

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, January 26, 2015

6:30 PM

Council Chambers

Members Present:

Gary Spykman, Chairman
Michael Welsh, Vice-Chair
Mayor Kendall Lane
Eleanor Vander Haegen
Andrew Bohannon
Christine Weeks
Nathaniel Stout
George Hansel

Staff:

Rhett Lamb, Planning Director
Karen Purinton, Planner

Members Not Present:

James P. Duffy

I. Call to order – Roll Call

Vice-Chair Welsh called the meeting to order at 6:30 PM and welcomed George Hansel to the Board. A roll call was taken.

II. Election of Officers

Mayor Kendall Lane nominated Gary Spykman as Chairman and Michael Welsh as Vice-Chairman of the Board. The motion was seconded by Christine Weeks. Mayor Lane stated that Dr. Welsh will be with the Board for at least a couple of months. Dr. Welsh stated that while he is pleased to be nominated and he is willing to accept the nomination there are other professional arrangements he has committed himself to and would very much like to hand over the position in one or two months.

The motion carried on a unanimous vote.

III. Minutes of previous meeting – December 22, 2014

Gary Spykman offered the following corrections:

Page 3, the following sentence: “Mr. Thatcher stated that generally the ditch itself holds water but felt the hydraulics in the area are not defined by the culvert as the flood plain that is connected to it”.

The correction proposed for this sentence would read as follows:

“Mr. Thatcher stated that generally the ditch itself holds water but felt the hydraulics in the area are not defined by the culvert as *by* the flood plain that is connected to it”.

Page 9, 7th paragraph, change the words two site to two spots.

A motion was made by Mayor Kendall Lane to accept the December 22, 2014 minutes as amended. The motion was seconded by Christine Weeks and was unanimously approved.

IV. Presentation – Lisa Murphy (Southwest Region Planning Commission) – Rt. 12 Corridor Study

Lisa Murphy of Southwest Regional Planning Commission was the first speaker. Ms. Murphy stated that she was before the Committee regarding the Route 12 Corridor Study. She explained that the corridor study is a study to show the interconnections of community character, housing, local employment, public infrastructure and environmental quality. The method used was two-fold; public involvement and research & analysis. She noted that when she talks about the corridor she is referring to the Route 101/Route 12 intersection all the way to Fitzwilliam and to Massachusetts – this would mean, Keene, Swanzey, Marlboro, Troy and Fitzwilliam.

Ms. Murphy indicated that at the beginning of the study there was an Advisory Committee put together consisting of three members from each of the communities. There were also meetings conducted similar to the one being held today in the other communities and a business survey was also done.

She then turned the presentation over to Henry Underwood. Mr. Underwood stated that the Planning Commission is not looking for any action from the Board but that this was just an advisory document.

Mr. Underwood stated that their work with NHDOT has them counting vehicles on Route 12 and on the State line and what has been noted is that there are approximately 5,000 vehicles daily increasing up to the Main Street/Route 101 intersection increasing up to about 20,000 vehicles daily.

Mr. Underwood explained that the Federal Highway Association uses a 13 Class system but for this study the vehicles were split into light, heavy and medium.

Heavy = tractor trailers (2.5% of the total volume)

Medium = UPS type trucks

Light = light trucks and passenger cars.

This same technology was used to measure speed at these different locations. The 85th percentile speed is a bench mark used by traffic engineers and safety personnel to gauge the dominant speed of vehicles and when the speed gets more than that other enforcement issues should be considered. Mr. Underwood indicated that what they have learned for instance in Fitzwilliam is that there are very high speeds noted close to the Massachusetts State line.

Mr. Underwood then talked about the Gap Analysis which measures how congested the flow of traffic is. A 10 year accident history was looked at and what was learned is that a portion of Route 12, particularly through Swanzey, Marlboro and the northern portion of Troy have a much higher percentage of fatality and severe injury accident rates. Ms. Murphy noted that this includes other traffic corridors as well. Dr. Vander Haegen clarified that this number was based on actual vehicle trips going those locations and the numbers of accidents that occur per actual vehicle trips. Mr. Underwood answered in the affirmative.

The median age is another statistic that was looked at for these corridors. The five communities have quite a range compared to the rest of the state; Keene came in at the lowest which could be expected with a large college population.

Historic population growth was also looked at; in Keene as of 1970 the number was 20,467 but the latest census date has the number at 23,409. The population growth in the United States shows a 10% growth, but New Hampshire, Cheshire County and the five corridor communities showing a higher growth but tapering off. Population projection is calculated at ten year increments and shows about a 2 to 4% growth compared to the 20 to 25% in the past decades.

Annual Employment data show the smaller communities on a downward trend. If Keene was analyzed looking at service producing sectors and good producing sectors, Keene's numbers have decreased in the goods producing sector.

Mr. Underwood then talked about travel. Keene has by far the greatest number of people driving in as well the greatest number of people living and working in a community.

In closing, Mr. Underwood went over some key findings. He said Route 12 and Route 32 is a skewed intersection with difficult visibility. Ms. Murphy noted that with this particular intersection there are some opportunities happening in Swanzey that might alleviate some of the issues. There is a roundabout that is being considered as well as the extension of Safford Drive.

Mayor Lane asked whether Lake Street has the capacity to deal with the traffic. Ms. Murphy stated that she wasn't sure if Swanzey has looked at this yet.

Dr. Vander Haegen asked what people will ride in, in the Park and Ride Plan. Mr. Underwood stated that #7 is listed as an opportunity. He noted that Thomas Transportation is using the airport as a Park and Ride location and because Keene is uniquely situated at the intersection of all these routes, this could be an area to consider. Ms. Murphy clarified that #7 is recommendation that came from JB Mack.

Ms. Weeks asked whether traffic was measured on Swanzey Factory Road which is used by many as a shortcut. Mr. Underwood stated that this route is part of their annual counting program and even though it was not showed specifically there is data available for this route.

Vice-Chair Welsh stated that Route 12 south is highlighted in the Master Plan and felt that this report is coming at a right time and provides good benchmarks for measuring how the City is moving towards the goals of the Master Plan. Dr. Vander Haegen suggested that this information be posted on their website as well.

V. Public Hearings

1. **SPR-01-13, Modification 1 – Cheshire County Fish & Game Club, Indoor Range – 19 Ferry Brook Road – Site Plan** – Applicant Jim Phippard of Brickstone Land Use Consultant, LLC on behalf of owner, Cheshire County Fish & Game proposes to eliminate 18 parking spaces partially within the wetland setback. The site is 43.60 acres in size and located in the Rural Zoning District (TMP# 904-02-001).

A. Board Determination of Completeness.

Planning Director, Rhett Lamb recommended to the Board that SPR-01-13 was complete. A motion was made by Michael Welsh that the Board accept this application as complete. The motion was seconded by Kendall Lane and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Masons addressed the Board and stated that the Cheshire County Shooting Sport Education Foundation is the co-owner of this property with Cheshire County Fish & Game. The property is located on the north side of Keene on Ferry Brook Road. Mr. Phippard stated that in February 2013 this property received a conditional site plan approval and the Board at that time granted one year extension to meet the conditions of approval. Cheshire County Fish & Game started their fundraising at that time and are still in the midst of same. In February 2014 the applicant received another one year extension and is under that extension until next month.

Mr. Phippard stated that he was planning on filing a one year extension in December to give his client time to complete their fundraising efforts. However, the adoption of the Surface Water Protection Ordinance created non-conformity on their approved site plan. Mr. Phippard stated that rather than asking for an extension and then filing for a modification on a previously approved site plan, this request will create a new plan and a new approval for this project to move forward. He added that he is also asking for one more extension of a year to satisfy the conditions of approval.

Mr. Phippard stated that the change is to the 18 parking spaces that used to be located along the right side of the entrance drive. There are no other changes being proposed and this will reduce the runoff generated from the site and will also reduce the fill because of the elimination of the parking. There is also no change to the building elevation that was previously approved. The understanding is that all conditions of the previous approval will be brought forward with this new application.

Vice-Chair Welsh referred to the following language from the Staff Report:

“A small site plan change however, necessitated an unusual modification application prior to the signing of the conditionally-approved plan” and indicated that he could not understand how to put that into context of the new Surface Water Protection Ordinance and the need to eliminate the parking spaces. Mr. Phippard stated that this was a conditionally approved site plan and the conditions were still pending which means it was not a vested plan. Once a plan is approved and signed the applicant has two years to start construction. This was a conditionally approved site plan that is being modified, which is unique and created some discomfort with staff. The applicant is essentially making a new plan and notice to abutters have been provided.

Chair Spykman asked whether any LID measures have been included in this plan. Mr. Phippard explained that there are infiltration strips included on both sides of the building. There is sheet flow drainage through a grassy area into the stormwater collection area into the infiltration area. They are using existing vegetation to provide treatment of stormwater. The applicant also did a 50-year design storm not 25-year storm design as required.

The Chair asked for staff comments next. Mr. Lamb stated that staff confirms everything that was said by Mr. Phippard. He indicated that the draft motion requests that the applicant should be held to the compliance time of February 2015 and staff understands that this won't work for the applicant because they are still in a fundraising mode and the modification itself restarts the clock. Under ordinary circumstances the applicant will have six months to get conditions met and the plan signed but Mr. Phippard is requesting a year. Mr. Lamb went over the change to the conditions.

Mr. Stout asked if the applicant was to come back for another extension whether that would be considered a fourth extension. Mr. Lamb stated that this approval will restart the clock including

the timeline for modifications. Mr. Stout asked whether there was a limit to the number of extensions that could be granted. Mr. Lamb stated that an application is allowed three extensions and they become increasingly more difficult to get without good reason.

Mayor Lane noted that the Board was not just approving the modification but are approving an entirely new plan.

Ms. Weeks asked whether all of the prior conditions will still be in effect. Chair Spykman stated that everything except for the timing which is changing as well as the main difference is the elimination of the parking spaces.

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

Dr. Vander Haegen stated that the applicant is to be commended for choosing to conform to the City's wetland standards without trying to seek an exemption and stated that she had no problem approving this request.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-01-13, Mod. 1 as shown on the plan entitled "Proposed Indoor Range, Cheshire County Shooting Sports Education Foundation" located at 19 Ferry Brook Road, dated January 18, 2013, revised February 22, 2013 and December 12, 2014 with elevations dated February 21, 2013 and rendering received by the Planning Board on December 18, 2014 at various scales, prepared for the Cheshire County Fish and Game Club, with the following conditions:

1. Prior to signature, the Applicant demonstrates receipt of an approved DES wetlands permit.
2. Signature by Planning Board Chair and Owner on plan.
3. All conditions with the exception of compliance of time listed in the planning Board decision letter for SPR-01-13 dated 2/28/13 remain in full force and effect.
4. Compliance time for plan signature shall be one year from the date of conditional approval and compliance time for active and substantial construction shall be two years from the date of conditional approval.

The motion was seconded by Michael Welsh and was unanimously approval.

2. **S-06-14 – 27 Woodland Avenue & 28 Bellevue Street – Boundary Line Adjustment** – Applicant Rob Hitchcock of SVE Associates on behalf of owner Jonathan & Kelly Roe proposes to adjust the boundary between two lots. The site is 0.221 acres in size and located in the Low Density Zoning District (TMP#s 127-02-033 & 127-02-035).

A. Board Determination of Completeness.

Planner Karen Purinton recommended to the Board that S-06-14 was complete. A motion was made by Michael Welsh that the Board accept this application as complete. The motion was seconded by Christine Weeks and was unanimously approved.

B. Public Hearing

Mr. Russ Huntley of SVE Associates stated that this is a fairly straightforward boundary line adjustment. He indicated that at the present time the Rowe's property is non-conforming. He referred to the blue line on a plan and indicated that the proposal is to move this line by 25 feet which will make the property conforming and provide for a buffer.

Mayor Lane noted that the Rowe property has been subject to some drainage difficulties and asked Mr. Huntley to refer to that on the plan. He also asked whether the easement was within the 25 feet. Mr. Huntley answered in the affirmative and referred to what the Mayor had a question about on the plan.

Ms. Weeks asked what non-conforming meant. Mr. Huntley explained that this means that it was sub-standard in terms of area. The property is located in the low density zone which required 10,000 square feet but prior to the adjustment the property only had 9,600 square feet.

The Chair asked for staff comments. Ms. Purinton stated that this is one of the easier plans she has had to review. She reiterated that all houses in the low density zones need a 10,000 square feet and this adjustment will bring the property back into conformity.

Chair Spykman asked for public comment next. With no public 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 S-06-14 as shown on the plan identified as "Boundary Line Adjustment between Lands of John W. and Kelly K. Roe and Christopher A. Woodward" prepared on 7/15/2014 by SVE Associates at a scale of 1"=20' with the following condition:

1. Both property owners' signatures appear on the plan prior to signature by Chair.

The motion was seconded by Andrew Bohannon and was unanimously approved.

3. **CUAD-01-15 – Accessory Dwelling Unit Application** – Applicant Cory Graves proposes an Accessory Dwelling Unit located within the single-family home at 288 Hurricane Road (TMP# 918-112-100).

A. Board Determination of Completeness.

Planner Karen Purinton recommended to the Board that CUAD-01-15 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Michael Welsh and was unanimously approved.

B. Public Hearing

Mr. Cory Graves of 45 Park Avenue addressed the Board. Mr. Graves reminded the Board that as he had mentioned last month the intention is to move into a common property with his parents and this is the reason for the construction of this house. The proposal is to construct a single family home with a legal Accessory Dwelling Unit (ADU) rather than as a duplex.

Staff comments were next. Ms. Purinton explained what an ADU was which is a unit in a single family home which does not exceed 30% of the actual square footage of the main home. It is intended that the owner would occupy the main unit.

There are certain requirements for ADU's: They are only allowed in low density zones. There should not already be another ADU on this lot. Two affidavits need to be signed by the owner; one is recorded at the Registry of Deeds indicating that this is an ADU and the second is signed by the property owner indicating that one of the units is owner occupied. ADU's cannot be smaller than 400 feet. In the case of a rural district ADU, State approval is required for a septic system. However, the applicant has met the septic system requirements. There are no issues with the shared driveway and all requirements with the zoning district have been met. Ms. Purinton stated that it is up to the Board to determine that this property won't reduce the property values in the surrounding area but because this house is in a wooded area it is not likely to be seen from the public right of way. Ms. Purinton noted that a site plan is not required for an ADU. There is also the seven foot buffer yard which is not an issue with this property. In conclusion, Ms. Purinton stated that she had no issues approving this application tonight.

Mr. Lamb added that State law precludes Planning Boards from requiring site plan review for single and two-family homes.

Dr. Vander Haegen asked whether the restriction of owner occupancy would pass with the deed if the house was to be sold. Mr. Lamb stated that the Affidavit would have the information about the ADU which gets recorded with the Registry of Deeds and this would be the information a future owner will have.

Chair Spykman clarified that an ADU can be a separate free standing unit. Ms. Purinton stated that it could but it is often seen as part of a single family unit.

Chair Spykman asked for public comment next.

Mr. Richard Newton of 318 Hurricane Road addressed the Board and stated that this is a wooded lot and he is the immediate neighbor to the northwest and there is no sight line between the two houses. The view from the road is the same as the other houses on this street. Mr. Newton noted that currently there is an existing living unit on the property and clarified that this unit will not continue as an existing living unit once the new structure is constructed and that the existing unit will then be used only for storage. Ms. Purinton stated that this is something she had mentioned in the staff report but did not address today; there is a house and a three-car garage on the property today. After the foundation and building permit process moves forward, this would be contingent on this house being returned for storage use only.

Mr. Stout stated that he wasn't clear how this structure was going to be turned into a barn. Mr. Graves stated that what he has learned from staff is that removing the kitchen would make this structure non-habitable.

With no further comments from the public, the Chair closed the public hearing.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board grant approve CUAD-01-15 as shown on the plan titled "Graves Residence, 288 Hurricane Road, Keene, New Hampshire" prepared by architect Dan Bartlett, dated December 1, 2014, with the following findings and conditions:

Findings:

1. The proposed application does not result in a decrease in the value of surrounding properties.
2. There is adequate parking for residents of the Accessory Dwelling Unit at 288 Hurricane Road.

Conditions:

1. Prior to issuance of a building permit, adequate notice, as required by section 102-896(11), is recorded at the Registry of Deeds.

The motion was seconded by Andrew Bohannon. The motion passed unanimously.

Vice-Chair Welsh complimented the applicant on this project which is another feature of the Master Plan and emphasizes in-fill development and felt it would be a great addition to the neighborhood. He further stated that the report before the Board shows a close cooperation between the applicant and staff to make happen a very complicated project.

VI. Planning Director Reports

1. Administrative approvals

Mr. Lamb explained that the Board rules have a section referred to as Administrative Approvals which are projects that have minor modifications made to an approved site plan, or it falls below the threshold of 1,000 square feet for site plan approval. Mr. Lamb indicated that he contacts the Board Chair to discuss these “minor projects”. Once he and the Chair both determine that the project falls within this category, the Chair authorizes Mr. Lamb to approve the project without going before the Board. He felt this process has worked well for everyone.

Mr. Lamb went over some of these projects:

Dumpster enclosure for Timken which occupies about 20,000 feet of building space which he felt is a minor project.

Ulta Beauty located in Monadnock Marketplace which is about 400,000 square feet in size.

Aroma Joe’s Coffee – relocate a front entrance and to change the old entry door and windows.

Ms. Weeks asked when Aroma Joe’s time period would expire. Mr. Lamb stated that he does not recall the exact date but it is the same time period as with any other plan; signature is required on plan within six months and active and substantial construction within two years. Ms. Weeks asked about the parking for this site. Mr. Lamb stated that this applicant has found adequate parking.

Dr. Vander Haegen stated that she is glad that the Prime Roast site could have been saved and reused. Mr. Lamb agreed and added that the piece of this site the Board would have had the most interest in was removed from the Board’s hands because of State highway circumstance.

Ms. Weeks asked whether anything was happening with the Montessori Schoolhouse. Mayor Lane stated that he was by the site this morning and saw some internal work going on.

Vice-Chair Welsh asked why the mobile food truck was before the Planning Board. Mr. Lamb stated that this is because they occupy a site which is under site plan review which is the Center

of Keene site. The Board's review is to make sure there are no safety concerns by adding this use.

Chair Spykman stated that he finds it interesting that the Board made up of amateur volunteers hold the power and the professionals serve under their direction and thanked staff for making the Board look good. Mr. Lamb stated that the Board can sometimes see things that staff would miss and preserving this relationship is important.

VII. Upcoming dates of interest – February 2015

Planning Board Meeting – Monday, February 23, 6:30 PM

Planning Board Steering Committee – Wednesday, February 11, 4:30 PM

Joint PB/PLD – Monday, February 9, 6:30 PM

Planning Board Site Visits – TBD

The meeting adjourned at 9:55 PM.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director