

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, September 26, 2016

6:30 PM

Council Chambers

Members Present

Gary Spykman, Chairman
Douglas Barrett
Andrew Bohannon
George Hansel
Chris Cusack
Pamela Russell Slack

Staff:

Rhett Lamb, Planning Director
Tara Kessler, Planner

Members Not Present:

Nathaniel Stout, Vice-Chair
Mayor Kendall Lane
Christine Weeks
James Duffy, Alternate
Tammy Adams, Alternate

I. Call to order – Roll Call

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

II. Minutes of previous meeting – August 22, 2016

A motion was made George Hansel to table approval of minutes to the October meeting. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

The Chairman read the following statement for the record:

The Planning Board has the responsibility to review proposed development projects and makes decisions on them in accordance with relevant statutes and local regulations, such as the City's Site Plan Regulations and Planning Board Development Standards. The Development Standards address factors such as drainage, landscaping, lighting, traffic, impacts to steep slopes and surface waters, architecture, screening of equipment, etc.

The Board is obligated to act on an application based upon findings of fact that are presented during the public hearing. The Board does not decide on the basis of public support or opposition to an application, financial considerations, or other factors outside their jurisdiction.

The order of each public hearing is as follows:

The applicant and their representatives will make a presentation not to exceed a total of 20 minutes to the Board.

Staff will then be asked to provide their comments on the application and answer questions of the Board.

The Planning Board will then hear from persons present who wish to speak for, against, or neither for nor against the items on the agenda.

- *If you wish to speak, please state clearly your name and residence for the record each time you speak. Individuals will be heard in the following order:*
 - *Those speaking in favor of the matter*
 - *Those speaking in opposition to the matter*
 - *Those speaking neither for nor against the matter, but who wish to state their opinion*

- *So that everyone has an opportunity to be heard, all speakers are limited to 3 minutes and should avoid repetitious remarks. Try to state all of your questions or concerns at once and then allow the next person to speak. Also, it is fine to say “I agree with Mr. Smith about traffic” rather than restating the same concerns.*
- *Please address all of your comments to the Chair. All comments should be related to the project and within the scope of the Board’s review. The Chair will ask you to refrain from making comments not related to the application.*
- *Be considerate and respectful of everyone here. We recognize that some issues can be quite emotional. In that regard, we ask that you refrain from applause, cheers, or other signs of support or displeasure.*
- *Any materials that are presented to the Board, such as plans, photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the Planning Department staff during regular business hours.*
- *Comments made at a hearing need not be repeated at subsequent ones unless they have not been addressed.*

The Planning Board observes a 10:30 p.m. time limit. The Board will not start any new applications after 10:00 p.m. Out of deference for the other agenda items; the Board will stop hearing testimony on the Washington Park Application at 9:00 p.m.

III. **Boundary Line Adjustment**

1. **S-06-16 – 7 & 9 Pitcher St – Boundary Line Adjustment** – Applicant Joseph A. DiBernardo, on behalf of owner Nancy Turgeon, proposes to adjust the boundaries between 9 Pitcher Street (TMP# 063-01-001), which will increase in size, and 7 Pitcher Street (TMP# 063-01-001-0100), which will decrease in size. The change will result in 9 Pitcher St. being 0.26 acres and 7 Pitcher Street being 0.46 acres. Both parcels are located in the Low Density Zoning District.

A. **Board Determination of Completeness.**

Planner Tara Kessler recommended to the Board that the Application S-06-16 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. **Public Hearing**

Chair Spykman stated a boundary line adjustment such as this is not a public hearing and the Board is not obligated to hear from the public if they chose not to.

Mr. Joseph A. DiBernardo representing Nancy Turgeon stated both these properties on Pitcher Street (7 and 9) are owned by Nancy Turgeon. The property at #9 is owned solely by Nancy Turgeon and the property at #7 is owned by Nancy, Jeffrey and Stacy Turgeron. The applicant is proposing to sell 7 Pitcher Street and would like to adjust the boundary line to keep with the lines of occupation. It is a minor adjustment – nine feet on the west side at 9 Pitcher Street. He noted to the two parcels at the rear which are also going to be connected to each lot. There are some arbor vitae at the rear and the applicant would like to retain that on just one property.

Staff comments were next. Ms. Kessler stated the applicant has explained well this boundary line adjustment. Both these lots have single-family homes on them. The homes are serviced by City water and sewer, there are no hillsides, wetlands or other developmental constraints.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve S-06-16, as shown on the plan identified as “Boundary Line Adjustment Plan, 7 & 9 Pitcher Street for Nancy L. Turgeon, Jeffrey C. Turgeon and Stacey G. Turgeon , Tax Map #63-01-01 and Tax Map #63-01-01-01 respectively, Cheshire County, Keene, NH, 03431”, 1” = 20’, dated July 27, 2016” and revised September 15, 2016 prepared by Joseph A. DiBernardo, LLS, at a scale of 1” = 20’ with the following conditions:

1. Owner’s signature on plan prior to approval.

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

IV. Continued Public Hearing

1. SPR-08-16 – 17 Washington Street – Site Plan – Owner/Applicant, Washington Park of Keene, LLC, proposes the development of a multi-family apartment building and parking area behind the former Middle School building. A waiver is requested from Development Standard #6: Landscaping. The site is 4.94 acres in size and located in the Central Business Zoning District/Historic District (TMP#s 017-07-007 & 017-07-030).

A. Public Hearing

Mr. Robert Baskerville civil engineer for the project stated since the last meeting, the width of the parking spaces were reviewed. The applicant originally had nine-foot wide spaces but in keeping with City standards these have now been narrowed to eight-feet wide, which increases the number of spaces to 170. They have also increased the parking islands to get them above 15%. As a result, the applicant no longer needs the waiver for landscaping.

Mr. Tony Marcotte project manager addressed the Board next. Since, the last time there has also been a pedestrian walkway added to the south side for pedestrian access from the multi-family units to access the former middle school property.

There was also information provided regarding the rooftop units. Each unit will have a condenser.

Mr. Marcotte said the Fire Department has requested parking happen only on the north side and the applicant agrees with that recommendation. Mr. Marcotte indicated he had done a parking review of the area and during the day there are only a few cars along Spring Street except for some abutters across the street from the existing auditorium. He noted today’s plans includes more details about the retaining wall between 47 Spring Street and the site and the plan is to maintain the existing tree line, giving this abutter about 13 feet before any building is constructed.

Owner of 80 Roxbury Street, the Yoga Center was concerned about the structural capacity of the existing retaining wall. The applicant hired Engineer, Steven Tarbox who provided a structural report which was submitted to the Planning Department. Mr. Marcotte circulated copies of same to the Board. Mr. Marcotte stated the corner of this retaining wall needs repair and this is going to be cut back about ten feet in both directions, reconstruct it and tie it into the wall. In another spot there is a tree growing adjacent to the retaining wall and there is a crack there which Mr. Tarbox has asked that the applicant monitor. The wall also needs to be monitored during construction; Bedford Design is going to install reference points for this monitoring.

The owner at 22 Roxbury Court has asked for plantings along the fence line and the applicant has agreed to that; this is not shown on the plan but would like to start out with some small hedge like Cedar which will grow fast overtime.

The owner of 30 Roxbury Court has not contacted Mr. Marcotte since the last meeting; she was given a business card at the meeting. He also spoke very briefly with the owner of 16 Roxbury Court and had indicated they would call him back but have not done so as of yet. He did try and reach to as many abutters as possible and did also attend a neighborhood meeting organized by Peter Hartz. The point of that meeting was to look at plans and answer questions.

Mr. Marcotte referred to the parking requirements for the development and circulated a document for the Board. The first page is the existing building square footage and the proposed use, assuming 53,000 square feet of office can be rented, but wasn't sure how soon that space would rent. According the ITE Standards, multi-use developments generally have a 32% reduction in parking requirements; the number might be higher if you look specifically at the Central Business District.

Mr. Marcotte stated he has also looked at empty parking locations in the area; Washington Street to Cross Street had nearly 60 open spaces (heading north from the proposed property). Mechanic Street, Mechanic Lot, Vernon Street, Central Square, Main Street, Roxbury Street, Roxbury Street east of Miller Forge building (many open spaces), Gilbo Avenue lot, Commercial lot on Gilbo Avenue (almost always empty). He indicated the most difficult time for parking is during noon time. Based on the 9 am timeframe – this is when the gym might be full, all the offices will be occupied, most people would be at work and would be occupying a space, the restaurant won't open until 4 pm, bar and auditorium would be the same. During the same timeframe the required spaces will be about 267 spaces and as mentioned earlier the applicant is providing 170 spaces which is about a 100 space deficit and if you look at what is available there are about 410 spaces some of which might be on Main Street, which can be a walk. He added except when the school lets out on Washington Street, this street is almost open.

Mr. Marcotte stated because he made a general statement about parking being available he wanted to show exactly how he came to that conclusion. He added he understands there will be events at the Colonial Theater and wasn't sure what effect that will have on available parking. Mr. Marcotte also stated he did avoid most of the residential areas except for Spring Street and Roxbury Street.

Mr. Marcotte stated since the last meeting there was a public forum held by the proposed tenant for the proposed use and wanted to note they do not have a lease for 135,000 square feet of this building; they have a potential lease they are working on for the cafeteria, auditorium and some additional space. This building will be occupied overtime, the new building will not be constructed for another year so there will be some time for the City to adjust with parking and felt they can work with the City to make the appropriate adjustment.

The existing building will have new windows, a new roof, and new sprinkler and electrical systems. However, if it is an office space it will be an electrical panel and a blank room. The existing leases are for a small space. For the foreseeable future the gym will be reserved for the tenants. This concluded Mr. Marcotte's presentation.

Ms. Russell-Slack stated there was concern raised about Brook Street last time and hasn't heard Mr. Marcotte address that issue; they were concerned about parking. Ms. Russell-Slack asked whether the Fire Department provided comment on Brook Street. Mr. Marcotte stated he wasn't sure and added during the day time when he went by Brook Street there was one contractor's vehicle and one other car. Mr. Marcotte stated he wasn't sure how he can address this other than working with the Fire Department; he felt it wouldn't be a bad idea for some of these residential areas to have parking on one side of the street and regardless of their project cars parked on both sides of Brook Street could be tight. Ms. Russell-Slack asked the Planning Director whether this is something the City could address. Mr. Lamb stated staff worked with the Fire Department regarding Spring Street as this will be the street which will be most affected. Ms. Ms. Russell-Slack stated she would also like to address

the bridge located on Spring Street and asked if the applicant had looked into this. Mr. Marcotte stated they had not as it was not an issue raised in the staff report. Mr. Lamb stated the City had a project to replace the bridge several years ago which went through the design phase and to accommodate the additional flooding the City needed to acquire land which could not be secured so the project stopped. The bridge is still on the red list not because of structural issues or a weight issues, it was a capacity issue. It is a bridge the City will have to replace sometime in the future.

Councilor Hansel noted the facade has changed and asked for clarification. Mr. Marcotte stated it is just the way the color in the printer produced these copies - it has not changed since the last time. The Councilor added because this property is located in the Historic District standard 19 is superseded by the Historic District Commission and asked whether the screening doesn't fall under standard 19. Mr. Lamb stated it is under the Board's purview to evaluate screening but it might mean the Historic District would need to make some type of adjustment if changes are required.

Mr. Barrett asked about the rooftop units. Mr. Baskerville explained that on this large scale plan he produced one plan with rooftop screening and one without. He referred to a plan where the proposed MoCo Arts building would be built and stated if that building goes up then the applicant's building will not be visible. Mr. Barrett asked how far one would have to be standing to be able to see the rooftop units. Mr. Marcotte stated you don't start to see them until you are 210 feet away. From the residential neighborhood it is even further because those residences are lower. Mr. Baskerville showed the Board a rendering of the units with screening in front of them. Mr. Barrett asked about those residences on the east side which are located on higher floors which would have a view of these units. Mr. Marcotte stated these units are three feet tall and are located in the centerline and there is also screening on all sides.

Mr. Bohannon referred to 47 Spring Street and the chain link fence and asked for input. Mr. Marcotte stated the vinyl slats which did not comply with the standard have been removed. Mr. Bohannon asked whether the wall mounted light issue has been addressed. Mr. Marcotte stated they will install downcast lighting along the south elevation to provide more lighting.

Councilor Hansel asked whether the south side has any entrances to these units. Mr. Marcotte stated each unit has a sliding glass door which faces Roxbury Court but if you are on the upper floor the stairway is located on the inside of the parking lot. There are also stairways at each end. There are three main exits from the building as well as an exit leading to the dumpster on the first floor.

Staff comments were next. Ms. Kessler stated with respect to landscaping – the applicant had originally asked for a waiver from the landscaping standards but since the last meeting the applicant has provided adequate amount of landscaping to meet the Board's standard.

Screening – She indicated even with the MoCo Arts building the units will still be visible from some locations on Roxbury Court. She indicated it is a Board decision as to whether they would like screening or not. She suggested painting the units a less obtrusive color could be an option. Ms. Kessler stated the staff report talks about the screening along the eastern boundary (apartment complex and the residential properties). The applicant is suggesting a hedge for which staff would like to see a revised site plan. They are proposing to retain the trees.

Traffic – the applicant did submit an addendum to the traffic report. This addendum included all the uses in the middle school building. She referred to those uses which are listed on page 33, health club, offices, 14 apartments, bistro/bar, workspace storage and mechanical space, restaurant, dance club and auditorium. There is also the apartment building with 135 units.

The addendum indicates during the pm peak hour, the total trip generation is anticipated to be around 361 trips for all uses and 4,156 during an entire week. She added depending on the time of day these uses are not occurring at the same time. Chair Spykman asked whether these 361 trips are from all adjoining streets in the area. Ms. Kessler stated the traffic engineer is present today should the Board need to hear from him but her understanding is this number came from the Institute of Traffic Engineer's (ITE) Manual which has estimates of numbers of trips based on these various uses. Ms. Kessler added the study includes six intersections and referred to the diagram on page 5 on figure 1 shows a no build (neither the apartment building or the uses in the middle school) volumes for pm peak hour. Figure 2 shows built volumes in 2017 an increase in each of those six intersections.

Ms. Kessler said the staff report has an estimate which indicates about 25% of the trip generation would be from the apartment building. It looks like there will be minimal impact on surrounding streets with the exception of Spring Street which has low traffic volumes today (average is 670 per day) the addendum refers to a 42% increase along Spring Street from the middle school uses and the apartment building which Ms. Kessler felt was a significant increase. There is a level of service (LOS) change anticipated at the intersection of Spring and Washington Street and the estimation is with the proposed occupancy the LOS could go from a C to a D which would cause a delay which today is estimated to be 7.5 seconds to 25 seconds per vehicle by 2017.

Spring Street is also a very narrow street and the Fire Department has suggested parking be limited to one side of the street.

At the last meeting there was also a request made for a safe space for pedestrian travel on the south side of the building. The applicant has included a painted area which is about three feet along the south side of the middle school building and it would connect to the sidewalk area on the west side of the middle school building. It would be preferred if this walkway was to be contiguous to the main entrance. The applicant has indicated they would be installing wall mounted lights along the walkway and staff would like to see a revised plan indicating that. Ms. Kessler added the applicant has also increased the number of bicycle racks at each entrance as per request of staff. This concluded Ms. Kessler's presentation.

Mr. Bohannon asked about traffic coming out of Vernon Street going north on Washington Street, which is an impossible street to get out of. Page 11 of the Addendum indicates that Vernon Street would go from LOS B to LOS C

Dr. Cusack said coming north on Main Street is often backed up all the way to the Post Office and asked whether there was any way to estimate how many more cars would be added to this street during the pm peak hour. Ms. Kessler stated staff did not have the engineer look at Main Street but did look at Washington Street travelling north; this information is listed on page 45 of 152.

Chair Spykman asked whether the issue with the retaining wall and the work that needs to be done with the wall needs to be added as a condition of approval. Ms. Kessler stated she had spoken to the City Engineer who had seen the report and did not express concern about repair to the wall prior to construction but as a condition of approval suggested this language:

Prior to issuance of a Certificate of Occupancy, the applicant will repair the existing retaining wall and install lateral movement measurement points as recommended by SCT Engineering in a letter dated September 23 2016.

Chair Spykman asked about the plantings along the fence line (east side) at the request of an abutter and asked whether this has to be added as a condition of approval. Ms. Kessler answered in the affirmative.

The Chair asked for public comment and reiterated what he had said at the start of the meeting.

The first few speakers were those in favor of this application.

Mr. Greg Johnson of HC Johnson Real Estate stated he was hired to do the initial marketing of this property. He indicated the following areas were looked at for this property before it was marketed: auditorium, cafeteria, gymnasium, mixed use, and housing. A lot of effort went into marketing this property and we are lucky to have this developer on board. With reference to housing he indicated Keene doesn't have any Class A apartments. What Keene has are "fixer uppers" on the east side and indicated downtown needs good quality housing. Studies that were done indicated that only 13% of millennials own property. He hoped the Board sees the need for this type of project.

Mr. Roger Weinreich of 51 Railroad Street encouraged the Board to support this project for the reason that Keene either has to be an inclusive community or an exclusive community. He stated there are properties on Main Street which are vacant with a few more opening up. He stated this project may congest sidewalks a bit but this is what Keene needs to be able to survive. Mr. Weinreich commended anyone who can take a property which has been vacant for five years for which they have been paying taxes and create occupancy which will bring people downtown as well as create taxable property in Keene, is to be commended

Mr. Scott Tilton of 56 South Street stated he fits the demographic this property is looking for. Mr. Tilton stated it would be nice to have a place like this in town.

Ms. Susan MacNeil stated she has lived in Keene since 1976 but recently moved to Bellows Falls. At the present time she works at the Keene Unitarian Church where she runs the breakfast program. She stated Mr. Marcotte has allowed them to move lockers out of the middle school property and locate them at the 100 Nights Shelter so their guests can have a place to leave their belongings and he is someone who has been a good neighbor. She stated she also has commitment from the auditorium developer that non-profits could use this space at a free or reduced rate. Bringing in another venue such as this will help fill up some of these empty store fronts.

The next speakers were those who were in opposition to this application.

Mr. Bill Beauregard stated he and his wife own property in this neighborhood and are excited to see the redevelopment of the Middle School. He indicated they have always been led to believe this facility will be serviced by some sort of parking structure located at the rear of this property. He added Mr. Marcotte did not reach out to him. Mr. Beauregard referred to the properties he owns on Spring Street and the parking shortage that exists here right now.

He referred to page 32 of the staff report and encouraged a landscape buffer along the east side that faces the residential neighborhood.

Mr. Beauregard expressed concern about the retaining wall which has a number of drainage pumps which drain the athletic field and was concerned about the drainage impact on their properties which sit below grade of this property. With reference to parking on Spring Street he urged the Board to close access to Spring Street or a median to limit access only by emergency vehicles. He felt the applicant's anecdotal analysis of parking is inaccurate and those who work in the area are aware of the parking issue and this project is only going to make the situation worse. He urged the City to partner with the developer on a parking resolution. He added he heard the parking for the apartments were going to be available for uses in the middle school but last month it was indicated this was going to be permit parking and asked for clarification. Mr. Beauregard in closing stated even though this is an exciting project the impact of this entire project on this neighborhood is of concern to him.

Ms. Mary Governess of 22 Roxbury Court asked that her email be made part of the record. She expressed concern about the retaining wall and asked when there is a need to replace this wall whether there was room behind it and how much impact that would have on her property. Would there also be any downward pressure on that wall? She added she would like evergreen trees as a buffer.

Dr. Glenn Geiser-Getz stated he and his family moved to Keene from Pennsylvania and have become part of this community. Dr. Geiser-Getz expressed concern about EDM and indicated he has had experience with this type of entertainment having moved from Pennsylvania where a local theater conducted EDM concerts and used social media to attract guests and one of the local colleges was named best party schools in the country in an effort to attract people to these concerts. He indicated the party goers became a public nuisance and the organizers did the best they could with security measures but there were inevitably fights and young people were admitted to the ER. He questioned whether this was something Keene was hoping to create.

Dr. Geiser-Getz questioned the noise level for the neighborhood and hoped the City's noise standards will be upheld.

Ms. Holly Gibson Street of 50 Woodburn Street also expressed concern about the EDM party scene and questioned the developer as to the increased security measures going to be put in place at the night club and the auditorium venue and whether a risk assessment has been done. She questioned whether the developer would be raising funds to pay for this security measures or whether they would be using a private company to provide this service.

Ms. Jaclyn Headings of 15 Ashuelot Court stated she was pleased to see something happening with the Middle School. Ms. Heading stated she too was concerned about the Noise Ordinance and the venue being used for EDM events.

Ms. Headings referred to what was said earlier about Class A housing – housing is already expensive in Keene. She indicated she can't understand why someone would pay top dollar for housing and then have to listen to loud music late at night.

She asked that the Board to also consider the traffic impact this development would cause and stated she agrees with what Mr. Cusack had said about the impact which would start on Main Street and spill all the way onto Washington Street. She went on to say with 135 units 170 spaces equal 1.28 spots per condo. Here again if someone was paying top dollar for housing questioned if they will be happy with one parking space. She also asked where guests of these tenants will park. The neighborhoods can't take on the extra parking.

Ms. Headings stated the applicant has talked about using social media to promote events and asked how this plan would differ from an organization which promoted events in Keene like FinnaRage did and the impact it had on this community during Pumpkinfest. She indicated even if the applicant was to hire a private security company it would be short sighted to think this would not have an impact on our own police, first responders and Hospital ER.

Ms. Judy Russell of 34 Brook Street felt this gigantic building seems over whelming. She expressed concern as to what would happen when Beaver Brook over flows with the extra drainage being caused and the impact that would have on those who live close to the brook. She indicated the traffic study wasn't accurate –one end of Brook Street is always filled because there is no parking on Beaver Street. She added Brook Street has a sidewalk only on one side and there is no grass buffer which causes people to park on the sidewalk. When they are parked there, snow plows can't get

through. Brook Street is not the only street which is going to have this problem as the streets the developer named are very small streets.

Ms. Russell stated those who pay these top dollars for housing could very well afford to purchase a home and added the speaker who referred to the “fixer uppers” on east side are the same streets the developer now wants to “clog” up. She did not feel this plan was going to be advantageous for Keene.

Ms. Sally Hansel of 233 Hurricane Road stated her family moved to this community 33 years ago. She indicated she attended the public forum conducted by Arts Alive where it was indicated the music at these EDM events will go on until 1 am and they will be serving alcohol until 1 am. If there is a full house there will be about 100 people spilling onto the streets at that time. The applicant indicated they will be keeping the venue open until 3 am so partygoers could “come down”. Ms. Hansel questioned what they were coming down from. Ms. Hansel stated if she lived in this neighborhood she would worry about house values, the noise, and the security and questioned who would be responsible for all these young people.

Mr. Michael Kopcha of Pine Street stated he too was concerned about the parking issue and the applicant indicating they can find 410 spaces on the streets of Keene was short sighted. He stated during the past weeks on a Monday night he walked from Dunbar Street to Central Square and found 33 spaces, 26, spaces, 40 spaces and 55 spaces open. He indicated he does not see 410 parking spaces materializing within five City blocks and if it did, it is at the expense of those who live in this neighborhood. Mr. Kopcha also questioned the 1,100 pedestrians leaving this venue and their safety. Mr. Kopcha stated the 410 spaces don't equal the 1,100 people who could attend an event. He asked the Board to consider the neighborhood and ask the applicant to do what the Colonial and Redfern have in place with offsite parking.

Ms. Shelly Kurnaski of 39 Brook Street stated she was also excited about seeing the middle school developed. However, wanted to express concern about parking and the issue that also exists at Spring Street. She stated the cars that use Brook Street as a cut through is over whelming at the present time and this development will only exasperate that situation. She asked the traffic report to be revisited.

She expressed concern about the retaining wall and what that could cause for the next flooding event. Ms. Kurnasaki stated she was concerned about the pedestrian traffic which will spill into her street after a concert. As far as this venue supporting non-profits, she felt the Center Stage and the Colonial Theater could do that as well if they were adequately supported and asked this be considered in place of someone new coming in.

Mr. Bob Beauregard of 47 Spring Street stated his property is one which will be severely impacted. He indicated he is excited about the middle school building being redeveloped but does take issue with the 135 units being constructed right next to his property and is concerned about the rooftop units and the decibel level. He stated he would like to have a study done to evaluate the decibel levels for the second floor properties. Mr. Beauregard stated he understands these units are located in the center of the roof but he has been able to hear these units when the middle school was in session.

Mr. Beauregard express concern about Spring Street as this is a street used as cut through and at the last meeting he had talked about the damage done to three properties on Spring Street. Recently there was another accident and the Fire Department has expressed concern about the narrowing of the street and what the developer is asking is for residents to have a street with no parking on one side and this has not been an issue for many years. He stated there are many issues that come into play with this project and he doesn't see the need for 135 upscale apartments in Keene. He indicated he

has a four-apartment unit and each unit has two spaces and if they have guests and now with parking being taken away from Spring Street, these cars will have no place to park.

Mr. Beauregard felt this is major drain on the neighborhood and asked the Board to look at this more closely before approving it. He went on to say that all four to five story buildings in Keene run east to west not north to south, this is a strip apartment building which will run from Spring Street to Roxbury Street. When he stands in his backyard he will be looking at a four story building and a roof. He asked that the Board do due diligence before approving this application.

Ms. Shannon Bayers Director of the Redfern Art Center stated she is glad the Board is giving the community an opportunity to speak on this matter. She asked the Board also urge the applicant to respond to the questions raised tonight specifically about traffic and noise. She indicated at the forum last Monday no details were given as to how these issues were going to be addressed.

Mr. Peter Hartz of 12 Brook Street stated one of the items not discussed tonight is drainage. There have been two, 100-year floods in this community in the last ten years. The drainage design for the parking lot consists of an underground filter system. The system as described by Mr. Marcotte is for a 25-year storm and the runoff is going to drain into Beaver Brook and backup from there into their neighborhood. This issue alone needs to be addressed by the Planning Board.

Mr. Bill Beauregard stated standard 12 indicates it is the policy of the City to make sure new development does not diminish the capacity of existing City streets, bridges and intersections and it is the responsibility of anyone wanting to develop in the City to comply with this policy. Mr. Beauregard felt this standard has not been satisfied. He also felt tax payers will be forced to mitigate the parking issue should this development go forward and felt it was important for the City to work with the developer to ensure the success of the development of the Middle School is not its ultimate failure.

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

Councilor Hansel felt the screening on these units are more visually obstructive than the units themselves and felt choosing a color would be much better option. However, if screening was necessary, it could be for the side facing the residences.

Chair Spykman asked Mr. Barrett who works in the field of sound study whether the screening being proposed would have any impact on the noise. Mr. Barrett stated he could not make this determination without knowing what the screening is constructed of. Mr. Barrett stated the reason he asked about the east side is because of the proximity of these units to Roxbury Court. Chair Spykman stated he has the same concern as well.

Ms. Russell-Slack stated there was comment made about the drainage from the athletic fields draining towards Roxbury Court and noted there was no response given to that concern. Dr. Cusack stated he had the same question and asked about the stormwater recharge system outlined on page 15.

The public hearing was reopened.

Mr. Baskerville explained that most retaining walls are designed with these holes that prevent water from building up behind it and this wall has those holes. This site has a lot of grass area and the first one inch of rainfall if it does not come down too hard will infiltrate into the ground. Once you get to a 25 to 50 year storm this water will runoff and the applicant needs to get a very detailed state license referred to as the Alternation of Terrain Permit which the applicant had to obtain showing there was not going to be an increase from this site to the brook. The applicant's design has drainage

infiltrating into the ground in the same proportion as it would in a natural environment and move into an underground storage chamber which is a collection of three-foot pipes which has perforation and this water will then percolate into the ground. If there is an overflow it eventually would flow into Roxbury Street as it happens now and then into a culvert which the applicant will tie into.

The public hearing was closed again.

Chair Spykman asked whether the Board has enough information to vote on this application today.

Councilor Hansel stated the Board is sitting in a quasi-judicial role and hence has to take the evidence presented and apply it to the 19 Development Standards. He stated he sympathizes with the comments made but he has looked at the Staff Report and also visited an apartment complex the petitioner owns in Fitchburg MA and was impressed by what he saw.

Mr. Barrett stated he too sympathizes with the concerns raised but is glad at the very least the building will be stabilized. With reference to the apartment complex he is excited to see a new apartment complex come to the downtown which might attract many types of people and help keep the downtown vital. He wasn't too excited about the design but the developer has been responsive to the comments made.

As far as traffic, Mr. Barrett felt there could have been more discussion but the Board does have the traffic report and traffic exiting onto Washington Street from Spring Street does not display too much of a waiting time. As a result, would be inclined to find in favor for the applicant.

Chair Spykman echoed what Mr. Barrett stated and felt the project has improved quite a bit since it was originally proposed but there are still issues about the new building he dislikes but this has nothing to do with how he votes; his vote is based on standards. He indicated the biggest issue he currently has is with traffic/parking. However, felt if parking and traffic become an issue it is because this project has become successful which ultimately will bring in tax revenue.

Councilor Hansel stated unless there is some item which has not been submitted he can't see this project being asked to be continued until next month.

Mr. Bohannon stated the 19 standards is what guides the Board's decision but he does have sympathy for the neighbors.

B. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve SPR-08-16, as shown on the plan set entitled "Proposed Residential Multifamily Housing and Change of Use, Washington Park, 17 Washington Street, Keene, New Hampshire" prepared by Bedford Design Consultants on April 6, 2016 and last revised on September 16, 2016 at varying scales with the following conditions:

1. Prior to signature by Planning Board Chair:
 - A. Owner's signature on plan.
 - B. Submittal of a petition to the City Council by the Applicant requesting the City Council limit on-street parking on Spring Street to one side of the road along its entire length. City Council approval of this petition is not a requirement for approval of this site plan application.
 - C. Submittal of security for landscaping, sedimentation, erosion control, and "as-built" plans in a form and amount acceptable to the Planning Director and City Engineer.
 - D. Submittal of a revised landscape plan to identify vegetative screening along the eastern boundary of the property.

- E. Submittal of a revised lighting plan and light cut-sheets to identify the location of wall-mounted lights along the south elevation of the former middle school building. Submittal of revised elevations to identify the location and appearance of roof-mounted HVAC units to be reviewed and approved by the Planning Director.
2. Prior to issuance of a Certificate of Occupancy, the applicant will repair the existing retaining wall and install lateral movement measurement points as recommended by SCT Engineering in a letter dated September 23 2016.
3. The application will coordinate and comply with the Public Works Department on requirements with respect to the splitting of water and sewer flows.
4. A fire department connection will be installed on the proposed apartment building within 50' of a fire hydrant.

The motion was seconded by Pamela Russell-Slack.

Mr. Lamb clarified the Board is approving the rooftop units with no screening and the color will be a decision between staff and the applicant. With reference to the issue with Spring Street, what is being asked of the applicant is to demonstrate there was communication submitted to the City Council regarding the petition for locating parking only on one side of Spring Street as recommended by the Fire Department. It is not a requirement the Council approves this petition.

Mr. Barrett clarified if there is a noise issue with the HVAC units it becomes an enforcement issue based on the City's noise ordinance. Mr. Lamb noted the noise ordinance indicates the units cannot exceed 70dba at the property line and was assured this would not be the case but if it is a noise concern then it would be addressed as an enforcement issue through the noise ordinance.

The motion made by Councilor Hansel carried on a unanimous vote.

The Board adjourned for a five minute recess.

V. **Public Hearings**

1.S-07-16 – 133 Pearl Street – Subdivision – Wendy S. Pelletier of Cardinal Surveying & Land Planning, on behalf of owner Asher Construction, LLC, proposes a 2-lot subdivision. This proposal would subdivide the existing 1.01 acre lot (TMP# 050-01-002) into one 0.18 acre lot and one 0.83 acre lot. The site is located in the High Density Zoning District.

A. **Board Determination of Completeness.**

Tara Kessler recommended to the Board that the Application S-07-16 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was seconded by Pamela Russell-Slack and was unanimously approved.

B. **Public Hearing**

Ms. Wendy Pelletier referred to 133 Pearl Street and stated the proposed site is across from a 6-unit apartment complex to the south. There is a house on this proposed lot and the proposal is to subdivide off the house and leave the remainder of the lot. She referred to where there are wetlands and to the drainage easement. This is a high density neighborhood with single and multi-family homes. This concluded Ms. Pelletier's presentation.

Staff comments were next. Ms. Kessler stated both these lots will comply with the zoning ordinance and could be developed. The next public hearing talks about one of those lots being subdivided.

The Chair asked for public comments. With no public comments, the Chair closed the public hearing.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board approve S-07-16, as shown on the plan identified as “Subdivision Plan, Map 050010020000 and Map 050010020100, 133 Pearl Street”, Keene, NH, 03431”, prepared by Wendy S. Pelletier LLS, of Cardinal Surveying and Land Planning, at a scale of 1” = 20’, dated August 12, 2016, and revised September 12, 2016 with the following conditions:

1. Owner’s signature on plan prior to approval.

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

2. SPR-10-16 – 133 Pearl Street – Site Plan – Wendy S. Pelletier of Cardinal Surveying & Land Planning, on behalf of owner Asher Construction, LLC, is proposing to develop two residential buildings (six units total) at 133 Pearl Street, a 36,062 sf lot, located in the High Density Zoning District (TMP# 050-01-002.0100). The applicant is requesting a waiver from Development Standard #10: Lighting.

A. Board Determination of Completeness.

Tara Kessler recommended to the Board that the Application SPR-10-16 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was made by Pamela Russell-Slack and was unanimously approved.

B. Public Hearing

Ms. Pelletier stated this proposal is for six housing units entering off Pearl Street on a 20-foot drive, 130 feet long. She referred to where the dumpster is located as you enter the site and there are three parking spaces on the east side and room for a fire truck turn around. There are two units which will be located on the south and four units on the north. Each unit has their own parking garage. There will be three additional spaces west of the two-unit building.

The drainage sheet flow into a retention pond at the west side of the lot. There are two swales at the rear of the property which would channel flow back to the retention pond. Water lines will come in from the north and enter each unit on the east side. Electric and cable will come in from an existing pole. Sewer will come through to the south side of the property and go out through a proposed easement to a sewer manhole.

Landscaping – there will be landscaping around the dumpster with a screen as well as various plantings in front of the units. On the south side there is an existing spruce tree and additional spruce trees are being proposed to provide screening to the house located to the south.

Lighting – Each unit will have lighting as well as six foot pole lights near the dumpster and in front of the three parking spaces. The applicant has asked for a waiver from one of the lighting standards – photometric study. The lighting they selected are standard residential style fixtures (low wattage). The manufacturer does not provide photometric data on these fixtures is why the request is being made.

The buildings will be one-story ranch style units, grey vinyl siding with white trim and grey roof and will blend in with the architectural style in the neighborhood.

Chair Spykman stated he wanted to make sure the lighting was sufficient for the residents and would like to know why this waiver is being requested. Ms. Pelletier stated because these are residential fixtures and data is not available to create a photometric study.

Dr. Cusack asked what the circles on the plan were. Ms. Pelletier stated they were shade trees.

Mr. Barrett asked how many parking spaces are being provided. There will be six spaces plus the garage.

Staff comments were next Ms. Kessler. Ms. Kessler stated with respect to drainage the applicant is proposing to install LID measures on the site as explained previously. The landscaping being proposed meets the applicant's standards. The applicant is requesting a waiver from providing a photometric plan and the wall mounted lights being provided meet the Board's standard. The poles being provided will provide lighting for the parking area and staff feels what is being provided is sufficient. With respect to sewer and water the staff report indicates revised drawings will be submitted for the Engineer's review. This information came in after the packet was distributed but the Engineer has approved the second set of plans. There will be new water and sewer service provided via a sewer easement which runs across the property.

Mr. Bohannon referred to the Comprehensive Access Management Plan, Standard 13 – he asked whether the applicant has met the connection of the driveway. Ms. Kessler stated in review of the plan, staff did not feel a sidewalk was necessary

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

The Chair stated he is not a fan of vinyl siding but couldn't deny a project based on that.

C. Board Discussion and Action

A motion was made by George Hansel that the Planning Board grant Approve SPR-10-16, with waiver request, as shown on the plans titled "Pearl Street Estates, Map 050010020100, Pearl Street, Keene NH", dated August 26, 2016, last revised September 12, 2016, drawn by Cardinal Surveying & Land Planning at various scales; with the following conditions:

1. Submittal of a revised Drainage Report, Site Grading Plan and Construction Notes acceptable to the City Engineer.
2. Submittal of an approved Floodplain Development Permit.
3. Owner's signature on plan prior to approval.
4. Prior to signature, submittal security for landscaping and an "as-built" plan in a form and amount acceptable to the Planning Director and City Engineer.

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

3. SPR-11-16 – 0 & 99 Wyman Road – Site Plan & Conditional Use Permits

Applicant Prospect-Woodward Home proposes a Continuing Care Retirement Community on 48 acres on Wyman Road in the Rural Zoning District (TMP#s 919-08-003 & 919-09-024). The proposed development consists of three buildings: a 15,910 SF apartment building, a 20,005 SF health care building, and a 71,690 SF community building. A waiver is requested from Development Standard #19: Architecture and Visual Appearance. Conditional use permits are required in association with the Surface Water Protection Ordinance and Hillside Protection Ordinance.

A. Board Determination of Completeness.

Ms. Kessler stated the applicant has provided a traffic report but is seeking exemptions from that report and staff does not feel the lack of these items on the report prevent the Application from being recommended as being complete. As the Board goes further into the public hearing it would not prevent the Board from requesting this information and continue the Application should the Board need this information.

Ms. Kessler recommended to the Board that Application SPR-11-16 was complete. A motion was made by George Hansel that the Board accept this application as complete. The motion was seconded by Andrew Bohannon and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard on behalf of Prospect Woodard Home addressed the Board. Mr. Phippard stated he was before the Board with a proposal for Hillside Village a continuing care retirement facility. He indicated the applicant has been before the Board previously and has also been before the Zoning Board and has received nine variances.

Mr. Phippard referred to where Wyman Road is located; two plots of land. 99 Wyman Road is located in the rural zone, consisting of a single family home and an outbuilding. West side of Wyman Road is 12 acres of land, same zone and same ownership. This site has several out buildings and a barn converted to an office space. The western boundary consists of many steep slopes continues to the east where it turns flat. He referred to where there is a large open wetland area to the east which consists of peat and is a unique wetland area for Keene. Adjacent to that is an upland area. There is also an isolated wetland area to the south

The proposal is to construct three buildings on these two tracts of land. The large main building will be 71,000 square feet in size (2.5 stories as seen from Wyman Road). There will 117 individual living units created in this building. There will also be administrative offices, a library, recreation area, dining room, theater and auditorium. The second building which will be called the Villa would consist of 24 units. The two buildings are interconnected so residents could travel between the buildings without having to go outside.

Across the street is the third building referred to as the Health Center (16,000 square feet) two stories, houses 27 assisted living units.

There is surface parking being added at the front of the building for which a waiver has been applied for. This is for employee and visitor parking. Resident parking would be at the rear as well a covered parking being provided for the residents.

Drainage – the applicant applied for two conditional use permits; one is to allow impacts to wetland buffers and this is being done at two locations on the easterly side. These impacts are because of site constraints. The applicant is proposing to fill about 35,000 square feet of wetland which requires a permit as well as impacting about 104,700 square feet of wetland buffer. However, the applicant is maintaining the important wetland on site with this development.

Mr. Phippard stated the areas in blue refer to prohibitive slopes (25% or greater), beige area are the precautionary slopes (15% to 25%). The applicant concentrated their development trying to avoid the steep slopes and precautionary slopes. The applicant did receive a variance from the Zoning Board to impact portions of steep slopes. He referred to where that was happening.

Lighting – 15 foot poles are being proposed with full cutoff LED fixtures – this is what is recommended in the lighting standard, these will be along the street and in the parking areas.

Bollards at the building fronts and sidewalk areas. Light levels being proposed go from 3.05 to 3.45 uniformity ratio. After 10 pm the light levels will be reduced by 50%.

Landscaping – 76 trees and 1,100 shrubs are being proposed throughout the property. Trees will be planted along Wyman Road as well as along the courtyard area.

Roadway – applicant is proposing to reconstruct 2,500 linear feet of Wyman Road which would extend from Blackbrook Road through the property to where Black Brook crosses Wyman Road. This roadway at the present is 19-20% paved with gravel shoulders and guardrails along the westerly side of the road. The applicant will be repairing the guardrails, widen the paved surface from 19 feet to 24 feet, ten foot travel lanes and two foot shoulders. There will be a three foot grass area along the easterly side of Wyman Road. Granite curbing will be installed along the easterly side and asphalt curbing along the westerly side of the roadway. As you get into the site, grades get flatter and the road drainage will get picked up into the site drainage system, treated and will then end up in the vegetative stormwater wetland and will gradually discharge into the wetlands on the property. The discharge into these areas needs to be between a 2 year storm to a 50 year storm as per state regulations. With that Mr. Phippard turned the presentation over to the traffic engineer

Steve Pernaw, Traffic Engineer stated his study started with the monitoring of traffic on Wyman Road over a full week. He also looked at sight distances at five driveways. The count shows the weekday volume on Wyman Road ranging between 650 – 750 vehicles per day. The highest hourly flow happened during the PM peak hour between 5 pm – 6pm (60 – 75 cars in an hour). He indicated this is not a high traffic volume roadway from a traffic engineer's standpoint. The speeds averaged about 33 mph. Using the ITE trip generation manual, during the PM peak hour this development came up with one estimate of 40 trips and a second estimate of 85 trips. He explained because of the equation method used is why there is such a difference in the count. He added he would use 50 cars as an estimate for pm peak hour. Post development the hourly rate would increase between 150 – 200 cars an hour which he indicated was well below the capacity for a two-lane road. Mr. Pernaw stated one thing to keep in mind is that the peak hour for site traffic does not coincide with the peak hour of Wyman Road traffic; Wyman Road's peak hour as stated earlier would be between 5-6 pm but a continuing care retirement facility's peak hour would be between noon and 4 pm. Same is true for morning traffic.

Mr. Pernaw referred to page 7 where sight distance estimates are outlined. The horizontal curve on Wyman Road is going to be softened (radius is going to be increased). The sight distance evaluation is post development would have ample sight distance for the posted speed limit plus five.

Mr. Pernaw stated based on the traffic study a recommendation was made to widen the road to 20 feet, increase the horizontal curve and flatten the grade Advanced warning signs were also recommended (turn sign and a 25 mph speed plate under that sign), as well as chevron signs to guide cars around a corner. Pavement markings (double yellow and single white) were also recommended. Repairing of guardrails and clearing vegetation at the five site driveways. This concluded Mr. Pernaw's presentation.

Mr. Bohannon asked where the entrance and exit for Miracles in Motion was. Mr. Phippard referred to that location on the plan. Ms. Russell-Slack asked how far that corner was from that driveway. Mr. Phippard stated it is about 150 feet. Ms. Russell-Slack asked whether there was going to be lighting at this location. Mr. Phippard three things are being done here, the right of way is being widened, the curve is going to be flattened, the vertical curve which exists there right now causing a visual obstruction is going to be changed to make it a more uniform grade around that corner. There will also be lighting added to each curb cut.

Chair Spykman asked based on the traffic study how much traffic was travelling one way and how many were travelling in the opposite direction. Mr. Pernaw referred to attachment 16 which is the Trip Distribution Analysis which estimates 90% toward Route 12 and 10% toward Old Walpole Road. Chair Spykman asked how these numbers were derived. Mr. Pernaw stated they use Journey to Work Data from the Census as well as several destination points people travel to. Mr. Pernaw added in real life if the number changed to 80/20 or 95/5 none of the recommendations he outlined would change but this is their best estimate. Chair Spykman agreed and added there are however, times when Wyman Road where it reaches Route 12 is impassable. He added he is also has a concern with ten foot travel lanes and did not feel this would be a traffic calming measure. Mr. Pernaw stated speed measurements were taken at the south end of the parcel – on a straight segment. Mr. Pernaw added having the white lines which makes the lanes seem narrower slow drivers down and the other issue is today there are no double yellow lines which again is going to reduce speeds. Chair Spykman stated he has no issue with any of these traffic calming measures being taken, but for him it's lane width.

Chair Spykman noted the Board was getting to its 10:30 pm deadline. Mr. Lamb suggested the Board have the applicant finish their presentation, take public comment and hold the staff presentation until next month.

Mr. Phippard stated with reference to lane widths, the applicant was asked to comply with Complete Streets. Because this is a neighborhood street and not a rural street the width should be ten feet to keep with the Complete Street Guideline.

Mr. Phippard then talked about architecture. He referred to the view driving north on Wyman Road; 2.5 story building that faces the street, the building set back provides different design features to break up the 600 feet long façade.

The first floor of the building will consist of cultured stone which is concrete product made to look like stone and it is water proof. Roofing shingles are asphalt shingles and there will be horizontal vinyl siding used on the upper floors.

He then referred to the rear view of the building. There will be trees added to the entire portion of the roadway which is open at the present time. There will be four living levels with a parking garage on the lower levels. The west facing elevation of the community building was referred to next – stone treatment, window treatment. Rear elevation of community building – top four floors and the parking structure on the rear floor for residents. The large areas are the community spaces. There will be court yard areas on either side.

The south end stays at 2.5 stories but the north end steps down the slope. He referred to a view from the north elevation. The east elevation faces Blackbrook and the field area.

Mr. Phippard then referred to the view of the Villa building which is only visible if you are on the property. The ground elevation is 60 feet lower than the road elevation. The height of the building is four stories. The wooded area in front of the Villa building stays undisturbed.

The next was the Health Center building which will be located on the other side of Wyman Road. The building steps down and is a three-story building. This concluded Mr. Phippard's presentation.

The Chair asked for public comment next.

Ms. Barbara DeMatteo from Miracles in Motion stated she is trying to digest all the information she has received. She indicated as she has mentioned in the past any water impact would seriously impact

and take away from the very limited land they have and take away from their facility. Ms. DeMatteo stated she agrees this is a wonderful facility for seniors but the safety of riders and horses are of utmost importance; impacts of noise, unexpected movement and traffic can be an issue for their facility.

C. Board Discussion and Action

A motion was made by Pamela Russell-Slack that the Planning Board continue the Public Hearing for application to the October 24 meeting. The motion was seconded by George Hansel and was unanimously approved.

VI. Planning Director Reports

1. Possible recurring agenda item: 6:30 pm Planning Board Discussion

Item no discussed.

VII. Upcoming Dates of Interest – October 2016

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

Planning Board Steering Committee – Tuesday, October 11, 5:30 PM

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

Planning Board Site Visits – Wednesday, October 19, 8:00 AM – to be confirmed

On a unanimous vote, the meeting adjourned at 10:40 pm.

Respectfully submitted,

Krishni Pahl
Minute Taker

Reviewed by: Rhett Lamb, Planning Director