

**CITY OF KEENE  
NEW HAMPSHIRE**

**PLANNING BOARD  
MEETING MINUTES**

Monday, July 27, 2015

6:30 PM

Council Chambers

Members Present

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

Staff:

Rhett Lamb, Planning Director

Members Not Present:

Councilor James Duffy  
Christine Weeks

**I. Call to order – Roll Call**

Chair Spykman called the meeting to order at 6:30 PM. The Chair welcomed Pamela Russell-Slack to the Board.

**II. Minutes of previous meeting** – June 22, 2015

Nathaniel Stout offered the following corrections:

Page 2, fourth paragraph to read as follows "...to accommodate *a* truck well..."

Page 2, bottom paragraph "...*she* would like them to..."

Page 5, fourth paragraph replace the word "He" with "Mr. Phippard" the same would be true for the next paragraph as well.

Page 8, two paragraphs after the Conditions, the paragraph that starts "Ms. Weeks, to insert the word "to be at".

Tammy Adams name was omitted from the set of minutes.

A motion was made by Mayor Kendall Lane to accept the minutes of June 22, 2015 as amended. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

**III. Public Hearings**

**1. SPR-09-12, Modification #5 – Famous Footwear – 476 West Street – Site**

**Plan** – Applicant Frank Dougherty, KGI Properties on behalf of owner 480 West Street, LLC proposes to modify the existing 8,776 SF of tenant space and façade. The site is 15.14 acres in size and located in the Commercial Zoning District (TMP# 060-01-001).

A. Board Determination of Completeness.

Planning Director, Rhett Lamb recommended to the Board that Application SPR-09-12, Modification #5 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Douglas Barrett and was unanimously approved.

B. Public Hearing

Mr. Charles Michal, Architect of Harrisville, NH addressed the Board with reference to a plan and stated his client is proposing a retail fit up in the remaining space at the former Sears complex. Kohl's and Aldis have taken the bulk of the available space and this application will fill in the remaining West Street side of the façade and complete the full build of the reconstructed area.

The proposed plan submitted to the City calls for a symmetrically oriented façade with new clear glass store front. The glass will be set in aluminum store front which is similar to the other store fronts in the area. There is currently a blank brick wall and the applicant is cutting into this brick wall. There will be about 5,500 square feet of retail space. There will also be two flanking brick piers to embrace the entrance. Between the brick piers will be the Famous Footwear sign.

Mr. Michal referred to the material being used for this site; brick, glass, synthetic stucco material (two colors – dark brown - provides for a good background for the sign and also harmonizes well with the red brick. A lighter stucco color is used above the entryway to provide an accent band). This concluded Mr. Michal's presentation.

Staff comments were next. Mr. Lamb indicated these are a set of straightforward changes to the vacant building at this site. Mr. Lamb referred to page 18 of the Staff Report where a summary of the applicable standards are outlined. The majority of the changes are to the façade of the structure. He noted the applicant has incorporated more of the traditional material on this building. He reminded the Board when Sears occupied this building; it was a brick façade all the way across. Kohls brought their own flavor to it but had a brick veneer for a good portion of the façade and Aldis did the same. He noted this applicant is also doing the same and the rest of the material being used is consistent with Standard 19 and added staff is recommending approval of the project.

Mr. Lamb went on to say the only other standard the Board could consider is lighting. However, the lighting being proposed is full cutoff and would not have any glare or any exposed lenses.

Mr. Hansel asked whether there are any modifications being made to the rear of the building. Mr. Frank Dougherty of KGI Properties indicated there is currently a three-foot passenger door at the rear which is going to be expanded to four feet wide and all deliveries will happen through that entrance. During construction all deliveries will happen through the back as well. Mr. Hansel clarified that all deliveries to this site will be brought using a box truck. Mr. Dougherty answered in the affirmative. Chair Spykman noted the Board has been through the difficult part of this site when Kohls and Aldis came before the Board and there is not much different that is being proposed here.

Mayor Lane noted this store front has more of an interest compared to when Sears and Kmart were occupying this site and stated he had no issues with this application.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-09-12 Modification #5, as shown on the plan entitled "Storefront Elevation and Section", 478 West Street, Keene, Cheshire County, NH, dated June 5, 2015, and revised July 9, 2015, drawn by "Weller & Michal Architects" at a scale of 1/4" = 1'-0"; with the following conditions:

1. Prior to signature by Planning Board Chair, Owner's signature on plan.

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

2. **SPR-05-15 – D's Deli – 60 Ralston Street – Site Plan** – Applicant Brickstone Land Use Consultants, LLC on behalf of owners NEF Properties, LLC proposes a deli with no seating and will occupy the entire 1320 SF in the existing building. The site is 16,030 square feet in size and located in the Commerce Zoning District (TMP #048-01-017).

A. Board Determination of Completeness

Mr. Bohannon noted the owner of the deli was employed by the City's Parks and Recreation Department for two summers and wanted to make sure there was no conflict. Chair Spykman stated Board policy indicates if a Board member himself feels there is a conflict then they should be recused. It is up to Mr. Bohannon to decide. Mr. Bohannon stated he did not think so but wanted to put this information on the record.

Mr. Lamb recommended to the Board that Application SPR-05-15 was complete. A motion was made by Mayor Lane that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard addressed the Board on behalf of the applicant. He explained there are two existing buildings at this location, Murphy's Auto which will remain and the second building 1,320 square feet building has had many different uses. This is the site that is going to be occupied by D's Deli. D's Deli is not a restaurant, it is a take-out deli and there is no seating available.

There are seven on-site parking spaces at the rear of the site and this is the required number of parking spaces as per Standard 19. The only exterior change being proposed is the removal of the exterior door at the rear which would be filled in with wood siding and cedar shakes to match what is existing and will be painted in red. The stairs at the front of the site will be replaced to meet code and a stripe-out to mark a walkway to the entrance will be added. The rest of the area between the building and the street is currently paved and people park there today. This pavement will be removed and replaced with granite curbing starting at the property line creating an area which will be landscaped with perennials and vegetables. Existing sewer and water lines are being used and Mr. Phippard added he is trying to convince the applicant to replace the sewer line before Winchester Street is paved.

Mr. Phippard went on to say the area in the rear is gravel which will remain except for the handicap parking space which will be paved. The rear of the site will be handicap accessible. There is also a new yard drain being installed at the rear and what doesn't get captured in the gravel, drains into a catch basin at the adjacent property to the south. This is now going to be cleaned up so it drains into the applicant's infiltration drain. There is a new dumpster pad being installed which will be enclosed with a solid wood fencing.

Mr. Phippard referred to the existing 20 foot right of way that is shared between this site and the electrical supply business which he stated will remain in place. There are no other changes being proposed except for the signage at the front of the site.

Mr. Phippard then referred to the Staff Report (proposed motion):

1a – no issue with adding a note regarding no seating

1b – *“No parking is allowed on the Ralston Street side of the parcel.”* Mr. Phippard referred to the area in front of the deli that is under the control of the applicant but the area to the north is the leased area for the auto body repair shop and this applicant has no control over that parking.

1c – Mr. Phippard stated he had no issues with this item except in the original application the applicant had called for a tree, since that time the owner has proposed a vegetable garden in this area. The pavement and gravel in this location will be replaced with compost material.

2a – This item calls for the installation of a drainage infiltration system at the front of the property. Mr. Phippard stated he disagrees with this recommendation as the applicant is removing pavement and replacing it with natural organic material which will greatly reduce the runoff leaving the property. He referred to the area that slopes down from the right of way and added the City is in the process of correcting the drainage issue that exist here and fixing the pavement cracks that exist here and hence did not feel his client should be asked to put in an infiltration system when they are already reducing the runoff in this area.

2b – Mr. Phippard felt a “no parking” sign was unnecessary as the vegetable garden is being constructed right up to the edge of the right of way and there is no room to locate a sign. He also noted when Ralston Street is repaved it will be restriped to create ten-foot travel lanes and a paved shoulder for pedestrian and bicycle access will be located. This would clearly give no room for parking in front of the deli. Mr. Phippard added if the Board felt it was necessary it could be added

2c – Mr. Phippard stated they are adding a bicycle rack and the owner has agreed to locate them on concrete pavers to provide a year round surface.

2d – The entrance gate to the dumpster will be on rollers so that it slides open and not swing into cars.

This concluded Mr. Phippard’s presentation.

Vice-Chair Stout clarified there will not be a need for external cooking appliances to be installed. Mr. Phippard stated that all food preparation will be done inside. Mr. Stout also added there will not be a grill outside either. Mr. Phippard agreed.

Mr. Bohannon noted when he did the site visit there was no parking in front of this site but it is difficult to see cars coming from the left and asked whether any consideration has been given to assisting with that. Mr. Phippard agreed that during the site visit the City van was parked on Ralston Street and it was difficult to see past it. A suggestion was made for the installation of a mirror on the telephone pole but the pole is private property and Fairpoint typically would not permit any installation on their poles. The next option is a new mounting pole on city right of way and City Council permission is required for that. Mr. Phippard did not feel this was

necessary and noted this building has been in place since 1965 and people have been using this alley without any safety issues. There was a suggestion for a stop sign at the end of the building and this might be an appropriate measure. Mr. Phippard noted this is on private property so it probably could not be enforced. He went on to say that with the elimination of cars being able to park to the left of the building there is wide open visibility to the north. The curb cut has been altered with the construction of the Mills project and hence did not feel it was a serious safety issue. However, if it becomes a problem in the future it can be addressed at that time and added that his client shares this curb cut with CED and asked that they be asked to participate if it got to that point.

Chair Spykman asked what would prevent someone from parking in front of this business. Mr. Phippard stated there is an existing “no parking do not block this driveway” sign installed at the corner and if the owner sees anyone parking they will be asked to move. He also added that wheel stops are being added so people don’t drive around. The Chair hoped the wheel stops will be sufficient especially during winter months and when it is dark. He felt a fence would be a better option. Mr. Phippard stated that Murphys did not want a fence but if driving through becomes a problem then a fence will need to be installed.

Staff comments were next. Mr. Lamb began by saying that the staff suggested the LID/drainage measure at the front of the site simply because some pavement was being removed and it will serve for some infiltration purpose. However, because this is an existing condition, it is something that can only be suggested.

Mr. Lamb went on to say that snow storage is something that was not addressed. He indicated snow will need to be removed from the site so the parking spaces can be used. With respect to the tree, Mr. Lamb stated the 300 cubic feet of soil relates back to the Board’s standard for trees in urban settings. If the applicant is not planting a tree in this location, the entire condition could be deleted. Mr. Lamb indicated the suggestion for the dumpster door having rollers is acceptable.

Mr. Lamb then talked about the issue of access and indicated what needs to be determined is whether the circumstances that exist today are going to get any worse with the use of this site as a deli. He agreed this was an existing condition but there is going to be a change in the level of activity at this site and if this becomes an actively used parking lot it is going to become a conflict point. The estimated number of trips is 70 to 80, and agreed there is going to be a high level of foot traffic and felt it was up to the Board to decide how they want to handle this issue. Mr. Lamb also agreed that a mirror is not likely to solve the problem with access and felt it might actually be a dangerous precedent to set.

With respect to parking, Mr. Lamb stated changing the note was acceptable and did not intend the applicant would be able to control the parking in front of the site to the north.

No parking sign – Mr. Lamb stated this project has been moving forward in parallel to the Ralston Street project. He noted the ten-foot lanes leave some amount of space between the edge of the curb and the fog line. He added if it was a four or five foot lane set aside for pedestrians with a shared lane marking, it can be a disincentive for anyone to park next to the curb. However, anything wider than that could be considered a parking spot and hence the reason for requesting a “no parking” sign. Mr. Lamb added it is not likely to be wider than four or five feet and suggested this issue be left for staff to handle with the applicant or a conditional approval be granted indicating the applicant install a sign should this turn into a problem.

Chair Spykman stated he was agreeable to staff working on this issue with the applicant. Mayor Lane asked Mr. Lamb whether the Board does not have to be cautious requesting private developers to install no parking signs on public right of way. Mr. Lamb stated he does agree with that but the intention is to give some direction through the use of the property.

Vice-Chair Stout referred to a scenario during a noon-time rush, when there are six cars at the rear of the site, one is trying to come in while the other is trying to leave and when there are vehicles in the driveway it could force a vehicle to have to back up into traffic as there is no way to know if parking is available in the rear or not. Mr. Lamb indicated the driveway is 20 feet wide and should be sufficient passing distance for cars going in and out. Mr. Phippard stated it was 22 feet wide. Vice-Chair Stout asked whether it should be indicated as left or right travel way with a white line. Mr. Phippard stated it could be if the Board felt it was necessary and agreed there is no way to know if the spaces in the rear are available or not.

Mr. Phippard noted there are also going to be on-street metered spaces available soon. He also stated the owner is hoping for more Keene State College student foot traffic as his clientele.

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

Ms. Russell-Slack asked Mr. Lamb to explain the corrections he had made to the motion. Mr. Lamb stated the SPR number should be SPR-05-15. In condition #1 delete the word “however” in the first sentence.

Under #1b, instead of the word “parcel” it should be “deli building”.

Delete #1c entirely.

#2b – Is still to be determined. If a problem arises staff will continue to work with the owner.

Chair Spykman asked about #2a - infiltration. Mr. Lamb agreed this condition needs to be deleted as well.

With no further comments, the public hearing was closed.

Chair Spykman felt there are going to be many people parking in front of the businesses on either side of this site as well as in the parking lot at the Mills and this is nothing the Board can do anything about. Mayor Lane noted the area in front of the deli is going to have granite curbing and parking here will be impractical. He also added more of their customer base is going to be college students walking to this site and felt most people wouldn't want to drive down Ralston Street if they don't have to.

Mr. Lamb stated if parking becomes a problem then this is something that would need to be handled through the Council. Mayor Lane noted this property is in the SEED District and when the SEED District was created on and off street parking was a major issue and felt the issues being addressed on this site are not unusual.

Ms. Russell-Slack asked about item 2b and noted the applicant was going to resolve this issue by installing rolling gates. Mr. Lamb explained the Board handles an issue such as this by asking the

applicant to submit a revised plan showing that change, submit same to the department and that is the plan which will be ultimately signed by the Chairman.

C. Board Discussion and Action

A motion was made by Mayor Kendall Lane that the Planning Board Approve SPR-05-15 as shown on plan entitled “Renovation of Existing Building for D’s Deli”, Tax Map 048-01-017, at 60 Ralston Street, Keene, NH, Cheshire County for NEF Properties, LLC, dated June 19, 2015, drawn by Brickstone Land Use Consultants at various scales; with the following conditions:

1. Prior to signature by Planning Board Chair, the plan be revised to contain the following notes:
  - a. “No seating is to be inside or outside the structure.”
2. Prior to signature, the plan be revised to show:
  - a. The rack for bicycles with a solid line.
  - b. An entrance gate to the proposed dumpster enclosure that does not risk being blocked by an automobile in the adjacent parking space.
3. 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 Andrew Bohannon.

Mr. Bohannon stated he had heard the Planning Director indicate 1b would remain but would state as follows “no parking would be allowed on the Ralston Street side of the deli building”. Mr. Lamb stated he had said so but does agree with the change. The motion made by the Mayor was unanimously approved.

IV. Boundary Line Adjustments

1. **S-03-15 – 383/0 Chapman Road – Boundary Line Adjustment** – Applicant Brickstone Land Use Consultants, LLC on behalf of owners Chapman Road Holdings, LLC and The Chapman Road Farm, LLC propose to adjust the boundary line between 383 and 0 Chapman Road. The combined lots total 73.39 acres in size and located in the Rural Zoning District (TMP #s 902-21-11 and 902-21-011.01). ZBA approval of 9/2/14.

Mr. Lamb stated this item was before the Board last month but it was not a public hearing as it was a boundary line adjustment. At that meeting the item was recommended to be tabled to the July meeting to resolve a zoning question. Mr. Lamb stated he had had a discussion with the applicant’s agent, Dave Bergeron who was agreeable to this item being tabled to the August meeting. Mr. Lamb stated the applicant is working on a resolution but he has received three emails from interested abutters on this subject and one represented by an attorney. The point of interest is the variance that was granted and this boundary line adjustment. He indicated he was not sure if the matter will go back to the Zoning Board or not. Should the matter go beyond August the Board will need to entertain a request by the applicant to extend the decision deadline. Although it is not a formal application such as a site plan or subdivision the same three-month or 65 day standard would be applied.

A motion was made by Mayor Kendall Lane to table this item to the August Planning Board meeting. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

V. **Planning Director Reports**

Mr. Lamb stated the department will be welcoming a new planner Tara Germond. Ms. Germond comes from Southwest Regional Planning Commission.

Mr. Lamb asked the Board to look at the formatting change to the planning packet which will be discussed at the August meeting when Ms. Weeks returns.

Mr. Lamb referred to a letter dated July 16 from Attorney Jeremy Hockensmith regarding a motion for rehearing on the Freihofer site application which was approved last month. He indicated a similar motion has also been filed with the Zoning Board of Adjustment. He noted the City Attorney is likely to address this issue but the intent at this time is to work this through the Zoning Board of Adjustment process first which will be at the August meeting. The motion for rehearing is about notice and whether there was a flaw in the abutter list. Chair Spykman noted this is a technical issue and clarified that the applicant is not looking for a different outcome. Mayor Lane stated it could result in a different outcome as certain abutters did not receive notice from the Zoning Board or the Planning Board.

VI. **Upcoming dates of interest – August 2015**

Planning Board Meeting – Monday, August 24, 6:30 PM

Planning Board Steering Committee – Tuesday, August 11, 5:00 PM

Joint PB/PLD – Monday, August 10, 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

Edits, Lee Langella