buffer from the edge of Ash Swamp Brook. The proposed changes are well outside of that 30-foot buffer. Ms. Fortson noted as Ms. Sargent had mentioned, the applicant would need to obtain a Shoreland Permit. Staff recommends the Board include the submittal of that approved permit as a condition of approval.

Landscaping - The applicant is proposing to remove nine existing trees along the western side of the north building facade to allow for the creation of the new parking area. Under Section 9.4.4.A of the Land Development Code – a perimeter landscaping area is required to be created if a new on-site parking lot will be visible from the public right of way and/or is located to a residential zoning district. Ms. Fortson noted the proposed new parking area on the northern portion of the site is going to be minimally visible from Production Avenue to the east and on the western side; the travel aisle is going to be adjacent to the rural district. Hence, screening applies not only to the northern property boundary, but a portion of the eastern property boundary and the western property boundary as well.

The applicant is proposing to install 13 low Bush Blueberries and 12 Inkberry Hollies along the eastern portion of the site to screen the parking area from Production Avenue as well as soften the transition between the building and the public right of way. To screen the rear portion of the site from the adjacent rural district to the west, the applicant is proposing to maintain a 25-foot wooded buffer. Ms. Fortson noted the applicant is allowed to satisfy that requirement to screen this industrial use from an adjacent residential zoning district. There is a provision in the parking lot landscaping standards that states that you can maintain that 25-foot wooded buffer.

Ms. Fortson went on to say, during the review of this application, Planning Staff noted there was aerial imagery included which shows that on the southwestern portion of the site which is being used for parking goes into that 25 foot wooded buffer. In order, to provide that buffer completely the applicant is going to be rototilling the soil in that area and then installing some new trees. This is an effort to prevent future parking in that area to make sure that any runoff coming from that portion of the site that goes into the brook won't have any discharge from vehicles.

The applicant is also required to install one tree for every 10 new parking spaces and create interior parking lot landscaping areas. Ms. Fortson noted the applicant is proposing to install five Red Maple trees on the eastern portion of the site. She noted there is a specific provision under Section 9.4.5.B5 of the Land Development Code that the Planning Board may approve an alternative design for interior landscaping of parking lots as part of a site plan, if the Board

determines that the proposed design generally meets the intent of this article. Planning Staff recommend a condition of approval related to the submittal of a security to cover the cost of landscaping.

The existing City tax ditch vegetation is proposed to screen the parking lot from the property to the north and west. The property owner is proposing to maintain that 25-foot vegetated buffer with one small area of remediation. Ms. Fortson explained the Board would need to make a determination if what the applicant has proposed meets the intent of the parking lot landscaping regulations, as they are not meeting the regulations exactly to what the standards are supposed to be.

Lighting - The applicant is proposing to install four new wall mounted full cut off light fixtures with a color rendering index greater than 70 and a color temperature of 3,500 Kelvin or less – That standard appears to be met.

Sewer and Water - The narrative states no changes are being proposed to the existing utilities other than raising the grade of the rims, clean outs, curb stops and gate valves to match the new finish grade as necessary - That standard appears to be met.

Traffic and Access Management – Ms. Fortson noted there is going to be a new curb cut on Production Avenue to access the northern parking lot, which would be identified as an employee only entrance using signage. There will be no truck traffic going around the site from the northern curb cut. The north and south parking and storage areas are going to be connected via an existing concrete pad. Circulation around the building will be limited to use by emergency vehicles only. The southern portion of the site will be reserved for delivery vehicles picking up finished product and the proposed conditions plan shows that a 22-foot wide travel aisle is going to be maintained between the outdoor storage areas and the installation of a bike rack near the northeastern corner of the building near the employee entrance - That standard appears to be met.

Filling and Excavation - The narrative states that there will be minimal filling and excavation and notes that the proposed employee parking lot will require stripping and installation of gravel and asphalt, which will result in proposed finished grades that are close to the existing site grading – That standard appears to be met.

Ms. Fortson noted because the applicant is staying further away than the required 30-foot buffer from Ash Swamp Brook, they do not require a surface water conditional use permit under the City's regulations but are subject to the Shoreland Water Quality Protection Act and would be required to obtain a Shoreland Permit.

Hazardous and Toxic Materials - Non proposed as part of this application - That standard is not applicable.

Noise - Noise levels are not going to be changed - That standard is not applicable.

Architecture and Visual Appearance – Do not apply as there are no changes proposed to the outside of the building. Parking lot, under the architecture and visual appearance standards has to

be located to either the side or the rear of the building. This parking lot is located to the side of the building so it complies with that standard.

Ms. Fortson next reviewed conditions of approval as outlined in the staff report.

Mr. Kost asked for the definition of alternate landscaping plan. Ms. Fortson stated how it is defined in the Land Development Code is *that the Planning Board may approve an alternative design for interior landscaping of parking lots as part of a site plan review if they determine that the proposed design meets the intent of this article*. Ms. Fortson stated there are two sections that this relates to. There is interior parking lot landscaping that would need to be installed in terms of landscaping islands within the parking area, and there is also the perimeter parking lot landscaping standards. The applicant is requesting an alternative landscaping plan for both these categories and the Board have this provision carved out in the regulations to be able to approve that. Ms. Fortson added it was pointed out to the applicant the prior plan approved in 1993 had more landscaping along the eastern portion of the site and staff encouraged the applicant to install some extra landscaping to make up for the fact that there is the lack of landscaping along the northern property boundary.

The Chair asked for public comment next.

Kevin Thatcher of 28 Evans Circle addressed the Board and stated he is opposed to this proposal. He stated the primary reason is related to storm water management. He felt this project does not comply with Section 21.2 of the Land Use Code – “Drainage and Storm water Management”. He stated Section 21. 2.1. regarding runoff volume and velocity, he stated he understands this issue has been addressed with a revised drainage narrative with the City Engineer. He noted he has not had the opportunity to review this but the original application did not provide enough information for that determination.

Regarding volume, Mr. Thatcher stated this project does not comply as it increases storm water runoff volume from the site as it represents a significant increase in impervious area of about half an acre and also proposes no infiltration of storm water.

He further stated Section 21.2.2 regarding low impact design. Mr. Thatcher felt it does not appear that there is enough information in this application to show that these methods have been appropriately vetted for this site. Specifically, fire retention, porous pavement and vegetated swales all seem like they could be possible used in some capacity. He also felt the applicant’s requested exemption regarding soil analysis is not warranted as that would give more data towards the potential design of LID practices on the site.

Finally, Section 21, 2.3 regarding discharge of storm water to surface waters. He asked that this discharge be treated to the standards of the Federal Clean Water Act. The storm water treatment being proposed is an existing dry detention basin with limited detention associated with it. He noted a dry detention basin is not an approved storm water quality measure. It is primarily for volumetric control of storm water.

Mr. Thatcher stated at the very least, to enhance storm water quality should be modified beyond its expanded grading to include control with extended detention on the possibility that any of the LID methods are not feasible.

Mr. Thatcher referred to other issues related with this application. He noted the applicant has indicated that they have applied for a State Shoreland permit but the plans do not depict the wetlands on the site. The applicant has identified setbacks associated with Ash Swamp Brook, but they do not identify the wetlands associated with Ash Swamp Brook. Likewise, he felt it needs to be verified that the tax ditch areas and the storm water basin have been evaluated to make sure they don't have wetlands within them, if they do, the grading for the proposed project has wetlands impact

Regarding sediment and erosion control, Mr. Thatcher stated the existing storm water basin the applicant is proposing to use on the southeast side of the building also receives storm water from the unchanged storm water system on the south side of the building. He added the proposed erosion controls for this project do not address separating that storm water from the construction activities associated with this project. He suggested creating a temporary bypass for that storm water system or at the very least creating a diversion with proposed erosion controls to allow the storm water from that system to discharge from the site without disturbing the grading revisions necessary for the storm water basin. Mr. Thatcher's asked that the Board continue this application so that the applicant may provide more information regarding these topics.

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

c. Board Discussion and Action

A motion was made by Roberta Mastrogiovanni that the Planning Board approve PB-26-21 as shown on the plan set identified as "Employee Parking; 25 Production Avenue, Keene, New Hampshire" prepared by SVE Associates at varying scales on July 10, 2025 and last revised on August 11, 2026 with the following conditions:

1. Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:
 - a. Submittal of an approved NHDES Shoreland Permit and the inclusion of the approved permit number on the proposed conditions plan.
 - b. Owner's signature appears on the plans.
 - c. Submittal of five (5) full-size paper copies and a flattened PDF version of the final plan set.
 - d. Submittal of a security to cover the cost of landscaping, sediment and erosion control measures, and as-built plans in a form and amount acceptable to the Community Development Director.
2. Subsequent to final approval and signature of the plans by the Planning Board Chair, the following conditions shall be met:

- a. Prior to the commencement of site work, all sediment and erosion control measures shall be installed and inspected by the Community Development Director or their designee.
- b. Following the installation of landscaping, the Community Development Department shall be contacted to perform an initial inspection.
- c. One year following the installation of all landscaping, the Community Development Department shall be contacted to perform a final landscaping inspection.”

The motion was seconded by Mayor Kahn.

The Chair stated he would like to hear comments from the Board on landscaping/screening for the parking lot and the storm water issues raised by Mr. Thatcher.

Mr. Hoefer felt the alternate plan for landscaping was appropriate for the site. He noted because the adjacent property to this site is another industrial use with parking and storage, the need for screening is minimized. He felt the addition of trees to the west and east of the building would be a good improvement.

The Mayor stated the alternate landscape plan does address the screening.

Mr. Kost stated he would like to receive additional information regarding the storm water issues raised by Mr. Thatcher. Ms. Sargent stated with reference to soil analysis, she stated this was an already disturbed site that has had modifications since the 90s and the applicant is mostly importing fill.

With reference to alternative storm water practices, Ms. Sargent stated the applicant did look into other alternatives other than expanding the existing basin. The porous asphalt or concrete would need to be modified, the sub base removed and good draining soils brought in. She also added this facility is currently in the 500-year floodplain. The applicant does not require a flood permit, but they are limited in depth for any storm water practices.

With reference to wetlands, the applicant did have a certified wetland scientist review the ditches in the storm water basin. She stated if the Board would like the applicant to provide a stamped plan, indicating there are no wetland impacts, one can be provided.

As it pertains to sediment and erosion control for the existing storm water in the parking lot. Ms. Sargent stated those modifications could be added to the plan and approved by the City Engineer, if requested by the Board.

Mr. Kost noted that Mr. Thatcher has raised concern that the dry retention as not being sufficient. Ms. Sargent responded by saying the classification of the storm water basin AOT specifications are very specific on what sort of storm water infrastructure you use. She indicated the City of Keene is less descriptive and hence, the reason the applicant is proposing what is shown on the plan. If Mr. Thatcher were looking for wet a storm water basin, additional modifications would be required on the site.

Mr. Mehu stated at a minimum, he would like to see the wetland scientist data that was collected as a condition subsequent.

Mr. Bergeron stated he echoes what others have said. With respect to landscaping, he felt what is being proposed is the best plan based on the size and the condition of the site. The amount of work that the applicant has on the other side of the building, what is being proposed is a much improved layout which would keep the employee vehicles separate from the area where trucks are being loaded and materials moved around. He agreed with the request from Mr. Mehu so it can be verified that there is no wetlands impacts.

Mr. Kost felt if the City Engineer has approved the storm water requirements there isn't anything more that could be requested and stated he was comfortable with what is being proposed.

Councilor Ellis stated she too agrees with what has been stated by other Board members; because City Engineer has signed off on this proposal she too was comfortable with what is being proposed. She also added because of the constraints of the site the alternate landscape plan also does make sense.

The Chair asked for the purpose of the Shoreland Permit. Ms. Fortson explained in the State of New Hampshire, there are certain water bodies that are subject to the Surface Water Quality Protection Act which are within 250-feet of the edge of the surface water buffer. Certain water bodies, depending on the activities are required to obtain a permit from DES indicating that you are not going to be negatively impacting any of the land within that buffer. Ash Swamp Brook is the body of water this permit covers.

Mr. Hoefer noted this application does not have any regional impact.

The Chair asked whether the Board would like to see a plan, which shows the wetlands. Mr. Mehu stated he would like to see this plan.

A motion was made by Stephon Mehu to amend the motion to include delineation of wetlands on the site plan as a condition precedent. The motion was seconded by Michael Hoefer and unanimously approved.

Mr. Kost stated there was testimony from Mr. Thatcher regarding separating the storm water from the construction at the south of the site. Ms. Sargent responded by saying that Mr. Thatcher has requested erosion control prevention to the storm water that discharges into the storm water basin located at the southerly location. She indicated perhaps sandbags are something that could be used to separate the construction area from the storm water discharge to the existing parking lot; this is a note that could be added on the plan and coordinated with the City Engineer. The Mayor asked whether this was feasible without much expense and clarified that there was already a silt fencing being proposed. Ms. Sargent stated a silt fence is being proposed for the outlet of the storm water basin, but adding another one to where the storm water discharges from the existing parking lot would be another silt fence and sand bags in the general vicinity.

Mr. Hoefer stated he was concerned about this requested addition. He felt if this was something that was required it would have been raised by Planning staff or the Engineer.

The Chair suggested another amendment.

A motion was made by Kenneth Kost to amend that a condition precedent to add silt fencing that would separate storm water runoff from the construction runoff. The amendment failed for lack of second.

The original motion to approve carried on a unanimous vote.

Ms. Fortson provided additional information on the question raised regarding the purpose of the Shoreland Permit. She noted she found the following language online:

Any water bodies in the State of New Hampshire that are greater than 10 acres in size, or if they are year round, flowing waters such as streams or rivers that are of the fourth order or higher, certain designated rivers, streams and coastal waters, are all subject to the Shoreland Water Quality Protection Act in the State of New Hampshire. DES has a list of consolidated water bodies on their website. Within the City of Keene there are certain water bodies that meet the criteria and they are as follows:

Portions of Ash Swamp, Brooke, Ashuelot River, and the Mini Wawa River. Anytime there is development, excavation, removal of vegetation proposed within that 250 foot buffer and it is one of those specific segments of the river which is identified in this list, a Shoreland Permit is required.

H. OTHER BUSINESS

1. Opportunity Zone 2.0 Nomination

Deputy City Manager Rebecca Landry addressed the Board and stated she is before the Board to ask for support in the form of a letter from the Chairman to the Governor for the nomination for two census tracts to be nominated as opportunity zones. She indicated this would be the second round of the Opportunity Zone Program. This is federal incentive.

Ms. Landry referred to language regarding this program: An opportunity zone is a federal program that encourages private investors to put their capital gains into long-term community projects (capital gains tax shelter). This designation is limited to census tracts that meet federal low-income criteria, where median family income is no more than 70% of the State average or poverty is 20% or higher. It draws private money into areas that might otherwise get passed over.

Ms. Landry noted the City has two eligible tracts, including the current OZ 1.0 tract, which was the Inaugural Opportunity Zone program. She indicated the Board has information on the existing tract. There is another tract that is now eligible which is the smallest of five tracts in Keene and is generally downtown; Washington Street to about Routes 9 and 12 along West Street. She explained endorsing the nomination does not cost the City any money; It requires no matching funds. It grants 0 tax abatements locally. This is not a local tax incentive it is a federal program

The local zoning and planning processes will remain. Because opportunity zones are a federal tax incentive, transactions take place privately between investor funds and property owners. The City may never know where specific developers use the incentive on a given project but the City is not involved in the process.

By supporting the nomination, the Board is helping put Keene on the map. Local properties and projects are competitive for private investment capital. Ms. Landry explained a big difference between the OZ original and OZ 2.0 is this specifically makes rural communities more appealing to investors who are looking for this capital gains tax shelter because there is a 30% forgiveness of the tax obligation in a qualified rural opportunity zone as opposed to others who do not qualify for that. One of the limitations of the first opportunity zone program was much of the funding was going to bigger cities and there wasn't much of an incentive to invest in rural communities.

Deadline for the nominations is Friday, August 28th. Ms. Landry noted MEDC is assisting in the preparation of the supporting materials. They have a lot of information on what has been done recently, the pipeline for development projects and their assistance has been key in helping to prepare the nominations. This concluded Ms. Landry's presentation.

The Chair asked whether Ms. Landry knows of any projects that have happened in the opportunity zone. Ms. Landry stated if there have been any she is not aware, as they don't have to file paperwork with the City. She added there is no guarantee that both tracts will be approved. There are more than 50 eligible tracts in New Hampshire, and the Governor can only approve 25.

The current opportunity zone has areas like Optical Avenue where the City could see some development in the future. The newer opportunity tract that is eligible goes along West Street and there are areas through to Court Street and to Washington Street where the City could see some development. She added the Kingsbury property is not eligible for this particular program.

Mr. Kost asked whether the first zone needs to be renewed. Ms. Landry stated the first one is effective through December 2028. She added the City will be submitting two nominations, one is to extend the current tract and another nomination for a new tract. She added there is a 2 ½ year deadline for an applicant to make renovations that are equal to or greater than half the value of the property they are investing in.

A motion was made by Roberta Mastrogiovanni that the Planning Board Chair be directed to submit a letter of support for the City of Keene's Housing Opportunity Zone 2.0 expansion nomination. The motion was seconded by Stephon Mehu.

The Mayor stated Council had requested the Mayor's endorsement which he has provided.

The motion was unanimously approved.

I. STAFF UPDATES

None

J. NEW BUSINESS

None

UPCOMING DATES OF INTEREST

- Joint Planning Board and PLD Committee — September 14 at 6:30 PM
- Planning Board Steering Committee — September 15 at 12:00 PM
- Planning Board Site Visit — September 23 at 8:00 AM — To be Confirmed
- Planning Board Meeting — September 28 at 6:30 PM

K. MORE TIME ITEMS

L. ADJOURNMENT

There being no further business, Chair Farrington adjourned the meeting at 7:54 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Community Development Department staff