**City of Keene**
**New Hampshire**

# PLANNING BOARD MEETING MINUTES

**Monday, September 28, 2026** **6:30 PM** **Council Chambers, City Hall**

**Members Present:**
Harold Farrington, Chair
Mayor Jay V. Kahn
David Bergeron
Michael Hoefer
Kenneth Kost
Stephon Mehu, Alternate
Joseph Cocivera, Alternate

**Staff Present:**
Mari Brunner, Senior Planner
Evan Clements, Planner / Zoning Administrator
Megan Fortson, Planner & Deputy Zoning Administrator

**Members Not Present:**
Roberta Mastrogiovanni, Vice Chair
Andrew Madison
Councilor Molly Ellis
Tammy Adams, Alternate

## A. CALL TO ORDER & ROLL CALL

Chair Farrington called the meeting to order at 6:30 PM and roll call was taken. Mr. Mehu and Mr. Cocivera were invited to join the meeting as voting members.

## B. MINUTES FROM PRECEDING MEETING

1. **August 24, 2026**

David Bergeron offered the following corrections:
Line 142 – to add the word *"a"* - there is *a* power line
Line 173 – delete the word "a" before the word "grassed"

A motion was made Kenneth Kost to approve the August 24, 2026 meeting minutes as amended. The motion was seconded by David Bergeron and was unanimously approved,

## C. EXTENSION REQUESTS

None

## D. FINAL VOTE ON CONDITIONAL APPROVALS

### 1. Applications Ready for Final Approval

Ms. Brunner stated there is one application ready for final approval: 25 Production Avenue, PB-26-21 - Major Site Plan application to construct a new 46 space employee parking area. The conditions precedent to final approval included:

1) Submittal of an approved New Hampshire DES Shoreline permit and inclusion of the approved permit number on the proposed conditions plan;
2) Owner's signature on the plan;
3) Submittal of five paper copies and a digital copy of the plan set;
4) Submittal of a security; and
5) Delineation of wetlands on the site plan.

All conditions have been met.

A motion was made by Mayor Kahn that the Planning Board issue final site plan approval for PB-26-21. The motion was seconded by Stephon Mehu and carried on a unanimous vote.

## E. BOUNDARY LINE ADJUSTMENT

**1. PB-26-28 - Boundary Line Adjustment - Ash Brook Ct - Applicant GM2 Associates Inc., on behalf of owner The State of NH, proposes to transfer ~1.4-ac of land from the ~11.4-ac parcel at 6-15 Ash Brook Ct (TMP #110-001-000) in the Agriculture District to the ~0.74-ac parcel at 0 Ash Brook Ct (TMP #109-029-000) in the Commerce District.**

### *A. Board Determination of Completeness*

Planner/Zoning Administrator Evan Clements stated the applicant has requested exemptions from providing separate existing and proposed conditions plans and all technical reports. After reviewing the request, staff have made the determination that granting these 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 Mayor Kahn that the Board accept this Application as complete. The motion was seconded by David Bergeron and was unanimously approved.

### *B. Public Hearing*

Mr. Andrew Davis, Director of Leasing, Real Estate, and Facilities for the NH Liquor Commission, thanked staff for their assistance with this application.

Mayor Kahn clarified that this application is for the state liquor store and abutting parking lot that has been a part of that complex but not part of the deeded property. Mr. Davis agreed it was.

Staff comments were next. Mr. Clements stated the subject parcels are existing lots located on the northeast corner of the Ashbrook Road and Ashbrook Court intersection, directly north of the

Michaels Store in the Monadnock Marketplace shopping plaza. Both parcels are owned by the State of NH and originally developed under the Governmental Land Use Statute RSA 674:54. He stated the purpose of this application is to adjust the boundary of the parcel containing the former NH Liquor Store and State Police facility (Lot 110-1) and the parcel containing the front parking lot of the former NH Liquor Store building (Lot 109-029) in order to combine the former NH Liquor Store building with the front parking lot. This will result in both the State Police facility and the former NH Liquor Store building being on their own parcels. This adjustment will transfer approximately 1.4-acres of land from the State Police parcel to the parking lot parcel.

Mr. Clements stated staff have made a preliminary evaluation that the proposal does not appear to have the potential for regional impact but asked that the Board make a final determination on this issue.

With reference to the Subdivision Regulations:
Both lots are existing and all zoning dimensional requirements will be maintained.
The resulting parcel containing the liquor store building will be split zoned as both Commerce and Agriculture. Depending on the proposed future use of the building, the parcel may need to be rezoned or a variance from the Zoning Board of Adjustment may be required.

The staff report includes a table showing the area of affected land with the transfer.

Character of the subdivision of the land to subdivide: Both lots are existing and developed. No additional development is proposed. The existing characters of the parcels will be maintained; This standard is met.

Scattered or Premature Development: Both parcels are developed and located adjacent to state highways, municipal infrastructure in the Monadnock Marketplace; This standard is met.

Preservation of Existing Features: The existing delineated wetlands located on Lot 110-1 is not going to be disturbed because no additional development is proposed with this application. All existing features will be maintained; This standard is met.

Monumentation: Will be installed per local regulations and surveying standards, and then inspected by the Public Works Department; This standard is met.

Special Flood Hazard: Mr. Clements noted the narrative states that the majority of both parcels are located within the .2% annual flood hazard zone, also known as the 500-year flood zone. No improvements are proposed with this application; This standard is met.

Fire Protection and Water Supply: Existing Fire Protection and water supply systems will be utilized within the Monadnock Marketplace and adjacent municipal facilities; This standard is met.

He added the existing municipal water service for the former liquor store building will continue to be used with this application. When a new user comes in, those systems will be evaluated for the new user. In regards to this application, the standard has been met.

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

***C. Board Discussion and Action***

A motion was made by Mayor Kahn that the Planning Board approve PB-26-28 as shown on the plan set title Boundary Line Adjustment Survey prepared by GM2 Associates, Inc. at a scale of 1"=60' and dated September 11, 2026.

Prior to final approval and signature of the plans by the Planning Board Chair, the following conditions precedent shall be met:

1. Owners signature appears on the final plans.
2. Submittal of two mylar copies of the final plan set.
3. Inspection of lot monuments by Public Works Director or in lieu of this, the submittal of a security in a form and acceptable to the Public Works Director to cover the cost of this inspection.

The motion was seconded by Stephon Mehu.

Mr. Bergeron felt getting the parking and building on the same lot was good idea. He also added he did not feel there was any regional impact from the application.

The motion made by the Mayor was unanimously approved.

**F. <u>CONTINUED PUBLIC HEARINGS</u>**:

None

**G. <u>PUBLIC HEARINGS</u>**

**1. <u>PB-26-26 - Major Site Plan & Congregate Living & Social Services Conditional Use Permit - Anew Behavioral Health, 232 Winchester St</u> - Applicant and owner, Anew Behavioral Health LLC, proposes to convert the mixed-use building at 232 Winchester St (TMP #592-017-000) into a small group home with 8 beds. The parcel is ~0.4-ac in size and is located in the High Density District.**

A. ***Board Determination of Completeness***

Planner Megan Fortson stated the applicant has requested exemptions from submitting a grading plan, landscaping plan, lighting plan, elevations/renderings, and all technical reports. 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 Michael Hoefer that the Board accept this Application as complete. The motion was seconded by David Bergeron and was unanimously approved.

B. ***Public Hearing***

Ms. Jess Watson and Mr. Keith little, representing Behavioral Health LLC, addressed the Board next. Ms. Watson stated she would like to review the standards as to the impact of this congregate living facility on the community. She stated Standard A aligns with the High-Density District and will be maintaining a residential appearance. She stated the applicant implements several procedures which would ensure residents are safe and that the community is not affected by noise, unseemly imagery on the maintaining of the property. She noted there would not be any waiting areas at this facility. All residents must be screened prior to entry into the residence.

In regards to smoking, there is a 48 square foot smoking shelter towards the southern portion of the site. It is screened with fencing and natural vegetation.

Ms. Watson stated they would also make sure there are curfews in place along with regulations for the residents to ensure there will be no adverse impact on the neighborhood. They anticipate decreased traffic from the prior use of a business and a residence. She added they are also located in close proximity to pedestrian facilities and public transportation, such as the City Express, Cheshire Rail Trail and sidewalks along the property.

This building does not have a significant historic importance.

Ms. Watson stated their plan is that the occupants will be responsible for maintaining the property, with respect to landscaping, snow removal and overall maintenance of the property. This concluded their presentation.

Mayor Kahn noted this is a Level 3 facility and asked for explanation of that distinction. Mr. Littel explained Level 1 has more clinical programming, Level 2 has less clinical programming. For Level 3 the clinical programming happens off site at their outpatient site. He added the structure of the programming and operations is a peer support model versus clinical.

The Mayor asked whether the applicant has another residential facility in Keene, Mr. Littel answered in the negative. The Mayor asked where the outpatient offices are located. Mr. Littel stated they are located on King Court and Emerald Street where they have a licensed therapist. He added residents are transported by carpool or by one of their vans to the outpatient offices to complete their programming. When clinical programming decreases, they gain more independence and their self-efficacy increases, which results in residents being able to work but still have a place to live.

Mr. Kost asked whether there were any changes since the last time this application came before the Board. Mr. Littel stated nothing has changed since the last submission.
Staff comments were next. Ms. Fortson addressed the Board and stated this application has come before the Board previously. She said this is an existing mixed-use building that previously was apartments and office space which is now proposed to be converted into an eight-bedroom small

group home. There are no changes proposed to the building exterior. The only change proposed to the site is the 48 square foot smoking shelter, as was previously described. Ms. Fortson stated that, because application is for a congregate living and social service use, it has to come before the Planning Board for a Conditional Use Permit application and as was previously mentioned by the applicants, they received conditional approval from this Board on January 26 of this year.

She went on to say the applicant had a few conditions of approval that they needed to meet, including submitting five copies of the plans signed by the property owner. The applicant had until July 26 to submit these copies. Those conditions were not met prior to that expiration date and hence they have to come before the Board again for a new approval. Ms. Fortson stated nothing in the proposal has changed. This concluded staff comments.

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

***D. Board Discussion and Action***

A motion was made by Michael Hoefer that the Planning Board issue final approval for PB-26-26 as shown in the application and supporting materials submitted to the Community Development Department on August 3, 2026 and last revised on September 4, 2026, with the following condition subsequent to the final approval and signature of the plans by the Planning Board Chair:

1. The Applicant shall obtain all required state and local permits and approvals.

The motion was seconded by Mayor Kahn

The Mayor stated there is no regional impact from this application and felt this property can be of use to the community.

Mr. Kost stated this is not a historic building, but it was built in the 1900s and felt it fits in with the type houses in the neighborhood.

The motion made by Michael Hoefer carried on a unanimous vote.

**2. <u>PB-26-29 - Major Site Plan - Fast Food Restaurant, 348 Winchester St</u> - Applicant Bohler Engineering, on behalf of owner Riverside Improvements LLC, proposes to demolish the former Rite Aid building and Page 1 of 170 construct an ~4,576-sf fast food restaurant with a drive-thru on the parcel at 348 Winchester St (TMP #111-004-000). A waiver is requested from Section 21.6.2.B.2 to allow for the drive-thru to be located along the western building facade adjacent to Winchester St. The building is located in Riverside Plaza, which is ~18.7-ac in size and is located in the Commerce District.**

***A. Board Determination of Completeness***

Ms. Fortson stated the Applicant has requested exemptions from submitting a historic evaluation and screening analysis. After reviewing these requests, 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 Michael Hoefer that the Board accept this Application as complete. The motion was seconded by Stephon Mehu.

Mr. Kost asked whether the Board was missing something by not having a screening analysis. Ms. Brunner stated this is a submittal item that is not often submitted unless it is an application that requires it, and added she wasn't sure what other information the Board would receive in addition to what is already included in their packet. She stated the Board could find the application to be complete and still request this information.

The motion carried on a unanimous vote.

***B. Public Hearing***

Mr. Joey Fonseca, Project Manager of Bohler Engineering, addressed the Board and introduced Jason Adams of Bowman Consulting who is the traffic consultant for this project. Mr. Fonseca stated this application is for the former Rite Aid Building at 348 Winchester Street.

He referred to a rendering of existing conditions and explained this is an approximately 11,000 square foot building. Access to the site is via the internal Plaza Road as well as a driveway curb cut directly across from the roundabout along Winchester Street. There is an existing drive-thru use, a drive-up ATM as well as a teller window.

Mr. Fonseca stated there are 24 parking spaces around the perimeter of the building. He stated the site is located within the flood plain. The base flood elevation is 471 and noted that area on the plan. It is a mostly paved site. There is some landscaping between existing driveway, the drive aisles, and Winchester Street.

Grading on site is north to south. There are a few catch basins located within the parking area and eventually conveyed off site in a southerly direction, towards Route 12 and ultimately discharged into a larger wetland area and larger drainage system. There is no pretreatment on site.

Mr. Fonseca went on to say under the proposed conditions the existing 11,000-square-foot retail building will be demolished and a new 4,500-square-foot fast food quick-serve restaurant would be constructed.

He indicated under the proposed conditions they are required to maintain 12 inches above the floodplain elevation of 471. The new building floor elevation is being set at 472. There is a flood plain application that is currently under review with the City and received some comments. The applicant is in the process of applying for a permit.

Mr. Fonseca noted there would be some changes to the parking layout and the drive aisles. The applicant is proposing one-way access from the existing plaza area to the site. There are some angled spaces, a one-way drive aisle, and circulation through the site is counterclockwise. As you enter the site, you can either enter the drive through, or you can enter the bypass lane on the right and head toward either the parking area along the south of the building or exit the site into the existing plaza area.

The drive through use has two drive through lanes. There are some canopies located within the drive through.

The applicant is proposing to close off the curb cut closest to the roundabout and the access to the site is going to be internal to the plaza.

The total parking being provided in the immediate vicinity of the restaurant is 14 spaces and there is additional shared parking throughout the plaza.

The building is about a 60% reduction in size compared to the existing building. The height is going from the existing height of 36 feet to about 22 feet, which he noted was a significant reduction in size of the building.

The trash enclosure on the south side of the building is similar to what exists today.

Drainage will be largely improved through additional catch basins on site. Water quality will be improved due to the addition of a bio-retention basin located between the building and Winchester Street. The bio-retention basin will provide additional infiltration and also provide the benefits of improved water quality prior to discharging into the existing drain system within the plaza.

As far as landscaping goes, he noted the darker circles on the plan would be the new trees along Winchester Street as well as some additional interior plantings along the south side of the building which he noted is an enhancement over what exists today. Mr. Fonseca stated the applicant is proposing 14 new canopy trees, 22 new evergreens, as well shrubs and perennials, to total about 300 plants being proposed within the parcel.

Utilities – Tying into the existing utilities.

Lighting – There are currently five within the site, which will be reduced to four. However, there are some canopy lights which he stated can be discussed as per staff's comments.

Mr. Jason Adams of Bowman Consulting addressed the Board regarding traffic impacts. He stated a traffic impact study was completed in August of this year which focused on the roundabout that serves the Plaza access point, as well as the roundabout to the north of Winchester Street, Island Street and Pearl Street. He noted they had had a conversation with staff, and these are the areas staff had asked the consultant to focus on.

Mr. Adams went on to say that he had collected traffic volume data in July during the weekday midday 11:00 AM to 1:00 PM, weekday afternoon from 3:00 PM to 6:00 PM, and then a Saturday midday from 11:00 AM to 2:00 PM. They forecasted those existing traffic volumes into the future to review both an opening year 2027 condition as well as a design year 2037 condition, which is consistent with guidelines for looking at traffic impacts.

Mr. Adams stated they completed a review of the trip generating properties of the project using data published by the Institute of Transportation Engineers. He indicated significant amount of traffic to a site like this is drawn from vehicles that are already on the roadway, which are considered to be pass-by trips as well as vehicles that are already within the Plaza, which are considered to be internal capture trips. Many of the vehicles that would come to this type of use would be drawn from vehicles that are already on the roadway.

The consultant then completed a review of the traffic analysis of those two roundabouts, as well as the internal driveway immediately east of the roundabout and the unsignalized driveway that is located south of the of the restaurant. The analysis shows that the project would not be expected to have a significant impact on any of those roadways or intersections.

Based on the results of the study, the applicant feels the project would fit in with the general nature of the roadway network.

Mr. Fonseca next reviewed the architectural plan submitted as part of the original application. This is a 22-foot-tall restaurant building with approximately 86 interior seats and approximately 12 exterior seats within a patio as indicated on the site plan. He referred to a color palette for the brick being proposed for the exterior. The trash enclosure that was described at the rear of the site also follows the same brick color pattern as well. He added they have responded to the first round of staff comments and are now reviewing additional stormwater related comments with City Engineer

They clarified what the City Engineer is looking for. Mr. Fonseca stated it is a substantial list, and they will be working with staff on this.

Mr. Kost stated normally there would be landscaping at the drive-in area, but in the application the applicant has indicated this cannot be done because of the storm water retention and asked for clarification. Mr. Fonseca referred to the section toward Winchester Street where landscaping is being proposed. The limits of the storm water bio-retention basin is located at the northwest corner; this is the area they are not able to provide any additional landscaping. He added they also looked at providing some additional landscaping along the property boundary at Winchester Street, but the issue here are the overhead power lines.

Mr. Kost asked whether smaller Evergreen shrubs could be provided along the westerly edge of the retention pond without interfering with the operation of the retention pond. Mr. Fonseca stated they could review this with their landscape team.

Mr. Hoefer asked whether any trees are being removed. Mr. Fonseca stated there are some trees located along Winchester Street and due to the grading of the restaurant and having to pick the

site up a foot to comply with the floodplain regulations some trees are being removed. He added as construction proceeds there, efforts would be made to maintain as much vegetation as possible.

Mayor Kahn asked whether the applicant has been able to figure out how many cars can stack at the approach to the ordering station to avoid traffic spilling out.

Mr. Fonseca stated it would be between 182 to 200 feet. Ms. Brunner clarified that the Mayor was asking how many cars can stack in the drive-through lane before the order window. The Mayor answered in the affirmative. Ms. Brunner noted the order window is along the side of the building. She also asked whether both lines of traffic can place an order – Mr. Fonseca stated they can, but it will depend on traffic levels for the restaurant during certain times of the day, but both lanes will be open for ordering.

Mr. Kost asked how far the single lane on the north side of the building would be before they start to merge into the double lanes. Mr. Adams stated there is a good amount of stacking distance in the two lanes; he added there would be about 240 feet of storage in the two lanes before cars come around after they have placed their order.

Mr. Clements asked whether they have an estimated average processing time for a customer; arrival to the site and when they pick up their food via the drive through. Mr. Fonseca stated they don't have that specific information, but the stacking requirements are based on their data. He added each site could have its own processing time based on kitchen efficiency etc. and stressed the stacking requirements are appropriate for this location.

Mayor Kahn stated he had the same concerns with cars travelling in the opposite direction causing issues with headlight from the drive through vehicles and questioned whether this has been adequately addressed. Mr. Fonseca stated they are proposing a row of shrubs along the drive aisle, which would provide a buffer and added they would look at some lower shrubs where the bio-retention basin is located. The Mayor asked for the height range the applicant would be looking at. Mr. Fonseca stated it would be in the four-to-six-foot range.

Mr. Kost referred to the canopy lights, which could also cause issues for cars driving into the site. He questioned whether these would be down lighting. Mr. Fonseca stated these lights would be recessed lights facing down and wouldn't spread out onto the site. He added at the property line, the lights are at a level 0.1. He added staff had also requested a dimmer for these lights, and the applicant agrees to this request. Ms. Brunner noted this type of lighting was installed at the Colony Mill site; wall mounted lights that can shine up and down, Colony Mill has it shining down.

Staff comments were next. Ms. Fortson addressed the Board. She stated the applicant proposes to demolish the existing Rite Aid building, which is approximately 10,000 square feet in size, and construct a new building, which is going to be approximately 4,500 square feet in size and will serve as a drive through restaurant. She indicated the subject parcel is located to the north of Routes 101 and East of Winchester Street. Adjacent uses include the shopping plaza, which is occupied by retail uses, as well as a dental office, bank and restaurant. The site is surrounded by the Keene State College parking lot to the north commercial businesses to the west, Ashuelot Rail

Trail, and Keene State College athletic fields to the east and undeveloped agricultural lands to the south.

Ms. Fortson stated waivers have been requested from Sections 21.6.2. B and 21.7.4. B.1 of the Land Development Code regarding the screening requirements for drive-through businesses as well as the average illumination levels for canopy lighting.

Ms. Forston stated that staff did not feel there was the potential for regional impact. However, the Board will need to make a final determination during their deliberation.

She went on to summarize staff comments received on the application:
Building and Floodplain Staff noted that the property is located in a special flood hazard area and will require a floodplain development permit, which has already been submitted. Additionally, a building permit is going to be required for the demolition and construction of the existing and proposed structures.

The Zoning Administrator stated that branded directional signage would need to be less than four square feet to be exempt from the sign code. He also asked that the applicant verify the parking stall and drive aisle dimensions, which the applicant has completed.

From the Fire Department – This application will need to be reviewed for compliance with the applicable life safety requirements as part of the building permit process.

Engineering – The Board has the Memo from the City Engineer included in the agenda packet outlining his specific comments related to drainage, storm water management and other specific items.

Ms. Fortson addressed site development standards next.

Drainage - The applicant proposes stormwater measures including the construction of a bio retention system with an internal storage reservoir at the northwestern corner of the site. The new building and site modifications are designed to drain to the bio retention system via a conventional closed pipe drainage system with catch basins with deep sumps and hooded outlets. Pretreatment of storm water runoff not conveyed to the bio-retention pond will be achieved by a hydrodynamic separator for storm water flowing to the catch basin at the southwestern corner of the site. The drainage report states that the volume of water being directed to the existing storm water system will be reduced in the post construction conditions.

Ms. Forston noted, as was explained by Mr. Fonseca, this application went through the normal review process. At this point, based on the request from the City Engineer, the City is waiting for updated materials to be submitted addressing those comments. At this point in time, staff would recommend the Board continue the application to the next Planning Board meeting in October, to give the applicant sufficient time to redesign the plans.

Sediment and Erosion Control - The applicant has proposed the installation of catch basin inlet protection, a stabilized construction entrance at the northeastern corner of the site, and silt fencing

along the proposed edge of pavement in the detention pond adjacent to Winchester Street. Planning staff recommend that the Board include conditions of approval related to the submittal of a security to cover the cost of sediment and erosion control measures as well as the inspection of these measures by staff following their installation.

Snow Storage and Removal - Snow storage areas are shown in five locations around the perimeter of the proposed building - that standard appears to be met.

Landscaping - The proposed landscaping includes the installation of 14 shade trees, 22 arborvitae plants, 148 shrubs and 220 perennials around the building and perimeter of the project area. Landscaped areas to the north and south of the building will be planted with a mix of sugar Maple and Honey Locust trees, Inkberry and Juniper bushes and cone flower encampment perennials. The landscaping area adjacent to Winchester Street will include a mix of six Sour Gum trees, 12 Inkberry shrubs, nine arborvitae plants and 17 Yew shrubs. Planning staff recommend that the Board include a condition of approval related to security to cover the cost of all landscaping.

Screening - The dumpster enclosure at the southwestern corner of the project area is proposed to be screened by a concrete masonry enclosure with metal gates, both of which will be finished in a dark brown color. The drive thru lanes, which are located along the Winchester Street frontage, will be partially screened with evergreen shrubs which will be 2 – 2.5 feet at planting and four feet at maturity. The northern end of the drive-through lanes that are adjacent to the proposed detention pond will be visible from Winchester Street, so the applicant has requested a waiver from section 21.6.2 of the Land Development Code to allow for that area to be visible. Ms. Fortson stated even if the applicant installs additional landscaping along the detention basin in that area so that the drive thru is not as visible, it would still be necessary for the Board to grant a waiver from this section of the code, because this section states that a drive thru cannot be located along the building's primary frontage, and in this case the primary frontage for the building is along Winchester Street. Hence, the waiver is still necessary. She added this is also something that could be tabled until the next Planning Board meeting.

Ms. Fortson noted the waiver criteria are included under the landscaping section of the staff report and Section 26.12.14 of the LDC. In summary, the specific criteria are related to whether strict conformity with the standards would pose an unnecessary hardship or whether there are specific site conditions that make it difficult for the applicant to be able to meet those specific standards. In addition, the board an require any mitigation that is necessary to ensure the intent of the standard.

With reference to lighting, Ms. Fortson stated the biggest thing staff has been working on with the applicant is to ensure that the cylinder lights are going to be capped or at least turned off on the top part so that there is no up lighting.

She noted there is a table in the staff report which shows the different measurements that the City uses and the different locations. For the drive through canopy and the window canopy, the applicant is proposing maximum lighting levels of 24.92 foot candles located on the western side of the site closest to Winchester Street. On the eastern side of the site where the pickup windows are going to be located, the applicant is proposing 15.74-foot candle lighting levels.

Ms. Fortson stated the City has specific regulations for canopy lighting. The maximum average light levels allowed is 12.5-foot candles. The applicant is above these lighting levels, and this is another waiver request the Board will need to consider. She added the Board has the ability to work with the applicant to create a specific maximum lighting level; the Board could grant the waiver and create for example a 17-foot candle maximum.

Sewer and Water - The City Engineer did have some comments, clarifying the proposed design and ensuring that all the applicable standards are met. Staff are waiting for the applicant to submit updated materials addressing these concerns.

Traffic and Access Management – Ms. Fortson stated Mr. Adams has done a thorough job address traffic.

Filling and Excavation – This will be reviewed as part of the floodplain development permit process.

Surface Waters and Wetlands - None located within the project area, that standard is not applicable.

Hazardous or Toxic Materials – None, that standard is not applicable.

Noise – Will be typical of a commercial use – That standard appears to be met.

Architecture and Visual Appearance - The building is proposed to be constructed with a two-tone white and brown color scheme featuring brick veneer and stucco and dark bronze metal accents for the windows and trim. The building will be 22 feet tall, inclusive of a parapet that will range in height from four feet seven inches to five feet nine inches, which will serve as screening for any potential rooftop units. The narrative states that the proposed building orientation has been largely dictated by the project area's placement within the 100-year floodplain. Ms. Forston stated that the Board would need to decide whether the proposed site design and proposed building design meet the architectural and visual appearance standards outlined under Section 21.14 of the Code.

She called the Board's attention to the recommended motions. She explained that, when there are waivers, it is requested that the Board vote on each waiver request individually and then do a separate vote for the actual application itself.
This concluded the staff's comments.

Mr. Hoefer asked whether the lights being proposed under the canopies are going to be brighter than gas station lights, for example the T-Bird Gas Station on West Street. Ms. Fortson stated that they would be brighter than gas station lighting. She indicated the example provided in the staff report is the Factory Gas Station across from the Colony Mill. This building has a 15.5 foot tall canopy from the finish grade to the bottom of the canopy. When this site was redeveloped in 2017, they had to submit a photometric plan showing what their canopy lighting was going to be, and they were able to get an average lighting level of 5.17-foot candles and a uniformity ratio of

1.99. The City requires a maximum average of 12.5 and they are proposing 25 for the drive thru canopy and almost 16 for the window canopy.

The Chair asked Ms. Brunner whether the average light is calculated across 24 hours. Ms. Brunner explained the way the photometric plan is completed is that they take a grid and overlay it on the site and at each point on the grid they calculate what the light level will be at that point and calculate the average. For example, under the canopy the maximum light level would be 37.2, the average would be 24.92 and the uniformity ratio would be 1.81. She noted the uniformity ratio is acceptable but it is overall brightness that is of concern.

Mr. Bergeron asked what the level should be for pedestrian safety. Ms. Brunner stated there are standards for walkways for which the lighting level is rather low because it assumes there is no vehicular traffic. The requirements are for a maximum of five-foot candles and a minimum of 0.5. However, in an area where there is vehicular traffic, that level would not be advisable because you want enough light for everyone to be able to see each other.

The Chair asked for public comment next.

Councilor Jones stated he has concerns about closing the curb cut.

Mr. Kevin Thatcher of 28 Evans Circle addressed the Board and stated he has been a Civil Engineer with over 25 years of land development experience. He stated he would like to speak more to the deficiencies in this application regarding storm water management. He stated his comments are based on the revised plans and drainage report, which were dated September 14 and submitted to the City Engineer, and he has also seen the Memo to Planning Staff dated September 17. He was not privy to the conversations that the applicant states he had on September 25 with the Engineer.

In regards to water quality treatment, this project does provide an improvement in storm water quality, but a very marginal one. The bio-retention area that is provided is not bio-retention with internal storage reservoir. He added this bio-retention only receives storm water from approximately 1/6 of the development. He added the hydrodynamic separator being proposed by the applicant is only approved for pretreatment, not treatment and further, it only captures approximately 1/3 of the runoff from the site development, which leaves just under half of the proposed impervious area for this project completely untreated. He noted the Board's regulations require that they provide treatment for 100% of impervious areas for their project.
In addition, Mr. Thatcher noted the drainage narrative states that they comply with State regulations, specifically ENV WQ 1507.03 which is regarding pollutant discharge minimization requirements. That regulation also requires treatment of 100% of proposed impervious areas, which this project does not provide. He added their drainage narrative states that there is a small decrease of approximately 120 square feet in impervious area for this project.
However, the applicant's drainage calculations demonstrate an increase of approximately that much area.

The applicant in describing the bio-retention area mentioned infiltration. Mr. Thatcher noted this is not an infiltrative practice. The construction details on the plans as presented show an impermeable liner for that system and an under drain which does not allow for any infiltration. Likewise, the landscaping plan defines the entire bio-retention area as receiving six inches of loam and seed that would effectively cap the bio retention area and eliminate its effectiveness as a water quality treatment practice.

Mr. Thatcher further stated the applicant's inspection and maintenance plan does not identify the hydrodynamic separator. He noted there are subsurface mechanical treatment devices that can provide full treatment and suggested the Board request the applicant provide one of those.

He stated he agrees with staff's recommendation to continue this application. He felt to fully comply could result in site layout changes to the site. He stated he would be following up with the City Engineer regarding his comments to see what additional comments he had for the applicant and to make sure they are on the same page.

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

***C. Board Discussion and Action***

The Mayor felt a continuance would be prudent for this application.

Mr. Bergeron stated he would like to see the changes being proposed and see what that does to the site.

Mr. Hoefer stated he does not like to continue applications but with the unresolved issues with lighting and storm water issues, he felt a continuance in this case was warranted. He stated he has been reminded of the opportunity for the planning process to improve properties around Keene and seems like the applicant is interested in doing that with this application.

Chair Farrington stated from his perspective there are items identified prior to tonight by the City Engineer and staff, including a response regarding drainage and/or an updated plan on drainage. Similarly for sewer and water, a response to the comments and an updated plan are needed. The third item is to determine if the drive through can lower the canopy lighting level. He stated he also heard mentioned additional screening of landscape material to the northwest of the detention pond as well as a dimmer on the canopy lights.

The Chair went on to say he does not have issue with the key aspects of the layout and added he had no problem locating drive through lanes on the street facing side of the building.

Mr. Kost stated he was in agreement of the location of the drive through on the location noted in the application but felt this would make the landscaping necessary to address the lighting impacting drivers. He also noted concerns about peak lunch hour impact on stacking. However, if staff feels this is not an issue, he did not have any concern. Ms. Brunner noted there is a traffic summary included in the Board packet and felt this could be addressed at the next meeting by the

traffic engineer. Mr. Hoefer stated this information was outlined on page 81 which refers to peak hour traffic.

Ms. Fortson stated overall she is clear as to what needs to be communicated to the applicant about moving forward; Drainage and storm water concerns; Landscaping along the retention basin; Information regarding the number of vehicles that can be accommodated within the drive thru queues. With respect to lighting, she questioned what the Board would like to see the applicant bring back for next month.

The Chair stated the Board does not want a bright spot but did want to keep safety in mind. He added the Board would make a decision based on what the applicant comes back with for next month.

A motion was made by Michael Hoefer to continue PB-26-29 to the October 26 meeting at 6:30 pm. The motion was seconded by Stephon Mehu and was unanimously approved.

## H. OTHER BUSINESS

### 1. City Council Referral - Request for written findings from the Planning Board to support a temporary moratorium on data centers and cryptocurrency mining facilities.

Ms. Brunner stated municipalities in New Hampshire have the authority to enact a temporary moratorium under New Hampshire Revised Statute Annotated 674:23, which is under the zoning provisions. On September 17, the City Council voted unanimously to refer a request for consideration of an ordinance establishing a temporary moratorium on data centers and cryptocurrency mining facilities to the Planning Board. Under State Statute, the role of the Planning Board in this instance is to start this process and the way you do that is by making written findings that describe the unusual circumstances that justify the ordinance and a recommended course of action to correct or alleviate such circumstances.

She indicated in this case the unusual circumstances would be the rapid advancement and proliferation of large-scale data centers that have impacts which are different from what we have seen in the past. The recommended course of action would be to institute a temporary moratorium to develop regulations to address those impacts. She noted there is a recommended motion that starts on page 116 of the packet developed by the City Attorney's office. This would serve as the Board's written findings. She noted Councilor Jones is present today should the Board wish to hear from him.

Councilor Jones addressed the Board. He stated on August 4, 2026, he sent a written recommendation to the City Council asking for a moratorium on data centers and crypto mining operations. Some of the reasons were to allow for energy and climate review; to allow for environmental and resource impact assessment; to allow for economic and utility evaluation and to allow for zoning and neighborhood protection.

He stated the reason he wrote this letter is because of Senate Bill 439 which is an attempt to generalize and regulate data centers. It did pass the Senate, but when it went to the House, the House amended it and created their own version, which stated that all communities could construct data centers in both industrial and commercial areas. He indicated this did not go over well. Fortunately, there was a motion to table at the House and it was never taken off the table, so it died on the table.

Councilor Jones stated this gives municipalities a great opportunity to create its regulations as there is nothing on the State scheduled right now other than a request to the House from the from the Governor, which the City won't see until next July.

The Councilor stated since he wrote this letter, Arizona, which has 180 data centers, is realizing the environmental and economic issues and is calling for a two-year moratorium on data centers. Texas was inviting new data centers but the Governor as of recently is calling for a moratorium. Councilor Jones stated Nottingham and Bow have been approached for opening of data centers and both those municipalities are writing their own moratoriums.

He noted the City Council supported a temporary moratorium on data centers and cryptocurrency mining facilities. Staff changed the verbiage, deleted crypto mining facilities and added in "similar uses", to make it more encompassing. He stated he is happy with the motion before the Board tonight. He indicated if this is approved by the Board it will go back to City Council for an ordinance and if the ordinance is passed, it will be up to the Mayor to decide how it is handled; send it to a standing committee, appoint a special committee etc.

The Councilor thanked staff for all their work. He indicated he did send a list of potential stakeholders who might want to present to the City Council on behalf of data centers.

The Mayor stated the definition of a data center is key to anything that the City does, and asked how do we avoid the disruption that an overreach could cause.

The Councilor stated he sent a letter to the Joint Committee asking to come up with a definition of data centers and crypto mining operations centers. He noted he is aware that the Mayor is concerned because there are already smaller places that exist within the City that are called data centers and the City is looking for a better definition for the existing uses.

Chair Farrington asked, for a medium sized organization with a data center, whether the use of that parcel is based on the primary use or the primary mission of the organization or is that data center use considered a primary use.

Ms. Brunner stated it could be two possibilities. One could be that it is two principal uses (the main business and the data center) on the same lot, but it is possible that the data center could also fall under the City's accessory use. She indicated it most likely would be considered an accessory use if it is just embedded within the same building as the business, if it is purely there to serve the business. If it meets the accessory definition, it would be referred to as an accessory use. If it is a standalone building, it would be a principal use.

Mr. Clements clarified accessory by its very definition is incidental and subordinate to the principle use. He indicated many of these hyper-scale data centers are providing computing capacity. For example, Amazon Web Services, AI databanks. They are built for the sole purpose of providing capacity to support these larger systems. As opposed to City Hall, that has a data center in the basement to support the City's IT needs and it is not the principle use of this building.

Councilor Jones added in some states they are using square footage, some are using megawatt usage, and some are using environmental impact to delineate the difference.

The Mayor noted there is a data closet in 310 Marlboro Street, which houses things for smaller organizations and hoped that is not what we are trying to restrict with this Ordinance. He hoped it would be something more far-reaching than what already exists in the City. The Chair agreed with what the Mayor stated and asked whether the Board should come up with a number for the motion. Ms. Brunner stated once this item goes back to Council it will be included in the Ordinance from the Council.

Mr. Hoefer asked what the Board was being asked to do. Ms. Brunner stated all that is being asked for are written Findings indicating unusual circumstances that justify a moratorium and then the recommended course of action, which would then go through a typical zoning ordinance process. The Board will have another chance before the Joint Committee when it is recommended for a public hearing to make additional comments.

Mr. Chuck Redfern of 9 Colby Street, Keene addressed Board. Mr. Redfern stated he has been waiting for anthropic to become public and recently the leader of the organization has said that we need to slow down, have the government get involved, and place some type of buffers.

He stated he did a search regarding data centers for municipalities the size of Keene through AI and what it said was for *municipalities considering whether and how to accommodate large scale data centers, the trade-offs are unusual. They can represent very large private capital investment and tax base while creating relatively few jobs and potentially substantial demands on electricity, which could lead to higher prices for land, water and infrastructure.*

He noted he has pros and cons, which are two pages long should anyone be interested in looking up this information.

Mr. Redfern stated the biggest issue for Keene would be to distinguish between large-scale high energy data centers and a small server facility which are fundamentally different land issues. For Keene, he stated he would evaluate a large-scale proposal through five lenses: Fiscal benefit, electric infrastructure, water and sewer, land use compatibility, and community return versus opportunity costs.

He went on to say an important public distinction, given the Council's interest in defining data centers in Keene's Ordinance, should not be defined solely on square footage, but also by electrical load, cooling and water demand, generator capacity and equipment intensity.

A regulatory framework could therefore distinguish ordinary data centers from large-scale data centers using objective thresholds such as electrical capacity or aggregate. Mr. Redfern stated he would provide staff with the information he was able obtain.

A motion was made by Michael Hoefer that the Planning Board moved to recommend the City Council pursue an ordinance enacting a one-year moratorium on datacenters or similar uses based on the following findings:

A. **New or rapidly evolving land use.** Data centers represent a new and rapidly expanding form of industrial land use at scale that is not specifically addressed in the City's current land development code.

B. **Inadequacy of existing regulations.** The current framework does not differentiate between traditional and emerging large scale or hyper-scale data centers, and it does not define or regulate cryptocurrency mining facilities. It does not include conditions or performance standards reflecting their unique impact and does not address the potential scale and or intensity of these facilities. As a result, without a moratorium, development could proceed in a manner inconsistent with the City's goals and needs before regulations are put in place.

C. **The potential impacts require further consideration.** The Planning Board has identified several areas of concern: water resources, including impacts on aquifer and groundwater; Public and environmental health, including from waste heat generation; Noise and pollution; Energy needs, including uniquely high demand and potential need for new infrastructure; Fiscal impacts, especially the uncertainty related to the relative municipal tax revenue and the municipal costs resulting from the use; and Transportation concerns, including traffic resulting from construction or during power outages.

E. **There is a risk of premature development.** Absence a moratorium, there is a substantial risk that data center projects may be proposed under existing regulations. Such projects could vest development rights inconsistent with future regulation and with a master plan in the City's ability to thoughtfully plan its long-term future would be compromised.

F. **Consideration of the Master plan.** The proposed moratorium is consistent with the following goals of the 2025 Comprehensive Master Plan:
- Thriving economy:
  - Prioritize economic sustainability and resiliency.
- Connected mobility:
  - Create a connected and accessible network of multimodal transportation infrastructure.
  - Prioritize vulnerable road users and infrastructure design and operations and maintenance.
  - Expand and promote environmental sustainable mobility options that are convenient and attractive.
- Vibrant neighborhoods:
  - Support and a built environment that encourages social connections and interactions.

  - Fosters a high quality life for all residents.
  - Ensure safe and efficient movement around town.
- Adaptive workforce pillar:
  - Meet quality of life needs and reduce workforce barriers such as housing availability, child care and transportation.
  - Prioritize workforce and community health and wellness.
- Flourishing environmental pillar:
  - Promote smart land use and development.
  - Prioritize environmental protection and sustainability.
  - Meet our sustainable energy plan goals to meet 100% of the electricity needs of all Keene residents, businesses, and other electricity customers with renewable sources of energy by 2030.
  - To meet the community's transportation, heating and cooling needs, using renewable sources of energy by 2050.

The motion was seconded by David Bergeron.

Mr. Kost stated he likes the idea of doing this. For thriving economy, he stated in northern Virginia residents' property taxes have decreased and felt data centers could help this pillar.

Chair Farrington stated this item is an attempt to stay in front of it, not to indicate it is not something that could happen in the future.

The motion made by Mr. Hoefer carried on a unanimous vote.

## I. STAFF UPDATES

None

## J. NEW BUSINESS UPCOMING DATES OF INTEREST

• Joint Committee of the Planning Board and PLD - Tuesday, October 13, 6:30 PM
• Planning Board Steering Committee - Tuesday, October 13, 12:00 PM
• Planning Board Site Visit - Wednesday, October 21, 8:00 AM - To Be Confirmed
• Planning Board Meeting - Monday, October 26, 6:30 PM

There being no further business, Chair Farrington adjourned the meeting at 9:06 PM.

Respectfully submitted by,
Krishni Pahl, Minute Taker

Reviewed and edited by,
Mari Brunner, Senior Planner