

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, August 28, 2017

6:30 PM

Council Chambers

Members Present

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

Staff:

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

Members Not Present:

Pamela Russell Slack

I. Call to order – Roll Call

Chair Spykman called the meeting to order at 6:30 PM. Mayor Lane referred to the length of the agenda and asked the audience be reminded to move expeditiously so that all items could be heard tonight. A roll call was then taken.

II. Minutes of previous meeting – July 24, 2017 and August 1, 2017 Special Planning Board Meeting

A motion was made by Mayor Lane to accept the July 24, 2017 meeting minutes and the August 1, 2017 meeting minutes. The motion was seconded by George Hansel and was unanimously approved.

III. Public Hearing

SPR-09-17 – MoCo Arts – 38 Roxbury Street – Site Plan – Applicant Jim Phippard of Brickstone Land Use Consultants, LLC on behalf of MoCo Arts proposes to construct a new 2-story, 16,533 SF performing arts center at the site of the former YMCA. The site is .79 acres in size and located in the Central Business Zoning District and the Historic District (TMP# 017-07-016).

Vice-Chair Barrett asked to be recused from this application as he has been hired by the architect of this project. Mayor Lane asked to be recused from this project as he had made a financial contribution towards this project. Councilor Hansel asked to be recused from this application as his firm made a financial contribution towards this project. Chair Spykman indicated Councilor Hansel being recused would be solely up to him as the contribution came from his firm not from the Councilor. The Councilor indicated he is responsible for the financial contributions and asked to be recused.

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that Application SPR-09-17 was complete. A motion was made by Andrew Bohannon that the Board accept this application as complete. The motion was seconded by Nathaniel Stout and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard addressed the Board and began by introducing Katie Sutherland, architect for the project and Regan Messer Executive Director of Moco Arts. Mr. Phippard stated this site plan was approved by the Planning Board in 2016 and noted there have been no significant changes to the plan or to the zoning ordinance that affected this plan. He noted the changes being proposed are minor; at the rear of the site where the dumpster enclosure was proposed, a small storage area is being proposed adjacent to the dumpster. This would have the same screening material as the dumpster. There is also a change being made to the entryway - pavers were proposed earlier but due to budgetary reasons concrete is being proposed. There is also a change being made to the railing to match what is being proposed for the opposite side.

At the request of staff as a condition of approval, at the rear of the property parking lot lighting is being added. The handicap space has been relocated to the easterly side because of a grading issue as well as to comply with ADA requirements. The building itself has not changed; the architecture was approved by the Historic District Commission and received a Certificate of Appropriateness.

Staff comments were next. Planner Michele Chalice stated the Historic District Commission issued a Certificate of Appropriateness on May 18, 2016, a Site Plan approval was granted on July 25, 2016, a demolition permit was issued by the city on October 10, 2016. Ms. Chalice then referred to the outstanding issues that have been addressed such as lighting, traffic, security and as of today there is a Memorandum of Understanding. Staff had no other concerns.

Ms. Landry noted to the error in date for the demolition permit; October 10, 2017 should be corrected to read as 2016.

The Chair asked for public comment, with no comment from the public the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Andrew Bohannon that the Planning Board approve SPR-09-17, as shown on the plan set entitled "Proposed New Facility for MOCO ARTS, 38-42 Roxbury Street, Keene, NH 03431" prepared by Brickstone Land Use Consultants at a scale of 1" = 20' on June 17, 2016 and last revised on March 8, 2017 along with elevations identified as "MoCo Arts, Building Elevations" prepared by KCS Architects at a scale of 3/16" = 1' on February 10, 2017 with the following conditions prior to signature by Planning Board Chair.

- a. Owner's signature on plan.

The motion was seconded by Nathaniel Stout and was unanimously approved.

The members who were recused for this public hearing rejoined the Board.

IV. Continued Public Hearings

1. **SPR-578, Mod. 1 219 West Street – Mobil Gas Station – Site Plan** – Applicant/Owner Summit Distributing, LLC proposes re-development of a gas station/convenience store/canopy/underground fuel storage and shifting of Ashuelot Street driveway. The site is 18,240 sf in size and located in the Commerce Zoning District (TMP# 098-02-014).

B. Public Hearing

Mr. Lamb stated on page 35 of the Board's packet there is an email from the applicant requesting a continuance of this application to the September 25 Planning Board meeting. This would be the

final meeting before the 65 days expires and a decision would need to be made at this meeting or a mutual continuance would need to be made.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board continue SPR-578, Mod. #1 to the September 25, 2017 meeting. The motion was seconded by Councilor Hansel and was unanimously approved.

2. **S-04-17 – 62 Nims Road – Conservation Residential Development**

Subdivision – Applicant Wendy Pelletier of Cardinal Surveying & Land Planning, on behalf of owners John & Frances Bolles, requests a Conditional Use Permit to subdivide property located at 62 Nims Road into a 3-lot Conservation Residential Development with 11.74 acres placed into open space. A waiver is requested from Section VI.9.b of the Planning Board Site Plan and Subdivision Regulations to allow each lot to be accessed from Nims Road. The existing site is 19.48 acres in size and located in the Rural Zoning District (TMP# 903-19-015).

Ms. Kessler stated this application was re-noticed as there was a request for a change to a Conditional Use Permit and felt a motion on completeness would be in order.

A. Board Determination of Completeness.

Planner Tara Kessler recommended to the Board that the Application S-04-17 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Nathaniel Stout and was unanimously approved.

B. Public Hearing

Ms. Wendy Pelletier of Cardinal Surveying stated this is a 19.5 acre lot on Nims Road. Ms. Pelletier stated because of the steep slopes a traditional subdivision would not lend itself to this site. What is being proposed is a three-lot Conservation Residential Development (CRD). The size of the three lots are as follows: 3 acres, 2.75 acres and 1.92 acres. The lots would have individual driveways. The site will be reviewed by the State for suitability for onsite septic systems. The proposed middle lot has a house site, driveway and well. The lot to the south has an existing shed and a barn and there is room for a well and a septic system. The open area consists of 11.75 acres and has the large wetland on it. The existing stone wall makes for a nice boundary between the three lots and the open space land.

Mr. Stout asked who would be responsible for the maintenance of the individual driveways. Ms. Pelletier stated the individual landowners would manage their own lots and driveways but would share the use of the open space. The use and maintenance of the open space would be outlined in a Homeowners Association Agreement that would be approved by the Planning Board.

Dr. Cusack asked about access to the back lot. Ms. Pelletier stated the access to this lot will only be for the three lots but not for public access. There is an opening in the stonewall to access this lot.

Staff comments were next.

Ms. Kessler explained a CRD allows for reduced lot size and flexible dimensional requirements in exchange for permanently protecting open spaces and preserving environmentally sensitive features on the site. She indicated this is a good parcel for CRD because of the conservation values that are present on the site. The applicant has identified where the primary conservation values exist and designated open space, which is a requirement of a CRD; at least 50% has to be placed in open

space. The applicant has done so by placing these 11 acres in open which is close to 60% of the existing parcel. Most of the wetland, prohibitive slopes and precautionary slopes are located in this open space.

Because this is a CRD the applicant is requesting a conditional use permit (CUP) which is why this application was re-noticed. There is specific criteria the Board would look at before approving a CUP.

The first is *Identification of Open Space Value and Designation of Open Space* – the primary values the applicant has identified are the wetlands, prohibitive slopes and precautionary slopes.

The second is *Alignment of Streets and Trails* – applicant is not proposing any new roads or trails. Any new roads would need to be from an internal road and the applicant is seeking a waiver from this.

Ms. Kessler stated there is specific waiver criteria for CRD's they are as follows:

- a) *That granting the waiver will not be contrary to the spirit and intent of the CRD Ordinance;*
- b) *That granting the waiver will better protect the conservation values identified in the CRD Design Process.*
- c) *That granting the waiver will not diminish the property values of abutting properties.*
- d) *That granting the waiver will be to the benefit of the public interest.*

The applicant has submitted information showing how the applicant has met these waiver criteria.

The third item is *Location of Structures* – locating structures without impacting the conservation values on this site.

Prior to signature of this plan, there will be a requirement to create a Home Owner's Association to oversee the open space area and the restrictions created by the Home Owner's Association needs to come before the Planning Board and be approved by this Board. Mr. Stout asked whether the Home Owner's Association documents will be recorded with the Registry of Deeds. Mr. Stout asked whether there was any way to break this Agreement. Mr. Lamb felt the Board should look at the Agreement and determine this during the compliance hearing when the document comes before the Board. Chair Spykman asked how the Board can be assured this property will stay in open space permanently. Mr. Lamb stated there is a note indicated on the plan referring to the open space and only the Board can change that reference on the plan.

Councilor Hansel asked why there is requirement for all structures to be accessed by interior streets. Ms. Kessler stated according to subdivision regulations, if someone proposes a three lot subdivision with a road it is required they go through the CRD process and ask for a waiver if they want to go with a conventional subdivision. Mr. Lamb added in a CRD one of the goals is to preserve the characteristics of the road (typically rural roads) and minimize curb cuts on the new road. In the case of this subdivision, there is no interior road proposed.

Ms. Landry asked whether abutters would have an opportunity to comment at the compliance hearing. Ms. Kessler stated there is an abutter who has made this specific request to the city to be noticed of a compliance hearing. The recommended motion does indicate that a compliance hearing would require notice to abutters in advance. Mr. Lamb added the subject of that hearing would just be the compliance hearing on the instrument for protecting open space (e.g. homeowner's document) and would not be a re-evaluation of the plan. Ms. Kessler stated that the uses allowed on this open space per the zoning ordinance would be open space, forestry, passive recreation and agriculture. Ms. Landry asked, at a later time, if all members of the Homeowners Association agree, could the use of the open space be changed. Mr. Lamb stated it would have to remain as open space

but there could be other changes that are made by the Association. However, the Planning Board could also require that any changes come before the Board for approval.

The Chair asked for public comment.

Eileen Sorenson of 36 Nims Road stated her concern is being notified of the compliance hearing so she can be made aware how this land is going to be used.

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

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board Approve the Conservation Residential Development Conditional Use Permit and request for a waiver from Section IV.9.b for S-4-17 as shown on the plan identified as “Proposed Conditions, 3 Lot Conservation Residential Development, Map 903-19-015-0000, 62 Nims Road, Keene, NH 03431” prepared by Cardinal Surveying and Land Planning on June 16, 2017 and last revised on August 14, 2017 at a scale of 1” = 100’ with the following conditions:

1. Prior to signature by the Planning Board Chair:

- A. Owner’s signature shall appear on the Plan.
- B. The Applicant shall provide evidence of recordation of an easement or other appropriate legal instrument restricting in perpetuity the conservation use of the open space as required in Section 102-289 of the Keene Zoning Ordinance. Such easement or instrument shall be subject to City Attorney approval and subject to Planning Board approval at a noticed compliance hearing, prior to recording.
- C. The Applicant shall show evidence of recordation of the articles of formation of a Home Owner’s Association that will hold the title to the designated open space. Such articles shall be subject to City Attorney approval and subject to Planning Board approval at a noticed compliance hearing, prior to recording. Alternatively, the Applicant may demonstrate that the title to the open space will be transferred to a third party conservation organization or to the City of Keene, as specified in Section VI of the Board’s Regulations.
- D. The Applicant shall demonstrate state approval of septic system design for each building lot.
- E. The following notes shall be added to the Proposed Conditions Plan:
 - i. “Open Space uses and development shall conform to City of Keene Conservation Residential Development Zoning and Regulations. Open Space shall not be further subdivided.”
 - ii. “Open Space is subject to conservation easement as recorded in the Cheshire County Registry.”
 - iii. “This property may be subject to the requirements of NFPA 1142 as determined by the Keene Fire Department.”

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

Chair Spykman commended the staff report on this item.

V. **Public Hearings**

1. **S-05-17 – 618 Court Street – Subdivision** – Applicant Wendy Pelletier of Cardinal Surveying & Land Planning, on behalf of owner Mark Harper proposes to subdivide property located 618 Court Street. The site is .75 acres in size and located in the Low Density Zoning District (TMP# 118-02-010).

A. **Board Determination of Completeness.**

Planner Michele Chalice recommended to the Board that the Application S-05-17 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by George Hansel and was unanimously approved.

B. **Public Hearing**

Ms. Pelletier with reference to a plan showed the Board where this property is located at the corner of Court Street and River Street. The plan is to subdivide this property in half where the tree line exists. This is an open flat area, there will be a driveway coming off Court Street to the rear of the site. The site will have access to city water and sewer. Ms. Landry asked about the curb cuts on this site. Ms. Pelletier stated currently there are two curb cuts and this subdivision will add a third one to service the rear portion of the property.

Staff comments were next Ms. Chalice stated this is a narrow lot but the applicant has created a compliant sample layout that meets the Board's development standards for parking.

Ms. Landry referred to the Engineering Survey Plan - August 4 Memo, there were three items listed under the survey plan and asked for clarification. Ms. Chalice stated these three items are listed as conditions of approval. Ms. Landry asked about item 3 – Ms. Chalice stated this is a suggestion from the engineering department but it is not a requirement as to whether the applicant wants to submit a driveway application at the same time or not. Chair Spykman clarified what is drawn is the possibility of a curb cut and driveway but there is no request. Ms. Chalice stated because this is such a narrow lot staff wanted to make sure parking was going to be able to be placed within the regulations which states it shall be within the building line or behind the building line. In this case, behind the building line would not be reasonable and hence the applicant was asked to draw it out to make sure how it will look like. Mr. Lamb asked whether the proposed driveway is shown on the plan that is going to be recorded. Ms. Chalice answered in the negative. Mr. Lamb added the only reason applicants don't add this to their subdivision plan is because if it is going to be changed, they have to come before the Planning Board. Under other circumstances an approval could be done administratively.

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

Mayor Lane noted this is an infill subdivision but has no wetlands.

C. **Board Discussion and Action**

A motion was made by Mayor Kendall Lane approve S-05-17, as shown on the plan identified as "2-Lot Subdivision, 118-02-010-000, 618 Court Street, Keene, NH 03431", dated July 21, 2017, received July 20, 2017 prepared by Wendy S. Pelletier. LLS, at a scale of 1" = 20', with the following conditions:

1. Submit a revised subdivision plan with the following necessary changes:
 - a. The correct side setback for the existing, corner lot.
 - b. Differentiation between existing and proposed lot lines.
 - c. A revised legend that contains all lines and symbology used in the drawing.
2. Owner's signature on plan prior to approval.

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

2 **S-06-17 – 490 Washington Street – Subdivision** – Applicant/Owner Toby Tousley proposes to subdivide property located 490 Washington Street. The site is 2.61 acres in size and located in the Low Density Zoning District (TMP# 012-02-005).

A. Board Determination of Completeness.

Planner Michele Chalice recommended to the Board that the Application S-06-17 was complete. A motion was made by Nathaniel Stout that the Board accept this application as complete. The motion was seconded by Martha Landry and was unanimously approved.

B. Public Hearing

Applicant Toby Tousley of 499 Washington Street addressed the Board and stated this is a two-lot subdivision of an approximately three-acre parcel. There are already two curb-cuts and no new curb cuts are being proposed. The line of sight from the northerly curb cut is much better compared to the line of sight down the street. There is an existing driveway that accesses the rear of the property. There is room for a building, south of the existing building. Mr. Tousley referred to the delineated wetlands on the site.

Councilor Hansel asked the reasoning for the shared driveway. Mr. Tousley stated this is what exists right now and did not feel there was any necessity to change it now.

Mr. Stout felt the way this property is being subdivided there are five areas that are disconnected because of the wetland and the buffer zone. He asked whether any of the smaller areas could be developed. Mr. Tousley referred to the areas on the plan which he felt could be developed. Mr. Stout asked how one would get to the rear of the site. Mr. Tousley referred to the existing gravel drive and stated this would be the access to the rear of the site.

Chair Spykman asked how Mr. Tousley plans on addressing the concerns raised by the City Engineer regarding sight line issues. Mr. Tousley stated the Engineer had suggested cutting back on the vegetation (overgrown brush) along the northerly line, which is easy to do and he proposes to do so.

Staff comments were next. Ms. Chalice stated this is a rather diverse site; there is about .77 acres of wetland right in the middle of the newly proposed site surrounded by the buffer. The wetland cannot be part of the new lot; however, removing the .77 acres still leaves 1.7 acres for the new lot which exceeds the 10,000 square foot minimum for the low density zoning district. There was concern about access from Washington Street – Ms. Chalice referred to the conditions for approval. It has been determined the only access driveway that should be used is the northern driveway which is the only location that has the required line of sight for safe access to the new parcel.

There was also concern about the drainage; the engineering staff was under the impression a drainage easement was granted in 1885. There is research happening to make sure this easement is indeed meant for this parcel. In the future, should development take place, and there is disturbance to the buffer area, a conditional use permit would be required.

Ms. Chalice stated there is an additional note being included on this subdivision plan due to the topography of the road for public safety and limited sight line. The new 2.4 acre lot would not have access on Washington Street via the southern entrance.

The other note would be about the required creation of an easement for the .325 acre lot for use of the northern driveway, which shall become a common driveway for both parcels.

Mayor Lane noted the northern driveway appears to go through the wetlands and substantially through the 50-foot buffer. He asked if any modifications to this driveway would require approval. Ms. Chalice stated if the modifications were within the city right of way it would require a new driveway permit. Mayor Lane stated he was more concerned about the wetlands and the buffer. Ms. Chalice stated if the modifications have an impact on the wetlands and the buffer, this would require a permit as well. For the wetland it would be through the State and for the buffer it would be through the Planning Board. What exists right now is an existing, non-conforming circumstance.

Mr. Stout asked what exactly this drainage easement does. Ms. Chalice stated staff has been doing research on this issue and because it is such an ancient easement there are questions as to which parcel this easement is meant for. The research is ongoing. Ms. Chalice added a drainage easement would give the city access to a certain area for drainage needs.

Ms. Landry asked for clarification on the southern access - *No future driveway at this location should be permitted without significant excavation and/or grading of the embankment to the North. In addition, vegetation to the South obstructs sight distance in that direction.*

She asked what changed specifically.

Ms. Chalice explained this type of excavation was determined to be not reasonable given the sight line and topography. Mr. Lamb added there is no sight line at this location and you cannot see traffic coming down Washington Street if you are standing on the frontage of the new lot, south of the existing building. The applicant could make the grade changes but as it exists now it is not a safe condition for a curb cut.

Ms. Landry referred to item 5 under Engineering where it is indicated there is a depressed area on Washington Street which purpose is not clear and asked whether clarity has been found on this. Ms. Chalice answered in the negative and stated this was not part of the construction plans and the city engineer who was part of those plans is not with the city anymore and staff is unaware why this depression happened but this has not been deemed a curb cut. Chair Spykman stated there was a previous proposal from the applicant for this parcel for a proposed driveway, but that proposal never went forward.

Vice-Chair Barrett asked what level of changes would be required for the existing driving to require permitting. Ms. Chalice stated driveway permitting refers to width, grade or length but this is within the city right of way. Mr. Lamb referred to language from the Driveway Permit, Chapter 75. If the applicant is changing the grade a permit would be required, if the driveway is over 300 feet, Planning Board approval would be required, if extra width is added a permit would be required.

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Chair Spykman asked if a driveway change triggers a permit but if it crosses a wetland would that have any bearing. Mr. Lamb stated it would require a CUP and a permit from NHDES.

The Chair asked for public comment. Mr. Tousley addressed the Board and addressed the issue with the depression on Washington Street; he stated this depression has always existed and even after the curb was reconstructed the depression was left in. He added this location has been used as an ingress and egress for years.

With reference to the drainage easement, it was an easement given by Mr. Warren in 1885 and describes a town brook located on the westerly side of Washington Street. It indicates the city was going to physically move this brook and Mr. Warren was going to fill in what was left. However, where it was moved is hard to know. Mr. Tousley further stated under the Surface Water Ordinance, a driveway is a permitted use in the buffer for a single family circumstance.

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

Vice-Chair Barrett stated during the site visit the southwest corner was an acceptable building site. It was setback from the road but it would have a long driveway, however, felt it was an acceptable building location.

Mr. Stout asked under what circumstance a site plan would be necessary. Mr. Lamb stated for a single or two-family home in the low density zone a site plan would not be required.

Mr. Stout stated he would support this application, even though the wetlands could cause some issues, he did not see a compelling reason to deny this request. Chair Spykman agreed there was no reason to deny this request.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane approve S-06-17, as shown on the plan identified as "Two-Lot Subdivision, Land of Toby Tousley, Tax Map Parcel No. 012-02-005-0000, 490 Washington Street, Keene, Cheshire County, New Hampshire", 1" = 30', dated July 10, 2017, received July 24, 2017, prepared by Russ Huntley, LLS, at a scale of 1" = 30', with the following conditions:

- 1) Revise the subdivision survey plan to:
 - a. Graphically differentiate between existing and proposed lot lines.
 - b. Include in the legend all lines and symbology shown on the drawings.
 - c. Contain the additional following notes:
 - i. "For reasons of roadway topography, public safety and limited sightline access, the proposed 2.47-acre lot at 490 Washington St. shall not have vehicular access or a curb cut along its southern Washington St. frontage.
 - ii. An easement shall be created to the 0.32 acre lot for use of the existing north driveway which shall become a common driveway for the two resulting parcels.
 - iii. Owner's signature on plan prior to approval.

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

3. **SPR-967, Mod. 8G – 0 Cypress Street – Site Plan** – Applicant Rob Hitchcock of SVE Associates, on behalf owner Railroad Street Condominium Association proposes 4 additional parking spaces on Cypress Street. The site is 9.28 acres in size and located in the Central Business Zoning District (TMP# 023-04-027).

A. Board Determination of Completeness.

Planner Tara Kessler stated the applicant has asked for exemptions from providing a lighting plan, landscape plan, architectural elevations and soils and traffic reports. Staff feels granting these exemptions would have no merit in finding this application complete and recommended to the Board that Application SPR-967 is complete. A motion was made by Andrew Bohannon that the Board accept this application as complete. The motion was seconded by Nathaniel Stout and was unanimously approved.

B. Public Hearing

Mr. Jack Dugan of MEDC addressed the Board and thanked them for their patience with this application. He indicated that last fall he was before the Board to talk about locating some overflow parking on the dirt lot next to the Food Coop. He noted that the approval for this application has expired. He stated they have the funding to start this project and a contractor ready to take on the work. MEDC has also contacted the City parking division about locating spaces that would be displaced on this lot to the Wells Street lot during construction.

Mr. Rob Hitchcock of SVE Associates addressed the Board next. Mr. Hitchcock referred to what exists there right now and noted the proposal is to push the edge of pavement another 20 feet to the south accommodate 4 additional parking spaces. There will be an increase of impermeable surface as a result of this proposal. There is no new lighting being proposed. There will be a net increase of four spaces.

Chair Spykman clarified there will be no other internal spaces which will be gained, the line next to the playground will be pushed out and a tree is going to be taken down. Mr. Hitchcock agreed.

Staff comments were next. Ms. Kessler stated this same plan was before the Board in 2013. Over a year-long period of continuing the public hearing on the plan, it was denied by the Board in 2014. Some of the concerns expressed at that time were the applicant had not demonstrated a need for the requested spaces, an increase to the impervious surface, loss of a large tree and proximity of the parking to the playground area. The applicant is proposing to relocate the parking so it will be a few feet away from the existing playground fence. They are proposing to install 25 lilac shrubs, which will reach five feet at maturity between the fence and the parking. Ms. Kessler stated the Board might consider asking the applicant to locate a shade street elsewhere on the property but noted to the limited space on site.

Ms. Kessler went on to say the four new spaces will be screened from the adjacent property to the west.

Ms. Kessler then referred to concerns that the two spaces located at the southwest corner, while they meet the zoning requirements (8-9 feet x 18 feet), are located too close together and there could be some vehicular conflict when they pull in and out of these spaces.

The Board was presented with a plan for the temporary parking area in January 2014 for the Coop for a two year-year period but the applicant was not able to meet the conditions of approval within

the 180 days, so this approval has since expired and staff is recommending this hard pack gravel dirt lot be returned to loam and seed.

Councilor Hansel asked if the applicant was going to come forward with a building plan for this temporary parking area soon, why would it be necessary to loam and seed this lot. Ms. Kessler stated this lot has a history where it has been used as a construction lot or used as a temporary lot; however, it has always been a requirement that this lot be returned to loam and seed, which has yet to happen. Councilor Hansel asked whether there is a time limit set for this requirement. Ms. Kessler stated there was no a time limit but staff is asking for a form a security to guarantee the work will take place.

Mayor Lane asked whether the shade tree that is being removed provide shade for the playground. Ms. Kessler stated it does. The Mayor asked whether any other alternative for shade is proposed for the playground. Ms. Kessler answered in the negative. The Mayor asked whether the Board could require a tree be planted. Ms. Kessler stated this is something the Board could require as a condition; however, the Board may consider asking the Applicant if this would be feasible.

Dr. Cusack asked whether Southwest Community Services (SCS) was notified about the parking being moved closer to the playground. Mr. Dugan answered in the affirmative. Ms. Landry asked whether SCS expressed any concern. Mr. Dugan answered in the negative. Chair Spykman noted this is the same proposal that came before the Board in 2013, which the Board denied. Ms. Kessler agreed but added the only change is that planters and a shed have been installed adjacent to the playground area. Ms. Kessler stated in 2013 and 2014 there were no studies done to demonstrate the need for increased parking; since this time, Southwest Regional Planning Commission conducted a study, which demonstrated there is a peak hour demand for parking. The other issue is the increase in impervious surface. The City Engineer has indicated he has no concern with storm water as the system in place has adequate capacity to handle any increase caused by this expansion.

Ms. Landry asked about the loss of greenspace and the increase of impermeable surface. Mr. Hitchcock stated the impermeable surface allowed on this site is 80% and what exists now is 60%, with this additional pavement the number would increase to 62%. The Mayor asked whether the location of the pavement being added is currently greenspace. Mr. Hitchcock agreed. The Mayor asked whether there was any space to locate a tree to provide shade for the playground. Mr. Hitchcock did not feel there was room for a tree anywhere in this area. The Mayor felt a tree could be located where there is five fee of grass. Mr. Hitchcock added SCS does not want any trees in the playground. Ms. Landry asked what responsibility one property owner has to provide shade for another property owner. Mayor Lane stated it happens all the time. Ms. Landry stated SCS has not expressed any such interest. Mr. Bohannon stated alternatively they could provide shade structures. Councilor Hansel stated he agrees with Ms. Landry in that the Board is assuming the abutters are looking for this shade. Mayor Lane stated that for those who were on the Board when this application first came forward, they were made aware shade was important to the abutters.

Chair Spykman stated his biggest concern is the proximity of the parking lot to the playground.

The Chair asked for public comment. Mr. Dugan stated the biggest thing that has changed is the success of the Food Coop. As far as need, there are many competing interest that need to be juggled for these spaces. He stated there is definite need for these spaces. Relative to the shade tree, the tree is on the applicant's property and did not have to come down during the site work, but it does now. He added the children who use the playground are around during a regular school year and do not

use the playground during July and August, during the hottest months of the year. He stated things have changed and they would very much like to complete this project.

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

Vice-Chair Barrett extended his appreciation to MEDC for all the development that has been brought into the city. However, he is not convinced by the need for the added parking. He noted that according to the manager of the Coop, who was before the Board a while ago, these four spaces will not be all the Coop needs and eventually will need more. He stated he will be disappointed to see the loss of the green space and a tree and hoped for a better solution in the future.

Councilor Hansel stated he sees this as a small modification for this a project and the Board has never asked an applicant to come up with a final solution which will solve all the issues on a site for the foreseeable future. He felt this is a pretty dense area with a lot of retail demand and the City should assist them in any way they can.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board Approve SPR-967 Modification #8G as shown on the plan entitled as “Railroad Land Development LLC 51 Railroad Street Keene, New Hampshire Site, Grading, & Drainage Plan” Prepared by SVE Associates, Inc., dated July 24, 2017 and last revised on August 14, 2017, at a scale of 1” = 20’; with the following findings and conditions:

FINDINGS

1. The Applicant has agreed to follow through on their financial/performance obligations for the site as part of the Planning Board approval for SPR-967 Mod.8A from March of 2012. These obligations 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. This work will occur at the same time as the installation of four additional parking spaces to the southern parking lot and the expansion of this lot to the south.
2. The Planning Board approval for SPR-967 Mod.8A found that the temporary parking lot to the east of the Monadnock Food Coop would be closed and returned to its original condition (loam and seed) when the parking lot to the south of the Coop was constructed. While the parking area to the south of the Coop was constructed in 2013, the temporary parking lot has yet to be returned to loam and seed.

CONDITIONS

1. Prior to signature, Applicant shall submit:
 - a) Owner’s signature on plan.
 - b) Security, in an amount and form deemed acceptable by the City Engineer and Planning Director, for returning the temporary parking lot to loam and seed and the installation of a shade tree.
 - c) Revised “Site, Grading and Drainage Plan” to show the location of a shade tree, if feasible, in proximity to the existing playground to be reviewed and approved by the Planning Director.
2. The Applicant shall remove and return the site of the Temporary Parking Lot, which was approved as part of SPR-967 Mod.8A, to loam and seed.

3. Upon Closure of the Temporary Parking Lot, the Applicant will install concrete sidewalks and walkways in locations approved to be asphalt as part of SPR-967 Mod 8A.

The motion was seconded by Councilor George Hansel.

Martha Landry made an amendment to the motion to remove the requirement of replacing the tree. The amendment was seconded by Councilor George Hansel.

Ms. Landry stated it has not been shown SCS is requiring a tree. Councilor Hansel stated he could not see a reasonable place for a tree and could not see how this tree would provide the shade the Board is looking for. Mayor Lane stated if you looked at the site plan there is a greenspace area adjacent to the playground where a tree could be located and this would not require a modification of the parking spaces. Councilor Hansel felt the Board does not have a viable option for the applicant to work out with staff on the location of this tree. Mr. Bohannon stated the drawing before the Board refers to trees and asked if this was accurate. Staff answered in the negative. Ms. Landry asked if those trees were on the original plan, whether the owners of the playground made a conscious choice not to plant those trees. Mr. Lamb stated the playground was moved from another location when a driveway was installed.

The amendment failed on a 4-4 with Chris Cusack, Chair Spykman, Nathaniel Stout and Vice-Chair Barrett voting in opposition.

Vice-Chair Barrett noted failure to approve this application would still mean the applicant would have to complete those conditions outlined in the 2012 motion for approval.

Councilor Hansel made an amended motion to read as follows for item c:
“Revised “Site, Grading and Drainage Plan” to show the location of a shade tree, if feasible, in proximity to the existing playground to be reviewed and approved by the Planning Director.

The motion was seconded by Martha Landry.

This amended motion carried on a unanimous vote.
Discussion was opened regarding the original motion:

Chair Spykman stated he would not be voting in favor of paving of the greenspace just to obtain four spaces. However, did not want to imply the applicant was off the hook for their current obligations to finish the paving and curbing.

Mayor Lane stated he originally voted against this proposal because of its cost, such as the loss of greenspace, and the proximity of the parking lot to the playground. The parking garage that had once been discussed for this location has not come to fruition, which changes the dynamic of how these four spaces are now looked at. He felt these are four very expensive spaces and as long as the impact can be minimized with trying to relocate a tree, he can support this application.

Vice-Chair Barrett stated trees in parking lots add beauty to a site. He felt with the growth of the Coop a long term parking solution will be necessary.

The original motion carried on a 6-2 vote with Gary Spykman and Douglas Barrett voting in opposition.

VI. New Business

None

VII. Director Reports

Transition to Electronic Devices

Mr. Lamb stated the goal is to have the first paperless meeting in October. There will be two trainings in preparation of this transition; ½ hour before the September meeting and ½ hour before the October Joint Committee meeting. There will be someone from the IT Department present at these trainings. The first training would be to get oriented with the city's network and the chrome book and the second training would be about the applications that will be utilized. Ms. Kessler encouraged members to attend these two trainings as one-on-one trainings will not be conducted. Members would need to make alternate arrangements if these trainings are missed.

Ms. Kessler stated the system the Board would be using enables members to make comments on pdf files digitally and transfer them to the chrome books.

Ms. Kessler stated each member would be assigned a city email address so they do not have to use their personal emails for Board work. Members would access their emails through a city email platform.

The Board will be getting paper and digital for the next couple of months. The large plan sets will still be available as paper at meetings.

VIII. Upcoming Dates of Interest – September 2017

Planning Board Meeting – September 25, 6:30 PM

Planning Board Steering Committee – September 12, 12:00 PM

Joint PB/PLD Committee – September 11, 6:30 PM

Planning Board Site Visits – September 20, 8:00 AM – To Be Confirmed

The meeting adjourned at 9:55 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director
Edits, Lee Langella