

**CITY OF KEENE  
NEW HAMPSHIRE**

**PLANNING BOARD  
MEETING MINUTES**

Monday, November 23, 2015

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman  
Nathaniel Stout, Vice-Chair  
Mayor Kendall Lane  
Douglas Barrett  
Councilor James Duffy  
Andrew Bohannon  
Christine Weeks  
George Hansel  
Pamela Russell Slack

Staff:

Rhett Lamb, Planning Director  
Tara Kessler, Planner  
Michele Chalice, Planner

Members Not Present:

Tammy Adams

**I. Call to order – Roll Call**

Chair Spykman called the meeting to order at 6:30 PM

**II. Minutes of previous meeting – October 26, 2015**

Christine Weeks offered the following correction:

Page 4, second paragraph, third sentence change the word “convenient” to “convenience”

A motion was made by Chris Weeks to accept the October 26, 2015 minutes as amended. The motion was seconded by James Duffy and was unanimously approved.

**III. Public Hearings**

**1. SPR-927, Modification 11 – Monadnock Marketplace Small Shops Lot 16B – 2 Ashbrook Rd** – Owner, Keene MZL LLC, proposes to construct a new 10,664 square foot mixed use building at the site of the former Olive Garden restaurant. The site is 1.64 acres in size and is located in the Commerce Zoning District (Tax Map Parcel #502-01-001-0700).

**A. Board Determination of Completeness.**

Planner Tara Kessler recommended to the Board that Application SPR-927 was complete. A motion was made by Mayor Kendall Lane that the Board accept this application as complete. The motion was seconded by Christine Weeks and was unanimously approved.

**B. Public Hearing**

Mr. Stan Glantz, representing Keene MZL, LLC, stated that the first paragraph of last month’s minutes under Advice and Comment should say “...since Katz Properties purchased the property

Circuit City *had been vacant for many years....* not "...since Katz Properties purchased the property Circuit City has vacated... and,

"There is 6,000 square feet still remaining *to the left side of Ulta*" not "There is 6,000 square feet still remaining next to Olive Garden".

Mr. Lamb noted the correction has been captured the minutes of this meeting. The Chair agreed and added this is a minor point that does not affect the application before the Board. Ms. Weeks asked that the Board go back to last month's minutes and make the correction in that document. Chair Spykman stated the two items referred to don't have any bearing on the project – they are just points of fact and did not feel it was necessary to correct the original document. The Board agreed.

Mr. Jim Phippard of Brickstone Land Use Consultants, LLC addressed the Board next. Mr. Phippard stated as it was explained last month, the applicant's proposal is to remove the existing Olive Garden building and replace it with a newly constructed building on the property. The proposed building will be 10,664 square feet and will extend to the north. The building will be initially constructed with four tenant spaces varying in size between 2,200 square feet to 3,000 square feet. On the northern most end of the building the applicant is calling for an outdoor seating area approximately 500 square feet in size surrounded by a wrought iron or aluminum fence enclosure; access to this area will be via the restaurant. Mr. Phippard stated this area should be able to support four tables and four chairs. Mr. Phippard showed the Board a rendering of what a typical outdoor seating area would look like.

Mr. Phippard stated the lighting for this area which would be building mounted lights surrounding the seating area as well as post lights, eight to ten feet tall on the opposite side of the fenced enclosure. Mr. Phippard stated the reason he is addressing this item is because staff has a proposed condition of approval which calls for a formal plan to be prepared and for the applicant to come back before the Board for full site plan review should there be a restaurant that requires outside seating. Mr. Phippard stated he would like the condition to allow such a modification to be approved administratively in the first instance, after which, should Board approval be required, the applicant could be required to come back before the Board. He went on to say the applicant is also proposing to add some landscaping to this area, perhaps large potted plants.

Vice-Chair Stout asked for the location of the transformer. Mr. Phippard stated the transformer will be located to the east, close to the dumpster area. Mr. Stout asked whether there is adequate space for a transformer in this location with the seating area in such close proximity. Mr. Phippard stated this is just a place holder until Eversource determines whether this is an appropriate location or not. Mr. Phippard then talked about landscaping. He stated when the applicant was before the Board last month there was concern about the landscaping being removed, specifically along the Ashbrook Road side of the building where two trees were going to be removed. He referred to the yews that were going to be maintained and extended. In addition, staff feels more landscaping should be added closer to the building. The applicant is calling for the addition of hydrangea trees in three locations which can get up to six to ten feet tall. In between those will be a type of decorative grass that grows six feet tall and could last all winter. There is also landscaping being added to the northern portion of the property where landscaping does not exist today by adding 11 more trees and evergreen.

Mr. Phippard stated because of the reconfiguration of the islands some of the parking lot light poles are going to be relocated. There are underground utilities that are going to be discontinued as a

result of the changes to the building and the applicant has complied with Public Works' comments as to what should happen with these discontinued utilities.

Regarding Traffic Mr. Phippard said using the trip generation manual and the number of seats this site is estimated to generate 800 vehicle trips per day but in the real world this number is much lower. A change in use to a retail space and a smaller restaurant is likely to bring in a lower amount of vehicle trips.

Mayor Lane asked how many parking spaces are being removed from the existing site to accommodate the additional 2,000 square feet of building space. Mr. Phippard stated in the common area there are currently 123 spaces and that area would be reduced to 103 spaces. For the retail uses the required spaces would be about 60 and that number would be exceeded by the spaces being provided. Mayor Lane noted parking was always a problem in this area and expressed concern with the loss of 20 spaces. Mr. Phippard stated the applicant far exceeds the zoning requirement based on one space per four seats and far exceeds the parking requirement based on retail and restaurant use.

Mr. Barrett clarified that only two trees were going to be removed. Mr. Phippard stated there are still trees within the island that are going to be removed – there will be a net loss of ten trees.

Architect, Patrick Moore was the next speaker. Mr. Moore stated the drawings he has today are the same ones from last month. It is a 10,000 square foot building divided currently into four units. The appearance of the building won't change much but it has been set up for four tenants and the larger tenant spaces will be on each end. There will be a continuous sign band along the front of the building. The proposed building will be consistent with other buildings on the rest of the property - brick façade and cornice material. The main façade facing the parking lot will have the brick piers and pilasters and between the piers there will be a band of glass which may or may not change in some minor form. There is also some awning material being shown here to be consistent with other buildings on the property. The west side is where the dumpster enclosure and the transformer are located.

The south end is similar to the north end with the exception of the outdoor seating area. The east elevation is identified by two main elements; the employee entrance features which are consistent with the other sides, masonry façade and the top band which has the stucco sign area. Mr. Moore noted this building being about 10,000 square feet in size is much smaller than others in the area. Vice-Chair Stout asked whether the intention is to have signage on both the west and east sides. Mr. Moore answered in the affirmative. Mr. Stout asked whether the applicant would use one side or the other as the principal signage location. Mr. Moore stated they would use the side facing the parking area as the principal location.

Mr. Hansel asked whether there will be any other permanent changes other than the light poles to the site plan as part of the seating area. Mr. Phippard stated there would be the hard surface to accommodate the seating area and the fencing will remain year round. The plantings will be in planters so those would be seasonal.

Staff comments were next. Ms. Kessler stated staff viewed this site plan as a modification to a site plan that was approved in 2004. Ms. Kessler stated they had looked at two standards – standard 6 (landscaping) and standard 8 (screening). Ms. Kessler referred to language from the 2004 findings regarding a visual barrier between Ashbrook Road and the restaurant and the east façade of the building has landscaping along the road. Staff noticed the existing landscaping along the east elevation and the south elevation of the building is going to be removed, which is the reason for

requesting additional landscaping which the applicant has provided to the Board today. With respect to screening from Ashbrook Road, the parking area and the dumpster enclosure also calls for proper screening by landscaping. The applicant's current plan calls for a stockade fence around the dumpster area rather than a masonry material which would be compatible to what Longhorn and Chili's restaurants are using. As a result, staff is recommending additional landscaping for this area because of the dumpster enclosure view is not only from Ashbrook Road but also from the parking area.

Ms. Kessler went on to say the reason for requesting this applicant come back before the Board for review of the outdoor dining area is because staff did not have adequate information about the landscaping, lighting, or other details regarding the seating area.

Vice-Chair Stout asked whether staff's suggestion is the dumpster enclosure match the new building or what exists at the location at the present time. Mr. Kessler stated this new enclosure will be located close to the outdoor seating area and would be clearly visible from Ashbrook Road and the parking area. As a result there is concern about the aesthetics of this enclosure and suggest that it match the existing building or other buildings on site.

Councilor Duffy stated he understands staff is asking the applicant to come back before the Board about the outdoor seating but asked whether the suggested landscaping the applicant addressed this evening would have an impact on that. Ms. Kessler stated this would be up to the Board to decide whether the applicant has provided sufficient information for an administrative review to be done. Mr. Hansel asked whether a condition could be added where it would be up to staff to decide whether this item needs to come back before the Board when it is presented again. Mr. Lamb stated until tonight there wasn't much information for staff to go on and felt if the Board saw fit the proposed condition can be eliminated. He added that there are however, limitations on how much authority the Board can pass on to staff. He explained when there are subjective determinations like standard 19 determinations, it is inappropriate to give staff that authority because the criteria is not clear as it would be under other development standards. Mr. Lamb stated in today's case if the Board feels the information submitted today is adequate then the proposed condition is not necessary. Vice-Chair Stout stated there is an outstanding decision as to how this enclosure should be constructed and felt this should be more a Board decision than staff decision. Mr. Lamb stated this should clearly be a Board decision, what he was referring to was the process to approve the outdoor seating as a staff driven process.

Mr. Phippard stated he has had a discussion with the applicant and one of the solutions they have is to add landscape plantings in that area. He referred to the view from Ashbrook Road of the dumpster enclosure and stated an option would be to add a lattice to the front of the dumpster enclosure and then plant landscaping on the lattice which will very quickly cover this area in a vegetative screening. There is also a proposal to add some visual interest in front of the outdoor seating area. Ms. Weeks asked about the north side. Mr. Phippard stated this is where the gates are located and they need to be opened and closed on a regular basis. Ms. Weeks asked what material the gates would be constructed in. Mr. Phippard stated it would be solid wood but there is also another material that looks more like clapboard. This material will stand up to wear and tear. Ms. Weeks asked about the material Longhorn and Chillis are using. Mr. Phippard stated the gate is made out of wood and it is a masonry enclosure. He went on to say his client did not want to do a masonry enclosure because of the expense and because of how rough the trash companies can get with these enclosures.

Vice-Chair Stout clarified the enclosure to the dumpster will not be attached to the main building and asked whether the applicant was concerned about having it so close to the outdoor seating area (issues with odor). Mr. Phippard stated the restaurant will not be using an outdoor grease trap. They will be using a 1500 gallon grease trap under the parking lot. The dumpster will be for dry products and recyclables.

Chair Spykman asked whether there are two dumpster locations serving this one building. Mr. Phippard stated because there are four tenants there will be a second dumpster closer to Route 9, between Chillis and the new building. This will reduce the travel distance for transporting waste products and in a site like this where there are public roadways on both sides of the property it is difficult to find a proper location for trash disposal. Ms. Weeks asked about screening for the second dumpster. Mr. Phippard stated it will be the same material but this dumpster is already well screened. Mr. Lamb stated that because of existing screening, staff has less concern about the southerly dumpster. He said the dumpster at the north end of the building needs better screening and recommend landscaping located in the grass strip between the walkway and the loading dock. Mr. Lamb went on to say that staff is trying to honor the 2004 decision with respect to the waivers that were granted for the location of parking that required additional screening. What the Board is doing tonight is modifying the approval from 2004 and taking away a good design that was in place and replacing it with something that does not fit.

Mr. Phippard stated he agrees with what Mr. Lamb says and could add a row of year round arborvitae hedge but it will have to be located on the other side of the delivery driveway. Mr. Lamb stated that would be the location for it. Chair Spykman felt this was an "odd" place for a dumpster especially when it could be ten feet from an outdoor seating area. He added he would like to see something more substantial than a wood stockade fence.

Mr. Glantz in response stated that each of the restaurants located at the site now have a dumpster located next to them and this is for convenience. The restaurants also don't want their employees walking 150 feet from their site if they don't need to, especially if it is late at night. He added they would use a higher grade wood not necessarily stockade and would use it in a horizontal manner rather than a typical vertical manner which gives it a different look. He stated they would like to stay away from masonry because of its expense and the need to have it repaired often. They would also be willing to plant arborvitae between the sidewalk and delivery area which would screen the dumpster and the delivery area; this is a 36-40 feet long area.

Ms. Weeks asked whether the applicant would be willing to screen the second dumpster area as well. Mr. Glantz noted there is existing screening on the Route 9 side and there is also quite a distance from Route 9. On the east side there could be arborvitae added but noted the only person this side would screen would be the retailer on the end cap. There is no way to screen the west side because of the parking space that exists here. Ms. Weeks stated she was referring to the material. Mr. Glantz stated the material would be consistent.

The Chairman asked for further staff comment. Mr. Lamb stated based on what has been indicated by the Board, staff will draft conditions addressing: screening for the north end of the building and the material for the enclosure. Also Condition 2 will also be deleted and the outdoor seating area will be permitted to move forward administratively.

Chair Spykman stated there was also reference made to landscaping around the outdoor seating area. Board members recalled it was stated these plantings will be portable planters. Vice-Chair

Stout noted there would be a need to screen the transformer. Mr. Lamb stated when the restaurant space is occupied; this issue can be addressed administratively.

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

Councilor Duffy felt this was a great plan but felt it was unfortunate there is a small detail the Board did not get information on until this evening. He felt masonry is the way to go for screening. With reference to the letter from Mr. Phippard, comparing the outdoor seating area to what exists downtown; he felt there is no relevance to that. He indicated it is up to the Board to uphold the standards and permit the applicant to move forward. The Councilor stated he did not see a reason to not approve this plan but added he will oppose it if there was no masonry included. The Councilor went on to say it has always been his understanding when an applicant is before the Board and they are talking about an expense, he did not think this is something the Board needed to take into consideration and the Board is not supposed to base its decision on that; the Board is required to base its decision on the standards.

Mr. Hansel stated Monadnock Marketplace is one of the best maintained properties in this community. They have a great landscape plan and one of the only locations that use irrigation. He also noted this applicant is proposing three and a half times more than the minimum amount of landscaping in the parking area. Mr. Hansel stated he was fine with the façade being proposed by the applicant for the enclosure and encouraged the Board to approve the plan and allow for the administrative process to approve the outdoor seating.

Vice-Chair Stout felt the applicant has shown a great deal of interest in maintaining the overall appearance of the site and stated he was in favor of the proposal. He felt the arborvitae would provide for a good screening on the east side.

Mr. Barrett echoed Mr. Stout's comments and was happy with the synthetic material being proposed for the enclosure.

Mayor Lane stated he likes the plan and felt this is a good proposal for this site. He stated he would have liked the masonry to be consistent with the other restaurants in the area but because of the extent of the landscape that is being proposed, it mitigates against the need for masonry around the dumpster. The Mayor stated he was confused about the location of the outdoor seating next to a dumpster and a transformer but felt this was a business decision for the owner to make.

Vice-Chair Stout asked whether the Board could ask for a particular size of arborvitae. Chair Spykman stated he would like to leave this up to staff. Vice-Chair Stout stated he was agreeable to that.

Ms. Russell Slack stated she would like to see Clematis which can have some beautiful flowers but if the Board is happy with the plantings being suggested by the applicant she was agreeable to that as well. She added she was happy with the man-made wood as well.

A motion was made by Mayor Kendall Lane that the Planning Board approve SPR-927 Modification #11, as shown on the plan, "Small Shops - Lot 16B Ash Brook Road & Route 9, Keene, NH," dated October 16, 2015, last revised on November 9, 2015 at a scale of 1" = 20' with the following conditions:

1. Prior to signature by Planning Board Chair, Owner's signature on plan.
2. Prior to signature the applicant shall submit a revised landscaping plan and revised construction details and elevations for the dumpster enclosure at the north end of the building to be approved by the Planning Director.

The motion was seconded by Douglas Barrett.

Ms. Weeks asked about the outdoor seating. Chair Spykman stated that item was removed from the conditions. If a tenant requires outdoor seating it would be proposed to the Planning Director and it would be up to him to evaluate whether it needs to come back before the Board or approved administratively.

The motion made by the Mayor was unanimously approved.

#### IV. Driveways

1. 10 Fairview Street – Applicant, Peggy Rae Johnson, requests an additional driveway at the property located at 10 Fairview Street (Tax Map Parcel # 058-04-037). This application does not require a public hearing.

Ms. Peggy Rae Johnson of 10 Fairview Street addressed the Board. Ms. Johnson stated she was not requesting a driveway per say, as it won't be used daily; it was more for visitor use. To differentiate between daily usage and visitor usage; where the latter would add more aesthetic value to this historic home.

Ms. Johnson explained this property was originally a church built in 1901 and remained a church for over 90 years and there was no designated parking. The city has designated this property as "historic". She noted there is a formal entrance way which has a very large entryway to the sanctuary. Ms. Johnson stated she has been very conscientious about preserving the historic nature of this home. The everyday usage makes more sense to be at the back of the house. The entrance here holds about two people and enters the pantry and did not feel it was a formal entrance for visitors. This concluded Ms. Johnson's presentation.

Chair Spykman explained the reason this driveway application is before the Board is because according to Code a property is permitted to have one driveway and a second driveway calls for Planning Board approval.

Mr. Barrett noted from the rendering presented to the Board it seems like the proposed driveway has received some amount of use but there were complaints from the neighbors about car doors closing late at night. He asked whether the neighbors might have any other complaints than what is outlined in the letter. Ms. Johnson stated this is a contributing factor but added she was granted approval last fall to change the driveway and eliminate the rear driveway. However, due to the bad winter the work was delayed and the front driveway got a lot of use. This spring again due to contractor issues the works is being delayed but the driveway has been used since last fall. Mr. Barrett asked when the gas line was installed. Ms. Johnson stated this work was done when she moved in 2003.

Mr. Bohannon asked for more explanation about the use for the proposed driveway. Ms. Johnson explained if she was to have a formal gathering and people used the rear entrance, everyone can't enter the house at the same time.

Ms. Weeks referred to page 46 where it is stated “decrease the size and amount of hardscape” and asked whether the area shown in “x” was the area that was going to be decreased. Ms. Johnson stated this was the area that was going to be eliminated.

Vice-Chair Stout complimented the house and indicated he liked the cobble stone but asked how snow removal was going to happen. Ms. Johnson stated snow removal could happen with a shovel or a snow blower.

Staff comments were next. Ms. Kessler stated Section 70 of the City Code refers to the review criteria for granting an exception for a second driveway:

- *Issuance of the exception will not reduce the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.*

Ms. Kessler stated this property is located in a low density zone in a very residential area and couldn't see it having an impact with pedestrians or bicyclists or having any sight distance issues.

- *Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.*

As stated previously, the vehicular traffic is fairly low in this area and won't affect the efficiency of the street.

- *There are unique characteristics of the land or property which present a physical hardship to the requestor.*

The applicant has explained the main entrance is a more accommodating entrance for guests versus the rear entrance which is very narrow.

- *In no case shall financial hardship be used to justify the granting of the exception.*

The applicant has not showed a financial hardship.

Ms. Kessler went on to say the engineering department did approve this driveway last year but there was a condition attached to it which called for the existing driveway be replaced with loam and seed. Ms. Kessler called the Board's attention to Sec. 102-794. (a) (5), which indicates the parking should be located to the rear of the front setback. The applicant's proposed driveway will be 40 feet long; in order to meet the requirements the front setback in a low density zone should be 15 feet so there is enough space to accommodate a vehicle behind the front setback. She further stated there also doesn't seem to be any issues with blocking drainage in the street. One issue could be the location of the driveway with respect to the existing driveway across the street which is at 5 Fairview Street to avoid vehicle conflict. Ms. Kessler added because this is a low volume area, she wasn't sure whether this could be an issue.

Mr. Lamb referred to the photograph on page 47 of the Board's packet which is a photograph taken by google images in 2012 and since that time there has been a fence extended on Nelson Street with a narrow gate. Mr. Lamb felt there will probably be less activity happening at the rear driveway area with the extension of the fence and the removal of pavement.

Chair Spykman asked at the front of the house if the new driveway being proposed is only going to be used for guest parking whether guests couldn't park on the street; is a driveway necessary for infrequent use? The Mayor noted this would be a difficult during winter because it is a very narrow street. It was stated overnight parking during winter won't be permitted as well.



Mr. Barrett asked if the Board was to approve this request with the condition that the proposed driveway will be used for guest parking only whether this condition would be attached to the deed. Mr. Lamb answered in the negative and went on to say the use of a driveway could not be conditioned in that fashion. The current owner's intention is to use it in that manner but this practice could change in the future and the use of the property could change in the future - the language indicating such was deleted from the motion.

Ms. Weeks complimented Ms. Johnson's presentation and felt she would take care of the cobble driveway as well as she takes care of her home. Mayor Lane stated he likes the cobble stone as it is much more environmentally friendly than pavement. Councilor Duffy echoed the Mayor's comments and agreed this was a beautiful home. Vice-Chair Stout agreed with what has just been stated and added he wanted to be clear the Board was not asking for the removal of pavement. Chair Spykman stated he wanted it to be clear there was going to be two driveways with a greenspace in the middle which would help with drainage. He however, cautioned the Board if this application was approved for two driveways and the applicant sold the property this greenspace could very well be paved over.

A motion was made by Mayor Kendall Lane that the Planning Board approve the application submitted by Peggy Rae Johnson to the Planning Department on October 15, 2015 for a second residential driveway on the Fairview Street side of the lot at 10 Fairview Street (TMP# 058-04-037) subject to the following conditions:

1. Driveway design shall not direct storm water flow or disrupt existing drainage in the City of Keene right of way.
2. The Applicant will procure all necessary permits and approvals prior to commencing construction.
3. The parking area of the driveway will be located to the rear of the front setback or building line and will be at least three feet from the side property line.

The motion was seconded by James Duffy.

Chair Spykman reiterated the concern he raised previously.

Mr. Bohannon referred to Page 41 of the staff report which outlines five different sections of the code, three of which this application does not comply with. He stated he understands the intent of the application, however, felt this was precedent setting. Mr. Hansel felt the Board really does not have a choice because the second driveway has already been approved last year. Chair Spykman stated if the Board does not approve the application, the applicant can install the new driveway and eliminate the rear driveway.

Vice-Chair Stout did not feel the Board was setting any precedent by approving this driveway. Ms. Weeks asked whether the motion should be re-worded to better describe what the applicant was requesting. Chair Spykman did not feel this was in the Board's purview. Councilor Duffy felt the concerns Mr. Bohannon has raised are real but felt the applicant has come before the Board in good faith and he did have concerns about the second driveway but the manner in which it has been mitigated shows good faith. He further stated there might be precedent setting but this Board always has the ability to discern and make decisions.

Mr. Barrett stated even though this property might not be unique it is unusual given it is a corner lot and the front and back doors are placed at an angle and are at a diametrically opposed corner of the lot. He stated this would cause him to vote in favor of this application.

The motion carried on an 8 - 1 vote with Andrew Bohannon voting in opposition.

2. **64 Leverett Street** – Applicant, Travis Fullmer-Smith, requests a widening of a driveway off of Putnam Street to be alongside the garage and driveway for 64 Leverett Street, Tax Map Parcel # 002-06-003 in the Medium-Density Zoning district. The driveway is proposed to be 13’6” wide and 29’6” long. This application does not require a public hearing.

Mayor Lane asked why a widening of a driveway needed to come before the Board. Mr. Lamb explained that there are two standards for a width of a driveway. He referred to language from the standard which states that a driveway for a single family home shall be no more than 20 feet wide at the property line and 30 feet wide at the curb line. The existing driveway is 22 feet wide and the addition would exceed the maximum width.

Mr. Travis Fullmer-Smith of 64 Leverett Street stated he has a two-car garage on Putnam Street which is the lot across from Leverett Street. The request is for an additional space next to the two-car garage to accommodate parking.

Mr. Barrett referred to a photograph where a vehicle is parked in front of the garage and it looks like the vehicle is extending into Putnam Street and asked whether there is room to park a car at this location especially during winter months and not be in the way of a snow plow. Mr. Fullmer-Smith stated there is no room to really park a vehicle in the area and there is possibility for a plow to “clip” the rear of a vehicle. Ms. Weeks referred to the same photograph and asked whether there was a curb in this location. Mr. Lamb stated it was not a curb but perhaps an edge of the right of way.

Mr. Hansel asked what surface the applicant was planning on using. Mr. Fullmer-Smith stated he was planning on using hard pack and perhaps asphalt sometime in the future.

Staff comments were next. Ms. Chalice addressed the Board and began by referring to Sec. 70-135. (c) (2) *“Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk.”*

Ms. Chalice noted there is not sidewalk in this location and added that Putnam Street is more like an alley than a street with very low volume of traffic. She also added there is no visual obstruction to this road.

Sec. 70-135. (c) (8) *“Driveways for single-family homes shall not be more than 20 feet wide at the property line and 30 feet wide at the curblin.”*

Ms. Chalice noted in this case the applicant’s total proposed driveway width will be 36 feet because of the existing 22 feet 6 inches. Hence, the reason the applicant is requesting an exception.

Ms. Chalice then went over the waiver criteria as follows:

She noted the applicant responded to this criteria by email on October 30.

- *Issuance of the exception will not reduce the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.*

There is no intersection or adjacent street but the applicant did indicate there was no sidewalk within at least 50 feet. Putnam Street has a low amount of traffic and the applicant feels this driveway by no means will impact traffic or pedestrian patterns on the street and staff agrees with that.

- *Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.*

Mr. Fullmer-Smith did indicate the proposed driveway addition will not adversely affect the efficiency and capacity of the street whatsoever and staff agrees with that.

- *There are unique characteristics of the land or property which present a physical hardship to the requestor.*

Ms. Chalice referred to the aerial photograph on page 51 which shows a very long piece of property (figure 2). The parcel has frontage on both streets and indicated this is a very unusual lot.

- *In no case shall financial hardship be used to justify the granting of the exception.*

The applicant understands this criteria and has not mentioned financial hardship.

Sec. 70-135 (c) (7) *“Driveways must not direct stormwater into city streets.”*

Ms. Chalice stated this is something for the Board to keep in mind as there is a low spot in the applicant’s yard and stormwater is not likely to flow onto Putnam Street. Ms. Chalice stated the applicant has agreed to construct a curb cut with road pack but felt there was a lot of fine soil in this mix which does not drain well. Hence, staff wants to make sure this driveway is pitched towards the applicant’s yard.

Ms. Chalice also called the Board’s attention to the following typographic errors: Page 53, to change the words *“plan review process”* to *“permit review process”*.

On the second line of the motion change the words *“additional second driveway”* to *“widened residential driveway”*.

Mayor Lane noted if this existing driveway cannot accommodate a vehicle without “hanging” out onto the street it creates a unique situation for this property which could create a hardship for this property.

Ms. Weeks referred to a rendering on page 51 which shows how close this driveway is to the neighboring property and asked whether this could cause runoff onto that property. Ms. Chalice explained the grade is such the drainage would flow back towards the applicant’s property. Ms. Weeks stated her understanding is that the applicant was going to bring the driveway to grade. Ms. Chalice felt what the applicant is proposing to do would even the area out and won’t be causing a grade change. Ms. Weeks stated what she could observe tells her that water would flow onto the neighbor’s property. Chair Spykman stated the Public Works permit the applicant is required to obtain would assure the pitch does not impact the neighboring property. Ms. Chalice stated this is part of the permit review and added she would make sure that was the case from engineering staff. Mr. Barrett stated the driveway does pitch down from the garage into the neighbor’s lot as shown

on page 59 but the applicant has indicated he would be building this up with pavers and felt this improvement would decrease the impact being caused to the neighbor's property at the present time.

A motion was made by Mayor Kendall Lane that the Planning Board approve an application and exemption for a widened residential driveway on the southern side of the lot at 64 Leverett Street (TMP## 002-06-003) subject to the following conditions:

1. The driveway design shall be graded to direct storm water flow away from the City of Keene Right of Way/Putnam Street and onto the property of the Applicant.
2. The Applicant will procure the necessary permit from Public Works prior to commencing construction.

The motion was seconded by Pamela Russell Slack and was unanimously approved.

#### V. **Planning Director Reports**

Mr. Lamb stated the proposed schedule for the Planning Board for 2016 calls for Board meetings to be held on the fourth Monday as it always has been. The December 2015 meeting is scheduled for the 28<sup>th</sup> – so far there is nothing on the agenda. However, 141 Winchester Street is likely to come forward.

The December 2015 Joint PB/PLD meeting is scheduled for the 14<sup>th</sup> and would have a continued discussion about the Comprehensive Master Plan. Staff will work with the Chairs on this issue.

Mr. Lamb stated the Complete Streets policies and resolution was adopted by the City Council. The final portion of this process is the Public Works Director's adoption of the guideline document that goes along with the resolution.

Ms. Weeks asked for a reconfiguration of the room so that members on her side of the room could have a better view of displays. Mr. Lamb stated there is a configuration to the room that is being proposed which could bring about some changes to the room. Mayor Lane stated this is an ongoing issue which staff is looking at. Mr. Lamb stated there is an initiative through the Clerk's office which would lead to electronic packets. In the longer term there are probably going to be some changes but in the short term there will need to be some changes made to the configuration of the room.

#### VI. **Upcoming dates of interest – December 2015**

Planning Board Meeting – Monday, December 28, 6:30 PM

Planning Board Steering Committee – Tuesday, December 8, 5:00 PM

Joint PB/PLD – Monday, December 14, 6:30 PM

Planning Board Site Visits (TBD) – December 23, 2015, 8:00 AM

On a unanimous vote, the meeting adjourned at 9:55 PM.

Respectfully submitted,

Krishni Pahl

Minute Taker

Reviewed by: Rhett Lamb, Planning Director

Edits, Lee Langella