

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, January 23, 2017

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Douglas Barrett, Vice-Chair
Nathaniel Stout
Councilor George Hansel
Pamela Russell Slack
Mayor Kendall Lane
Andrew Bohannon
Chris Cusack

Members Not Present:

Tammy Adams, Alternate
James Duffy, Alternate

Staff:

Rhett Lamb, Asst. City Manager/Planning Director
Tara Kessler, Planner
Michele Chalice, Planner

I. Call to order – Roll Call

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

II. Election of Officers

Mr. Lamb stated the City Council has before it two nominations for new Planning Board members, which will be confirmed in time for the February meeting; one regular member and one alternate.

Chair Spykman thanked Ms. Weeks' for her services on the Planning Board.

Chair Spykman stated the topic of nominations often seems to happen behind the scenes without any real time for discussion at the Board level. He stated he would like to have some discussion on this item. The Chair talked about his experience; he was an Alternate for two years, one year as a full-time member before being asked to serve as Chair. He noted he was unprepared to be Chair but the term on the Board for the Chair and Vice-Chair at that time was coming to an end, and because he was the third member of the Steering Committee he was asked to serve as Chair.

Vice-Chair Stout stated he would like to discuss the role of the Steering Committee. He felt serving on the Steering Committee was an interesting position to serve in and should be open to the rest of the Board. Mr. Lamb explained the origin of the Steering Committee is outlined in the Board's regulations. The role of the Steering Committee is to review applications to make sure they are ready for Planning Board discussion. The Steering Committee does not go through every application, just a determination as to whether an application is ready to be included in the agenda. This has also been a time used for general discussion as to what the Planning Department does for the Board, it is meant as a non-quorum, non-public meeting and it is also a venue to determine whether site visits are needed. The Steering Committee comprises of the Chairman, Vice-Chairman and one other member of the Board (today this position is held by Doug Barrett). The meetings need to happen on the Monday or Tuesday during the second week of the month, but the time of day is flexible. The meeting lasts about an hour but it could efficiently be done in half hour. Mr. Barrett stated he has enjoyed serving on the Steering Committee and would have no problem continuing but is willing to make way for someone else to take his place. Ms. Russell-Slack stated she was interested in serving on the Steering Committee but her employment schedule could often change at the last minute. Chair Spykman stated members can always join by phone. Mayor Lane stated the reason Councilor Hansel, Mayor Lane and Andrew Bohannon are not volunteering to serve on the Steering Committee is because they serve in an ex-officio capacity and are not eligible to serve in these positions.

Pam Russell-Slack asked how long the Steering Committee meetings are. Gary Spykman stated approximately 1 hour.

Doug Barrett stated he found the Steering Committee helpful and offered to remain on the Steering Committee, but also is willing to make room for another.

Pam Russell-Slack expressed interest in serving on the Steering Committee.

Chris Cusack nominated Pamela Russell-Slack as a member of the Steering Committee. The motion was seconded by Nathaniel Stout.

Nathaniel Stout nominated Doug Barrett as a member of the Steering Committee. The motion was seconded by Gary Spykman.

Gary Spykman nominated Nathaniel Stout as Vice-Chairman. The nomination was seconded by Mayor Lane.

Nathaniel Stout nominated Gary Spykman as Chairman; the nomination was seconded by Douglas Barrett.

Gary Spykman suggested starting with Chair position. Gary Spykman was unanimously approved as Chair; Gary Spykman abstained from the vote

Nathaniel Stout withdrew his nomination as Vice Chair and nominated Doug Barrett as Vice Chair; the nomination was seconded by Gary Spykman and was unanimously approved; Doug Barrett abstained from the vote.

Pamela Russell-Slack was unanimously approved as a member of the Steering Committee.

Chair Spykman thanked Mr. Stout for his service as Vice-Chair for the past two years.

III. Minutes of previous meeting – November 28, 2016

A motion was made by George Hansel to accept the November 28, 2016 minutes. The motion was seconded by Mayor Kendall Lane

Douglas Barrett offered the following correction: Page 12 should read as Mr. Barrett not Dr. Barrett.

The motion made by George Hansel was unanimously approved.

IV. Continued Public Hearing

SPR-821, Modification #3 – 650 Court Street – Site Plan – Applicant Brickstone Land Use Consultants, LLC on behalf of owner 650 Court St. Condominium Association, LLC proposes a parking lot expansion at the front of the building along Court St. A waiver is requested from Development Standing #19: Visual Appearance, Parking. The site is 6.5 acres in size and located in the High Density Zoning District (TMP# 913-17-008).

A. Public Hearing

Mr. David Bergeron addressed the Board and referred to a plan for this property. He indicated the applicant's request is to expand the parking on this property. After the Board's comments last month, one of the expansion areas has been eliminated (the seven spaces in front of the site). They will however, like to keep the expansion as requested to the north (towards Court Street). He indicated there is a very steep embankment right behind the parking area as it exists now and hence there is no room to expand to the rear and the only place to expand is towards the front. Mr. Bergeron showed where landscaping is being added to screen the parking lot.

Mr. Bergeron then went over the waiver criteria:

a) *That granting the waiver will not be contrary to the spirit and intent of these regulations;*
There is no room at the rear for expansion only towards the front. Landscaping is being added to screen the parking from Court Street.

b) *That granting the waiver will not increase the potential for creating adverse impacts to abutters, the community or the environment;*
The proposal is an improvement to what exists at the site as the parking is being screened.

c) *That granting the waiver has not been shown to diminish the property values of abutting properties.*
This is a commercial area and this proposal will provide the necessary screening from Court Street and make the situation better.

d) *Consideration will also be given to whether strict conformity with the regulations or Development Standards would pose an unnecessary hardship to the applicant.*
Mr. Bergeron stated if this approval is not granted it would cause hardship for the Applicant as there is no other area parking could be expanded and this would provide the least impact environmentally, for the Ashuelot River.

To add the ten parking spaces at the northerly location will require 1,700 square feet of additional paving. To add it at the southerly location will require the elimination of three spaces as well as 3,500 square feet of pavement impact and this location is also within the Shoreland Protection area and hence felt the northerly location was the best area.

This concluded Mr. Bergeron's presentation.

Mr. Stout asked whether the previous plan had changes to the ADA location. Mr. Bergeron stated it did but this plan does not have those provisions. Mr. Stout asked whether this plan could not be changed so the ADA parking could be located in a better location. Mr. Bergeron stated the message they got last month was that parking in front of the building was unacceptable. Mr. Stout asked what could be done to improve the current ADA plan. Mr. Bergeron stated as far as access to the building, he felt the cost to build a ramp would be in excess of \$20,000. The entrance with the stairs would not work because of the number of stairs that exist.

Staff comments were next.

Ms. Chalice stated the two concerns raised at last month's meeting were the waiver requests for parking to happen at two locations at the front of the building and the lack of landscape buffer; both of these items have been addressed. Staff is comfortable with what is being proposed. A bike rack has also been added.

Chair Spykman asked for public comment. With no comment, the Chair closed the public hearing.

B. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve the waiver from Development Standard 19 and SPR-821 Modification #3, as shown on the plan entitled "Parking Lot Improvements, Court Street Dental Clinic, Tax Map 913-071-008, 650 Court Street, Keene, Cheshire County, NH", dated October 21, 2016 and revised on January 6, 2017, drawn by Brickstone Land Use Consultants, LLC at a scale of 1" = 50'; with the following conditions:

1. Prior to signature by Planning Board Chair, Owner's signature on plan.
2. Prior to signature, submittal of security for landscaping and an "as-built" plan in a form and amount acceptable to the Planning Director and City Engineer.

The motion was seconded by Pamela Russell-Slack.

Mr. Barrett and the Chair expressed their appreciation for the applicant responding to Board concerns. The motion made by the Mayor was unanimously approved.

V. Public Hearing

SPR-967 Mod. 8F – Monadnock Food Coop Temporary Parking Lot – Site Plan – Michael Faber, on behalf of owner, Railroad Land Development LLC, requests the temporary installation of a 30± space gravel parking lot on the property located at 51 Railroad St #G (TMP# 023-04-027.1100) for use by the Monadnock Food Coop. The lot is 0.314 acres and is located in the Central Business Zoning District.

A. Board Determination of Completeness.

Planner Tara Kessler stated the applicant has requested exemptions for site specific requirements; lighting plan, grading plan, architectural plan, and other technical details. In reviewing the application, staff feels this request should have no bearing on the application and recommend the Board find the application complete.

A motion was made by Mayor Kendall Lane that the Board find this Application complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. Public Hearing

Mr. Michael Faber stated the use of the Coop has been strong since it opened in April 2013 and has surpassed expectation. The issue always has been parking and they have noticed there are times in the day where demand was exceeding capacity. He indicated they have reached out to MEDC and others in the community to brainstorm some possibilities. The City has some permitted spaces, which the Coop thought they could gain access to. This however, did not come to fruition.

In spring 2016, Southwest Regional Planning Commission conducted a study of the entire lot, which confirmed the need for parking and identified some under-utilized spaces by the Cheshire Medical Center. The Coop reached out to the Medical Center but they declined this request. The next option was to look at the “skinny” lot along Eagle Court, but this was deemed not possible because of the size of the area.

The gravel lot east of the Coop is currently for sale. The Coop however, is not in a financial position to purchase this lot nor do they feel this would be a viable option. The request before the Board is to utilize this area during peak hours of the day while Mr. Dugan of Monadnock Economic Development Corporation (MEDC) and Mr. Faber figure out a long term solution.

Chair Spykman referred to the color coded map the Board was given where the area in red owned by Cheshire Medical Center is the area which is under-utilized as well as the lot to the south of the senior housing building; he felt here are areas not being used and the Coop is lacking parking. He suggested during this temporary period the applicant push a little harder to use these other areas. Mr. Faber agreed. The Chairman clarified Coop employees are not parking in the customer parking areas. Mr. Faber stated employees park in the common area along Community Way.

Vice-Chair Barrett congratulated the success of the Coop - he noted the suggestion is to add 30 more spaces which is an increase of close to 75%, which he felt might be a little excessive and asked whether adding a smaller number might work. Mr. Faber stated there are some spaces which shoppers are using that are technically not parking spaces. Even when the lot is full they are over capacity at this point because once the lot gets finished, there will not be parking available in those spaces. The growth rate has been about 15% - 20% during the last two years and 40% a year before that. He added that shoppers circling the lot are a regular occurrence. In terms of how many spaces they need, when you take into account other events the Coop holds, this capacity of 30 spaces can definitely be used.

Staff comments were next. Ms. Kessler stated the area being referred to for temporary parking is the area the applicant used for temporary parking when the final site plan for the Coop was approved in March 2012. However, a condition was placed when the Coop was opened that this area would be loamed and seeded but this never occurred. There are other items in the Site Plan, which are also outstanding; laying pavement for the parking lot, installing landscape islands in the interior of the parking lots, replacing the asphalt sidewalk with concrete sidewalk and curbing. The applicant has indicated some solutions to these outstanding issues to be addressed by July 2017 and is willing to issue a letter of credit for \$50,000 for completion of this work.

With reference to landscaping, in 2012 when the temporary parking was approved, a landscape plan was approved by the Board that showed 85 shrubs surrounding this temporary parking area. Ms. Kessler indicated it is hard to determine whether there are any shrubs in this area because of the piling of snow, but staff wanted to make sure this landscaping is also completed.

With respect to screening, there are many adjacent land uses that look out onto this site. Because this is a two-year period of use; staff would like to make sure this landscaping is installed to serve as a screen. If this was a longer term use, staff would be concerned that a parking lot may not be keeping with the surrounding uses but because this is a temporary use, the concerns are lesser at this time. Ms. Kessler also added if this was a more permanent use, staff would also address the parking lot lighting and the appropriate level for this lighting.

Councilor Hansel asked how the Board can enforce the temporary nature of a project like this and asked for other lots that are not necessarily connected to construction. Ms. Kessler stated the Board unfortunately does not have much leverage in an instance like this because this project would not be tied to a Certificate of Occupancy. Mr. Lamb stated at the end of two years if this area is not loamed and seeded the applicant would at that time be essentially out of compliance of the site plan. This could be an issue when it comes to financing and things such as that but nothing related to permitting.

Mayor Lane asked whether this lot is being considered for future construction. Ms. Kessler stated it has been since the inception of this site and early on there had been discussion about parking going on the ground floor of any building that would be constructed on the site. The Mayor asked what happens if construction happens in less than two years, then would the Coop be left without parking as well as parking for any construction of this lot. Mr. Lamb stated this is why the use is being considered temporary in nature; the worst case scenario would be the investment of money to turn this area into a parking lot which the applicant does not want to do at this time.

Mr. Barrett asked whether the applicant has been not in compliance for the past few years and whether there have been any consequences for the lack of compliance. Ms. Kessler stated the city has been diligently working with the property owner to meet these obligations but has not been entirely successful. The Board has a letter from the applicant with a timeframe for completion of the site plan and a letter of credit, which is more than what the city has to date.

Dr. Cusack asked if the landscape islands were installed whether it would further reduce the parking areas for the Coop. Ms. Kessler stated the areas Mr. Faber referred to earlier where customers are parking, which are not meant for parking, are the areas which will be curbed (about six spaces).

Mr. Stout asked whether the city has any plans to locate additional parking in the area. Ms. Kessler stated there are no plans for the near future. Mr. Stout asked whether the city has any resources to consider additional parking elsewhere in this neighborhood. Mr. Lamb stated there is a CIP project but didn't recall the date. Mayor Lane stated it was not for this year and added even if there were resources, there are other considerations such as the construction of the new Moco Arts site, and the 130 unit housing development; the demand for parking downtown far exceeds the available space or the available resources. There has been discussion about locating multiple smaller parking decks but this far exceeds the available resources.

Mr. Stout stated the temporary parking solution concerns him, especially with the other parking needs coming to downtown in the near future. He felt this would become a difficult situation for the Coop in two years and cautioned the Board about granting this request.

Chair Spykman clarified it has been stated this site is out of compliance based on the prior site plan approval and asked who was responsible for following-through with this work; MEDC or the Food Coop. Ms. Kessler stated the owner of the site is Railroad Land Development LLC.

Vice-Chair Barrett asked whether there would be a separate lease for this parking area. Ms. Kessler stated this would be a question for Mr. Faber.

The Chair asked for public comment. Mr. Jack Dugan of MEDC addressed the Board and stated Railroad Land Development LLC was the developer of this site. They still own two remaining lots, the lot that is before the Board and the narrow strip of land between the Coop and Cypress Street. These are both lots that can be developed. He explained one of the reasons compliance of this lot has lagged is because, it was suggested perhaps a parking solution would be to construct a parking structure at the parking lot south of the Coop and there was much discussion that happened about this issue. But it has been realized this might not happen. The second reason is because this is a lot that would be developed in the future and it did not seem prudent to spend money on concrete sidewalk and install landscaping only to have it taken out. He added at the present time they have no plans for either one of these lots and hence would finish the work on this proposed lot. Mr. Dugan stated using this as a temporary parking area would be a good use for this lot but this would not prevent them from looking at other options for this site.

Mr. Stout asked at the end of two years, if no other options are available, whether there will be a re-negotiation with the Coop. Mr. Dugan stated at the end of two years the owner would likely sell the property to the Coop and they are likely to propose a permanent solution, should they be interested. Mr. Stout asked what happens if the Coop is not interested. Mr. Dugan stated it would then be loamed and seeded and the owner will wait for it to sell.

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

Mr. Stout stated hearing there is a plan in two years for this lot makes him feel more comfortable in approving this request. Councilor Hansel asked staff whether the Board has approved temporary lots such as this and the length of time the term “temporary” has been defined as. Mr. Lamb stated the Board has not done anything like this in the past; the closest the Board is seeing is what is before the Board tonight. He felt calling it temporary was appropriate for this use, which saves the expense of building a parking lot. Chair Spykman asked whether the temporary use of the ball fields the Board approved a while ago was similar to this request. Mr. Lamb felt it is similar but in that instance, the only request was for lighting and there was a city license attached to that use as well.

Mayor Lane stated his concern was the long term parking needs of the Food Coop. He stated he was happy with its success and wanted their success to continue as this is an important entity for the community. However, he did not see two years as a solution but didn't see another option and hence, on that basis will support this request. The Mayor stated he was concerned about the lack of parking in this area and nothing is in the horizon as a solution either.

Mr. Barrett referred to the Winchester Street site the Board dealt with recently where the size of the landscape islands was incrementally reduced and stated he was concerned about incremental changes to the plan (in this case, the gravel lot not finished turning into a parking lot). While he does not feel it is the task of the Board to be punitive, he noted that applicants should not be rewarded for something they have not done. He stated he does appreciate Mr. Dugan's explanation but wasn't sure if he would support this request if the prior commitments had been met and this was a currently park like area.

Chair Spykman noted this is not a permanent solution and added he was disappointed the prior commitments have not been met. However, he is encouraged this area will be addressed by July. He stated he is also encouraged the Coop is doing so well and is inclined to vote for this but would like to encourage everyone to work hard to find a permanent solution to this problem.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve SPR 967 Modification #8F as shown on the plan entitled as “Monadnock Community Market Temporary Parking, Railroad St, Cypress Ave, 93rd Street Extension Keene, NH” Prepared by SVE Associates, Inc., dated December 27, 2016 and last revised on January 10, 2017, at a scale of 1”=20’ with the following findings and conditions:

FINDINGS:

1. The property owner, Railroad Land Development LLC has committed to submitting a letter of credit to the City as a guarantee of their commitment to the following through on their financial/performance obligations for the site as part of the Planning Board approval for SPR-967 Mod. 8A in March 2012. These include laying the final course of pavement on the existing parking area and installing curbed/landscaped islands in the parking lot interior, and replacing the temporary asphalt sidewalks with concrete and granite curbing. The owner will submit a letter along with a letter of credit that identified a time period for when these obligations will be fulfilled.
2. Regarding the proposed Temporary Parking Lot:
 - a) The Applicant has requested to install a temporary parking area for a period of two years in the area to the east of the Monadnock Food Coop.
 - b) The site of the proposed temporary parking lot was to have been returned to loam and seed prior to the issuance of a Certificate of Occupancy for the Food Coop. The property owner never completed this action.
 - c) The Applicant will work with the property owner to identify a long-term solution to meet the parking demand for the site.

CONDITIONS:

1. Prior to signature, Applicant shall submit:
 - a) A letter from the property owner stating that the remaining work that was approved as part of SPR-967 Mod. 8A as subsequently modified, with the exception of the prior approved temporary parking lot conditions, will be completed before the end of July 2017.
 - b) Security, in an amount and form deemed acceptable by the City Engineer and Planning Director, for the following work, which remains incomplete from the approval of SPR-967 Mod. 8A:
 - i. Laying the final course of pavement on the existing parking area and installing curbed/landscaped islands in the parking lot interior;
 - ii. Installation of concrete sidewalk and walkways in locations approved to be asphalt as part of SPR-967 Mod 8A.
2. The Applicant will install all landscaping that was required as part of the approval for SPR-967 Mod 8A and shown on Sheet LA-1 of the project site plan signed by the Planning Board on August 24, 2012.
3. The temporary parking area will be removed after two years from the date of approval. Loam and seed will be installed in the area of the temporary parking lot within the six months following its removal.

The motion was seconded by George Hansel and was unanimously approved.

VI. **Planning Director Reports**

1. 2016 Minor Amendments

Mr. Lamb referred to page 44 of the meeting packet, which outlines all the minor amendments staff have approved in calendar year 2016, which is about 30, and is typical. He explained that when a plan is approved and the contractor doesn't agree with what is on the plan versus what he sees at the site, staff gets involved to have these issues addressed as not all issues warrant Board approval. Code and Engineering also get involved with these types of minor amendments. Applicants are often happy that this type of staff approval is possible as these approvals are done within a week, so they can keep their project going. Mr. Lamb stated he stays in touch with the Chairman and the Steering Committee if there is a question about whether a project needs to be approved by the Board.

Mr. Stout commended the report Mr. Lamb provided but asked whether this type of report would be a standard document and whether what is outlined could be properly interpreted by another professional. Mr. Lamb stated there is discretion but it is limited. He added this type of administrative review does happen in other towns and cities. He added that once you get into more objective standards, this process becomes much easier. Mr. Lamb went on to say when administrative approvals happen there is no notice to abutters and he always uses caution when such requests come to him. He used the 80-seat restaurant on Ralston Street as an example where the applicant argued there were no site changes and hence this request could be approved administratively. The change of use is clearly more than just what is happening on site; this is why this item when before the Board.

Councilor Hansel clarified the reason the Ralston Street site came before the Board is because it also had site modifications; parking issues, required a parking variance. However, the change of use to the Toadstool site did not require such variance. Mr. Lamb agreed. Councilor Hansel asked how Mr. Lamb would know if abutters would be interested in a change of use. Mr. Lamb stated this is always a judgment call. He noted that in the case of the proposed change of use on Ralston Street it was clear his authority to approve this site administratively would have been excessive; to keep this item out of a public discussion would not have protected their property rights.

2. New Business

This was something that was brought up by Christine Weeks – if members had an item they wanted to discuss, this would have been the time to bring it up.

VII. **Upcoming Dates of Interest – February 2017**

Planning Board Meeting – Monday, February 27, 6:30 PM

Planning Board Steering Committee – Tuesday, February 14, 5:30 PM

Joint PB/PLD Committee – Monday, February 13, 6:30 PM

Planning Board Site Visits – Wednesday, February 22, 8:00 AM – to be confirmed

The meeting adjourned at 8:25 pm.

Respectfully submitted,
Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, ACM/Planning Director and Tara Kessler, Planner
Edits by: L. Langella